



**SNOWY VALLEYS COUNCIL MEETING
BUSINESS PAPER
21 APRIL 2022**

THE MEETING WILL BE HELD AT 2.00PM
IN THE SVC COUNCIL CHAMBER 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 – Part 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 Chief Executive Officer.

Public Forum

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

4.1 The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting.

4.2 Public forums are to be chaired by the mayor or their nominee.

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

[Council Meetings - Snowy Valleys \(nsw.gov.au\)](http://nsw.gov.au)



Thursday 21 April 2022
Snowy Valleys Council Chambers
Tumut and Via Video Link
2.00pm

AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the traditional custodians of this land and pay respects to Elders past and present.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

3. DECLARATIONS OF PECUNIARY INTEREST

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

4. PUBLIC FORUM

5. CONFIRMATION OF MINUTES

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NIL

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13. CONFIDENTIAL**14. MEETING CLOSURE**

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting - 17 March 2022

Recommendation:

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

**THE MINUTES OF THE COUNCIL MEETING HELD IN THE TUMUT ROOM, 67
CAPPER STREET, TUMUT ON THURSDAY 17 MARCH 2022 COMMENCING AT
2.04PM**

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

IN ATTENDANCE: Chief Executive Officer Matthew Hyde, Executive Director Community and Corporate Paul Holton, Executive Chief of Staff Shelley Jones, Chief Financial Officer Susanne Andres and Executive Assistant Jeannie Moran-Fahey.

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by the Mayor.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

A Leave of Absence for the meeting was previously granted to Cr Michael Ivill.

M70/22 RESOLVED:

That the previously granted request for Leave of Absence from Cr Michael Ivill be received and noted and leave of absence be granted.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Larter declared a non-significant non-pecuniary interest in relation to report # 7.1 Notice of Motion – Tumut Multi-purpose Centre and Tumut Aerodrome Upgrade Projects – Cr Hansie Armour and report # 10.4 Committee Membership Recruitment – Application Approval Tumut Aerodrome Committee’ due to ownership of aircraft hangered with the Tumut Aero Club at Tumut Aerodrome and will remain in the room during discussion and will participate in the voting.

Cr Hayes declared a non-pecuniary interest in relation to report # 7.1 ‘Notice of Motion – Tumut Multi-purpose Centre and Tumut Aerodrome Upgrade Projects – Cr Hansie Armour’ due to being a member of the Rural Fire Service and will remain in the room during discussion and participate in the voting.

Cr Livermore declared a non-pecuniary interest in relation to report #11.3 Tumbarumba Chamber of Commerce – Request for Funding’ due to provision of voluntary support for the Khancoban Hall project to Chamber of Commerce and will leave the room during discussion.

4. PUBLIC FORUM

Four individuals addressed the Public Forum held immediately prior to the 17 March 2022 Ordinary Meeting of Council as follows:

Donna Martin spoke against Item 7.1 'Notice of Motion – Tumut Multi-purpose Centre and Tumut Aerodrome Upgrade Projects'.

Jon Gregory ESM JP, District Manager, Riverina Highlands, Rural Fire Service attended the Public Forum spoke against Item 7.1 'Notice of Motion – Tumut Multi-purpose Centre and Tumut Aerodrome Upgrade Projects'.

Mick Gray, Gray Surveyors spoke against Item 11.4 'DA2021/0106 Proposed Consolidation of Lots and Boundary Adjustment at Wondalga Road, Cooleys Creek and against Item 11.5 'DA2022/0023 Proposed Lot Consolidation and Boundary Adjustment – 738 Goobarragandra Road (Walls Creek Road East) Goobarragandra'.

David Hunter, Director, Habitat Planning representing Todd and Alex Arentz spoke against Item 11.6 'Review of Determination (REV2021/001) Proposed Dwelling and Ancillary Structures at Lot 11 Bombowlee Avenue, Tumut'.

5. CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING - 17 FEBRUARY 2022

M71/22 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 February 2022 be received with the correction on page 5 of the minutes under Point 2 Apologies, to include Cr Armour's last name.

Cr Trina Thomson/ Cr Julia Ham

CARRIED UNANIMOUSLY

5.2 BUSINESS ARISING

Cr Ham requested some information on Items 11.1 and 11.8 of the previous meeting and no resolutions were made in association. The CEO advised that deputation to Minister Ayres and Destination NSW Chair Christine Mclaughlin may proceed as per 17 February 2022 resolution M63/22 'Destination Network Boundary Changes'.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION**7.1 NOTICE OF MOTION - TUMUT MULTI-PURPOSE CENTRE AND TUMUT AERODROME UPGRADE PROJECTS - CR HANSIE ARMOUR**

MOTION:
THAT COUNCIL:

1. Receive the Notice of Motion regarding putting on hold the Tumut Multi-purpose Centre and Tumut Aerodrome upgrade project.
Cr Johanna (Hansie) Armour/Cr Trina Thomson

M72/22 RESOLVED:

to move into Committee of the Whole.

Cr John Larter/Cr James Hayes

| Division | |
|-----------------|----------------|
| For | Against |
| Cr Chaffey | Cr Armour |
| Cr Ham | Cr Thomson |
| Cr Hayes | |
| Cr Hughes | |
| Cr Larter | |
| Cr Livermore | |

6/2

CARRIED

M73/22 RESOLVED:

to move out of Committee of the Whole.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

AMENDMENT:
THAT COUNCIL:

1. Is committed to support both the Tumut Multi-purpose Centre and Tumut Aerodrome upgrade project.
The amendment was put and carried.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

M74/22 RESOLVED:
THAT COUNCIL:

1. Is committed to support both the Tumut Multi-purpose Centre and Tumut Aerodrome upgrade project.

The amendment became the motion and was put and carried. The original motion moved by Cr Armour and seconded by Cr Thomson therefore lapsed.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

8. MAYORAL MINUTE

8.1 TRANSGRID HUMELINK PROJECT

M75/22 RESOLVED:

THAT COUNCIL:

1. Write to Matt Kean MP, State Minister for Energy and Environment requesting for the Minister or a member of his team to explain the compensation implications of the *Land Acquisition (Just Terms Compensation) Act 1991* for landholders likely to be impacted by the Transgrid proposal.
2. Write to Matt Kean MP, State Minister for Energy and Environment reiterating that Snowy Valleys Council's position is for the powerlines to go on public land as opposed to private land, and underground on private land.
3. Engage with Transgrid to:
 1. Further understand the implications of the *Land Acquisition (Just Terms Compensation) Act 1991* on the community
 2. Advocate for external funds to improve the road infrastructure on Elliott Way needed for safety reasons prior to the Maragle substation build (estimated to be at least \$16 million).
4. Advocate for a vision to provide high quality, long lasting, and stable high capacity methods of transmission for the long term, considering current and future developments in the energy industry; Write to CEO Transgrid:
 1. requesting their assessment of the proposed economic benefits created by Transgrid for Snowy Valleys Council and our community now and into the future
 2. to provide substantive options for ongoing annual compensation to affected properties and the Snowy Valleys community in general

3. Advocate for the transmission network to be built to withstand increased frequency of severe weather events and a method of construction that minimises obstructing emergency services
5. Write to the Valuer General to give an estimate of the economic loss or gain expected on the valuation of properties in the Snowy Valleys area
6. Prioritise advocacy to Transgrid and government on this matter in the draft Delivery Program.
7. Write to Matt Kean MP, State Minister for Energy and Environment asking for a change to the *Land Acquisition (Just Terms Compensation) Act 1991* to include equivalent financial compensation for landholders as is currently provided for biodiversity offsets in public lands such as National Parks.

Cr Ian Chaffey

CARRIED UNANIMOUSLY

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1 TRAINING OPPORTUNITIES FOR COUNCILLORS - LGNSW

M76/22 RESOLVED:
THAT COUNCIL:

1. Receive the report on Training Opportunities for Councillors – LGNSW;
2. Ratify the approval received from the Mayor and CEO on 22 February for the attendance of Cr Armour to the “Integrated Planning & Reporting” online course;
3. Approve the attendance of Cr Armour to the “Audit Risk & Improvement Committee Training” offered online, providing there are sufficient funds within her budget allocation at the time of registering attendance;
4. Discuss and confirm the attendance of additional councillors for any of the abovementioned LGNSW training opportunities for councillors.

Cr Trina Thomson/Cr Sam Hughes

CARRIED UNANIMOUSLY

10.2 ENDORSEMENT OF THE DRAFT INTEGRATED PLANNING AND REPORTING SUITE 2022 FOR PUBLIC EXHIBITION

M77/22 RESOLVED: THAT COUNCIL:

1. Receive the report on Endorsement of the Draft Integrated Planning & Reporting Suite 2022 for Public Exhibition.
2. Endorse the following draft Integrated Planning & Reporting strategies and plans and place on public exhibition for a period for a minimum 28 days commencing 18 March 2022:
 - i. Draft Towards 2042 Community Strategic Plan;
 - ii. Draft combined Delivery Program (2022-2026) and Operational Plan (2022-2023) incorporating the Operational Budget (2022-2023) and Revenue Policy 2022-2023;
 - iii. Draft 2022-2023 Fees and Charges;
 - iv. Draft Resourcing Strategy documents including Draft Long-Term Financial Plan (2022-2032), Draft Strategic Asset Management Plan (2022-2026) and Draft Workforce Management Plan (2022-2026).
3. Endorse the draft community consultation overview and calendar for the public exhibition period.
4. Receive submissions from the community in relation to the above documents throughout the exhibition period.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

10.3 CODE OF MEETING PRACTICE - ADOPTION

M78/22 RESOLVED: THAT COUNCIL:

1. Receive the report on Code of Meeting Practice – Adoption;
2. Adopt the Code of Meeting Practice SVC-EXE-M-023-04 following this meeting;
3. Rescind the Code of Meeting Practice SVC-EXE-M-023-03 as superseded version.

Cr James Hayes/Cr Brent Livermore

CARRIED UNANIMOUSLY

**10.4 COMMITTEE MEMBERSHIP RECRUITMENT - APPLICATION APPROVAL
TUMUT AERODROME COMMITTEE****M79/22 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Committee Membership Recruitment – Application Approval –Tumut Aerodrome Committee
2. Approve the nomination and re-nomination from Tony Clee, Craig Cullinger, Fred Kell, Bridget Ryan and Graham Smith to the Tumut Aerodrome Committee

Cr James Hayes/Cr Trina Thomson

CARRIED UNANIMOUSLY**10.5 REVIEW OF PROCUREMENT POLICY - FOR PUBLIC EXHIBITION****M80/22 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Review of Procurement Policy – for Public Exhibition;
2. Approve the updated Procurement Policy SVC-FIN-PO-049-02 for Public Exhibition for a period of no less than 28 days;
3. Note that if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy;
4. Adopt the policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY**10.6 STATEMENT OF INVESTMENTS - FEBRUARY 2022****M81/22 RESOLVED:**
THAT COUNCIL:

1. Receive the report on Statement of Investments – February 2022.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

Item 11.1 Withdrawn - superseded by 11.8 Tooma Hall Bushfire Local Economic Recovery Fund Grant - Updated Late Report.

11.8 TOOMA HALL BUSHFIRE LOCAL ECONOMIC RECOVERY FUND GRANT - UPDATED LATE REPORT

M82/22 RESOLVED: THAT COUNCIL:

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

Cr Julia Ham/Cr James Hayes

CARRIED UNANIMOUSLY

M83/22 RESOLVED:

to move into Committee of the Whole.

Cr Julia Ham/ Cr James Hayes

CARRIED UNANIMOUSLY

M84/22 RESOLVED:

to move out of Committee of the Whole

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

11.2 FEEDBACK RECEIVED FROM PUBLIC EXHIBITION OF FORMER BATLOW CANNERY SITE - COMMUNITY CONSULTATION FINDINGS REPORT AND SPATIAL ASSESSMENT PLANS.

M85/22 RESOLVED:
THAT COUNCIL:

1. Note the feedback received regarding the Former Batlow Cannery Site - Community Consultation Findings and Spatial Assessment Plan Report which was placed on public exhibition from 10 September to 5 November 2021.
2. Adopt the Former Batlow Cannery Site - Community Consultation Findings and Spatial Assessment Plan Report as a useful reference in the development of other Council Planning documents such as:
 - Local Community 'Place Plans'
 - The Local Environmental Plan
 - The Tracks and Trails Masterplan

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Livermore left the meeting at 3.18pm during discussion of Item 11.3 'Tumbarumba Chamber of Commerce – Request for Funding'.

11.3 TUMBARUMBA CHAMBER OF COMMERCE - REQUEST FOR FUNDING

M86/22 RESOLVED:
THAT COUNCIL:

1. Receive and note the report on Tumbarumba Chamber of Commerce – Request for Funding;
2. Agree to the Tumbarumba Chamber of Commerce's request for funding and allocate \$60,304.79 from the Project Development Reserve for the purpose of completing repairs to the roof of the Khancoban Hall;
3. Reimburse the Project Development Reserve with income derived from the pending sale of investment properties currently owned by Council.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Livermore returned to the meeting at 3.22pm after discussion of Item 11.3 'Tumbarumba Chamber of Commerce – Request for Funding' had concluded.

11.4 DA2021/0106 - PROPOSED CONSOLIDATION OF LOTS AND BOUNDARY ADJUSTMENT AT WONDALGA ROAD, COOLEYS CREEK**RECOMENDATION:****THAT COUNCIL:**

1. Receive the report relating to DA 2021/0106 which seeks development consent for a boundary adjustment and consolidation of lots at Wondalga Road Cooleys Creek.
2. Determine Development Application DA2021/0106 by way of refusal, for boundary adjustment and consolidation of lots into two Torrens title lots for use as agricultural use and transfer of a dwelling entitlement to an unrelated new lot to the north at Lots 955, 958, 1056, 1057, 1096 & 1097 DP 757211 & Lot 5 DP 115071, excluding Lot 739 DP757291, for the following reasons:
 - a. The proposed development is inconsistent with the objectives of the RU1 Primary Production zone of the Tumut Local Environmental Plan 2012. [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979];
 - b. Pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal is unsatisfactory in respect to the matters for consideration under Clause 4.1, 4.2, 4.2A, 4.2B, 4.2C of Tumut Local Environmental Plan 2012.
 - c. Pursuant to Section 4.15(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposal is unsatisfactory in respect to Rural Subdivision Part 9.8 of Snowy Valleys Development Control Plan with particular reference to Part 9.8.1, 9.8.2, 9.8.4, and 9.8.5 as the boundary adjustment and consolidation results in a less efficient use of land resources and creates an inappropriate subdivision by the proposed transfer of a holding to an unrelated lot thereby adversely affecting the viability and promoting fragmentation of agricultural land of the proposed Lot.
 - d. Pursuant to Section 4.15(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposal is unsatisfactory in respect to Rural Subdivision Part 9.8 of Snowy Valleys Development Control Plan with particular reference to Part 9.8.7 and 9.8.9 as the subdivision will isolate Lot 739 DP757291 by failing to provide easements for access and services as part of this subdivision and denies the efficient use of this land for agricultural purposes.
 - e. The proposed development represents an unacceptable level of impact of the locality. [Pursuant to Section 4.15(1)(b) Environmental Planning and Assessment Act, 1979];
 - f. The site is considered unsuitable for the proposed development [Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979];

- g. The development is not considered to be in the public interest [Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*].

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

M87/22 RESOLVED:

to move into Committee of the Whole.

Cr Brent Livermore/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

M88/22 RESOLVED:

to move out of Committee of the Whole

Cr Julia Ham/John Larter

CARRIED UNANIMOUSLY

M89/22 RESOLVED:

THAT COUNCIL:

Consider Recommendations 1 and 2 separately.

Cr Trina Thomson/Cr James Hayes

CARRIED UNANIMOUSLY

M90/22 RESOLVED:

THAT COUNCIL:

1. Receive the report relating to DA 2021/0106 which seeks development consent for a boundary adjustment and consolidation of lots at Wondalga Road Cooleys Creek.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

M91/22 RESOLVED:
THAT COUNCIL:

Determine development application 2021/0106 seeking development consent for a boundary adjustment, consolidation of lots and transfer of a building entitlement to an unrelated allotment by way of approval and delegate to the Chief Executive Officer to apply standard conditions of development consent to the notice of determination, ensuring that the neighbours are advised.

Cr James Hayes/Cr Trina Thomson

CARRIED UNANIMOUSLY

11.5 DA2022/0023 - PROPOSED LOT CONSOLIDATION AND BOUNDARY ADJUSTMENT - 738 GOOBARRAGANDRA ROAD (WALLS CREEK ROAD EAST), GOOBARRAGANDRA

M92/22 RESOLVED:
THAT COUNCIL:

1. Receive the report relating to DA2022/0023 which seeks consent for a boundary adjustment and lot consolidation at 738 Goobarragandra Road, Goobarragandra.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

MOTION
THAT COUNCIL:

Determine development application 2022/0023 seeking development consent for a boundary adjustment, consolidation of lots and transfer of a building entitlement to an unrelated allotment by way of approval and delegate to the Chief Executive Officer delegation to apply standard conditions of development consent to the notice of determination.

