



**SNOWY VALLEYS EXTRAORDINARY
COUNCIL MEETING
BUSINESS PAPER
7 OCTOBER 2021**

THE MEETING WILL BE HELD AT 2.00PM
VIA VIDEO LINK

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

4.28 Councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 Disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

Disclosure of Political Donations and Gifts

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

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

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

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

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

15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

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

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

Photography

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

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



Thursday 7 October 2021
Snowy Valleys Council Chambers
Via Video Link
2.00pm

EXTRAORDINARY 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 AND LEAVE OF ABSENCE

3. DECLARATIONS OF PECUNIARY INTEREST

Pursuant to Section 451 of the Local Government Act (1993), Councillors are required to declare any direct or indirect pecuniary interest in any matters being considered by Council.

4. ADMISSION OF LATE REPORTS

5. GOVERNANCE AND FINANCIAL REPORTS

- 5.1 NOTICE OF MOTION - SNOWY VALLEYS COUNCIL ENCOURAGES COVID VACCINATION..... 2
- 5.2 DELEGATION OF AUTHORITY TO SIGN "STATEMENT BY COUNCIL ON ITS OPINION OF THE ACCOUNTS" FOR THE 2020/21 ANNUAL FINANCIAL STATEMENTS 4

6. MANAGEMENT REPORTS

- 6.1 DA2020/0191 - PROPOSED CARAVAN PARK - 30 PADDY'S RIVER FALLS ROAD BURRA 8

7. CONFIDENTIAL

8. MEETING CLOSURE

5. GOVERNANCE AND FINANCIAL REPORTS

5.1 NOTICE OF MOTION - SNOWY VALLEYS COUNCIL ENCOURAGES COVID VACCINATION

REPORT AUTHOR: CHIEF EXECUTIVE OFFICER

RESPONSIBLE DIRECTOR: MAYOR JAMES HAYES

Notice of Motion:

Councillor Ham moved and Cr Smit seconded a notice of motion to clarify the Snowy Valleys Council position on COVID Vaccination in the Snowy Valleys Community.

RECOMMENDATION:

THAT:

1. **Snowy Valleys Council supports the Mayor's stance and urges the community to the uptake of the COVID vaccination where it individually safe to do so following medical advice;**
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;**
3. **Snowy Valleys Council and staff to work to minimise the impact of COVID, on local and regional health services, by reducing the spread of the virus;**
4. **Snowy Valleys Council continues to work to support local businesses by working with all stakeholders to ensure a strong economic recovery post lockdown.**

REPORT:

Notes:

The writer received a request to put forward a Notice of Motion at the Extraordinary meeting to be held in October and the motion has a mover and seconder.

Officers Comment:

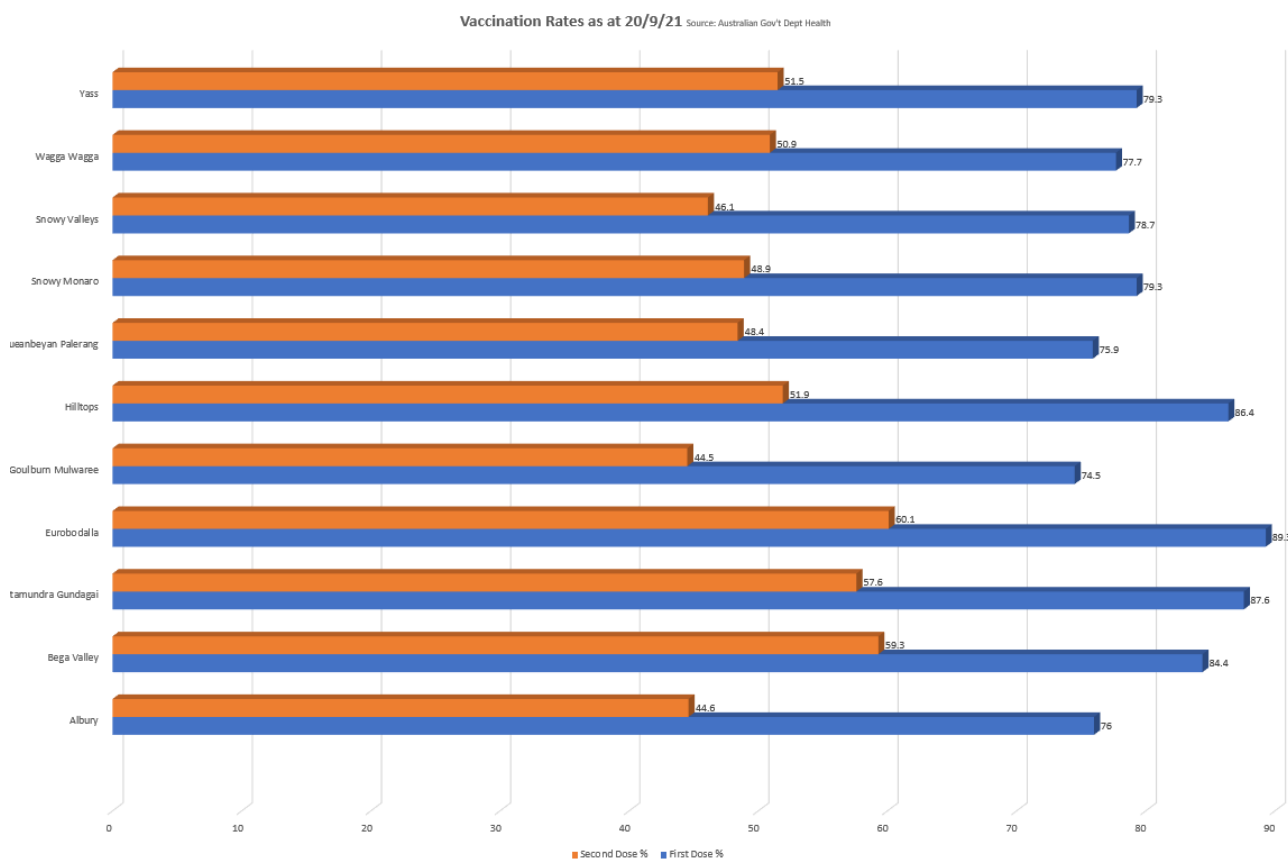
As at 20 September Snowy Valleys Council had the following vaccination rates for people over 15 years old:

