



# **SNOWY VALLEYS COUNCIL ORDINARY MEETING**

## **AGENDA**

**Thursday, 20 April 2023**

THE MEETING WILL BE HELD AT 2:00 PM  
COUNCIL CHAMBERS BRIDGE STREET TUMBARUMBA / VIA  
VIDEO LINK

## Statement of Ethical Obligations

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

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

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

### Disclosure of Political Donations and Gifts

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

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

For further information, visit [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations)

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

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

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

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

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

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

**Photography**

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

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

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

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

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



Thursday, 20 April 2023

Council Chambers Bridge Street Tumbarumba / Via Video Link

2:00 PM

## AGENDA

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## **1. ACKNOWLEDGEMENT OF COUNTRY**

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

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

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Leave of Absence from Cr Mick Ivill was granted on 16 February 2023 for this meeting.

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## **3. DECLARATIONS OF PECUNIARY INTEREST**

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<b>4. CONFIRMATION OF MINUTES</b>
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### **4.1. MINUTES - ORDINARY COUNCIL - 16 MARCH 2023**

#### **RECOMMENDATION:**

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

**Attachment 1 - 20230316 - DRAFT Minutes - Ordinary Council**



**SNOWY VALLEYS COUNCIL  
ORDINARY MEETING**

**MINUTES**

**Thursday, 16 March 2023**

THE MEETING WAS HELD AT 2:00 PM  
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT

\_\_\_\_\_  
Mayor

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

**Statement of Ethical Obligations**

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**Thursday, 16 March 2023**  
**In the Council Chambers 76 Capper Street Tumut**  
**2:00 PM**

## MINUTES

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\_\_\_\_\_  
 Mayor

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

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\_\_\_\_\_  
Mayor

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

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 March 2023

**PRESENT:** Mayor, Cr Ian Chaffey (Chair); Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr James Hayes, Cr Mick Ivill, Cr Trina Thomson.

**IN ATTENDANCE:** General Manager Ken Gouldthorp, Acting Director Infrastructure & Works Glen McGrath, Director Community & Corporate Jessica Quilty, Manager Finance Parthiv Parekh.

## **1. ACKNOWLEDGEMENT OF COUNTRY**

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An acknowledgement of the traditional custodians of the land was delivered by Cr Johanna (Hansie) Armour.

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

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Apologies been received from Cr Brent Livermore and Cr John Larter for the 16 March 2023 Ordinary Meeting of Council.

**M24/23 RESOLVED:**

That the apologies from Cr Brent Livermore and Cr John Larter be received.

Cr Julia Ham/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

## **3. DECLARATIONS OF PECUNIARY INTEREST**

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Nil.

## **4. CONFIRMATION OF MINUTES**

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### **4.1. MINUTES - ORDINARY COUNCIL - 16 FEBRUARY 2023**

**M25/23 RESOLVED:**

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

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

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76 Capper Street Tumut on Thursday, 16 March 2023

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Mayor

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General Manager

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Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 March 2023

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## 5. CORRESPONDENCE/PETITIONS

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Nil.

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## 6. NOTICE OF MOTION/NOTICE OF RESCISSION

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Nil.

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## 7. MAYORAL MINUTE

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### **M26/23 RESOLVED:**

THAT COUNCIL:

Hold the next Ordinary Meeting of Council, Thursday 20 April 2023 at the Snowy Valleys Council Tumbarumba Council Chambers.

Cr Ian Chaffey

**CARRIED UNANIMOUSLY**

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## 8. URGENT BUSINESS WITHOUT NOTICE

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Nil.