Cr Julia Ham/Cr John Larter

M93/22 RESOLVED:

to move into Committee of the Whole.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

M94/22 RESOLVED:

to move out of Committee of the Whole.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**M95/22 RESOLVED:
THAT COUNCIL:**

Defer consideration of Development Application 2022/0023 in order to seek further information regarding access and fire and consult the adjacent neighbours regarding access.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Cr Hayes left the room 3.55pm and returned at 3.57pm.

11.6 REVIEW OF DETERMINATION (REV2021/001) PROPOSED DWELLING AND ANCILLARY STRUCTURES AT LOT 11 BOMBOWLEE AVENUE, TUMUT**M96/22 RESOLVED:
THAT COUNCIL:**

1. Receive the report on REV2021/0001 – Proposed dwelling and ancillary structures at Lot 11 DP1123419 Bombowlee Avenue.
2. Determine application REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue for a dwelling and an attached shed by way of refusal (upholding Council's previous decision) for the following reasons:
 - (a) The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is considered that there an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument. The proposal does not comply with the requirements of the New South Wales Floodplain Development Manual in particular flood evacuation measures.
 - (b) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided

information is not considered to adequately address flooding issues, especially safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the *Environmental Planning & Assessment Act 1979*, including a) iii) any Development Control Plan.

(c) The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the *Environmental Planning & Assessment Act 1979*, including c) the suitability of the site for the development.

(d) The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the *Environmental Planning & Assessment Act 1979*, including e) the public interest.

Cr Julia Ham/Cr Trina Thomson

Division

For

Cr Armour
Cr Chaffey
Cr Ham
Cr Hayes
Cr Hughes
Cr Livermore
Cr Thomson

Against

Cr Larter

7/1

CARRIED

11.7 REVIEW OF DETERMINATION (REV2021/002) PROPOSED DWELLING AND ANCILLARY STRUCTURES AT LOT 12 BOMBOWLEE AVENUE, TUMUT

**M97/22 RESOLVED:
THAT COUNCIL:**

1. Receive the report on REV2021/0002 Proposed Dwelling and ancillary structures– Lot 12 DP1123419 Bombowlee Avenue
2. Determine the Section 8.2 Review of determination application REV2021/002 being Lot 12 DP1123419 Bombowlee Avenue, Tumut for a dwelling and an ancillary shed by way of refusal for the following reasons:
 - a. The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is

considered that there an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument. The proposal does not comply with the requirements of the New South Wales Floodplain Development Manual in particular flood evacuation measures.

- b. The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided information is not considered to adequately address flooding issues, especially safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) iii) any Development Control Plan.
- c. The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including c) the suitability of the site for the development
- d. The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including e) the public interest.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS

12.1 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 09 FEBRUARY 2022

M98/22 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Minutes – Audit Risk and Improvement Committee – 09 February 2022
2. Note the Minutes of the Audit Risk and Improvement Committee meeting held on 09 February 2022

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

12.2 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 24 FEBRUARY 2022**M99/22 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes Disability Inclusion Access Reference Group Meeting held 24 February 2022.
2. Note the Minutes of the Disability Inclusion Access Reference Group meeting held on 24 February 2022.

Cr Trina Thomson/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY**12.3 MINUTES - LOCAL TRAFFIC COMMITTEE - 23 FEBRUARY, 2022****M100/22 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the Minutes – Local Traffic Committee – 23 February 2022.
2. Note the Minutes of the Local Traffic Committee meeting held on 23 February 2022.
3. Adopt the following recommendation/s from the minutes:
 - a. Item 4.1 Event Application – Tumbafest
 - i. Support the Special Event Application for the 2022 Tumbafest event held on 26 & 27 February 2022 to go ahead in principle, subject to Council's standard conditions.
 - b. Item 4.2 Event Application – Snowy Valleys Night Markets – Tumbarumba
 - i. Support the Special Event Application for the 2022 Snowy Valleys Night Markets – Tumbarumba held on 23 April 2022 to enable this event to go ahead, subject to Council's standard conditions.
 - ii. Endorse the Special Event application subject to receipt of a Road Occupancy Licence, concurrence from Transport for NSW and approval from NSW Police.
 - c. Item 4.3 Event Application – Snowy Valleys Night Markets – Tumut
 - i. Support the Special Event Application for the Snowy Valleys Night Markets – Tumut held on 25 March 2022 to enable this event to go ahead, subject to Council's standard conditions.

- d. Item 4.4 Anzac Day Parade – Adelong
 - i. Support the Special Event Application for the ANZAC Day March to be held in Adelong to enable this event to go ahead, subject to Council's standard conditions.
 - ii. Endorse the Special Event application subject to receipt of a Road Occupancy Licence, concurrence from Transport for NSW and approval from NSW Police.
- e. Item 4.5 Anzac Day Parade – Tumbarumba
 - i. Support the Special Event Application for the ANZAC Day March to be held in Tumbarumba to enable this event to go ahead, subject to Council's standard conditions.
 - ii. Endorse the Special Event application subject to receipt of a Road Occupancy Licence, concurrence from Transport for NSW and approval from NSW Police.
- f. Item 4.6 Anzac Day March – Tumut
 - i. Support the Special Event Application for the ANZAC Day March to be held in Tumut to enable this event to go ahead, subject to Council's standard conditions.
- g. Item 4.7 Event Application – Ciderfest
 - i. Support the Special Event Application for the Batlow Ciderfest for the 21st May 2022 to enable this event to go ahead, subject to Council's standard conditions.
- h. Item 4.8 Tumbarumba Road Maintenance
 - i. Communicates with the Local Government Areas of City of Wagga Wagga, Greater Hume with the intention of creating a working committee to oversee the maintenance and upgrade of the Wagga Road.
- i. Item 4.9 McAuley Catholic Central School – Bus Zones
 - i. Support the relocation of the school bus zones in Capper Street to Carey Street (West side of Capper Street).
- j. General Business – Rail Trail Marathon
 - i. Support the Special Event Application for the Rail Trail Marathon for the 23rd April 2022 to enable this event to go ahead, subject to Council's standard conditions.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

12.4 MINUTES - GLENROY HERITAGE RESERVE COMMITTEE - 6 FEBRUARY 2022**M101/22 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Minutes – Glenroy Heritage Reserve Committee General Meeting 6 February 2022;
2. Note the Minutes of the Glenroy Heritage Reserve Committee General meeting held on 6 February 2022.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

13. CONFIDENTIAL**RECOMMENDATION:**

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

13.1 WRITE-OFF OF DEBTS

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (b) and (e) as it relates to discussion in relation to the personal hardship of a resident or ratepayer and information that would, if disclosed, prejudice the maintenance of law and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 RFT 2022/01 – MR677 ALPINE WAY SLOPE REHABILITATION WORKS (SLOPES 11976 & 11979)

Item 13.2 is confidential under the Local Government Act 1993 Section 10A 2 (d)i and (d)ii as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

M102/22 RESOLVED:

A motion was moved and seconded that Council go into Confidential.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

At this stage, the time being 4.12pm Council went into Confidential.

13.1 WRITE-OFF OF DEBTS

M103/22 RESOLVED:
THAT COUNCIL:

1. Receive the report on Write-off of Debts.
2. Note the write-off and adjustments totalling \$6,103.31 made under delegated authority for the period 1 September 2021 to 28 February 2022; and
3. Authorise the write-off of the debt of \$31,321.91.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

13.2 RFT 2022/01 – MR677 ALPINE WAY SLOPE REHABILITATION WORKS (SLOPES 11976 & 11979)

M104/22 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Request for Tender - RFT 2021/01 for the rehabilitation of two slopes (slopes 11976 and 11979) located along the Alpine Way (MR677);
2. Delegate authority for the Chief Executive Officer to not proceed with this project if the budget allocated by TfNSW for this project is insufficient to cover the full cost of the works including allowances for project management, indirect costs and contingencies;
3. Subject to item 2 in the above, resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Mulligan Geotechnical Pty Ltd for the rehabilitation of two slopes (slopes 11976 and 11979) located along the Alpine Way (MR677), being for the lump sum amount of \$1,362,884.00 including GST;
4. Subject to item 2 in the above, authorise the Chief Executive Officer to enter into a contract with Mulligan Geotechnical Pty Ltd for the rehabilitation of two slopes (slopes 11976 and 11979);
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

M105/22 RESOLVED:

That Council return to Open Council.

Cr John Larter/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

At this stage, the time being 4.17pm Council returned to Open Council and the Chief Executive Officer read aloud the resolutions made during the Confidential session.

There being no further business to discuss, the meeting closed at 4.20pm.

7. NOTICE OF MOTION/NOTICE OF RESCISSION**Item 7.1 NOTICE OF MOTION - REVIEW OF FEES - COMMUNITY USE OF COUNCIL'S OPEN SPACE - CR JOHN LARTER**

Author: Glen McGrath

Notice of Motion

Cr Larter moved and Cr Hayes seconded a notice of motion regarding the currently charged fees for community, sporting groups and schools.

That Council:

- 1. Waive all fees paid by community sporting groups and schools from the date of this meeting until 30 June 2022;*
- 2. Refund all fees paid by community sporting groups and schools for use of Council's Open Space in the 21/22 financial year that total above \$100;*
- 3. Consider in the deliberations for setting the 22/23 fees and charges a flat annual rate for community sporting groups and schools to use Council's open space.*

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the Notice of Motion 'Review of Fees for Community Use of Council's Open Space' – Cr John Larter;**
- 2. In consideration of Council's Financial Sustainability Plan that Council continues the current fees and charges for the 21/22 financial year;**
- 3. Consider any changes to sporting fields fees to be implemented in the 2022/23 financial year fees and charges that are currently out on public exhibition and proposed to be adopted at the June 2022 Council Meeting.**

Officer's Comment:

Council receives income of approximately \$30,000 each year for sporting fields fees and charges. Council has already received \$24,000 (inc. GST) in income from school and sporting group bookings of the fields.

Council has to date spent \$495,000 on the sporting grounds in the 2021/2022 financial year. This includes for maintenance and operational activities on these areas. The annual depreciation of the assets at these locations is currently identified as \$125,000 per year which includes the ground and surface improvements but excludes the facilities used as part of the ground.

Council, through grant funding and general revenue has invested over \$2.5million in the upgrade and renewal of these assets over the last 5 years with another \$800,000 of works still to be commenced. This has focussed on the improvement of playing surfaces, drainage, irrigation and facilities for the users of these areas.

If Council provides free access to sporting grounds on top of the current free pool access, there is a risk the community expectation for free services may not be restricted to these assets. The

community may expect free use of other assets including Council Halls, thereby increasing costs to Council.

The mover of the motion has not proposed an adjustment to the budget and the writer assumes the income lost will increase the anticipated deficit for the financial year.

Council's adopted Financial sustainability plan states:

| | | | | | |
|---|---------------------|-------------------------|--|-----|--|
| 5 | Funding and revenue | Review fees and charges | Review of all fees and charges and benchmark against other Councils Establish the full cost of all services and raise fees and charges where applicable until they cover costs while considering community service obligations Council makes fully informed decisions about subsidising services | CEO | progressively over 3 years (2021-2023) |
|---|---------------------|-------------------------|--|-----|--|

Council's Fees and Charges for the 2022/23 financial year are currently out on exhibition closing on 1 May 2022. Councillors will then workshop the suggestions and a report is anticipated to be provided in the June 2022 Council meeting. This meeting is more likely to provide balanced discussion to the changes in income and expenditure as part of the consideration of the Delivery Program, Fees and Charges and other documents in the IP&R suite. A retrospective change to the adopted fees and charges is unlikely to find an offset to the loss in income.

ATTACHMENTS

Nil

7. NOTICE OF MOTION/NOTICE OF RESCISSION**Item 7.2 NOTICE OF MOTION - VACCINATION COVID-19**

Author: Matthew Hyde

Notice of Motion

Councillor Larter has moved and Councillor Hayes has seconded a motion regarding COVID-19 as follows:

That Council:

- 1. Receive the Notice of Motion on Vaccination COVID-19.*
- 2. Requests the establishment of a Royal Commission into the handling of COVID-19.*
- 3. Suspends all media support and does not provide any platform for NSW or Federal Government to continue advocating COVID-19 vaccination until the Royal Commission findings and recommendations are published.*

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the Notice of Motion on Vaccination COVID-19;**
- 2. Continue as per previous resolutions to support sharing communications from the lead agency.**

Officer's Comment:

Council has many reports and resolutions on COVID-19 and the following resolutions are relevant to the Notice of Motion.

7 October 2021:

| 5.1 | NOTICE OF MOTION - SNOWY VALLEYS COUNCIL ENCOURAGES COVID VACCINATION | | | | | | | | | | | | | | | | | | | | | |
|-----------------|--|-----------------|------------|----------------|--|----------|-----------|--|--------|--------------|--|----------|--|--|--------------|--|--|---------|--|--|-----------|--|
| M213/21 | <p data-bbox="308 300 483 344">RESOLVED:</p> <p data-bbox="308 353 395 387">THAT:</p> <ol data-bbox="308 398 1331 902" style="list-style-type: none"> <li data-bbox="308 398 1331 499">1. Snowy Valleys Council supports the Mayor's stance and urges the community to the uptake of the COVID-19 vaccination where it individually safe to do so following medical advice; <li data-bbox="308 544 1331 678">2. Snowy Valleys Council will continue to follow the NSW Department of Health's recommendations and orders during the current pandemic to protect the health and wellbeing of Snowy Valleys residents, staff, and visitors; <li data-bbox="308 689 1331 790">3. Snowy Valleys Council and staff to work to minimise the impact of COVID-19, on local and regional health services, by reducing the spread of the virus; <li data-bbox="308 801 1331 902">4. Snowy Valleys Council continues to work to support local businesses by working with all stakeholders to ensure a strong economic recovery post lockdown. <p data-bbox="308 925 647 969">[Cr Julia Ham/Cr Cor Smit]</p> <table data-bbox="379 992 1110 1272"> <thead> <tr> <th data-bbox="379 992 496 1025">Division</th> <th data-bbox="459 1025 512 1059">For</th> <th data-bbox="954 1025 1066 1059">Against</th> </tr> </thead> <tbody> <tr> <td></td> <td data-bbox="459 1070 579 1104">Cr Cross</td> <td data-bbox="954 1070 1074 1104">Cr Larter</td> </tr> <tr> <td></td> <td data-bbox="459 1104 563 1137">Cr Ham</td> <td data-bbox="954 1104 1110 1137">Cr Pritchard</td> </tr> <tr> <td></td> <td data-bbox="459 1137 587 1171">Cr Hayes</td> <td></td> </tr> <tr> <td></td> <td data-bbox="459 1171 635 1205">Cr Isselmann</td> <td></td> </tr> <tr> <td></td> <td data-bbox="459 1205 563 1238">Cr Smit</td> <td></td> </tr> <tr> <td></td> <td data-bbox="459 1238 587 1272">Cr Wright</td> <td></td> </tr> </tbody> </table> <p data-bbox="459 1305 507 1339">6/2</p> <p data-bbox="308 1368 448 1402">CARRIED</p> | Division | For | Against | | Cr Cross | Cr Larter | | Cr Ham | Cr Pritchard | | Cr Hayes | | | Cr Isselmann | | | Cr Smit | | | Cr Wright | |
| Division | For | Against | | | | | | | | | | | | | | | | | | | | |
| | Cr Cross | Cr Larter | | | | | | | | | | | | | | | | | | | | |
| | Cr Ham | Cr Pritchard | | | | | | | | | | | | | | | | | | | | |
| | Cr Hayes | | | | | | | | | | | | | | | | | | | | | |
| | Cr Isselmann | | | | | | | | | | | | | | | | | | | | | |
| | Cr Smit | | | | | | | | | | | | | | | | | | | | | |
| | Cr Wright | | | | | | | | | | | | | | | | | | | | | |

16 April 2020

8. MAYORAL MINUTE

8.1 MAYORAL MINUTE COVID-19 FINANCIAL SUPPORT

M70/20 RESOLVED:

That Council:

1. calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, especially in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. writes to the local Federal and State Member(s) the Hon Mike Kelly, the Hon Justin Clancy and Hon Joe McGirr, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP and the NSW Deputy Premier and Minister for Regional NSW, Industry and Trade the Hon John Barilaro MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. advises LGNSW President Linda Scott of the passage of this Mayoral Minute.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

19 March 2020:

| | |
|---------------|---|
| L.1 | COVID-19 PANDEMIC UPDATE |
| M49/20 | <p>RESOLVED to move into Committee of the Whole.</p> <p>Cr Julia Ham/Cr John Larter</p> <p>CARRIED UNANIMOUSLY</p> |
| M50/20 | <p>RESOLVED to move out of Committee of the Whole.</p> <p>Cr Bruce Wright/Cr Cate Cross</p> |
| M51/20 | <p>RESOLVED: THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. Receive the report on COVID-19 Update and note that Council is now operating in a rapidly changing environment 2. Endorse the Snowy Valleys Council Draft Pandemic Plan, currently out on internal exhibition for staff feedback and finalisation, and note that Council's Executive team have made a number of decisions around staff operations to try to reduce the risk to staff and put our people first 3. In line with the Australian Federal Government guidelines and recommendations, makes the following decisions in regards to services, events, meetings and Council operations: <ol style="list-style-type: none"> a) The Chief Executive Officer keep Councillors informed on how essential services will be operated if the coronavirus significantly impacts our workforce and community b) advises community groups that use Council owned/managed facilities to cease operations until further notice and advise that Council cannot guarantee the maintenance of facilities and may choose to close facilities where safe standards cannot be maintained c) encourages all community groups operating on non-Council facilities in the region to suspend their activities until at least the end May 2020 d) cancel all Council events which are programmed to occur in until end May 2020 including those organised under the s.355 committee arrangement e) cancels all committee and working group meetings, including those of s.355 and advisory committees, where no urgent decisions are required, until the end of May 2020 and meetings where urgent |

business is required will be facilitated by video, phone or other alternative means

- f) The community be encouraged to view Council meetings online rather than attending in person
- g) Advise the community of facilities that are closed to explain the reasons for the closure
- h) Authorise the CEO to reimburse any fees paid for the use of Council facilities and services where Council has determined the facilities and services would not be available due to COVID-19 closures
- i) Extend the timeline for grants where Council is the sole provider of the grants and support community groups requesting an extension of grants where the grants are outside the control of Council
- j) Authorise the CEO to extend these arrangements if required
- k) Write to the Minister for Local Government to amend the Local Government Act to permit Council to meet utilising technology as an alternative to in person
- l) Advocate to the state government for funding to mitigate any impacts on councils financial situation as a result of instigating community safety measures in light of the COVID-19 pandemic
- m) Advocate to Federal and State Governments and relevant health authorities for appropriate health professional resourcing at the Tumut, Batlow and Tumbarumba hospitals.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

As can be seen from the above resolutions, Council have been sharing and promoting the health messages from NSW Health/Murrumbidgee Local Health District as the lead agency in a pandemic response. The writer believes it appropriate to share information from a lead agency where they provide expert advice that is not the responsibility of Local Government. The Councillor could however lower their risk by staying silent on the matter. The writer believes Council does have a responsibility to share professional/expert health advice with the community.