- First Dose Received – 78.7 %
- Second Dose Received – 46.1 %

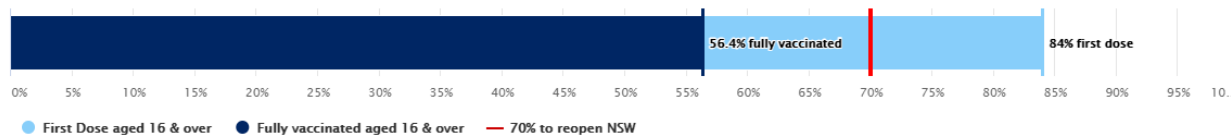
This compares to surrounding Local Government Areas:

| Local Government Area | First Dose % | Second Dose % |
|-----------------------|--------------|---------------|
| Albury | 76 | 44.6 |
| Bega Valley | 84.4 | 59.3 |
| Cootamundra Gundagai | 87.6 | 57.6 |
| Eurobodalla | 89.3 | 60.1 |
| Goulburn Mulwaree | 74.5 | 44.5 |

| Local Government Area | First Dose % | Second Dose % |
|-----------------------|--------------|---------------|
| Hilltops | 86.4 | 51.9 |
| Queanbeyan Palerang | 75.9 | 48.4 |
| Snowy Monaro | 79.3 | 48.9 |
| Snowy Valleys | 78.7 | 46.1 |
| Wagga Wagga | 77.7 | 50.9 |
| Yass | 79.3 | 51.5 |



Vaccination in NSW



Fully vaccinated numbers at 12am 22 September 2021

ATTACHMENTS

Nil

5. GOVERNANCE AND FINANCIAL REPORTS**5.2 DELEGATION OF AUTHORITY TO SIGN "STATEMENT BY COUNCIL ON ITS OPINION OF THE ACCOUNTS" FOR THE 2020/21 ANNUAL FINANCIAL STATEMENTS**

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

EXECUTIVE SUMMARY:

Council is required to delegate authority to the Mayor, a Councillor, General Manager and Responsible Accounting Officer to sign the 'Statement by Council on its opinion of the Accounts' for 2020/21.

RECOMMENDATION:**THAT COUNCIL:**

In accordance with Section 413 of the Local Government Act, and subject to endorsement from the Audit, Risk & Improvement Committee, resolve:

- 1 That its 2020/21 Annual Financial Statements:
 - a. Are in accordance with the Local Government Act 1993 (as amended and the Regulations made there under);
 - b. Are in accordance with the Australian Accounting Standards and Professional Pronouncements;
 - c. Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting 2020/21;
 - d. Present fairly the Council's 2020/21 operating result and financial position;
 - e. Are in accordance with Council's accounting and other records; and
 - f. Council is not aware of any matter that would render this report false or misleading in any way.
- 2 To delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer (General Manager) and the Responsible Accounting Officer to sign the 'Statement by Council on its Opinion of the Accounts' (clause 215 of the Local Government General Regulation).
- 3 That the Chief Executive Officer (General Manager) be 'authorised to issue' the 2020/21 accounts immediately upon receipt of the auditor's report.
- 4 To invite Council's Auditor to attend the October Ordinary Council Meeting to present the 2020/21 Financial Reports.

BACKGROUND:

Sections 413 to 421 of the Local Government Act 1993 relate to the Council's annual reporting requirements.

Council is required to submit its audited annual financial statements for the financial year ending 30 June 2021 to the Office of Local Government by 31 October 2021.

REPORT:

The NSW Audit Office (with Crowe Horwath being the contracted auditor) has reviewed the financial statements for the 2020/21 financial year. This process is currently progressing to meet the deadline of submitting the Financial Statements to the Office of Local Government by 31 October 2021.