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## 9. GOVERNANCE AND FINANCIAL REPORTS

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### **9.1. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - 2023 NATIONAL GENERAL ASSEMBLY - 13-16 JUNE 2023**

#### **M27/23 RESOLVED:**

THAT COUNCIL:

1. Note the report on Australian Local Government Association – 2023 National General Assembly – 13-16 June 2023 at the National Convention Centre;
2. Propose the June Councillor Workshop be moved from the 1st to the 8th and the June Council meeting be moved from the 15th to the 22nd;
3. Approve the in-person attendance of the Mayor and Deputy Mayor to the 2023 National General Assembly, provided there is sufficient funds within budget allocations at the time of registering attendance;
4. Approve the in-person or remote attendance of additional Councillors to the 2023 National General Assembly, provided there is sufficient funds available in their Training Budget at the time of registering attendance;

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\_\_\_\_\_  
Mayor

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

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 March 2023

5. Confirm the Mayor as the voting delegate for Snowy Valleys Council, and in the event of the Mayor's absence, the Deputy Mayor as the alternate voting delegate;
6. Councillors submit any proposed motions to Council by Monday 20 March 2023;
7. The Mayor and General Manager, jointly, be authorised to finalise and approve any motions for final submission to the Assembly;
8. Approve the in-person attendance to the 2023 Australian Council of Local Government (ACLG) held on Friday 16 June immediately following the 2023 National General Assembly.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY****9.2. PECUNIARY INTEREST RETURNS FOR DESIGNATED STAFF****M28/23 RESOLVED:**

THAT COUNCIL:

1. Note the following Declarations of Pecuniary Interest Returns from newly appointed Designated Persons as at 28 February 2023 as listed in accordance with the Code of Conduct:  
Designated Persons:  
General Manager; Director Community & Corporate; Acting Director Infrastructure & Works, Manager Growth & Activation; and
2. Approve for the redacted Pecuniary Interest Returns Designated Staff to be placed on Council's website in accordance with the current Information and Privacy Commission Guideline 1.

Cr Julia Ham/Cr Trina Thomson

**CARRIED UNANIMOUSLY****9.3. STATEMENT OF INVESTMENTS - FEBRUARY 2023****M29/23 RESOLVED:**

THAT COUNCIL:

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

Cr Julia Ham/Cr Trina Thomson

**CARRIED UNANIMOUSLY****10. MANAGEMENT REPORTS****10.1. LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM FUNDING ROUND FOUR****M30/23 RESOLVED:**

THAT COUNCIL:

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76 Capper Street Tumut on Thursday, 16 March 2023

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Mayor

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General Manager

1. Note the report on Local Roads and Community Infrastructure Program Round Four;
2. Note the allocation of \$871,816 to Snowy Valleys Council, through the Australian Governments Local Roads and Community Infrastructure Program;
3. Endorse proceeding with the delivery of the following high priority infrastructure projects funded through the Australian Governments Local Roads and Community Infrastructure Program:
  - a. Tumut pool works - \$300,000
  - b. Batlow pool works - \$150,000
  - c. Tumbarumba pool works - \$321,816; and
4. Authorise the General Manager to negotiate and/or amend the project list as described in Item 3 above, as required to comply with the Local Roads and Community Infrastructure Program funding arrangements.
5. Prepare a footpath masterplan to enable prioritization of future footpaths for grant funding, commencing with Tumut.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

#### **10.2. APPLICATION TO ACQUIRE CROWN LAND FOR INFRASTRUCTURE PURPOSES - LOT 7026 AND LOT 7027 DP94611 TUMUT**

**M31/23 RESOLVED:**

THAT COUNCIL:

1. Apply to Crown Lands to adjust the property boundary of Lot 7026 and Lot 7027 of DP94611 Lambie Street in Tumut adjacent to Tumut Hospital including the balance of land between these two lots to form a single lot; and
2. Apply to Crown Lands for the management of Lot 7026 and Lot 7027 of DP94611 Lambie Street in Tumut adjacent to Tumut Hospital including the balance of land between these two lots as operational land.

Cr Sam Hughes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

#### **10.3. TALBINGO LIBRARY ALTERNATIVE SERVICE ARRANGEMENT**

**M32/23 RESOLVED:**

THAT COUNCIL:

1. Note the report on Talbingo Library alternative service arrangement.
2. Endorse the alternate service delivery model outlined in the report.
3. Receive a further report at the end of the 12-month trial on the results from the alternate service delivery model.