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 ANNUAL INFORMATION GUIDE REVIEW - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: GOVERNANCE OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

EXECUTIVE SUMMARY:

The Draft Snowy Valleys Council Information Guide 2022 has been prepared in accordance with s.20, s.21 and s.22 of the *Government Information (Public Access) Act 2009* (the GIPA Act). The document provides members of the community, Council staff and the general public with information concerning:

- the structure and functions of Council;
- the way in which the functions of Council affect members of the public;
- the means by which members of the public can participate in policy development and the exercise of Council's functions; and
- the type of information that is available from Council and how this information is made available.

While most amendments to the 2022 update are minor in nature, consideration should be given to the updated organisational structure and directorate responsibilities, which are required to be included in the Guide.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the Draft Snowy Valleys Council Information Guide 2022.**
2. **Endorse the Snowy Valleys Council Information Guide SVC-EXE-Gdl-001-004 for public exhibition for a period of no less than twenty-eight (28) days.**
3. **Note that the Information Commissioner NSW must be notified prior to adopting or amending an Agency's Information Guide and therefore a copy of the Draft Information Guide will be submitted to the Information Commissioner NSW prior to finalisation.**
4. **Note that if submissions are received during the public exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the Information Guide.**
5. **Adopt the Information Guide if no submissions are received on the day after the completion of the public exhibition and publish on the Snowy Valleys Council website.**
6. **After adoption, the Information Guide 2022 SVC-EXE-Gdl-001-004 to be published on the Council website and the Information Guide 2021 SVC-EXE-Gdl-001-003 to be removed from Council's website.**

BACKGROUND:

The object of the *Government Information (Public Access) Act 2009* (the 'GIPA Act') is to make government information easily available to the public and to maintain and advance a system of responsible and representative democratic government.

The GIPA Act places various obligations on agencies within NSW in respect of their publication and release of the information that they create and hold. The GIPA Act also provides rights for persons to apply for access to government information.

Under section 20 of the GIPA Act, Snowy Valleys Council must adopt an agency-specific Information Guide and the document must include information that:

- describes the structure and functions of the agency;
- describes the ways in which the functions of the agency affect the public;
- specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of its functions;
- identifies the various kinds of government information held by each agency;
- identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available;
- specifies the way the agency makes (or will make) government information publicly available; and
- identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Information Guides are an important way for the community to access government information at the lowest possible cost and encourage public participation in the agency's decision-making functions.

REPORT:

Snowy Valleys Council (SVC) is required to adopt an agency-based Information Guide in accordance with the GIPA Act. The GIPA Act also requires that an agency's Information Guide be reviewed and a new version adopted at intervals of not more than twelve (12) months.

The annual review of SVC's Information Guide has occurred.

The Information Guide includes information on the following:

1. Structure and functions of Council (including staff and Councillors)
2. How Council's functions affect members of the public
3. Public participation in Local Government
4. Accessing Government information
5. Accessing Council information
6. Restrictions on access to information
7. Rights of review and appeal
8. Contact details for further information.

The majority of the updates within the revised Information Guide are grammatical or non-substantive (wording changes to provide clarity, formatting, etc.).

Substantive updates that should be noted include:

- The names and photograph of the newly elected Councillors.
- The Communications Team has been consulted to ensure consistency with other public-facing documents and SVC's website.
- An updated executive-level organisational chart has been included as well as amendment of the table describing SVC's responsibilities by directorate.

- A section on personal and private information has been added in accordance with guidance provided by the Information and Privacy Commission NSW.

The new 2022 version of the Information Guide is attached for Council's consideration and endorsement.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.3 Council has sound organisational health and has a culture which promotes action, innovation, accountability and transparency

Operational Actions

4.3.2 Continue to streamline council processes to improve integration and build user confidence

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|---------------|--|-----------------|
| Social | Allows the community to understand the structure and functions of Council and the ways in which they can access information. | Nil |
| Environmental | Nil | Nil |
| Economic | Nil | Nil |
| Governance | Compliance with requirements under the <i>Government Information (Public Access) Act 2009</i> | Nil |

Financial and Resources Implications

Failure to adopt, implement and review the Information Guide in a timely manner leaves Council at risk of non-compliance with the *Government Information (Public Access) Act 2009* and failure to meet community standards and expectations.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

The Information Guide has been prepared in accordance with the requirements of the *Government Information (Public Access) Act 2009* including:

1. Open Government information to the public by the proactive public release of government information by agencies, giving members of the public an enforceable right to access government information and only restricting government information where there is an overriding public interest against disclosure (as described by the Act).
2. Under Part 2, Division 2 of the GIPA Act, all agencies (other than a Minister) must have an Agency Information Guide.
3. Information Guides must be available free of charge on the Agency's website.

4. Agencies must review their Information Guides annually.
5. Agencies must notify the Information Commissioner before adopting or amending an Information Guide.
6. Agencies must make *open access information* publicly available as provided by their Information Guide.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

The development and implementation of this Information Guide is a key component of Council's risk management strategies.

OPTIONS:

Council may choose not to endorse the draft as presented and to provide relevant feedback for incorporation, after which the document can be re-submitted for endorsement in the future.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Consultation

The draft Information Guide was reviewed and updated by Governance and Risk, Executive Leadership Team and Communications. The draft has undergone an internal exhibition for a period of no less than seven (7) days.

External Consultation

Contingent on approval from Council, the draft Information Guide is to be made available to the public for review and comment for no less than twenty-eight (28) days.

The draft Information Guide must also be submitted to the Information Commissioner NSW for assessment against the requirements of sections 20 and 22 of the *Government Information (Public Access) Act 2009* and guidance published by the Information and Privacy Commission NSW.

Feedback received from the Information Commissioner NSW proposing amendments will be received and reported to Council.

ATTACHMENTS

- 1 Draft Snowy Valleys Council Information Guide - Annual Review 2022 - For Public Exhibition (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.2 PECUNIARY INTEREST RETURNS FOR NEW COUNCILLORS AND DESIGNATED STAFF**

REPORT AUTHOR: GOVERNANCE OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

EXECUTIVE SUMMARY:

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

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

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

Council also manages pecuniary interests through its application of the adopted Code of Conduct.

This report on Disclosure of Pecuniary Interest Returns is in compliance with Clause 4.21 (a) of the Code of Conduct:

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

(a) becoming a councillor or designated person, and

(b) 30 June of each year, and

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

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Pecuniary Interest Returns for New Councillors and Designated Staff.**
- 2. Note the following Declarations of Pecuniary Interest Returns from new Councillors and Designated Staff as at 31 March 2022 as listed in accordance with the Code of Conduct:**

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.

Designated Staff: John Osland – Acting Executive Director Infrastructure.

- 3. Approve for the redacted Pecuniary Interest Returns for the Councillors and Designated Staff member to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.**

BACKGROUND:

It is a requirement that Council reports on Pecuniary Interest Disclosures annually or 3 months after a council election.

REPORT:

Pecuniary Interest Returns received as at 31 March 2022 for new Councillors and Designated Staff are tabled at this meeting in compliance with Clause 4.25 of the Code of Conduct:

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

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

If the councillor has been re-elected and has completed a return for the current reporting period another return need not be completed unless the need to update with changes is required.

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

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

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

The combined effect of the *Government Information (Public Access) Act 2009* (GIPA Act) and the GIPA Regulation 2018 is that the information in the returns needs to be disclosed on the website of each local council, unless to do so would impose unreasonable costs on the council, or if the council determines there was an overriding public interest against disclosing the information.

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

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

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

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

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

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

Theme 4: Communication & Engagement

Delivery Outcomes

4.3 Council has sound organisational health and has a culture which promotes action, innovation, accountability and transparency

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|---------------|--|-----------------|
| Social | N/A | N/A |
| Environmental | N/A | N/A |
| Economic | N/A | N/A |
| Governance | Enables Council to meet governance obligations and provides transparency | N/A |

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

In accordance with Clause 4.21-4.27 of the Code of Conduct:

Disclosure of interests in written returns

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

(a) becoming a councillor or designated person, and

(b) 30 June of each year, and

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

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or

(b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

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

4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government

Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

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

Not redacting some of the information contained within the returns could expose a person to a risk of harm or serious harassment and intimidation.

OPTIONS:

To release the Pecuniary Interest Returns in full and place on council website in accordance with the adopted Information and Privacy Commission Guideline 1.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

- 1 Section 14 GIPA Act 2009 (under separate cover)
- 2 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Brent Livermore - Redacted (under separate cover)
- 3 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Hansie Armour - Redacted (under separate cover)
- 4 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Ian Chaffey - Redacted (under separate cover)
- 5 2022 - Initial Disclosure of Pecuniary Interest Return - Cr James Hayes - Redacted (under separate cover)
- 6 2022 - Initial Disclosure of Pecuniary Interest Return - Cr John Larter - Redacted (under separate cover)
- 7 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Julia Ham - Redacted (under separate cover)
- 8 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Michael Ivill - Redacted (under separate cover)
- 9 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Samuel Hughes - Redacted (under separate cover)
- 10 2022 - Initial Disclosure of Pecuniary Interest Return - Cr Trina Thomson - Redacted (under separate cover)
- 11 2022 - Initial Disclosure of Pecuniary Interest Return - John Osland - Redacted (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.3 MINUTES - CANBERRA REGION JOINT ORGANISATION BOARD MEETING - 25 FEBRUARY 2022****REPORT AUTHOR:** CHIEF EXECUTIVE OFFICER**RESPONSIBLE DIRECTOR:** CHIEF EXECUTIVE OFFICER**EXECUTIVE SUMMARY:**

Mayor Chaffey, Cr James Hayes and the writer attended the February 2022 meeting of the Canberra Region Joint Organisation. Details of matters discussed and decisions made at a regional partnership level are detailed in this report.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Minutes – Canberra Region Joint Organisation Board Meeting – 25 February 2022;**
- 2. Note the Minutes of the Canberra Region Joint Organisation held on 25 February 2022.**

REPORT:

The February Canberra Region Joint Organisation (CRJO) Board meeting was held Friday, 25 February 2022 and attended by Mayor Chaffey, Cr Hayes and CEO Matthew Hyde.

Agenda topics included:

- Presentation on the South-East and Tablelands Regional Plan and Transport Plan
- Presentation from the NSW Office of Local Government and Regional NSW
- Resilience Projects
- Drought Resilience Pilot Program Proposal
- Council Regional Capacity Building Program 2019-2022
- Regional Waste and Resource Recovery Program
- Arrangements for recruitment of CEO
- Election of CRJO Chair, Cr Russell Fitzpatrick (Bega Valley Shire Council) and Deputy Chair, Cr Narelle Davis (Snowy Monaro Regional Council).

The Draft Canberra Region Economic Development Strategy was endorsed and delegated to the General Managers Advisory Group to work with ACT and NSW Government towards finalisation of the strategy.

The meeting also acknowledged the outstanding contribution from outgoing General Manager of Queanbeyan Palerang City Council, Mr Peter Tegart and thanked outgoing CEO Ms Kalina Koloff for her service. Ms Leanne Barnes will be Acting CEO until a new is CEO appointed.

The next Board meeting will be held on 17 June 2022.

ATTACHMENTS

- 1 Draft minutes - 25 February 2022 CRJO Board Meeting (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.4 STATEMENT OF INVESTMENTS - MARCH 2022**

REPORT AUTHOR: FINANCE OFFICER
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

This report provides an overview of Council's cash and investment portfolio performance as at 31 March 2022.

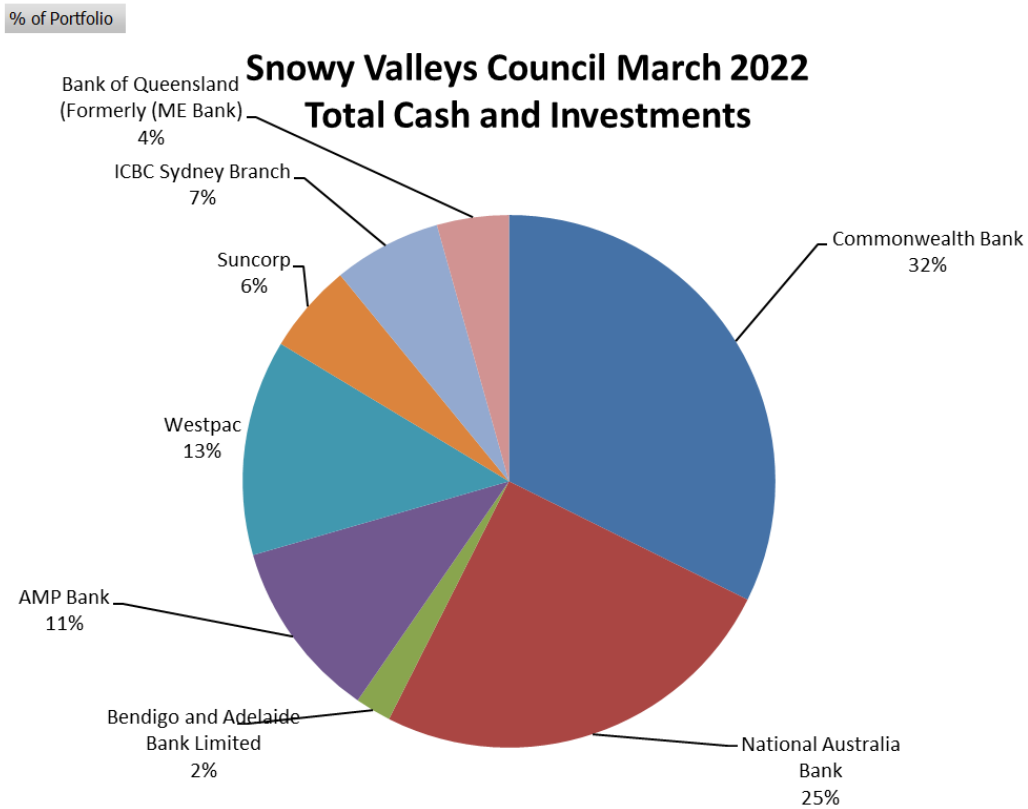
RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on Statement of Investments – March 2022.