Section 413 requires that Council must provide an opinion on its financial report by way of a statement attached to the reports. The content of the statement is specified in the Local Government (General) Regulation, as follows:

19 *Statement by a Council on its annual reports*

(1) *The statement required by section 413 (2) (c) of the Act must:*

a) *Be made by resolution of the Council, and*

b) *Be signed by:*

i. *The Mayor, and*

ii. *At least one other member of the Council, and*

iii. *The responsible accounting officer, and*

iv. *The General Manager (if not the responsible accounting officer).*

(2) *The statement must indicate:*

a) *Whether or not the Council's annual financial reports have been drawn up in accordance with:*

i. *the Local Government Act 1993 (as amended) and the Regulations made thereunder,*

ii. *The Australian Accounting Standards and professional pronouncements; and*

iii. *The Financial Statement Guidelines for NSW Councils.*

b) *Whether or not those reports present fairly the Council's financial position and operating result for the year, and*

c) *Whether or not those reports accord with the Council's accounting and other records, and*

d) *Whether or not the signatories know of anything that would make those reports false or misleading in any way, and include such information and explanations as will prevent those reports from being misleading because of any qualification that is including in the statement.*

(3) *The Council must ensure that the statement is attached to the relevant annual financial reports.*

The recommendation is in accordance with the requirements of the Act and Regulation.

Draft Financial Statements were presented to Council's Audit, Risk and Improvement Committee (ARIC) at an Extraordinary meeting on 29 September 2021.

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

- Recognition of Rural Fire Service (RFS) assets
- Negative unrestricted cash balance

Recognition of RFS assets continues to be a controversial matter for a majority of NSW Local Councils. Currently Council does not recognize RFS assets on the asset register. Council's rationale for this determination is as follows: Based on Australian Accounting Standard 116 Preparation and Presentation of Financial Statements (AASB 116) Council does not receive the economic benefits from the assets and the assets are not controlled by Council. A position paper was prepared and presented to Council's auditors and ARIC. ARIC supported Council's approach in not recognising the RFS Assets.

Unrestricted cash was discussed in detail and was agreed to be shown as presented in the draft financial statements as a negative unrestricted cash balance with the following notation in the financial statements: *At 30 June Council recognized outstanding Disaster Recovery Funding Arrangements (DRFA) claims in excess of \$5.5M as receivables (Note C1-4) for work delivered during the financial year 2020/21. These claims were still being evaluated and payment was yet to be received from the State Government, resulting in Council holding a negative unrestricted cash balance at year end.*

Draft 2020/21 Financial Statements – Income Statement:

| \$ '000 | Notes | Actual 2021 | Actual 2020 |
|--------------------------------------------------------------------------------------------------------|-------|----------------|----------------|
| Income from continuing operations | | | |
| Rates and annual charges | B2-1 | 17,051 | 17,045 |
| User charges and fees | B2-2 | 16,905 | 15,201 |
| Other revenue | B2-3 | 3,705 | 1,822 |
| Grants and contributions provided for operating purposes | B2-4 | 25,350 | 15,300 |
| Grants and contributions provided for capital purposes | B2-4 | 11,740 | 11,724 |
| Interest and investment income | B2-5 | 435 | 515 |
| Other income | B2-6 | 1,513 | 1,108 |
| Total income from continuing operations | | 76,699 | 62,715 |
| Expenses from continuing operations | | | |
| Employee benefits and on-costs | B3-1 | 20,246 | 20,580 |
| Materials and services | B3-2 | 34,453 | 22,814 |
| Borrowing costs | B3-3 | 473 | 503 |
| Depreciation, amortisation and impairment for non-financial assets | B3-4 | 11,172 | 11,704 |
| Other expenses | B3-5 | 1,290 | 1,055 |
| Net losses from the disposal of assets | B4-1 | 2,305 | 2,028 |
| Total expenses from continuing operations | | 69,939 | 58,684 |
| Operating result from continuing operations | | 6,760 | 4,031 |
| Net operating result for the year attributable to Council | | 6,760 | 4,031 |
| Net operating result for the year before grants and contributions provided for capital purposes | | (4,980) | (7,693) |

The 2020/21 Draft Income Statement shows total income from continuing operations of \$76.7M, total expenses from continuing operations of \$69.94M, resulting in a net operating surplus of \$6.76M which includes capital grants and contributions. The net operating result when excluding grants and contributions provided for capital purposes results in a loss of \$4.98M.

Council's revenue increased by \$13.99M, mainly due to unprecedented grant funding and contributions for works undertaken on bushfire clean up. A total of \$25.35M in operating grants and contributions and \$11.74M in capital grants and contributions was recognised.

Council's operating expenditure increased by \$11.26M compared to last year mainly due to spending on bushfire clean up works which resulted in a considerable increase in contractor costs. Employee costs decreased slightly from the previous year, and depreciation costs decreased by \$532K upon revaluation and assessment of transport and stormwater assets.

Council held \$709M in assets, of which \$658M were in the form of infrastructure, property, plant and equipment. The cash balance at 30 June 2021 was \$38M.

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:

Nil

Financial and Resources Implications

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

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

As detailed in the report

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Audited Financial Statements will be presented to the ordinary Council meeting in October 2021 by the External Auditor. Media releases and website information will follow both Council meetings to provide further information to the public.