Cr Trina Thomson/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

\_\_\_\_\_  
Mayor

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

**10.4. WINTER BITES AND KHANCOBAN LONG LUNCH****M33/23 RESOLVED:**

## THAT COUNCIL:

1. Note the report on Winter Bites and Khancoban Long Lunch;
2. Call for Expressions of Interest from the community to deliver the Winter Bites event at Adelong in 2023; and
3. Call for Expressions of Interest from the community to deliver the Khancoban Long Lunch in Khancoban in 2023.

Cr Julia Ham/Cr Joanna (Hansie) Armour

**CARRIED UNANIMOUSLY**

**10.5. SNOWY VALLEYS REGIONAL TRACKS AND TRAILS MASTERPLAN - FOR ADOPTION****M34/23 RESOLVED:**

## THAT COUNCIL:

1. Note the report on the Snowy Valleys Regional Tracks and Trails Masterplan; and
2. Adopt the Snowy Valleys Regional Tracks and Trails Masterplan.

Cr Sam Hughes/Cr Julia Ham

**CARRIED UNANIMOUSLY**

**10.6. DRAFT ONSITE SEWER MANAGEMENT STRATEGY 2023 - FOR PUBLIC EXHIBITION****M35/23 RESOLVED:**

## THAT COUNCIL:

1. Endorse the Draft On-site Sewage Management Strategy 2023 - SVC-RP-STY-007-01 - for public exhibition for a period of not less than 28 days;
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to Council; and
3. Adopt the Draft Onsite Sewer Management Strategy, if no submissions are received on the day after the completion of the public exhibition period.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

**10.7. DEVELOPMENT CONTROL PLAN 2019 - ADMINISTRATIVE AMENDMENTS**

## MOTION:

## THAT COUNCIL:

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Mayor

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General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 March 2023

1. Endorse the Draft administrative amendments to the Snowy Valleys Council Development Control Plan 2019 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided to council; and
3. Adopt the administrative amendments to the Snowy Valleys Council Development Control Plan 2019 if no submissions are received on the day after the completion of the public exhibition period.

Cr Mick Ivill/Cr Julia Ham

**M36/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the Draft administrative amendments to the Snowy Valleys Council Development Control Plan 2019 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided to council; and
3. Adopt the administrative amendments to the Snowy Valleys Council Development Control Plan 2019 if no submissions are received on the day after the completion of the public exhibition period.
4. Remove the wording on Page 12 paragraph 3 'within main street, i.e. 'fronting the 'main street' for change of use developments' and include the wording at the bottom of page 12 'For the purposes of change of use development utilising existing buildings within the main street area, a prescribed onsite parking rate shall not apply'.

Cr Mick Ivill/Cr Julia Ham

**Division****For:** Cr Armour, Cr Chaffey, Cr Ham, Cr Hayes, Cr Hughes, Cr Ivill, Cr Thomson**CARRIED UNANIMOUSLY****10.8. DEVELOPMENT APPLICATION DA 2022/0163 -PROPOSED ARTISAN FOOD AND DRINK PREMISES - MICRODISTILLERY**

MOTION:

THAT COUNCIL:

1. Determine the determination application DA2022/0163 for an Artisan Food and Drink Industry at Lot 26, DP 1018407, known as 2-722 Little River Road, Little River by way of APPROVAL subject to the conditions listed in the draft Notice of Determination at Attachment 1.

Cr Trina Thomson/Cr Mick Ivill

**M37/23 RESOLVED** to move into Committee of the Whole

Cr Trina Thomson / Cr Julia Ham

**CARRIED UNANIMOUSLY**

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Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 11  
76 Capper Street Tumut on Thursday, 16 March 2023

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Mayor

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General Manager

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Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 March 2023

**M38/23 RESOLVED** to move out of Committee of the Whole

Cr Trina Thomson / Cr Mick Ivill

**CARRIED UNANIMOUSLY**

The original motion was amended to add Point 2 by the mover and seconder with the consent of Council.