REPORT:

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

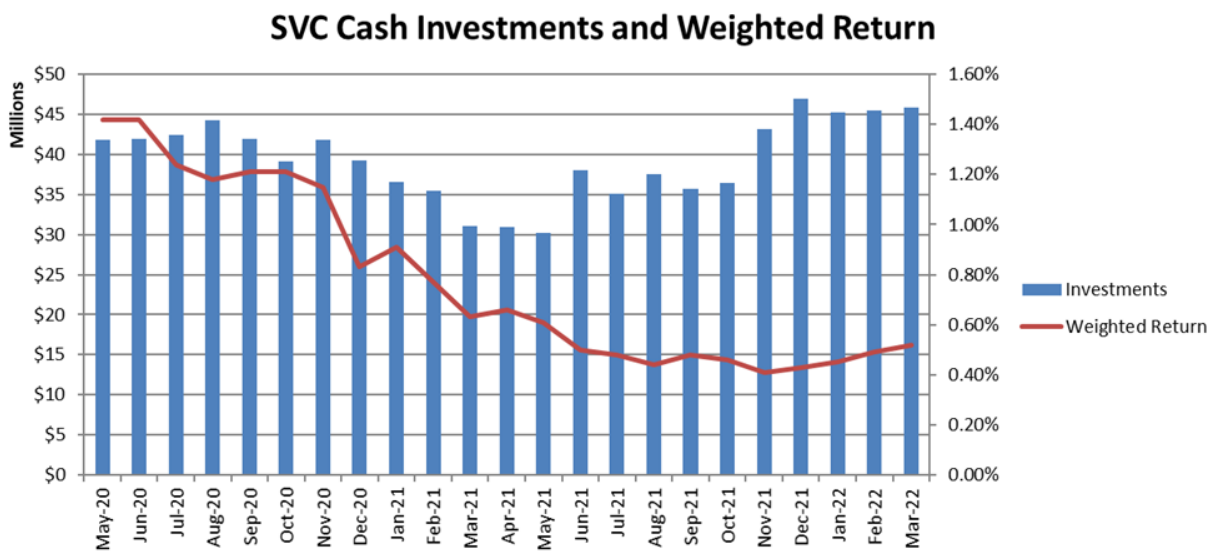
| Combined Cash & Investments Table | | 31/03/2022 | | | | |
|--|----------------------|----------------------|-------------------|-----------------------|-----------------------|----------------------|
| Cash & 11am at call Accounts | Current Month | Last Month | Movement | Type | Interest Rate% | |
| Commonwealth Bank | \$ 3,240,707 | \$ 4,378,073 | -\$ 1,137,366 | W/Acct | 0.10% | |
| Commonwealth Bank | \$ 11,570,676 | \$ 10,048,474 | \$ 1,522,202 | At Call (BOS) | 0.20% | |
| Commonwealth Bank | \$ 1,930 | \$ 971 | \$ 959 | Gen-Roth | 0.10% | |
| Total Cash & At Call Investments | \$ 14,813,313 | \$ 14,427,518 | \$ 385,795 | | 0.18% | |
| Term Deposits | Current Month | Last Month | Movement | Lodgement Date | Interest Rate% | Maturity Date |
| AMP Bank | \$ - | \$ 2,000,000 | -\$ 2,000,000 | 18/03/2021 | 0.75% | 18/03/2022 |
| National Australia Bank | \$ 2,000,000 | \$ 2,000,000 | \$ - | 27/04/2021 | 0.35% | 27/04/2022 |
| National Australia Bank | \$ 1,000,000 | \$ 1,000,000 | \$ - | 30/07/2021 | 0.31% | 29/04/2022 |
| National Australia Bank | \$ 1,500,000 | \$ 1,500,000 | \$ - | 1/12/2021 | 0.40% | 1/06/2022 |
| Westpac | \$ 2,000,000 | \$ 2,000,000 | \$ - | 30/07/2021 | 0.32% | 29/07/2022 |
| National Australia Bank | \$ 2,000,000 | \$ 2,000,000 | \$ - | 7/09/2021 | 0.35% | 7/09/2022 |
| Suncorp | \$ 1,000,000 | \$ 1,000,000 | \$ - | 22/09/2021 | 0.35% | 22/09/2022 |
| Bendigo and Adelaide Bank Limited | \$ 500,000 | \$ 500,000 | \$ - | 25/11/2021 | 0.50% | 25/11/2022 |
| Bendigo and Adelaide Bank Limited | \$ 500,000 | \$ 500,000 | \$ - | 25/11/2021 | 0.50% | 25/11/2022 |
| Suncorp | \$ 1,500,000 | \$ 1,500,000 | \$ - | 1/12/2021 | 0.52% | 1/12/2022 |
| AMP Bank | \$ 2,000,000 | \$ 2,000,000 | \$ - | 7/12/2021 | 1.00% | 7/12/2022 |
| AMP Bank | \$ 1,000,000 | \$ 1,000,000 | \$ - | 17/01/2022 | 1.10% | 17/01/2023 |
| Bank of Queensland (Formerly (ME Bank) | \$ 2,000,000 | \$ 2,000,000 | \$ - | 21/02/2022 | 0.90% | 21/02/2023 |
| AMP Bank | \$ 2,000,000 | \$ - | \$ 2,000,000 | 18/03/2022 | 1.00% | 20/03/2023 |
| ICBC Sydney Branch | \$ 1,500,000 | \$ 1,500,000 | \$ - | 8/04/2021 | 0.65% | 11/04/2023 |
| Westpac | \$ 1,500,000 | \$ 1,500,000 | \$ - | 1/12/2021 | 0.88% | 1/06/2023 |
| National Australia Bank | \$ 2,000,000 | \$ 2,000,000 | \$ - | 28/06/2021 | 0.60% | 28/06/2023 |
| National Australia Bank | \$ 1,000,000 | \$ 1,000,000 | \$ - | 15/07/2021 | 0.65% | 17/07/2023 |
| National Australia Bank | \$ 2,000,000 | \$ 2,000,000 | \$ - | 30/07/2021 | 0.65% | 31/07/2023 |
| Westpac | \$ 1,000,000 | \$ 1,000,000 | \$ - | 15/02/2022 | 1.75% | 15/02/2024 |
| ICBC Sydney Branch | \$ 1,500,000 | \$ 1,500,000 | \$ - | 8/04/2021 | 0.85% | 8/04/2024 |
| Westpac | \$ 1,500,000 | \$ 1,500,000 | \$ - | 7/09/2021 | 0.78% | 9/09/2024 |
| Total Term Deposits | \$ 31,000,000 | \$ 31,000,000 | \$ - | | 0.68% | |
| Total Cash & Investments | \$ 45,813,313 | \$ 45,427,518 | \$ 385,795 | | 0.52% | |



It is hereby certified that the above investments have been made in accordance with Section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council Investment Policy.

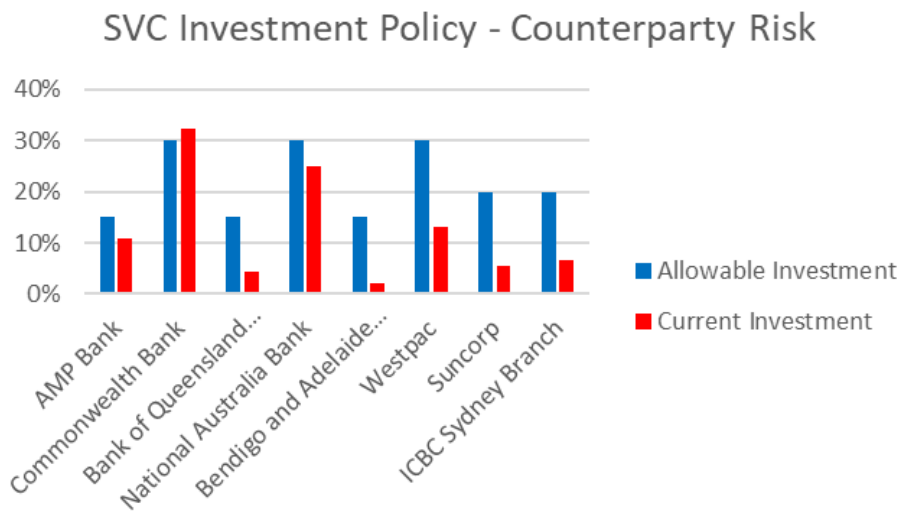
Cash and investments increased \$386K during March 2022.

Cash investment rates are starting to level out with the market factoring in forward expectations of rate hikes and longer-term rates increasing. 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, one of the 3 risks addressed in Council’s Investment Policy. Counterparty risk refers to the likelihood or probability that an institution might default on its contractual obligation. Council limits its exposure to individual institutions based on their credit ratings.

At the end of March, applying long-term ratings, Council did not have an overweight position to any single authorised deposit-taking institution (ADI) except Council’s primary business banker. Overall, the portfolio was reasonably diversified across the investment grade spectrum, with no exposure to unrated ADIs. Current investments with the Commonwealth Bank exceed the allowable investment limit due to receiving substantial grant funding at the end of March 2022. The imbalance has since been corrected through new investments being placed in early April 2022.



ATTACHMENTS

Nil

11. MANAGEMENT REPORTS**11.1 DRAFT MURRAY AND MURRUMBIDGEE REGIONAL WATER STRATEGIES**

REPORT AUTHOR: CHIEF EXECUTIVE OFFICER
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY:

On the 11 April 2022, Department of Planning and Environment released the draft Murray and Murrumbidgee Regional Water Strategies.

The regional water strategies to help manage the water needs in the Murray and Murrumbidgee regions over the next 20 years. The strategies are two of 12 being developed across the state.

The overarching objective of regional water strategies is to ensure beneficial outcomes for a wide range of water stakeholders.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Draft Murray and Murrumbidgee Regional Water Strategies.**

REPORT:

This is the first phase of the strategy development process where a long list of options are being considered that could address the region's key water-related challenges.

The draft Murray and Murrumbidgee Regional Water Strategies are currently being developed as separate documents by two separate teams. These teams work closely together, including for the stakeholder engagement program.

Written feedback on these documents is welcomed during the public exhibition of the documents currently scheduled to commence on 11 April 2022 and conclude at midnight Sunday, 22 May 2022.

Further information is available at:

- <https://www.dpie.nsw.gov.au/water/plans-and-programs/regional-water-strategies/public-exhibition/murrumbidgee>
- <https://www.dpie.nsw.gov.au/water/plans-and-programs/regional-water-strategies/public-exhibition/murray>

The writer notes, for example, that it is proposed to investigate a pipeline to allow additional water to be fed into the system from the Tumut area without causing further impact on the river system from the increased flows. There is also reference to the reconnecting river program that looks at balance between economic, social, cultural and environmental outcomes of putting more water through the river systems to feed the need for agriculture further downstream. More information can be found at:

- <https://www.environment.nsw.gov.au/topics/water/water-for-the-environment/about-water-for-the-environment/government-initiatives/reconnecting-river-country-program>

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

Theme 3: Our Environment

Delivery Outcomes

3.4 Protect and manage local environment including air quality, waterways, rivers and streams

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

N/A

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

N/A

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

N/A

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The State will be holding public information webinars and a series of face-to-face engagement sessions across the regions to inform and seek feedback on the draft Murray and Murrumbidgee Water Strategies.

Friday 13 May:

- 9am - 3pm
- Tumut Golf Club, Fairway Drive, Tumut

Webinars will provide an overview of the draft Murray and Murrumbidgee Regional Water Strategies including opportunities, challenges and options, as well as a question-and-answer session.

- Thursday 21 April: 12.00pm to 1.30pm
- Tuesday 03 May: 12.00pm to 1.30pm

Registration for a webinar session should be made on line via [Murrumbidgee Regional Water Strategy | Water \(nsw.gov.au\)](https://www.murrumbidgee.nsw.gov.au/strategy-water)

ATTACHMENTS

Nil

11. MANAGEMENT REPORTS**11.2 ADDITIONAL SPECIAL RATE VARIATION FOR 2022/23**

REPORT AUTHOR: CHIEF FINANCIAL OFFICER
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

In December 2021, the Independent Pricing and Regulatory Tribunal (IPART) announced the rate peg for the 2022/23 financial year was set at an increase of 0.7% for Snowy Valleys Council. This was well below industry expectations and current consumer and Council price indexes. The Office of Local Government subsequently recognised that the rate peg may result in some Councils not having sufficient funds to pay for infrastructure and services in 2022/23. In March 2022 the NSW Government and IPART agreed to a one-off Additional Special Rate Variation (ASV) round for the 2022/23 financial year. This process contrasts to previous years where rate pegs were temporarily adjusted for a variety of reasons.

It is noted that Snowy Valleys Council is not eligible to apply for an ASV due to the existing Special Rate Variation (SRV) application lodged with IPART in February 2022. It is recommended that Council apply for an automatic inclusion in the ASV round should the original SRV application be rejected.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Additional Special Rate Variation for 2022/23;**
2. **Note the ineligibility of Council to apply for the Additional Special Rate Variation;**
3. **Authorise the CEO to write to IPART and the Minister for Local Government prior to 29 April 2022 requesting an automatic inclusion in the Additional Special Rate Variation round, based on Council's existing SRV application, should Council's original SRV application not be approved by IPART;**
4. **Resolve that should an application be required due to IPART rejecting Council's current SRV application, it be for a permanent special variation of 2.5% under section 508(2) of the *Local Government Act 1993* expected to yield \$231,098 in the first year for the purpose of maintaining existing services, enhancing financial sustainability, and funding infrastructure maintenance and renewal.**

BACKGROUND:

At its meeting on 20 January 2022, Council resolved to make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the *Local Government Act 1993* for increases to the ordinary rate income of 15.7% in 2022/23 (including the rate peg) and 17.5% in 2023/24 (including the rate peg), representing a total cumulative increase of 35.95% over the two-year period, to be a permanent increase retained within the rate base.

The rate peg included in the application had been announced by IPART in December 2021 at 0.7% and differed significantly from that used in earlier modelling around long-term financial planning and sustainability.

REPORT:

In response to the concerns raised by Councils across New South Wales that the rate peg set by IPART for 2022/23 of 0.7% was inadequate and would seriously undermine financial sustainability in the sector, the Office of Local Government (OLG) on 7 March 2022 announced that Additional Special Variation (ASV) applications would be accepted by IPART. On 6 April 2022 the application guidelines were re-issued by OLG to include less onerous conditions than originally required. IPART then released its updated instructions for ASV applications on 7 April 2022.

The guidelines state that the ASVs are available as a one-off only for the 2022/23 financial year to Councils that can demonstrate that the ASV will enable them to meet the obligations they set for 2022/23 in their 2021/22 Integrated Planning and Reporting (IP&R) documentation, ie. the adopted Long-Term Financial Plan (LTFP).

Any proposed ASV cannot exceed the lower of 2.5% or Council's assumed 2022/23 rate peg as exhibited in the LTFP 2021/22. Council must identify the budgeted income increase for 2022/23 difference from the actual rate peg, and, if applying for a permanent ASV, that Council's operating ratio is forecast at 2% or lower over the next 5 years. Applications from Councils that require a special rate variation above 2.5% to achieve long-term financial sustainability are excluded.

Council adopted its updated LTFP 2021/22 in January 2022 as a supporting document to the SRV application. While originally a rate peg of 2.5% had been assumed in the forecast modelling and public engagement, the updated LTFP included a rate peg of only 0.7% for 2022/23 as required after IPART had set the rate peg. Council included further savings in its forecast to offset this lower-than-expected rate peg.

In its information paper IPART outlines the following conditions for applications:

- The process is not intended to address applications from Councils that require a special variation (above 2.5%) to achieve long term financial sustainability;
- Applications can be made for temporary or permanent ASVs capped at the lower of 2.5% or Council's assumed 2022/23 rate peg;
- Councils must provide a Council resolution;
- If applying for a permanent ASV, Councils must demonstrate an average forecast operating performance ratio of 2% or lower;
- Submissions are due by 29 April 2022.

The above conditions exclude Snowy Valleys Council from applying for an ASV for the financial year 2022/23. It is noted that Council already applied for an SRV well above the threshold of 2.5%. Verbal advice from IPART on 11 March 2022 and 7 April 2022 also confirms that Council is not eligible to apply.

Should the current SRV application not be approved by IPART, Council will experience severe financial constraints as outlined in the application and IP&R document suite currently on public exhibition. Many services to the community will have to be reduced or discontinued, assets divested, and fees and charges considerably increased. Under such a scenario Council would meet the requirements and an ASV would provide some relief in the form of higher rates income of approximately \$166K compared to the rate peg of 0.7%. Applications for ASVs will only be accepted until 29 April 2022, which is well before the IPART decision on Council's SRV application. As such, Council is unable to submit an ASV application, but has been advised to write to IPART and the Minister to request an automatic inclusion in the additional round (ASV) based on the existing application should the original SRV application be rejected.

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

Theme 4: Communication & Engagement

Delivery Outcomes

4.5 Council demonstrates strong leadership through a governance framework which drives progress towards achieving the community vision

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|---------------|--|--|
| Social | Ensuring adequate services are provided to the community, and transparent planning to provide confidence in Council's ability to deliver on the community's priorities | - |
| Environmental | Planning for the provision of services that improve environmental outcomes within Council's area of influence | Environmental impacts identified will need to be identified and managed |
| Economic | Improving community and investor confidence in the region through demonstration of sound financial management | There may be a perception that Council needs to be more than an enabler/supporter in economic development requiring additional resources |
| Governance | The guidelines require a formal Council resolution for an ASV application | No further guidance is available for Councils that have already applied for a regular SRV |

Financial and Resources Implications

Council operational expenditure is outlined in the annual operational plan and long-term financial plan. The announced rate peg of 0.7% for 2022/23 was much below expected and previously modelled within Council forecasts. With recent increases in CPI and Council cost index, this low rate peg will result in most Councils having to reduce services to make up the funding shortfall.

However, Snowy Valleys Council used the 0.7% rate peg in the updated forecasts that were required for the SRV application and the operational plan 2022/23 and long-term financial plan currently on public exhibition. Additional budget savings were included to offset the revenue shortfall.