ATTACHMENTS

- 1 Draft Annual Financial Statements 2020/21 (under separate cover) [⇒](#)
- 2 Statement by Councillors and Management GP (under separate cover) [⇒](#)
- 3 Statement by Councillors and Management SP (under separate cover) [⇒](#)

6. MANAGEMENT REPORTS

6.1 DA2020/0191 - PROPOSED CARAVAN PARK - 30 PADDY'S RIVER FALLS ROAD BURRA

REPORT AUTHOR: MANAGER GROWTH & ACTIVATION
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

A development application was lodged with Council on 12 June 2021 seeking development consent for the purposes of a 'Caravan Park' at Lot 11, DP 747976, known as 30 Paddys River Falls Road, Burra. The proposal includes the construction of fifteen (15) dedicated caravan sites, three (3) moveable dwellings, a visitor centre with shared facilities, shop facilities and amenities.

The proposal also includes ancillary access arrangements, earthworks and landscaping treatments. The proposal is considered to be integrated development and accordingly has been required to be referred to relevant government agencies for assessment and concurrence.

The proposal has been reported to Council on the basis of the number of submissions received from the public. Key issues presented through those submissions have been considered and responses have been discussed within the report.

The merits of the application have been assessed in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* and accordingly it is recommended that the application be determined by way of approval subject to conditions of development consent.

| | |
|---------------------------------|-------------------------------------------------------------|
| Applicant | Tim Lee Architects |
| Land owner | Wayne Ford |
| Zoning Context | RU1 – Tumut Local Environmental Plan 2012 |
| Capital Investment Value (\$) | \$1,300,000 |
| Notification Period | 14 July 2020 - 29 July 2020 |
| Number of submissions | 6 (six) submissions received during the notification period |
| Political Donations declaration | Nil |
| Reasons for referral to Council | Public interest matter – number of submissions. |

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on DA2020-0191 – Proposed Caravan Park - 30 Paddy's River Falls Road Burra.
2. Determine Development Application 2020/0191 by way of approval for the purposes of a Caravan Park at Lot 11, DP 747976 known as 30 Paddy's River Falls Road Burra subject to Conditions of Consent.

BACKGROUND:

Subject Site and Locality

Attachments 2 and 3 provide an illustration of the land's general location and layout. The land is identified as Lot 11, DP747976, known as 30 Paddy's River Falls Road, Burra, and comprises approximately 159Ha of total area.

The subject site is located approximately 14km to the southeast of Tumbarumba, with the surrounding land currently being utilised for primary production, agricultural and rural residential land uses. In proximity to the site is Paddy’s River Falls, being a significant attraction for visitors and tourists to the region. There are currently two free campsites located within the general area of the site.

It is considered that the proposal is generally consistent with the existing land uses of the area and is not expected to cause unmanageable land use conflict. Onsite management plans and physical measures including the site layout are proposed to increase the compatibility of the site with surrounding land uses.

The site is currently utilised for agricultural activities and contains a number of improvements, including a dwelling, several farm buildings and structures, and upgraded access arrangements. The overall slope of the site falls moderately from North to South, with the southern portion of the site sloping very steeply to Paddy’s River, as shown in Figure 3 below. The development site has been located to the north of the site to maximise views from the site and to avoid steeply sloped terrain.



Figure 1: Aerial of Subject Site (Lot 11, DP747976)