**M39/23 RESOLVED:**

THAT COUNCIL:

1. Determine the determination application DA2022/0163 for an Artisan Food and Drink Industry at Lot 26, DP 1018407, known as 2-722 Little River Road, Little River by way of APPROVAL subject to the conditions listed in the draft Notice of Determination at Attachment 1.
2. Note the clarification of the definition of Artisan Food and Drink Industry within the Tumut LEP provided by the Manager Growth & Activation during the meeting.

Cr Trina Thomson/Cr Mick Ivill

**Division**

**For:** Cr Chaffey, Cr Ham, Cr Hughes, Cr Ivill, Cr Thomson

**Against:** Cr Armour, Cr Hayes

**5 / 2**

**CARRIED**

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

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### **11.1. MINUTES - FLOODPLAIN RISK MANAGEMENT COMMITTEE - 25 JANUARY 2023**

**M40/23 RESOLVED:**

THAT COUNCIL:

1. Note the Minutes of the Floodplain Risk Management Committee Meeting held on 25 January 2023.
2. Adopt the following recommendations from the minutes:
  - a. Amend the Title of the Committee to 'Tumut Floodplain Risk Management Committee' (SVC-TofR-037-01).
  - b. Amend the Terms of Reference to identify that voting rights should only be for Councillors and local community representatives on the Committee.
3. Endorse the appointment of Councillor Livermore as the Chairperson for the Tumut Floodplain Risk Management Committee.

Cr Julia Ham/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

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Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 12  
76 Capper Street Tumut on Thursday, 16 March 2023

\_\_\_\_\_  
Mayor

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

**11.2. MINUTES - LOCAL TRAFFIC COMMITTEE - 8 FEBRUARY 2023****M41/23 RESOLVED:**

## THAT COUNCIL:

1. Note the Minutes of the Local Traffic Committee held on Wednesday, 8 February 2023;
2. Note that Cr Sam Hughes attended as an observer rather than a voting member;
3. Adopt the following recommendations from the minutes:
  - a. Endorse changes to the signage at Dowells Lane and Bombowlee Avenue, Tumut to allow improved flow of traffic
  - b. Support the request for Transport for New South Wales (TfNSW) to undertake appropriate assessment of a modification to the speed limit at Cider House, 4066 Batlow Road, Batlow
  - c. Review alternate options for signage in compliance with relevant standards for Maple and Birch Streets, Batlow
  - d. Further investigate traffic calming options for Travers Street and Grahamstown Road, Adelong
  - e. Approve the modification of the "No Stopping" signs with extended bus zone signs at Tumbarumba High School
  - f. Endorse the collection of speed traffic data for a speed reduction in Brungle and send data to both TfNSW and NSW Police for assessment
  - g. Support the Special Event Application for the 2023 Tumut Festival of the Falling Leaf to be held on 29 April 2023, subject to Council's standard conditions
  - h. Support the Special Event Application for the Tumbafest 2023 to be held on 25 - 26 February 2023, subject to Council's standard conditions
  - i. Document the support for the event of 2023 Zone 20 Pony Club Street Parade Tumbarumba retrospectively, noting the non-meeting approval in December 2022, subject to Council's standard conditions
  - j. Endorse an assessment of the pedestrian traffic on Batlow Road (pump station), Batlow and its usage with a report back to Council before the next Local Traffic Committee 10 May 2023 meeting and this report must also include a section 138 TfNSW for Council's approval
  - k. Endorse an assessment of pedestrian traffic on Kurrajong Avenue and Memorial Avenue, Batlow and its usage with a report back to the Local Traffic Committee next meeting 10 May 2023
  - l. Request TfNSW assess and replace the Herb Feint Bridge, Adelong sign due to vandalism
  - m. Request TfNSW assess or move large rocks from Herb Feint Bridge, Adelong to another location in the creekscape
  - n. Note TfNSW advised the section of road between Yarrangobilly to Talbingo Mountain underwent heavy patching and the speed limit change has gone from 80km/hr back to 100km/hr. Furthermore, the section of road between Talbingo and Tumut is still undergoing heavy patching and the speed limit remains 80km/hr

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Mayor

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General Manager

- o. Note TfNSW has advised the non-standard signage at McAuley Catholic Central School, Tumut is still on their radar and an update will be provided in the Local Traffic Committee meeting on 10 May 2023.