Costs and Benefits:

Considerable costs were incurred in the delivery of community consultation and the drafting of the SRV application to IPART. These costs are recognised in 2021/22.

Policy, Legal and Statutory Implications:

Applications for ASVs must follow the guidelines issued by the Office of Local Government.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Should Council be unsuccessful in its application for an SRV, the low rate peg for next financial year will put additional pressures on Council's results and financial sustainability.

OPTIONS:

- a) Council endorse the report and recommendations
- b) Council reject the recommendations

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

IPART will be notified of the Council decision in writing. Matters arising from this report that require further communication will be addressed at the meeting or taken on notice and a response will be provided.

ATTACHMENTS

- 1 OLG Circular 22-07 (under separate cover)
- 2 IPART Information Paper ASV update 07/04/22 (under separate cover)

11. MANAGEMENT REPORTS**11.3 ROAD NAME CHANGE - PROPOSED NAME CHANGE FROM MITCHELL AVENUE TO WALLABY AVENUE - KHANCOBAN**

REPORT AUTHOR: GIS TECHNICAL OFFICER
RESPONSIBLE DIRECTOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the approval of Council for the road name change from Mitchell Avenue to Wallaby Avenue in Khancoban (see attached map).

Noting the proposed name for the road is included in the list of pre-approved names that form part of Council's Road Naming Policy, the approval of Council is required to change the name of the road.

Council officers have followed due process in line with the Geographic Names Board (GNB) requirements and recommend that Council endorse the proposal to name the section of road as Wallaby Avenue.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Road Name Change - Proposed name change from Mitchell Avenue to Wallaby Avenue - Khancoban.**
2. **Endorse placing the proposal for the road name change from Mitchell Avenue to Wallaby Avenue on public exhibition for a minimum of 28 days including publishing the proposal in the local newspapers allowing public comment.**
3. **Approve the proposal for the road name change from Mitchell Avenue to Wallaby Avenue in Khancoban:**
 - a) **Serve notices of the road name proposal to Australia Post, Registrar General, Surveyor General**
 - b) **Formally have the name gazetted in the Government Gazette and place a notice in the local newspaper giving a description to the road and its location**
4. **Update the Road Naming Policy to withdraw names from the policy that have been selected and are in use.**
5. **Receive a further report on the proposed road name change from Mitchell Avenue to Wallaby Avenue if public submissions are received during the exhibition period.**

BACKGROUND:

Council staff are proposing renaming the western end of Mitchell Avenue from Scott Street to the intersection of Douglas Street and Chisholm Street as Wallaby Avenue.

There are several instances of historical addressing irregularities of properties along Mitchell Avenue. These irregularities impact the ability of emergency responders, utilities, and delivery services to provide timely service to residents.

The proposal to rename the section of Mitchell Avenue impacts the smallest number of residents and provides council a method to rectify the addressing issues along Mitchell Avenue.

REPORT:

Using Councils Road Naming policy of road names that have been pre-approved by GNB the road name "Wallaby Avenue" has been selected and is presented to Council for endorsement and public exhibition.

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

Theme 1: Towns and Villages

Delivery Outcomes

1.3 Protect and preserve local history and heritage

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

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

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil business risk

Some members of the community/public may not like the name

OPTIONS:

Council may:

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

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Extensive consultation was undertaken on road names as part of the process in developing Council's Road Naming Policy.

Subject to the approval of Council, the proposal for the road name change to Wallaby Avenue will be placed on public exhibition for a minimum of 28 days including publishing the proposal in the local newspapers allowing for public comment.

ATTACHMENTS

- 1 Khancoban - New Road Name - Proposal Map (under separate cover)

11. MANAGEMENT REPORTS

11.4 KHANCOBAN VACANT LAND - LOTS 11, 12, 13, 14, 15 AND 16 OF DP220750 - REQUEST FOR PURCHASE - RE SUBMISSION

REPORT AUTHOR: PROPERTY AND TRANSPORT PARTNER
RESPONSIBLE DIRECTOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the approval of Council to sell Council owned vacant land in Khancoban described as lots 11, 12, 13, 14, 15, and 16 of DP220750.

The previous report had been submitted on the 17 February 2022 with an incorrect DP220570 number documented.

11. MANAGEMENT REPORTS

| | |
|--------|--|
| 11.1 | KHANCOBAN VACANT LAND - LOTS 11, 12, 13, 14, 15 AND 16 OF DP220570 - REQUEST FOR PURCHASE |
| M53/22 | <p>RESOLVED: THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. Proceed to sell the Land – Lots 11, 12, 13, 14, 15 and 16 of DP220570 at a public auction at a time and place to be determined; 2. Delegates authority to the Chief Executive Officer & Mayor to take the following actions pertaining to the properties specified in the report; to set reserve prices for sale of the properties at auction; 3. Negotiate by private treaty and accept offers for sale of any property that fails to sell at auction; 4. Authorise the application of the Council seal on the sale of land. <p>Cr Julia Ham/Cr Michael Will</p> <p>CARRIED UNANIMOUSLY</p> |

Minutes of the Meeting of the Snowy Valleys Council held in the Tumbarumba Council Chambers and Via Video Link on Thursday 17 February 2022

The subject land is identified as operational and surplus to Council needs. Council has owned the properties since 1994 as part of the handover from the Snowy Hydro and has not developed or leased the properties.

Council has received interest into the purchase of vacant land within the township of Khancoban. These properties are freehold and are currently unoccupied.

Approval is sought from Council to the sale of the lots through an Expression of Interest process.

RECOMMENDATION:

THAT COUNCIL:

1. **Receive this report on Khancoban Vacant Land – Lots 11, 12, 13, 14, 15 and 16 of DP220750 - Request for Purchase - Re Submission**
2. **Approve the sale of Lots 11, 12, 13, 14, 15 and 16 of DP220750 through an Expression of Interest process**

3. **Approve the delegation of authority to the Chief Executive Officer and Mayor to assess and determine the successful expression of interest bids for the sale of the land as described in item 2 above.**
4. **Authorise the Chief Executive Officer to negotiate the sale price of the parcels of land as described in item 2 above, noting that all parties will meet their own legal costs, to a value within 20% of the market appraisal.**
5. **Approve the delegation of authority to the Chief Executive Officer and Mayor to execute all sale documents and affix the Council seal to documentation required to complete the sale of the parcels.**

BACKGROUND:

The subject land is identified as operational and surplus to Council needs. Council has owned the properties since 1994 as part of the handover from the Snowy Hydro. In this time Council has maintained the lots however it has not been developed or leased resulting in unnecessary expenditure.

REPORT:

Council has received a request from interested parties regarding the purchase of land within Khancoban. The parcels identified have access to services (water, sewer and power).

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability

Operational Actions

1.7.1 Manage Council's investment portfolio to optimise investment returns within Council Policy requirements

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|---------------|---|-----------------------|
| Social | Encourage new members into the community. | No foreseen impact |
| Environmental | Nil increased benefits | No significant issues |
| Economic | Disposal of surplus assets provides a means of reducing risk and provide income, including rates. | No foreseen impact |
| Governance | Asset Management Principle encourage the regular consideration of assets with regards to their disposal if they are surplus to the organisation's needs or do not have strategic value. | No foreseen impacts |

From a sustainability perspective, the table above provided a summary of the positives and negatives associated with the overall project.

Financial and Resources Implications

Council will need to undertake an Expression of Interest (EOI) for the lot sale which will be prepared and advertised with cost to be borne by Council.

Processing of the sale of the land will be undertaken by Council Solicitors and fees are to be covered by the sale of the lots.

Costs and Benefits:

| Financial Costs | Financial Benefits | Benefits | Opportunities |
|---------------------|----------------------------|------------------------------|---|
| List Direct Costs | Savings/Efficiencies | Community Benefits | Future projects to be funded from savings |
| List indirect costs | Reduced insurance premiums | Organisational Benefits | Reputational improvements |
| Initial Costs | Ongoing Benefits | Other Non-financial benefits | Further enhancements |

Council will be responsible for its own conveyancing costs for the land sale which are estimated at approximately \$2000. The cost of conveyancing would be absorbed from the proceeds of the land sale and would not require budget allocation.

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.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

There are no foreseen significant risks to Council with the recommendation in relation to the process of sale. There would be a reputational risk regarding the sale of Council assets which is being mitigated by the EOI process.

A risk is present that the market appraisal has overpriced the value of the properties and the parcels do not gain interest during the advertising process. Negotiation to a set percentage of the market appraisal will provide some flexibility to mitigate this risk. To mitigate the risk, we can expand the advertising to other markets.

OPTIONS:

1. Council endorses the recommendations
2. Council does not provide approval for the sale of the properties

Sale of the properties through direct offer is not recommended on the basis that the recommended process provides transparency and equal opportunity to purchase a lot.

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Direct contact by way of letter to direct neighbouring properties and interested parties will be forwarded advising of Council's resolution of the matter, inviting interested parties to lodge an expression of interest under the guidelines.

The sale of the properties will be subject to an Expression of Interest process, which will be publicly advertised on Council's website and the local paper. Those parties lodging a submission will be notified of the outcome of the assessment.

ATTACHMENTS

- 1 Costello Market Appraisal - McIlree Street Khancoban (under separate cover) - Confidential
- 2 PRD Market Appraisal - McIlree Street Khancoban NSW 2642 (under separate cover) - Confidential
- 3 Khancoban DP220750 Map (under separate cover) - Confidential
- 4 ECM_3123760_v1_20210830 - Inquiry - Empty Block Enquiry - McIllery Street Khancoban - Detail Mode Pty Ltd (under separate cover) - Confidential

11. MANAGEMENT REPORTS**11.5 TUMBARUMBA PRE-SCHOOL, LOCATION OPTIONS**

REPORT AUTHOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE
RESPONSIBLE DIRECTOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Council at its meeting of 17 February 2022 resolved in part that:

11.6 IN PRINCIPLE SUPPORT FOR THE ESTABLISHMENT OF A NEW PRE SCHOOL IN TUMBARUMBA**M42/22 RESOLVED:
THAT COUNCIL:**

1. Receive the report on In Principle support for the establishment of a new preschool in Tumbarumba.
2. Provide In Principle support for the establishment of a New Pre School in Tumbarumba.
3. Determine In Principle, to make Council controlled land available for the establishment of a new Pre School in Tumbarumba.
4. Authorise the CEO to write a letter outlining Councils In Principle support for the establishment of a new Pre School in Tumbarumba, to accompany the application for funding to the Start Strong Capital Works Grants Program.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

The Pre-School committee have now identified 2 potential sites they are interested in.

- i) King George 5th Park in King St
- ii) Bicentennial Park near the library.

This report is to assess the sites so that Council may select its' preferred option.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Tumbarumba Pre-School, Location Options.**
2. **Advise that Council's preferred option is to lease space on Bicentennial Park, near the library**
3. **Authorise the CEO to negotiate terms of such a lease and bring a report back to Council to allow lease to progress.**

REPORT:

The Tumbarumba Pre-School requires a land area of about 2,400 m². The Pre-School Committee has identified two (2) sites in Tumbarumba which they believe may be suitable

Priority 1

Two blocks of King George 5th Park at the intersection of King Street and York Street.

These blocks are owned by Council in freehold. The area is a total of just over 4000m².

This land is classified as operational so it may easily be sold or leased. However, there are reports that it may have at some stage been used as a waste storage area. Therefore, significant investigation and soil testing would need to be undertaken. While the area is self-contained it is in the middle of a residential area, and it is thought that there will be some complaints regarding the additional traffic that a Pre-School would generate.

Due to time constraints this has not been assessed and this would be required as part of any DA.

Priority 2

Block beside the library at the intersection of Prince Street and Winton Street.

This block is within the area known as "Bicentennial Park". This area is Crown Land with Council being the Trust Reserve Manager. The area right on the corner is not large enough for a preschool and the facility would therefore need to be sited behind the library. While this provides more than enough land, it would reduce the area available for open space and gardens.

The proposal to lease and any subsequent development application would need to be widely exhibited.

General Discussion

Both sites are Zoned R1 and childcare facilities are a permitted use under the Land Use tables in the Local Environmental Plan (LEP).

Should Council resolve to use King George 5th Park then the options are to sell the land outright or to provide a lease. As described above there have been reports of potential contamination. Without significant further investigation this location is appropriate for Council to consider.

Outright sale would require disposals in accordance with Section 55 of the regulations of the *Local Government Act 1993*. Council would need to be satisfied that it was receiving best value and therefore, would require a set sale process to be adopted and valuations to be obtained.

Council does not have the option of the sale of Crown Land. Therefore, the sale option is not appropriate for the Bicentennial Park option.

The options for lease of either property is set out in the Plan of Management for open space. The Plan of Management expressly authorises the issue of leases, licences, and other estates over the land to which this plan applies for the purpose for which that land was being used at the date of commencement of this Plan of Management, or for any other purpose authorised under this Plan of Management.

When planning to grant a lease or licence on Crown reserves, the Council must comply with the requirements of the Commonwealth *Native Title Act 1993* and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*. It is the role of Council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the *Native Title Act 1993*. No enquiries have been undertaken, to date due to the current time constraints on the grant approval process.

The maximum term of a lease, licence or other estate under the *Local Government Act 1993* is 30 years. The consent of the Minister for Local Government is required if the lease or licence exceeds 21 years, or the term will be greater than five years and objections have been lodged against the proposal. It is considered standard practice to provide a 5-year lease with options to renew up to three times, making a potential 20-year lease. At the 20-year mark, a completely new lease would need to be negotiated.

Conclusion

Due to the potential presence of contaminants on the King George 5th Park site, it is felt that lease of the Bicentennial Park site would be a better option, subject to a positive outcome of Community Consultation.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

1.2 Provide accessible services and initiatives which support and contribute to wellbeing across all stages of life

Operational Actions

1.2.3 Implement year one of the 2021-22 actions and outcome principles of the Childrens Services Strategy

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|---------------|--|----------|
| Social | Provision of Children's Early Learning facilities to meet demand will result in positive social impacts | Nil |
| Environmental | N/A | N/A |
| Economic | Provision of Children's Early learning facilities to meet demand will create opportunities for families to participate in the workforce. | Nil |
| Governance | N/A | N/A |

Financial and Resources Implications

Financial and resource implications in respect of the recommendations in this report are minimal.

Costs and Benefits:

Community initiatives of this nature can result in beneficial outcomes with minimal cost to Council

Policy, Legal and Statutory Implications:

The process for sale or lease of land is defined quite strictly in the Local Government Act and the Crown Lands Act.

The use of land in particular zones is defined in the Snowy Valleys DCP

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

NIL

OPTIONS:

Council has the option to do nothing and let the Pre-School source their own land. However, this would require an amendment to the previous resolution.

Council has the option to propose another site altogether, but it must be mindful of the timeframes requiring all document to be with the Department of Education by 7th May 2022.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Upon approval of the Facility by the Department of Education a Development Application will be required. This will provide the need for standard DA notifications and the formalisation of a lease inclusive of all the required notifications.

ATTACHMENTS

- 1 Tumbarumba Pre-School, Location Options - Attachment (under separate cover)

11. MANAGEMENT REPORTS**11.6 ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021 INCLUDING DEVELOPMENT METRICS AND INITIATIVES**

REPORT AUTHOR: MANAGER GROWTH & ACTIVATION
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY:

Responsiveness in development assessment outcomes is critical to ensuring both increased levels of client satisfaction, managing reputational and political risks to Council including reducing unwarranted complaints and ensuring that Council continues to meet its statutory obligations under the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* and Regulation 2021.

In order to maintain transparency, probity and accountability in development assessment including planning certificates, it is proposed to provide periodic development statistics reports to the elected Council to inform Councillors on current development trends and to provide factual information on the 'current state of play'. Council is currently pursuing several initiatives as part of a renewed commitment to improving development systems translating to improved customer service experiences.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive and note the report on the *Environmental Planning and Assessment (Statement of Expectations) Order 2021* including Development metrics and Initiatives.**

BACKGROUND:

In December 2021, the then Minister for Planning and Open Spaces the Hon Rob Stokes introduced new legislation to Parliament outlining new Ministerial Planning Principles for all Councils within the state and provided prescriptive standards for which Councils were required to meet. The standards related to development assessment and strategic planning applications however centred on time periods for determination of both development applications and planning proposals.

In the case where Councils were not meeting the prescribed timeframes, the Minister would be able to issue improvement orders on the Council or in some cases provide justification for the introduction of a planning panel to undertake Council's assessment and determining functions.

Local Government NSW as the peak industry body provided representation and advocacy on behalf of NSW Councils outlining the issues that are currently faced including industry wide shortage of skilled labour in planning and certification. Those representations were considered by the new Minister for Planning and Housing, the Hon Anthony Roberts who on 14 March 2022 repealed the Planning Principles citing that Councils needed to refocus their effort on the delivery of housing opportunity. Accordingly, the principles introduced by the former minister no longer apply.

Traditionally there has been minimal information available to both the executive and the elected body of Council to measure the performance of the development assessment functions of the Council. In the absence of any such information, it is difficult to counter any potential negative feedback from time to time or to test the veracity of complaints made regarding customer experiences or responsiveness in development assessment.