Figure 2: Cadastral map of subject site and surrounding properties

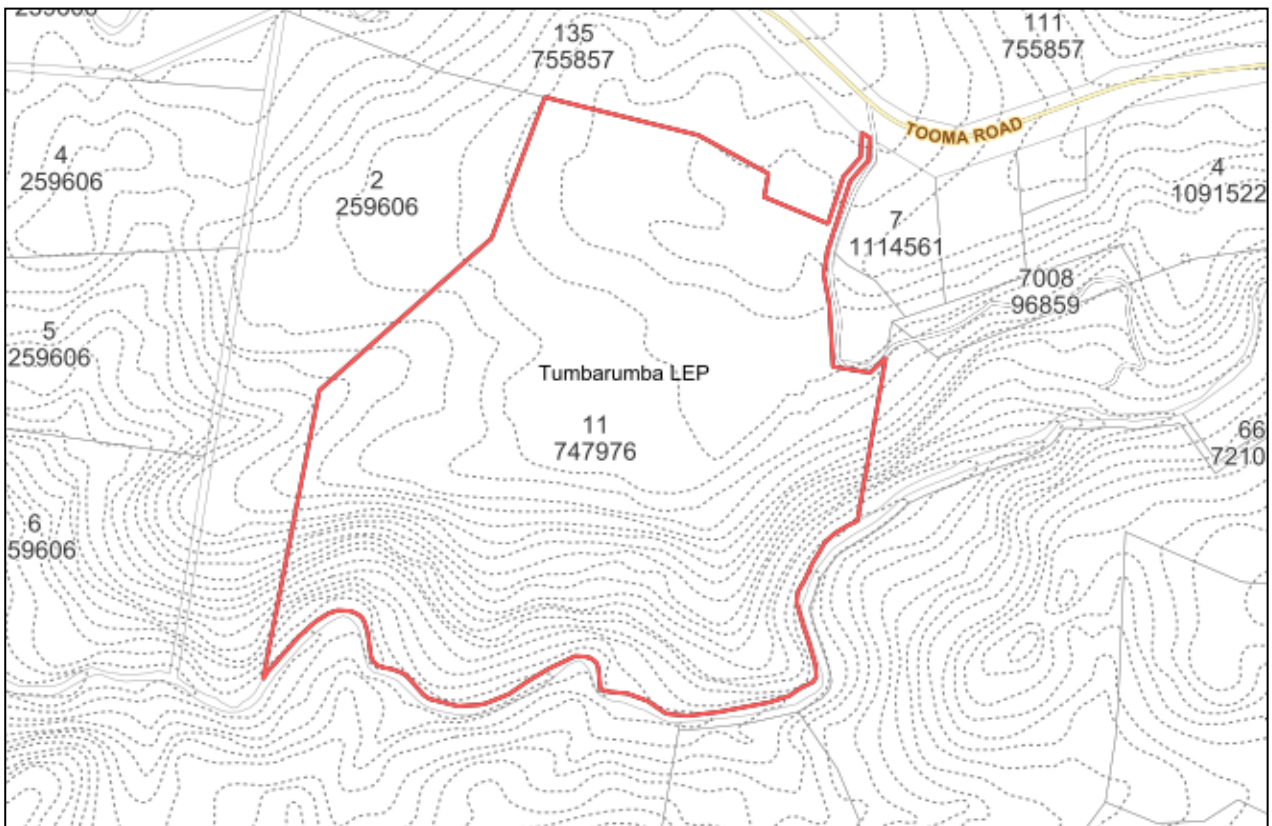


Figure 3: Topographic Map of Subject Site

Proposed Development

The proposal includes:

- 15 Caravan or Tent sites
- 3 moveable dwellings as short-term accommodation only
- A visitor centre that includes
 - o Administration
 - o Small retail store
 - o Kitchen
 - o Laundry
 - o Indoor recreation facilities
- Amenities blocks
- Associated earthworks
- Associated internal access roads, paths and vehicle wash bay

Attachment 4 provides a site plan and elevations drawings that outline the development as proposed.

The application as initially submitted did not provide the appropriate level of detail in accordance with schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and accordingly Council requested additional information via clause 54 of the Regulation on 9 November 2020, 28 April 2021, 12 May 2021 and 27 July 2021 to address these deficiencies including:

- Traffic impacts of the development to the surrounding road network
- Address requirements under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- Address State Environmental Planning Policy (Koala Habitat Protection) 2020 in relation to potential impacts on koala habitat by the development.
- Legibility of the documents in support of the application including the site plan.

Additional plans and documentation were submitted in response to Council's requests and the information provided has been assessed as part of this application.

REPORT:

Statutory Provisions

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

State Environmental Planning Policies

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

State Environmental Planning Policy 55 Remediation of Land

- Clause 2 - Object of the Policy

The proposed development is considered satisfactory with respect to the particular aims of SEPP 55 to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.

- Clause 7 – Contamination and remediation to be considered in determining a development application.

Council has undertaken a desktop review of the previous uses of the land and also has conducted a site inspection of the premises to ensure that there are no contamination issues present. The former use of the site includes agricultural pursuits. From a site inspection, no

evidence of animal dips or chemicals or hazardous waste could be identified. The land is not considered to be contaminated, nor does it require remediation for the purposes of the development.

State Environmental Planning Policy 21 – Caravan Parks

- Clause 3 - Aims, Objectives etc

The proposed development is considered to be consistent with the aims and objectives of SEPP 21 to encourage the economic and orderly development of land for the purpose of caravan parks, the proper management and development of land so used for the purpose of a caravan park, the provision of community facilities for caravan parks, and the protection of the environment on and in the vicinity of the caravan park.

- Clause 10 – Matters to be considered by Councils

The proposal is considered to be suitable for short term accommodation for tourism purposes. The site is not considered to be suitable for long term residents. The proposed caravan park is assessed as being consistent with the provisions of SEPP21.

State Environmental Planning Policy – (Koala Habitat Protection) 2020

- Clause 8 – Is the land potential koala habitat?

The land is considered to be potential koala habitat given the amount of native vegetation on the site, as defined in the SEPP.

Clause 9 – Is the land core koala habitat?

The applicant has submitted a statement indicating that no koalas have been sighted on the property through the course of the current landowner's ownership. In conjunction with the siting of the development and minimal clearing proposed, it is considered that there will be minimal impact on koala habitat as a result of the development.

Local Environmental Plans

The *Tumbarumba Local Environmental Plan 2010* as amended applies to the subject site.

- Clause 1.2 - Aims of the Plan
The aims of the Tumbarumba LEP are:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to develop local planning controls that manage human settlement, rural activities and the natural environment in a manner that contributes to the unique quality of Tumbarumba,

(b) to encourage development that supports the long term economic viability of the local community,

(c) to ensure development is undertaken in a manner that mitigates impacts on the natural environment,

(d) to encourage development that promotes positive social outcomes for the local community.

The proposal is considered to be generally consistent with the aims of the Tumbarumba LEP 2010.

- Clause 1.4 – Definitions

The proposed development comprises of the construction of caravan spaces, associated amenities, moveable dwellings, shop and visitor centre for the purposes of tourist accommodation. The development has been characterised as a **caravan park** and development ancillary to a caravan park in accordance with the standard instrument definitions.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

- Clause 2.3 - Zone objectives and Land Use Table

The land is zoned as RU1 Primary Production and E3 Environmental Management under the *Tumbarumba Local Environmental Plan 2010*. The proposed development site is located wholly within the RU1 Primary Production zone. As defined within the RU1 Land Use Table, a **caravan park** is permissible with development consent of the Council.