Cr James Hayes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

## **12. CONFIDENTIAL**

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### **M42/23 RESOLVED:**

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

#### **12.1 CONFIDENTIAL - HUME & HOVELL STRATEGIC PLAN PROJECT**

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

Cr Julia Ham/Cr Sam Hughes

**CARRIED UNANIMOUSLY**

The meeting was closed to the public at 2.47pm.

#### **12.1. CONFIDENTIAL - HUME & HOVELL STRATEGIC PLAN PROJECT**

**M43/23 RESOLVED** to return to open council.

Cr Julia Ham/Cr Sam Hughes

**CARRIED UNANIMOUSLY**

At this stage, the time being 2.51pm the meeting was re-opened to the public.

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

### **M44/23 RESOLVED:**

THAT COUNCIL:

1. Resolve in accordance with Section 55 (3)(n)(i) of the *NSW Local Government Act 1993* to accept the quotation for the development of the Hume & Hovell Strategic Plan of Simon McArthur & Associated PTY LTD for \$279,440.00 excluding GST;
2. Authorise the General Manager to enter into a contract including all necessary arrangements with Simon McArthur & Associated PTY LTD for the development of the Hume & Hovell Strategic Plan on behalf of NSW Department of Planning and Environment - Crown Lands; and
3. Write to the unsuccessful respondent advising of the outcome.

\_\_\_\_\_  
Mayor

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

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 March 2023

Cr Sam Hughes/Cr Joanna (Hansie) Armour

**CARRIED UNANIMOUSLY**

### **13. MEETING CLOSURE**

There being no further business to discuss, the meeting closed at 2.53pm.

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 15  
76 Capper Street Tumut on Thursday, 16 March 2023

\_\_\_\_\_  
Mayor

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

**5. CORRESPONDENCE/PETITIONS**

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

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**7. MAYORAL MINUTE**

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**8. URGENT BUSINESS WITHOUT NOTICE**

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## 9. GOVERNANCE AND FINANCIAL REPORTS

### 9.1. PUBLIC SWIMMING POOLS ENTRY FEES

**REPORT AUTHOR: MANAGER UTILITIES OPEN SPACE & FACILITIES**

**RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

#### EXECUTIVE SUMMARY:

This report seeks the endorsement of Council for the introduction of entry fees for Council's five (5) public swimming pools for inclusion in Council's 2023-24 Fees and Charges. The proposed entry fees have been benchmarked with neighbouring Council's pool charges and are at the lower end of those comparative fees. Introduction of the proposed fees will potentially increase pool revenue to Council by in excess of two hundred thousand dollars (\$200,000) per annum.

#### RECOMMENDATION:

#### THAT COUNCIL:

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

Fee Description	Proposed Fee (Inc GST)
<u>Single Entry</u>	
Adult	\$ 5.00
Children	\$ 3.00
Concession	\$ 3.00
Non Swimming Spectator	\$ 1.00
Family	\$ 16.00
<u>Multi Visit Passes</u>	
20 Visits Children	\$ 55.00
20 Visits Concession	\$ 55.00
20 Visits Family	\$ 250.00
<u>Season Passes</u>	
Adult	\$ 150.00
Children	\$ 120.00
Concession	\$ 120.00
Family	\$ 300.00

#### BACKGROUND:

Snowy Valleys Council operates five (5) public swimming pools of varying age, size and facilities. These pools are located in Adelong, Batlow, Khancoban, Tumbarumba and Tumut. In recent years, all of the pools, excluding Adelong as it is a relatively new facility, have undergone significant upgrades as a result of grant funding received by Council.