Councillors are front facing with the community and need to be well informed of current initiatives, trends and barriers to achieving responsiveness. With increased development interest in the Local Government Area and increased development activity, Council will need to strategically invest resources to ensure that it is well positioned to respond to such demand, now and into the future.

REPORT:

In the absence of any state-imposed principles, it is timely that the Council develop metrics to test both the performance of the development assessment functions of the Council and also to enable identification of development trends that may be occurring throughout the Local Government Area.

The capturing of data also enables the measurement of the effectiveness of new initiatives that are implemented and where resource effort should be focussed. The frequency of such data should be developed on a monthly and annual basis and the provision of timely and accurate advice to both the executive and the Council ensures accountability and transparency in Council's statutory assessment functions.

It is proposed that the following metrics will be provided to the Council periodically. The parameters include:

Development Applications Undetermined / Maturity

Actual number of development applications undetermined (as at the date of the report)

Undetermined or active development applications (maturity)

Number of Development applications within the category of (including percentages of total):

- <40 assessment days
- 40-60 assessment days
- 60-100 assessment days
- 100 assessment day +

The undetermined application maturity provides information around the timing or maturity of those applications which remain on the system as undetermined. Historically, Councils have not measured these metrics however it does provide a clear indication of the current state of play in terms of the age of undetermined applications being considered by Council. These metrics are considered total days not taking into account statutory 'stop clock days' where additional information is required or the application has been referred to a government agency.

Applications Received

Actual numbers of applications broken down by category per month / annual (calendar year):

- Development Applications Received
- Construction Certificates Received
- Section 68 Certificates under the *Local Government Act 1993* Received
- Section 138 Certificates under the *Roads Act 1993* Received
- Complying Development Certificates Received
- Subdivision Certificates Received

Actual total of all applications received per month / annual (calendar year) across all categories.

Applications Determined

Actual numbers of applications broken down by category per month / annual (calendar year):

- Development Applications Determined
- Construction Certificates Determined
- Section 68 Certificates under the *Local Government Act 1993* Determined
- Section 138 Certificates under the *Roads Act 1993* Determined
- Complying Development Certificates Determined
- Subdivision Certificates Determined

Other relevant information relating to applications determined:

- Actual total of all applications determined per month / annual (calendar year) across all categories.
- Mean determination time for all development applications
- Mean determination time for residential applications
- Number of applications determined by way of refusal / approval / withdrawn.
- Mean determination time for all other development applications (Commercial / Industrial / Subdivision / Activity)

Planning Certificates (10.7(2) and 10.7(5)) from 1 March 2022

- Number of applications received per month
- Number of certificates issued per month
- Number of undetermined certificate applications
- Mean time for issue of certificates

Planning Certificates metrics are provided to establish trends of the number of applications being received by Council and the number of certificates issued / not issued at the date of the report. This will enable Council to understand average timeframes for issue of the certificates and ensure that key performance indicators are met.

Undetermined Development Application Maturity (as of 12 April 2022)

Council currently has 42 undetermined development applications currently being considered as of 12 April 2022. These applications are currently being assessed by Council and incorporate those applications which are subject to requests for additional information, those on notification or advertisement and those have been referred to government agencies for comment or concurrence.

The maturity figures outlined in Figure 1 (below) are displayed in total days and do not take into account 'stop the clock days'. Council's current resource effort is focussed on those categories which are over 40 days or in the categories 40-60, 60-100 and 100+ days representing 50% of the undetermined applications. Fifty percent (50%) of the applications remain under 40 days (total) from lodgement of the application.

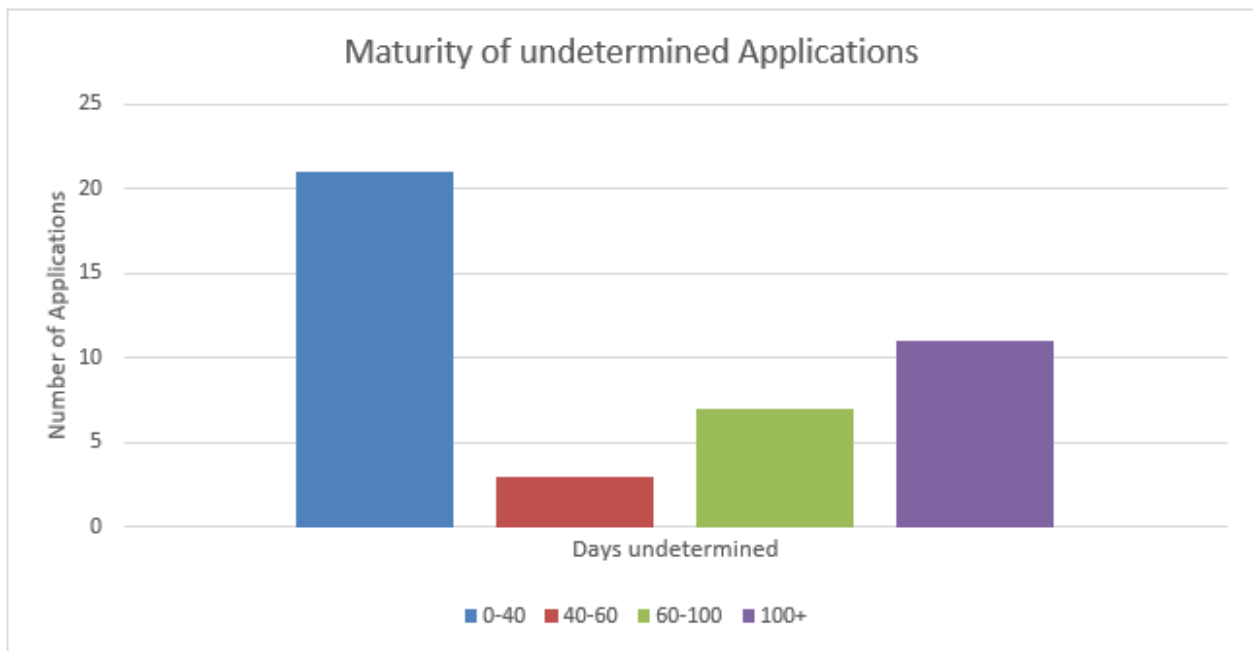


Figure 1: Maturity of undetermined development applications (all categories of development)

The maturity of undetermined development applications graph provides a ‘point in time’ ‘current state of play’ representation of the age of development applications currently being considered by Council for all categories of development. Going forward, Council will adopt a key performance indicator of 42 days from date of lodgement for local development, 62 days for integrated development and 152 days for regionally significant development.

The maturity of applications can further be examined by category of the type of application based on three main categories of Residential, Subdivision and Commercial / Industrial / Activity Applications. As outlined in Figure 2 (below), the majority of less complex undetermined residential applications are within 40 days, with the remainder being over-represented with more complex medium density proposals or dual occupancies / secondary dwellings.

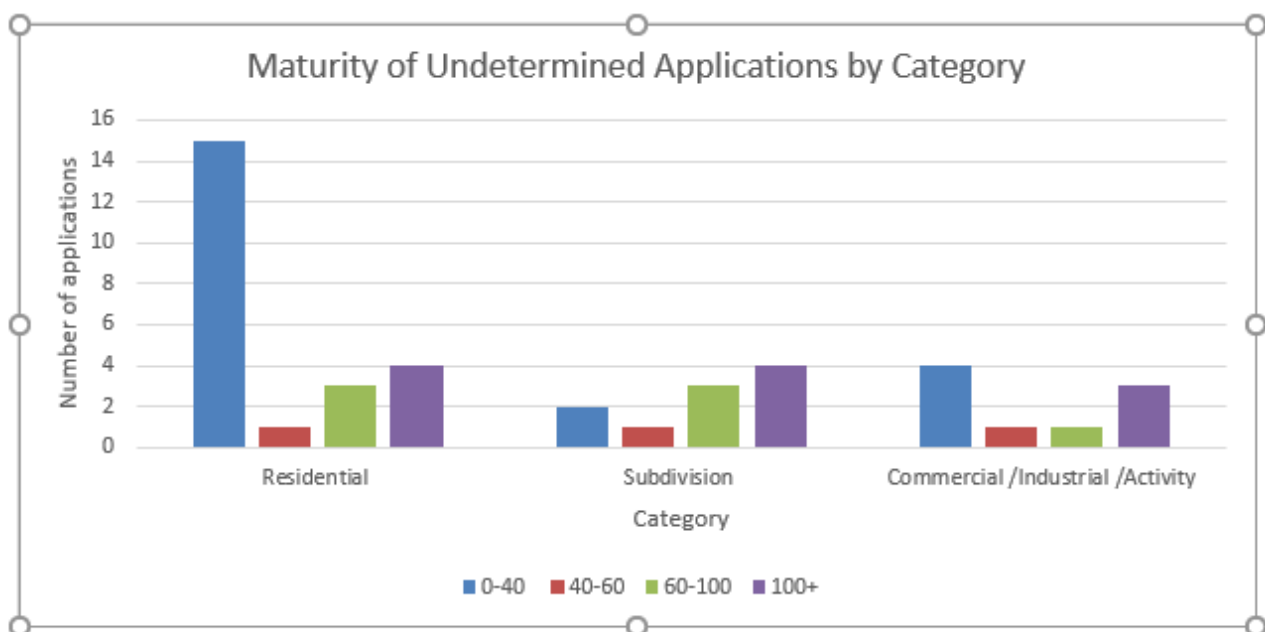


Figure 2: Maturity of undetermined development applications (per development type)

There are a number of complex subdivision proposals that are currently being considered by Council including those applications that are required to be reported to full Council for determination given requirements to interpret provisions of the legislation and those requiring referral to government agencies such as the Rural Fire Service for bushfire safety authorities and also those that are subject to complex civil engineering considerations and site constraints.

Those applications over 100 days that are commercial and industrial / activity type applications include the Talbingo Masterplan for Tourist and Visitor Accommodation and also the FOGO Waste project that Council is currently pursuing. Both applications are being considered by the Southern Region Planning Panel (SRPP) and are regionally significant development.

When considering applications over 100 days, it is also important to consider the determination pathways to achieve determination of development applications.

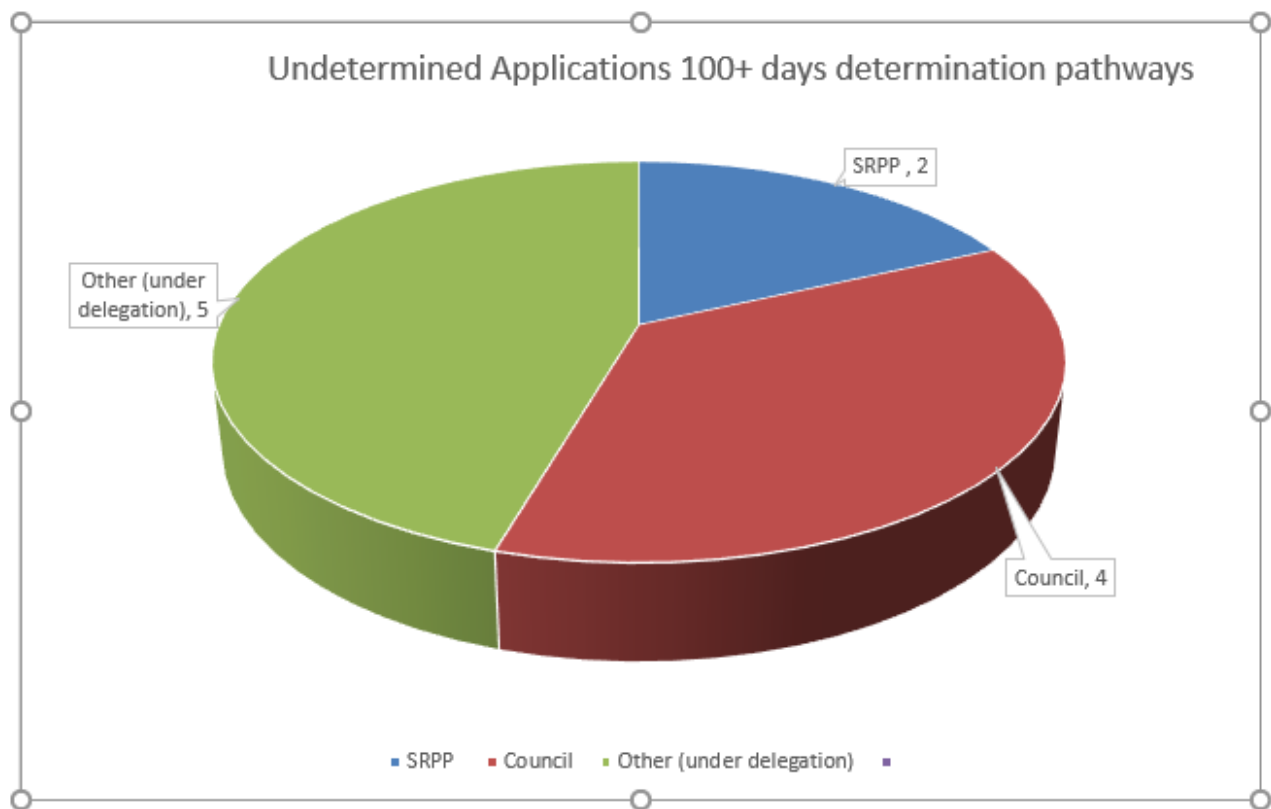


Figure 3: Undetermined Applications 100+ determination pathways

Figure 3 (above) depicts the undetermined development applications that are over 100 days and how those applications are proposed to be determined. Council currently has two (2) applications proposed to be determined by the SRPP given the capital investment value of the projects and four (4) applications are currently proposed to be determined by full Council given either being public interest matters or matters that have not been supported based on merit assessment in accordance with staff delegations. The residual five (5) applications are intended to be determined under delegation as the assessment progresses.

Applications received / determined

In establishing metrics to understand current development trends it is important to understand baseline data in terms of the number of applications received by Council. In between 1 January 2021 and 31 December 2021, Council received 293 development applications within the reporting period and conversely determined 277 development applications within the same period with a mean determination timeframe of 40 days. A total of 16 applications remained undetermined within this period.

Between 1 January 2022 and 12 April 2022, Council has determined 43 development applications at a mean or average determination timeframe of 16 days.

Similarly in the 2021 calendar year Council received 227 construction certificates, with 206 applications being determined and 21 remaining outstanding. This is a considerable effort given that development applications and construction certificates are generally lodged at the same time and those residual undetermined applications are likely either undetermined due to requests for additional information or awaiting an associated development application determination.

Within the 2021 reporting period, Council received 18 complying development certificates (CDC) and determined the same number of CDCs, with an average determination period of eleven (11) days and nine (9) median days. Council also received 108 and determined 84 section 68 applications for water, sewer and stormwater plumbing with 24 applications undetermined due to awaiting parent application determinations or requests for additional information and 19 occupation certificates were applied for with 16 applications determined.

A summary of the data is shown in the diagram below:

| Application Category | 2021 Received (No.) | 2021 Determined (No.) | 2021 Undetermined (No.) | Mean (days) determination |
|-----------------------------|----------------------------|------------------------------|--------------------------------|----------------------------------|
| Development Ap. | 293 | 277 (94.5%) | 16 (5.5%) | 40 |
| Construction Cert. | 227 | 206 (90.7%) | 21 (9.3%) | N/A |
| S68 Applications | 108 | 84 (77.8%) | 24 (22.2%) | N/A |
| CDC Applications | 18 | 18 (100%) | 0 (0%) | N/A |
| Occupation Certs | 19 | 16 (84.2%) | 3 (5.8%) | N/A |

Table 1: Summary of the number of applications received, determined and undetermined by category of application between 1 January 2021 and 31 December 2021 and the mean determination time.