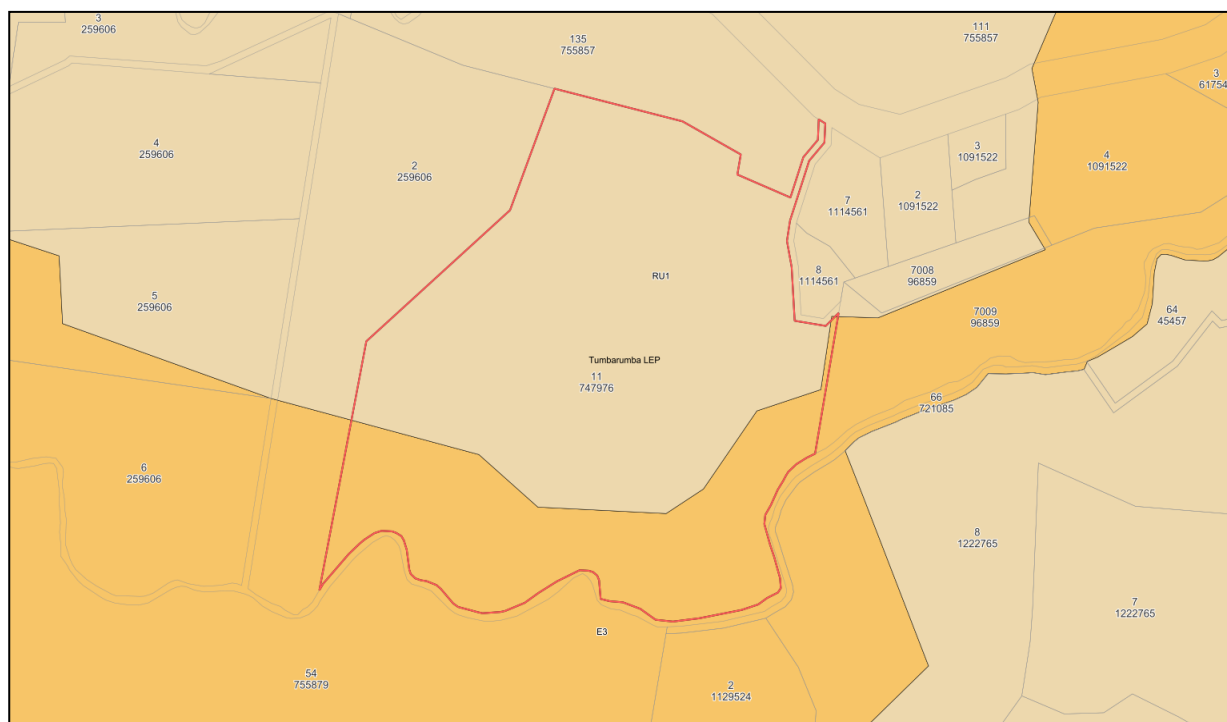


Figure 4: Zoning Map of Subject Site and Locality

- Clause 4.6 – Exemptions to development standards

This clause permits exemptions to development standards outlined in the LEP that may be necessary to permit development on the site. No exemptions to development standards outlined in the LEP are required to facilitate the development.

- Clause 6.2 Biodiversity

This clause identifies areas throughout the Tumbarumba LEP area that are considered to represent areas of high biodiversity value. The subject site is identified on this mapping; however, the development has been sited to avoid significant impacts to these areas containing significant biodiversity.

Development Control Plans

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

The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2019 that applies to the land:

| Clause | Prescriptive Control / Performance Standard | Commentary | Compliance |
|--------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Vehicle access standards | Vehicle access to all development is to be designed to be safe. | Council Engineers have reviewed the provided development plans and the traffic impact assessment and have concluded that the proposed access is adequate for the proposed development including the type of design vehicle to be utilising the site. | Complies with requirements |
| Bushfire | Development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines | Consistent – see concurrence advice and conditions from RFS. A bushfire safety authority has been issued for this development. | Complies with requirements |
| Cut and fill | Cut and fill not to exceed 1m. | The proposed cut and fill will not exceed 1m. All cut and fill and retaining walls to be engineered. | Complies with requirements |

It is considered that the proposal is consistent with all relevant controls of the Snowy Valleys Council DCP 2019 and no departures have been identified.

Planning Agreements

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

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

Regulations

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

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* is applicable to the proposed development. The proposal has been assessed against the requirements outlined by the Regulation.

| Consideration of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consideration of Division 3 – Caravan Parks of the Regulation | |
| Subdivision 1 Land and site requirements | The proposal meets the requirements of this section of the LG Regulations. The area of the caravan park is more than 1ha. At least 10% of the total land area is reserved for communal activities. The site areas are consistent with the requirement for short term sites. Requirements for identification of sites and boundaries will be conditioned. |
| Subdivision 2 Setbacks | The proposal meets the requirements of this section of the LG Regulations being 10m setbacks from primary roads and 3m |