Commencing in the 2017/18 season and continuing for the past six (6) seasons these five (5) public swimming pools have had free entry. Prior to the 2017/18 season, all pools charged entry fees. On the 26th of October 2017, it was Resolved (M176/17):

*That Council waives the entrance fee for any pool operated by Snowy Valleys for a 12 month trial period (2017/2018 season). That a report be tabled on the completion of the trial indicating the social and financial implications of continuing free entry to Council operated pools in the future, and*

*The fees remain the same after the trial period, strong behaviour management policy be put in place, hot showers in Tumbarumba to be changed and all people be refunded that have paid this year and a pool user survey be conducted on entry.*

At its Ordinary Meeting dated 24 May 2018, Council considered a report on the results of the Swimming Pool Consultation – Levels of Service. This report detailed the feedback received from the pool users with regards to the quality of the pool facilities, future upgrades and sought comment regarding the free entry into pools. It was Resolved (M133/18):

*That Council:*

1. *Note the report Swimming Pool Consultation – Levels of Service*
2. *Advise no fees for entry into a swimming pool with the exception of swipe cards which will remain at \$25 per card and staff consider adjustment to the draft budget to offset this cost*

*Advertise fees and charges for the 2018/19 financial year for swimming pools as:*

<b>Item</b>	<b>Fee</b>
Swim Lessons	
Group Lesson - Child	\$10
Private Lesson - Adult	\$27
Swipe Card	
Issued with Season Ticket	\$25
Replacement Card	\$25
Use of Inflatable Play Facility per hour	\$115
Lane Hire Fee (limit of 3, per hour per lane)	\$27

*3. Endorse a three year program for pool improvements as funds are available for:*

<b>Item</b>	<b>Year</b>	<b>Amount</b>
Pool Covers - Khancoban, Batlow, Tumbarumba	2018/19	\$ 30,000
Universal Access Hoist - Adelong	2018/19	\$ 15,000
Contingency Reserve - Batlow Pool Season Extension	2018/19 onwards	\$ 6,000
Heating Options Analysis - Batlow, Khancoban, Tumbarumba	2018/19	\$15,000
BBQ & Shelter - Tumbarumba	2018/19	\$ 30,000
BBQ & Shelter - Batlow	2019/20	\$ 30,000
Tumut Pool - Shade Structures	2019/20	\$ 25,000
Install Swipe Card System - Khancoban and Tumbarumba	2020/21	\$ 72,000
Fencing - All Facilities	2021/22	\$ 200,000

*4. Develop project plans with the purpose of seeking Government Grants towards entry and amenities upgrades at Batlow and Khancoban Pools.*

**REPORT:**

Following Council's decision to provide free entry into Council's five (5) public swimming pools, a number of positive community benefits were achieved including patronage numbers increasing by 23% in the first season and similarly into the second season of free entry. Unfortunately, recent seasons have seen a return to pre free entry attendance numbers. A significant negative outcome of the free entry as reported to Council at the time, was regular anti-social behaviour which has required regular police attendance, particularly in Tumut. Revenue also dropped significantly (as noted in Council's Financial Statement) as a result of free entry with pre free entry revenue in 2016/2017 being \$149,000 and following free entry in 2017/2018 dropping to \$52,000.

**Pool Attendance**

In analysing attendance numbers, the 2021/22 season has been used as the 2022/23 season was not representative of an average season due to construction works resulting in delayed openings for a number of pools.