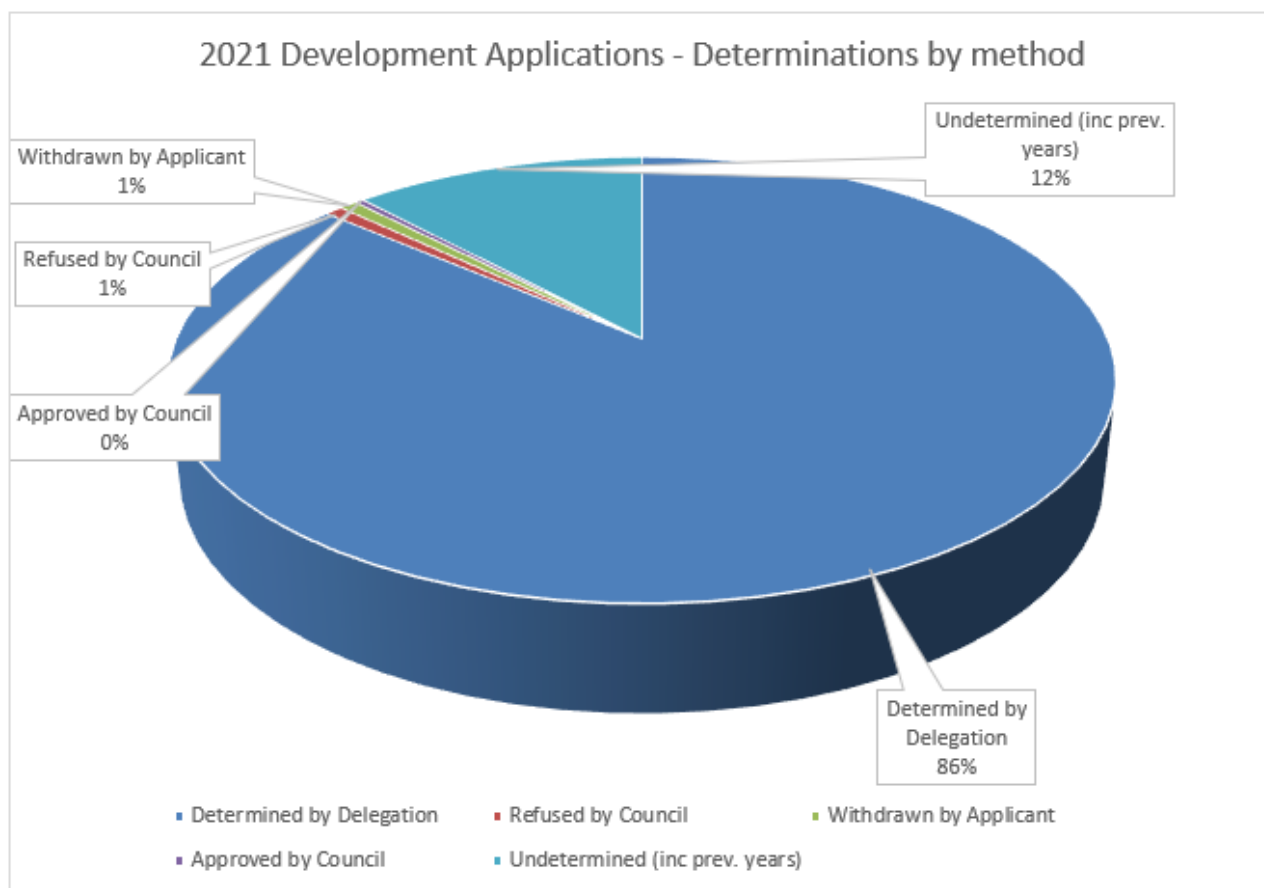


Figure 4: 2021 Calendar year development application determinations by method.

Figure 4 provides the determination method of all development applications determined within the 2021 year reporting period. Whilst 86% of all applications were determined under delegation by Council staff, 1% of applications were determined by full Council and 12% of applications remained undetermined at 31 December 2021 which also includes previous years of undetermined applications.

Planning Certificates

Council was in receipt of 596 applications for planning certificates in the reporting period of 1 January 2021 and 31 December 2021 inclusive. Apportioned to the number of properties within the Local Government Area this represents a significant number of certificate requests within the 2021 reporting period for the population and in particular provides an indication of the amount of activity in the property market. Of the applications received and certificates issued, Council achieved an average of twenty (20) days for issue of the certificate or a median of sixteen (16) days.

When examining the data as at the 12 April 2022, Council's systems indicate that 322 certificates were issued and 274 remained outstanding within the 2021 calendar year however it is known that all certificates for the reporting period were issued. The anomaly in the data has been identified that staff have issued the certificates however have not 'closed out' or finalised the certificate event within Council's operating system and therefore infecting the data and overall result. Therefore, the data cannot be reliably used for any meaningful purpose beyond those certificates that are actually issued and recorded in Council's system as issued and also the number of certificate applications received. Action has been taken to address the issue and further key performance indicators of five (5) days has been applied for the issue of certificates after a three (3) month period from 1 March 2022.

Figure 5 (below) provides for actual data of certificates received during the 2021 reporting period by month and the 2022 year to date figures to 12 April 2022.



Figure 5: Illustrates the year-to-date figures of applications for 10.7 Certificates received against 2021 actual figures.

From the data captured for the first three (3) months of 2022 it is expected that Council will experience similar application numbers to those experience in 2021 if forecasted trends continue at the same rate as the first quarter of this year.

Note: Data capture of section 10.7 certificate issue timeframes will be available for future reports from April 2022.

Review of Development Systems

In December 2021, an audit was undertaken internally of Council's development systems with a view to optimising e-planning initiatives which will ultimately lead to an increase in efficiency, productivity and legislative compliance. The review aimed at optimisation of Council's existing systems has had to be considered in light of Council's resource and financial capability, more specifically its ability to resource and invest in continuous improvement initiatives. The review has focussed on two main areas being development related applications and Certificates and Planning Certificates or section 10.7 Certificates (formerly section 149s).

1. Development Applications / Certificates

With the introduction of the New South Wales Planning Portal on the 1 July 2021, Council now accepts applications for development via the NSW Government owned and managed portal. Whilst the government claims that the portal is expected to reduce determination times by in excess of 30 days on average, many Councils are experiencing integration issues with their operating systems.

In essence, the portal was designed as a standalone system that does not communicate with Council's operating system Tech 1. The integration of the portal and Tech 1 Property and Rating has caused significant barriers to Council's digital e-planning roadmap and whilst the portal is used for acceptance of applications, the workflows behind the portal are largely manual and paper based causing significant duplication of effort and reduced operational efficiency.

Given the Department's continual changes to the portal IT infrastructure, Tech 1, in 2021 advised all member Councils that it would no longer be developing or supporting connector infrastructure namely an Application Program Interface or API. Council has advocated to the NSW State

Government to provide funding for the API to achieve the Department's overall e-planning objectives however Council has been advised that this is a Council issue, and no funding is currently available.

In order to overcome this barrier, Council has recently invested in IT infrastructure in pursuit of operational efficiency in lodgement and determination of applications via the portal and integration with Council's systems. This is expected to remove duplicated administrative effort and rework and provide a foundation for digitalisation and electronic management of applications. The seamless lodgement of applications within Tech 1 via the portal is expected to more broadly reduce Council's assessment timeframes.

The review has identified that there has been a significant underinvestment in Council's development system workflows (events), standard templates and standard conditions of development consent. Workflows that support the progress of the assessment within the IT operating system are limited and have been identified as a barrier to timely decision making. Currently assessment staff are expending resource effort having to navigate the system and provide unnecessary system work arounds due to workflows that are outdated, that contrast with the requirements of legislation and also do not reflect a logical, consistent and coherent development system events.

Seeking operational efficiency, detailed business process mapping and associated systems workflows has been developed for all application types. The mapping identifies all event structures from the time of lodgement through to the application being determined and post determination matters. Whilst these processes have been mapped, Council is in the process of engaging a business analyst to re-configure Tech 1 to implement the new business processes. At this stage there is no resource capacity to undertake this work in house.

Council's development templates currently do not comply with statutory requirements and staff are continually investing resources into amending the documents on an ad hoc basis to ensure they comply with legislation prior to issue. Significant effort has been employed into reviewing all Council's standard templates and certificates with approximately 700 new and revised templates and subsidiary administrative documents including internal referrals, etc. have now been developed for the full suite of development types and associated certificates. The development of these templates will enable automation and pre-filling which will substantially reduce administrative resource allocation including rework. Efficiency gains with use of standard templates and pre-filling automation of documentation will provide Council with not only standardisation and consistency but will remove human error and will substantially increase operational efficiency.

The revised processes are expected to significantly reduce determination times, improve statutory compliance and provide a more professional approach by creating standardisation and consistency in Council's business workflows and templates. Whilst these templates have been developed, it is likely that they will be installed in Tech 1 alongside the workflows by the business analyst in the second quarter of 2022.

Whilst external referrals to government agencies are now undertaken through the NSW Planning Portal, Council is still experiencing significant issues with respect to timely responses to referral requests. In accordance with the Environmental Planning and Assessment Regulation 2021, government agencies are provided 20 days to either request additional information or provide their concurrence or refusal to provide concurrence in some instances. More recently, Council staff have consistently followed up agencies to provide their concurrence or otherwise. The Regulation provides that in the case where an agency doesn't provide a response within the 20 day period, Council can assume concurrence and proceed with the assessment of the application. In order to achieve responsive assessment outcomes, Council staff will be seeking to utilise these provisions where a response is not received in accordance with the statutory provisions. In the case of the Rural Fire Service, Council will provide a standard 'catch all' condition where the development is supported that compliance is required with the 'NSW Planning for Bushfire Protection Guideline 2019'. This will provide the necessary safeguards for Council moving forward.

The standard of applications that Council receives is generally of low quality and several applications that failed to meet the minimum requirements of schedule 1 of the Environmental Planning and Assessment Regulation. In this case, Council staff are required to issue a notice under the Regulation seeking additional information which causes unnecessary delays in the assessment of the application. Council has committed to increasing community awareness of the documents required to submit an application and the standard of information required to be submitted at time of lodgement. This education will be presented through an increased website presence and a campaign with regular uses of Council's assessment services including local planners, surveyors and other industry participants including developers. At the completion of the education campaign, Council will better utilise its powers under the regulation to provide a 'stronger front end' through only accepting complete applications and rejecting those that fail to meet the required standard. Whilst the clock is stopped on applications where requests for additional information is made, increasing the standard of applications and only accepting complete applications will further aid in the reduction in assessment timeframes.

Currently Council does not provide any consistency in defining or charactering applications within its Tech 1 system. In this case, Council's reporting on specific development types, trends or statistics is impaired. In pursuit of improved management reporting, a tranche of work has commenced to provide business rules around the development description, categorisation and characterisation of development within its operating systems. Whilst considered to be an administrative opportunity for improvement, the benefits of increased governance around data recording and management enables Council to effectively identify development trends and performance of the development function of Council.

Whilst a main focus of the review has been centred around systems and processes, staff resourcing is a major contributor to achieving responsive outcomes in development assessment. Like many other Council's in NSW, Council has been plagued by limited resources, staff vacancies and difficulties in being able to attract skilled labour in a market that is experiencing significant industry wide labour shortages of skilled, professional and experienced Town Planners, Certifiers and Engineers. Council has been unsuccessful in recent recruitment strategies to fill key positions within the section which has been having impacts on its ability to provide basic core statutory functions in a timely and efficient manner. Whilst Council continues to pursue other innovative attraction mechanisms, on occasion it has been required to rely upon contract labour at increased cost to assist in the delivery of its assessment and certification obligations. Limitations on resourcing has a direct and fundamental impact on responsiveness and directly affects Council's ability to effectively perform critical functions efficiently, effectively and in a professional manner. It is likely that Council will require, as development activity increases in the Local Government Area, additional allocation of resources into the Growth and Development business unit to assist in addressing labour and resource shortfalls.

Council's renewed commitment to e-planning and digitalisation of its development systems and end-to-end processes has provided Council with a unique opportunity to reset its existing frameworks and pursue both contemporary, innovative, responsive and statutory compliant development systems that seek to heighten the overall client experience.

2. Planning Certificates

A review was undertaken on Council's business processes and statutory compliance surrounding section 10.7(2) and Section 10.7(5) certificates in February 2022 following receipt of community and industry feedback on the responsiveness of delivery of certificate outcomes.

In response to this feedback and part of a continuous improvement program, Council has reviewed its systems and processes including templates that support the issuing of planning certificates. The review centred around both the adopted templates of the Council and also their compliance with the provisions under the *Environmental Planning and Assessment Act 1979* in particular the questions raised under the Act and the relevant responses provided by the Council. The review found that whilst the overall content of the document was consistent with the broader objectives and intent of the relevant provisions of the Act, there has been significant underinvestment of time to periodically review the document to ensure compliance with the specific requirements and questions under the Act. Accordingly, the document appeared to be out of date.

On 1 March 2022, the Environmental Planning and Assessment Regulation 2021 was introduced which mandated new requirements for the section 10.7(2) and section 10.7(5) certificates in New South Wales. The new Regulation now prescribes a revised planning certificate and questions raised as part of the document. Prior to the commencement of the new provisions, Council staff have completely revised the existing document to provide a refreshed and more professional look and feel document and one that now is in compliance with the statutory provisions. Council has undertaken several workshops with staff engaged in the preparation of the certificates to ensure they have received professional development in the information sought by the documents and effectively how to accurately answer the questions and where to locate the data source in order to provide that response.

Council has, to date, operated two separate parallel systems to generate planning certificates which was identified in the review. One system (for Tumut applications) is partially automated however appears to be labour intensive which includes significant rework by administrative staff to locate information and complete the questions; the other in Tumbarumba is completely manual and operates outside of the Tech 1 system utilising paper-based files to provide relevant responses. Council has ensured that a whole of LGA approach is now being pursued with consistent templates being used and applications being registered within Council's IT operating environment. Whilst improvements have been made to streamline and consolidate these processes, much work is required to fully harmonise the Tumut and Tumbarumba applications given that Tumbarumba operates a fully manual paper-based file system.

The review also found that many of the property attributes, for instance land zoning, constraints such as bushfire, flooding, and land contamination are not updated within Council's system. Investment within Council's GIS system and integration with Council's Tech 1 would provide significant dividends in terms of operational efficiency and accuracy in data reporting, removing rework and would enable automation of Council's planning certificates providing a considerable reduction in time to produce the certificates and aiding overall responsiveness. Council is considering exploring resource allocation to undertake this work in future budgets.

Council's data which informs the planning certificates is not currently centralised and there appears to be no controls over the integrity of such data. Where Council is advised of new data concerning a property, there needs to be an assigned resource who updates land attributes within Council's system and ensures that data integrity is maintained. It is recommended that this be assigned to Council's GIS officer. Considerable work has been undertaken to identify where data sources originate to complete certificate questions and workflow mapping to better understand who is responsible for the integrity and updating of the data set.

When considering the overall time to complete a planning certificate, it was observed through the review that Council traditionally has been over-servicing the client, producing maps and other

supporting information that is not part of the prescriptive requirements for production of a s10.7 certificate. These practices have now ceased and the certificates only provide information on mandatory requirements under the Act.

Council has also commenced the workflow mapping of the business processes surrounding the lodgement, processing and peer reviewing of the planning certificates. The previous workflows have identified that delays are experienced at the time of lodgement with seeking payment for certificates and also registration of the certificate applications within Council's IT operating environment. Council has currently two part-time resources allocated to the generation of planning certificates and is looking to increase a resource allocation in this area until process automation can be fully realised.

In examining any delays experienced with planning certificates, there appears to be delays that are outside of Council's control in the cases where applications are made through an agent and between the timing of the solicitor or real estate agent requesting the agent make application for a certificate and the timing of when Council receives such request. In these cases, the request for the certificate is not made immediately and the delays are attributed to Council when in fact the request had not been made until a later time. Greater controls are now in place to ensure the exact timing of when an application is received by Council. It is noted that despite Council providing advice to solicitors and real estate agents that there can be a delay between when they make application and when Council receives the request, Council has no control over these external factors.

From 1 March 2022, Council will have greater management control of applications made for planning certificates enabling tracking of individual applications by Council staff and also managing the timeframe to issue certificates and reporting. This data is required to better understand certificate demand trends and to understand Council's performance in responsiveness.

It is expected that with further maturity of automation processes including data integrity and pre-filling of planning certificates from Council's GIS system, marked improvements will be made in reduction of certificate issue timeframes.

Council is satisfied that through its renewed commitment to continuous improvement practices in planning certificates that it is confident that it has achieved statutory compliance in both its templates, systems and certificate responses. Increased efficiency has been achieved through a refocus on mandatory requirements and removal of other responses and documentation considered to be over-servicing and with increased investment in land attributes and automation considerable gains can be achieved in automation. Council's overall key performance indicator would be five (5) days from time of lodgement to issue of the certificate with the appropriate investment in systems being made.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability

Operational Actions

1.9.3 Receive, assess, prepare and issue planning-related applications and certificates within legislated timeframes

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|----------------------|---|---|
| Social | Nil Expected | Nil Expected |
| Environmental | Nil Expected | Nil Expected |
| Economic | Any reduction in development assessment timeframes is likely to have a positive impact on the localised economy. | Nil Expected |
| Governance | Greater probity, transparency and accountability can be achieved through periodic development assessment reporting. | Until such time as development assessment statistics are fully automated, reporting requirements will create a minor impact on Council's resources. |

Financial and Resources Implications

Any financial and resource implications will be met through Council's existing adopted 2021/ 2022 financial year operational plan.

Data cleansing, full automation and updating of land attributes within the GIS system and Tech 1 operating environment relating to planning certificates is expected to cost in the vicinity of \$200,000-\$300,000. At this stage, this tranche of work is unfunded, and Council will utilise existing in-house resources to review attributes and data sets as resources permit.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

N/A

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:**N/A/OPTIONS:**

1.THAT Council receive and note the Environmental Planning and Assessment (Statement of Expectations) Order 2021 and including development initiatives and metrics

Option 1 is recommended to Council

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

A media release will be prepared and released to the community based on the development initiatives as outlined in the report.