| Consideration of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consideration of Division 3 – Caravan Parks of the Regulation | |
| | from another boundary. All setback requirements have been, or can be met. |
| Subdivision 3 Roads | The proposal meets the requirements of this section of the LG Regulations. All road access requirements have been, or can be met. |
| Subdivision 4 Utility services | The proposal meets the requirements of this section of the LG Regulations. All utility access requirements have been, or can be met. |
| Subdivision 5 Shower and toilet facilities | <p>The proposal meets the requirements of this section of the LG Regulations. Developments with less than 25 sites are to provide to following number of facilities:</p> <ul style="list-style-type: none"> • 5 water closets (2M, 3F) • 1 urinal • 4 Showers (2M, 2F) • 4 Hand basins (2M, 2F) <p>All shower and toilet provision requirements are proposed to be met.</p> |
| Subdivision 6 Laundry facilities | <p>The proposal meets the requirements of this section of the LG Regulations. All laundry facility requirements are proposed to be met. Requirements include:</p> <ul style="list-style-type: none"> • 1 Laundry tub • 2 washing machines <p>The laundry facilities are proposed to be provided within the administration building.</p> |
| Subdivision 7 Management | The proposal meets the requirements of this section of the LG Regulations. All management requirements can be met. The requirements of this section are to provide the basis of the Plan of Management as required as a condition of consent. |
| Subdivision 8 General | The proposal meets the requirements of this section of the LG Regulations. All requirements have been, or can be met. A vehicle washing bay has been indicated on the provided plan set. |
| Subdivision 9 Primitive camping grounds | Not Applicable. |

Following the provision of additional information and revised plans, the proposal is considered to be consistent with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Coastal Management Plans

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

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

Impacts of the Development

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

Context and Setting

The proposed development is not expected to have significant negative impacts on the locality context and setting with particular regard to the existing context and setting with particular regard to existing and desired scenic qualities and features, the character and amenity of locality and the character and density of the development in the locality. The development as proposed is not considered to be out of context of the rural setting and will provide diversification of visitor accommodation choice for tourists to the Snowy Valleys Local Government Area.

Site design and internal design

The overall site design and layout is considered to be adequate, responding to the challenges of the site including the topography. Cut and fill is required to create level building and campsite pads, with the internal road linking the upper and lower levels of the development site. The overall layout of the site is consistent with the expected layout of similar development, with amenities located close to camp sites or caravan parks. The development has satisfied the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, as discussed in the Regulations section.

Heritage

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

Suitability of the site for the development

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

The proposed development is not considered to be incompatible with the localities existing or desired character and amenity.

The site is considered to be suitable for the proposed development with regard to the surrounding land uses and the rural and agricultural nature of the locality. The proposal will not impact the ability of the site to be continued to be utilised for other primary production activities. Site access and transport impacts have been assessed as being adequate, with the existing road network being considered to be adequate for the proposed volume and size of anticipated traffic.

Bushfire risk on the site can be managed in accordance with the requirements provided by RFS during the referral process as integrated development. The site has no other significant natural hazards.

The site is well placed to service the tourist industry in the area. There are two free campsites nearby, but do not have the facilities proposed by the development. The site is also located close to a significant tourist attraction, being Paddy's River Falls, which may encourage patronage of the site.

The development is considered to be suitable for short term stays only, with no long term stays or residents permitted.

Submissions made in accordance with the Act or Regulations

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

Discussion surrounding any submissions made is outlined in the Community Engagement / Consultation section of this report.

Public Interest

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

The development application is considered to be within the public interest as the proposal will provide additional tourist accommodation options within the Local Government Area adding to the overall economic mix to support tourism and economic development. Any impacts associated with the development can be mitigated through applying conditions of development consent and also through licencing under the Local Government Act (s.68). The prescribed conditions of consent will also require the proponent to develop a management plan for the site to ensure that amenity of the area is preserved during operation of the site.

Consultation

Pre-lodgement Meetings Internal Consultation

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

External Referrals:

| Referrals | Advice / Response / Conditions |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New South Wales Rural Fire Service (s100B of the Rural Fires Act 1997) | New South Wales Rural Fire Service has provided its Bushfire Safety Authority supporting the proposal dated 16 September 2020 subject to concurrence general terms of approval. Those conditions have been included in the conditions of consent in Attachment 1. |

Internal Referrals:

| Referrals | Advice / Response / Conditions |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Engineer | Council's Development Engineer notes that the proposed development and the anticipated additional traffic demands are marginal and acceptable and are not beyond what is reasonably expected of road of the identified hierarchy – no traffic upgrades are required to be conditioned. Council's Engineer accepts the findings of the submitted Traffic Impact Assessment. |
| Certifier | Council's Certifier has raised no objection to the proposed development, subject to recommended conditions of development consent as outlined in Attachment 1. |

Community Participation Plan – Notification

In accordance with Council's adopted Community Participation Plan dated April 2020, Council notified the development application to properties surrounding the development in accordance with the plan inviting submissions between 14 July 2020 and 29 July 2020. Notification of the proposal attracted six (6) submissions in total with 1 submission in support of the development and five (5) submissions opposing the development. Issues raised in the submissions received included:

- Traffic generation and safety of local road network
- Land use conflict
- Existing views and privacy
- Noise generation
- Right to farm/forest

| Submission Issue | Response |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic generation and safety of local road network | The applicant has submitted a Traffic Impact Assessment prepared by appropriately qualified and professional traffic consultants that identifies the relevant standards and requirements for traffic improvements in line with the anticipated amount of additional traffic to be generated by the development. This report has been reviewed and assessed by Council's Development Engineers for adequacy. The findings of the report were found to be consistent with road safety requirements and Councils Development Engineer concurred with the findings of the report. No upgrade to the intersection of Paddy's River Falls Road or the intersection with Tooma Road is considered to be required. |
| Land use conflict | The proposed land use is a permissible use within the RU1 Primary Production zone. The siting and scale of the development is considered to be appropriate in minimising any potential land use conflict. The proper management of the site to reduce offsite impacts is required as a condition of consent through the provision of a Plan of Management. It is considered that the proposed development will not have any significant impact on the use of surrounding lands for existing approved uses |
| Existing views and privacy | <p>As the site is located on a ridgeline in the area, some impacts to existing views will occur however these are not considered to be unmanageable. These impacts will be limited to additional built form in the landscape as a whole, which would be consistent with any development on the site. The main built form that will be visible from adjoining properties is considered to be the proposed visitor/administration centre and the moveable dwellings. The other main public viewing angle is from Paddy's River Falls Road, which is currently partially screened through roadside vegetation. It is considered that the majority of the site will be screen by topography from this angle, with the main built form visible being the proposed visitor/administration centre. Some additional landscaping is proposed around this structure to soften the overall appearance of the building.</p> <p>The nearest dwellings to the site are not visible, however there are some dwellings on the other side of the valley to the south east. The distances are sufficient to these dwellings (approx. 1450m) to minimise overlooking and other privacy concerns.</p> |
| Noise generation | Noise generation from the site will be limited through the required Plan of Management for the site, including the prohibition of excess electronically amplified noise. This plan will outline required quiet times, predominantly at night, for visitors to the site, which will be provided to all visitors. Some noise is anticipated to be generated from the site; however, the main noise generator is anticipated to be traffic movements to and from the site. An additional condition of consent may be imposed that requires the development not to exceed 40 dBA above the background noise level if required however this can be appropriately covered in any management plan of the site. |
| Right to farm/forest | As outlined in the land use conflict section above, the proposal has been sited to avoid impacts to adjoining land uses, including agricultural and forestry related activities. |

Discussion of key issues

There are no significant issues arising under the assessment conducted under the requirements of s4.15 that would prevent the issue of an approval for the proposed development. The proposal is considered to be consistent with the aims and objectives of the Tumbarumba LEP 2010, the controls of the Snowy Valleys Council DCP 2019 and the relevant Regulations.

The potential traffic impact was the key issue of the assessment, where initially insufficient information or investigation was provided to enable staff to adequately assess the potential impact of the development on the existing road network. The provision of a Traffic Impact Assessment, provided as Attachment 4, enabled the completion of the assessment of these potential impacts. It is considered that no upgrades are required to facilitate the anticipated additional traffic and the current access arrangements are in accordance with road safety standards for this type of road.

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

1.9 Provide a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land use

Operational Actions

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

SUSTAINABILITY ASSESSMENT:

Financial and Resources Implications

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

- Should the applicant choose to appeal a determination by way of refusal or pursue a deemed refusal by Council through the NSW Land and Environment Court and lose, the question of cost with regard to Council's Legal representation would be determined by the extent of the reasons for refusal.
- Should the applicant choose to appeal a refusal, or deemed refusal by Council through the NSW Land and Environment court and win the question of costs be dependent on the extent of the reasons for refusal.
- Should any person choose to pursue Class 4 proceedings against Council to the Land and Environment Court and lose, the question of costs with regards to Council's legal representation would be calculated at the appropriate time by either costs incurred or by costs assessment in favour of Council.
- Should any person choose to take out class 4 proceedings against Council to the Land and Environment Court and win the costs would be calculated at the appropriate time by either costs incurred or by costs assessment against Council.
- Should the applicant make no appeal, or proceedings not to be taken out by another party to the NSW Land and Environment Court regardless of determination, the application would result in no further financial implication on the Council.

Costs and Benefits:

There are no expected costs associated with the application where appropriate conditions of consent and licencing is applied to ensure that impacts are mitigated. The support of the application will provide an increase in accommodation choice and supply and within the LGA.

Policy, Legal and Statutory Implications:

The assessment of the proposal has been carried out in accordance with the relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning Regulation 2000*.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

N/A

OPTIONS:

Council has the following options with respect to Development Application 2020/0191:

1. Determine Development Application 2020/0191 by way of approval for the purposes of a Caravan Park at Lot 11 DP 747976, known as 30 Paddy's River Falls Road Burra subject to conditions as outlined in Attachment 5.
2. Determine Development Application 2020/0191 by way of refusal whereby Council will provide reasons for the refusal of the application.
3. Defer any decision relating to Development Application 2020/0191 pending the submission of additional information.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

- 1 ECM 3129756 - Attachment 1 - Amended SEE and Plans (under separate cover) [⇒](#)
- 2 ECM 3129757 - Attachment 2 - Site Plan With New Wash Bay (under separate cover) [⇒](#)
- 3 ECM 3129759 - Attachment 3 - Perspectives of Site and Building (under separate cover) [⇒](#)
- 4 ECM 3129765 - Attachment 4 - Traffic Impact Assessment (under separate cover) [⇒](#)
- 5 ECM 3129767 - Attachment 5 - Draft Conditions For Approval (under separate cover)