ATTACHMENTS

- 1 ECM DOC ID 3146555 - 20211215 - Correspondence - Environmental Planning and Assessment (Statement of Expectations) Order (under separate cover)

11. MANAGEMENT REPORTS**11.7 REQUEST TO EXPLORE FUTURE OPTIONS FOR COMMUNITY SERVICES PROGRAMS**

REPORT AUTHOR: MANAGER COMMUNITY SERVICES
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

This report seeks approval to explore options, undertake due diligence, explore service delivery options, and prepare a transition plan for the possible transfer of a range of community services currently delivered by Snowy Valleys Council to another accredited provider. This is in response to funding and service delivery reforms at a national level which will heavily impact the financial sustainability of these programs as anticipated in a recent review and subsequent report into Council's Aged and Disability Services.

National reforms focused on improved service delivery and changing funding models are due to take effect from the end of June 2022 and have provided a logical and prudent opportunity to review SVC's delivery model for community services to ensure it remains effective and efficient for both service users and Council into the future. Through discussion with the funding bodies, it has been established that should Council determine a transfer to another provider as the most effective action, direct negotiation with an accredited provider can only be commenced after the completion of a transition plan.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive and note the report on Request to Explore Options for Community Services Programs.**
- 2. Confirm its commitment to ensuring residents of the Snowy Valleys have access to a range of quality aged services and providers.**
- 3. Endorse proceeding with the exploration of options for the future delivery of the Community Services Programs.**
- 4. Endorse the development of an alternative transition plan and the undertaking of due diligence for a possible transfer of Council's Commonwealth Home Support Program funding contracts, programs, and associated assets to an accredited provider of such programs and services.**
- 5. Request the Chief Executive Officer to submit a report to a future meeting of Council for a recommendation in respect of a possible transfer of SVC Commonwealth Home Support Program funding contracts, programs and associated assets to an accredited provider of such programs and services.**
- 6. Commit to advocating to other levels of government to address any emerging issues in the provision of appropriate aged care programs and services for the residents of Snowy Valleys.**

BACKGROUND:

SVC and its predecessors have operated community programs in Snowy Valleys Community for over thirty years. The programs that are proposed to be evaluated are those operated by the Tumbarumba Multi Service Outlet (MSO) and Tumut District Community Transport (CTO).

MSO and CTO are largely funded under Commonwealth Home Support Program (CHSP) funding aimed at entry-level support to assist older people aged 65 years and over (50 years and over for Aboriginal and Torres Strait Islander people) to remain living at home and in their community. CHSP funds domestic assistance, transport, meals, personal care, home maintenance, social support, nursing, and allied health. The CHSP also supports care relationships through planned respite services for older people. These respite services allow carers to take a break from their usual caring responsibilities.

Community Transport also receives non-emergency health related transport funding for people who cannot use or have difficulty using public and/or private transport or who are disadvantaged by distance to access medical appointments. Other funding received is Department of Veteran Affairs funding for transportation to medical appointments for ex-servicemen and women and their spouses.

In 2020 a review of aged care and disability programs delivered by Council was undertaken by an external consultant. The review highlighted current and impending internal and external impacts on service delivery and recommended that Council revisit its commitment to delivering these programs.

In the summary of strategic issues facing SVC, the report identified that *“There are far-reaching reforms at a national level underway in this sector. The shift from local government centered service delivery to client-centered choice presents many challenges and opportunities. It is timely that SVC investigate the options for future delivery of these services, with a goal to ensure the path forward is in the best interests of consumers, the community and ratepayers.”*

The complete Aged Care, Disability Services and Housing Review Report is attached to this report. The report contains recommendations relating to a range of matters in respect of the delivery of aged and disability services. A comprehensive action plan has been developed and is being implemented to address these matters. This report has been prepared in response to the recommendation above.

At its meeting in October 2021, Council considered the Aged Care, Disability Services and Housing Review Report, including recommendations to explore options for the transfer of the programs, commence the development of a transition plan and undertake due diligence. However, the motion was lost, and Council deferred the matter to a future meeting.

REPORT:

The programs and services subject to this report are:

1. Tumut District Community Transport
 - Transport for NSW – community transport
 - Murrumbidgee Local Health District – non-emergency health related transport (NEHRT) – community transport
 - NDIS – residual transport
2. Tumbarumba Multi Service Outlet
 - Transport for NSW – community transport and Commonwealth Home Support Program (CHSP)
 - Murrumbidgee Local Health District – non-emergency health related transport (NEHRT) – community transport
 - NDIS – residual transport
 - Department of Health – domestic assistance, transport, social support, meals on wheels (CHSP)
 - Respite, home care packages, maintenance & modifications.

The Centrelink function and coordination of the Retirement Village operated from the Tumbarumba MSO are not subject to this report.

Issues and impacts outlined in the Aged and Disability Services Review include, among others, increasing costs of delivering community services programs, impending changes from block funding

to charging in arrears and behind scenes administrative burden due to systems that do not converse. These issues precipitated a review and assessment of Council's role in delivering community services programs.

Block funding enables budgeting based on knowing what you are receiving ahead of each financial year. Funding in arrears makes it difficult to predict budgeting needs, impacting on staffing and service delivery. Council has a small proportion of the community services market within the Local Government Area and without a guaranteed funding amount, will find it difficult to remain competitive and sustainable.

Council would gain efficiencies from a transfer of funding contracts, mostly through less duplication of effort. The change from receiving quarterly block funding to funding in arrears will create more duplication of effort and time through increase to administration requirements and presents a challenge in operating a service reliant on funding that will be received post-delivery of service.

Council staff have met with contract managers for CHSP funding for community transport and spoken with the contract manager for the MSO CHSP funding. The outcome of these discussions revealed that it is possible to transfer services if Council identifies a pre-accredited provider. Alternatively, Council could maintain the funding and sub-contract the service delivery to other providers. The cleanest and most efficient solution would be a transfer of both contracts and delivery. It was cautioned that if Council found a provider willing to take on the contracts, Council would have to comply with 'due diligence' requirements, that is, achieve all actions of the funding contract and complete a transition plan before any transfer of services occur. Sensitivity and a need for a smooth transition of clients between services was reiterated. Once a potential provider is identified and Council approval has been sought, funding contract managers must be advised, upon which a transition plan would be developed. 'Due diligence' by the funding bodies is then commenced. Consideration must also be given to the sensitivity and impacts a potential transfer would have on Council staff. Ongoing communication with staff is at the core of Council's culture. It is anticipated that Council staff employed in the community services programs would have the opportunity to transfer their employment should a transfer of services be the preferred option.

The process of developing a transition plan will assist Council's ability to make informed and objective decisions regarding the future delivery of SVC Commonwealth Home Support Programs. The information contained in a transition plan will allow Council to assess any changes in service delivery against the ability to achieve positive outcomes for clients, communities and current staff as well as Council's ability to efficiently deliver these services in comparison to other providers.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

1.2 Provide accessible services and initiatives which support and contribute to wellbeing across all stages of life

Operational Actions

1.2.8 Implement the recommended actions from the Aged Care review

SUSTAINABILITY ASSESSMENT:

| | Positive | Negative |
|----------------------|---|---|
| Social | Council commits to ensuring quality aged services are accessible to the residents of Snowy Valleys Council | Council may be perceived to be removing the service |
| Environmental | N/A | N/A |
| Economic | Establishing the viability of the services and exploring alternative delivery options will ensure that employment associated with the services remains in the LGA and the services can be delivered sustainably into the future | Doing nothing will result in an economically unsustainable service model, burdening ratepayers with costs to subsidise the services |
| Governance | Governance requirements associated with the delivery of these services are managed appropriately | Increased governance requirements result in additional resourcing requirements |

Financial and Resources Implications

The development of service delivery options, transition plans and management of any potential transfer processes has been included in the 2021/22 and 2022/23 operational budgets. It is expected that governance as well as funding issues will continue to put pressure on Council's limited resources into the future. Exploring alternative delivery models will allow Council to understand where efficiency gains could be effected within the services and in corporate and administrative support.

Costs and Benefits:

Council employs three permanent full-time and two permanent part-time staff to deliver aged and disability services (4.4 FTE). These staff are supported by several casual employees as well as volunteers. Community Transport and aged and disabled services are theoretically run at a cost recovery outcome. However, these services historically have not covered all costs incurred. Reviewing delivery options and possible outsourcing of service delivery will enable Council to fully understand the community service obligations resulting from CTO and aged and disabled services.

It is estimated that the changes to the funding model (funding in arrears) and additional reporting and governance requirements will add \$50K to the annual costs of running the services. Further, with the change to the funding model from 1 July 2022 a detailed budget forecast cannot be provided in advance with a high degree of certainty.

Policy, Legal and Statutory Implications:

CHSP Contracts and services are subject to the Commonwealth *Aged Care Act 1997*. The implications of this report have been discussed with and endorsed by the relevant funding program managers.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Council needs to be aware of the risks involved in providing CTO and aged and disabled services under the funding programs and restrictions. Business risk in particular will increase considerably from 1 July 2022 with new funding and reporting restrictions coming into effect.

A potential risk mitigation strategy is the possibility of transferring services to a local accredited organisation that is fully configured to deliver such services. It would also result in long-term sustainability of the services benefitting an ageing population.

OPTIONS:

In consideration of this matter Council has the following options:

- Endorse and adopt the recommendations;
- Reject the recommendations;
- Amend the recommendations.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Depending on the outcome of service delivery review, evaluation of options and available alternative service providers, a comprehensive communication and engagement plan will be developed and delivered as part of any improvement or transition plan and process.

ATTACHMENTS

- 1 20220414 - Redacted Report - Aged Care, Disability Services and Housing Review (ID3168604) (under separate cover)

12. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - ABORIGINAL LIAISON COMMITTEE - 23 FEBRUARY 2022**

REPORT AUTHOR: COORDINATOR PLACE ACTIVATION
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on the Minutes – Aboriginal Liaison Committee – 23 February 2022**
- 2. Note the Minutes of the Aboriginal Committee meeting held on 23 February 2022**

BACKGROUND:

The Aboriginal Liaison Committee's purpose is to provide a forum for discussion between Council and the Aboriginal Community on key issues. In July 2007, Council and the Aboriginal Community developed a Memorandum of Understanding (MoU). The MoU provides the agreed wording for the Council Acknowledgment of Country and led to the development of the Aboriginal Cultural Protocols and Practices Policy (adopted in 2011).

At Council's Ordinary Meeting of 11 December 2018, M351/18 resolved:

THAT COUNCIL:

- 3 Adopt the MOU between the Aboriginal Community and Snowy Valleys Council.**
- 4 Adopt the Aboriginal Cultural Protocols and Practices Policy.**

REPORT:

Key agenda items discussed at the meeting are summarised below, with many being deferred to the May meeting:

4.2 GIS Team update – LGA mapping

The GIS team presented a draft Map that identifies adjoining Aboriginal Communities and significant sites in the Snowy Valleys Local Government Area. The committee will continue to provide information and feedback during the development of the Map through meetings. Committee members have also been provided with the GIS team email.

4.3 Committee Member Applications

All Committee Membership Application forms received will be reviewed at the May 2022 Aboriginal Liaison Committee meeting. The committee expressed concern that not all applications had been received.

4.4 Review Aboriginal Liaison Committee Terms of Reference

After extensive discussion, the Committee agreed to review the Aboriginal Liaison Committee Terms of Reference at the May 2022 Aboriginal Liaison Committee meeting.

4.5 Discussion Memorandum of Understanding Between Aboriginal Community of Snowy Valley and Snowy Valleys Council Feedback.

The Committee agreed to discuss the Memorandum of Understanding Between Aboriginal Community of Snowy Valley and Snowy Valleys Council Feedback at the May 2022 Aboriginal Liaison Committee meeting.

4.6 Review Aboriginal Cultural Protocols and Practices Policy

The Committee agreed to review the Aboriginal Cultural Protocols and Practices policy at the May 2022 Aboriginal Liaison Committee meeting.

4.7 Review Reconciliation Action Plan (RAP)

The committee discussed the RAP and agreed that more feedback should be obtained during the public exhibition period. The Committee agreed that the RAP should be placed on public exhibition for public comment.

An initial review of the draft has identified some inconsistencies in the plan that are a result in the extensive delays in obtaining feedback from Reconciliation Australia. This has ramifications on the dates including in the plan for delivery of key actions. Staff are commencing work within resourcing availability to realign the plan to cover the period 1 July 2022 – 30 June 2023, which is consistent with the 2022-23 Operational Plan and budget period. Once this is complete, the plan will be made available for public exhibition.

5 GENERAL BUSINESS

Committee requested an update on the progression of the Interpretative Walking Trial at Murrays Crossing 'Gudja Gudja Mura' project and the process involved for consideration to be included in the Tracks and Trails Masterplan. The committee also discussed the possibility of Council nominating a staff member as a point of contact to liaise with regarding the 'Gudja Gudja Mura' project.

6 NEXT MEETING

Wednesday the 18th of May 2022.

There being no further business to discuss, the meeting closed at 12.20pm.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.1 Partner with local communities to create an ongoing culture of engagement to aid Council decision making

Operational Actions

4.6.4 Continue to progress Council's Reconciliation Action Plan

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

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

The Aboriginal Cultural Protocols and Practices Policy provides the option of a payment up to the amount of \$100 to Elders when they deliver a 'Welcome to Country' at significant Council events

Costs and Benefits:

The Aboriginal Liaison Committee provides a link for Council and the Aboriginal Community and provides a platform for the Aboriginal Community to raise matters that concern them that Council may be able to assist with. It allows the two parties to work in partnership to develop and deliver a program of Aboriginal Cultural recognition activities and for Council to support Indigenous cultural activities and projects

Policy, Legal and Statutory Implications:

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

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:**OPTIONS:**

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

- 1 Minutes - Aboriginal Liaison Committee - 23 February 2022 (under separate cover)

12. MINUTES OF COMMITTEE MEETINGS**12.2 MINUTES - AERODROME COMMITTEE MEETING - 8 MARCH 2022**

REPORT AUTHOR: SURVEY & DESIGN ENGINEER
RESPONSIBLE DIRECTOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the Minutes – Aerodrome Committee Meeting – 8 March 2022**
2. **Note the Minutes of the Aerodrome Committee meeting held on 8 March 2022**
3. **Adopt the following recommendations from the minutes:**
 - a) **That Council change the Terms of Reference in point 4 (a) to state ‘three meetings per year’ as per the Committee Operations Manual (Part 5 - Meetings).**
 - b) **That Council adopt the changes to the Aerodrome Committee Terms of Reference.**

BACKGROUND:

The Aerodrome Committee Meeting was held on the 8th March 2022 as scheduled and Minutes of the meeting were taken.

REPORT:

The committee received reports on and discussed the following:

- New Council and Councillor delegates assigned
- Committee Nomination Forms
- Changes to the Aerodrome Committee Terms of Reference
- Correspondence – Catalyst One – Lattice tower at Adjungbilly
- Status Update – Aerodrome Stage 2 works (BLER grant)
- Status Update – Aerodrome Stage 1 Works (RAP1 grant)
- Status Update – Future Hangar Space
- Announcement of Fire Control Centre for Tumut Aerodrome

The pertinent points of discussion arising include:

- The Terms of Reference state that meetings are quarterly - this is not true as there is never a meeting in December. This should be changed to ‘three times per year’.
- Frustration in the community due to the lack of consultation surrounding the acquisition of land for the Aerodrome Stage 2 works. Residents of the Tumut River Orchard Estate (TROE) are anxious to have Council hear their concerns for the community if the land acquisition goes ahead – there a number of issues including DA requirements, inequality of community contributions, legal access arrangements, mortgages, etc.

OFFICER NOTE: Letters to affected landowners were issued by Public Works Advisory (PWA are contracted to Council to handle the land acquisitions) on 4 March 2022. Council met with the majority of affected landowners individually on 6 April 2022 with very positive results. Most of the concerns raised in the meetings were allayed, with some issues taken on notice for development of appropriate solutions. The majority of issues raised in the committee meeting affect the Tumut River Estate Association (TREA) rather than the individual landowners. PWA is currently seeking legal advice on how best to approach the interest which Tumut River Estate Association has in the land affected by the proposed acquisitions.

- Question on the climb gradient to the north of Tumut Aerodrome (for twin engine aircraft) and whether this will present a problem with operations when the Stage 2 works are complete.
- Council Notice of Motion for Stage 2 project.
- Discussed a number of issues with the proposal such as where the Fire Control Centre would be located to best fit with the overall aerodrome masterplan, the amount of space required, noise from helicopters impacting residents, etc.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

5.4 Provide a program to deliver and improve public amenities and infrastructure which meets an acceptable community standard

Operational Actions

5.3.2 Maintain aerodrome and airstrip in accordance with agreed Service Management Plans

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

N/A

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

In accordance with the *Local Government Act 1993*, 375 Minutes, requires Councils 'to keep full and accurate minutes'.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

N/A

OPTIONS:

Council may choose to keep the existing Terms of Reference wording, change it as recommended, or change it to something other than the wording recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Aerodrome stakeholders have been engaged through the Aerodrome Committee.

Letters sent to the affected landowners on 4 March 2022.

Council met with a number of landowners on 6 April 2022 in a series of quite positive individual meetings. Two landowners have not had their individual meetings yet as they have not been available due to school holidays.

ATTACHMENTS

- 1 Minutes - Tumut Aerodrome Committee - 8 March 2022 (under separate cover)
- 2 Aerodrome Committee Terms of Reference (under separate cover)