Table 1. 2021/2022 Monthly Attendance Numbers

	<b>Adelong</b>	<b>Adelong</b>	<b>Batlow</b>	<b>Batlow</b>	<b>Khancoban</b>	<b>Khancoban</b>	<b>Tumbarumba</b>	<b>Tumbarumba</b>	<b>Tumut</b>	<b>Tumut</b>	<b>Total</b>
<b>Month</b>	<b>Child</b>	<b>Adult</b>	<b>Child</b>	<b>Adult</b>	<b>Child</b>	<b>Adult</b>	<b>Child</b>	<b>Adult</b>	<b>Child</b>	<b>Adult</b>	
<b>Oct 2021</b>	248	198	-	-	-	-	-	-	850	530	1,826
<b>Nov 2021</b>	670	344	193	60	50	54	691	307	1,631	1,251	5,251
<b>Dec 2021</b>	1,239	803	619	354	562	518	1,711	872	4,263	2,592	13,533
<b>Jan 2022</b>	1,327	1,124	1,037	581	531	621	1,953	1,123	3,955	3,379	15,631
<b>Feb 2022</b>	830	644	808	386	544	552	1,415	690	2,998	2,497	11,364
<b>Mar 2022</b>	162	147	17	16	118	130	50	30	597	543	1,180
<b>Total</b>	<b>4,476</b>	<b>3,260</b>	<b>2,674</b>	<b>1,397</b>	<b>1,805</b>	<b>1,875</b>	<b>5,820</b>	<b>3,022</b>	<b>14,294</b>	<b>10,792</b>	<b>49,415</b>

Total attendance numbers during operating hours (excludes out of hours swipe card users) is 49,415. Half of these attendance numbers were in Tumut. Children numbers were higher than adult numbers at four of the five pools, Khancoban being the exception. Table 2 shows average daily attendance varied considerably with Tumut the highest at 164 while Khancoban was the lowest at 28.3. Batlow and Khancoban had the lowest hourly attendance of 7.5 and 6.8, respectively.

Table 2. 2021/2022 Attendance Numbers Analysis

	<b>Adelong</b>	<b>Batlow</b>	<b>Khancoban</b>	<b>Tumbarumba</b>	<b>Tumut</b>	<b>Total</b>
2021/2022 Attendance - Children	4,476	2,674	1,805	5,820	14,294	29,069
2021/2022 Attendance - Adult	3,260	1,397	1,875	3,022	10,792	20,346
<b>Total 2021/22 Attendance</b>	<b>7,736</b>	<b>4,071</b>	<b>3,680</b>	<b>8,842</b>	<b>25,086</b>	<b>49,415</b>
Population (2021 Census)	938	1,270	319	1,915	6,613	11,055
Attendance % of Population	12%	31%	9%	22%	26%	22%
Total Days Pool Open	153	130	130	130	153	
Total Open Operating Hours	796.5	541	541	541	796.5	
Average Daily Attendance	50.6	31.3	28.3	68	164	
Average Hourly Attendance	9.7	7.5	6.8	16.2	31.5	

### Pool Revenue and Expenditure

Table 3 summarises expenditure and revenue for last financial year and year-to-date for this financial year. Revenue generated is through canteen sales and Council's adopted fees - eg: swimming lessons, swipe cards, lane hire, etc. Expenditure is derived from staff hours, materials, electricity, etc.

Council averages a \$1M deficit each year in operating its five (5) public swimming pools.

Table 3. Revenue/Expenditure Summary

<b>Year</b>	<b>Expenditure</b>	<b>Revenue</b>	<b>Deficit</b>
2021/2022	\$ 1,144,642.00	\$ 142,788.00	\$ 1,001,854.00
2022/2023 YTD	\$ 1,032,254.00	\$ 115,271.00	\$ 916,983.00

Given the 2021/22 pool season is more representative of an average pool season, revenue and expenditure from that year has been used for analysis in Table 4. Tumut generated more than 3.5 times the revenue than any other pool and also incurred double the expenditure of any other pool. Revenue generated per attendee was an average of \$2.89 while Tumut and Adelong were higher at \$3.50 and \$3.13 respectively while the other three (3) pools were below the average. Expenditure per attendee saw Tumbarumba and Tumut the lowest while Batlow was significantly higher than all other pools.

Table 4. 2021/2022 Revenue/Expenditure Analysis

<b>2021/2022</b>	<b>Adelong</b>	<b>Batlow</b>	<b>Khancoban</b>	<b>Tumbarumba</b>	<b>Tumut</b>	<b>Total</b>
Revenue	\$ 24,236.00	\$ 6,137.00	\$ 6,641.00	\$ 18,084.00	\$ 87,690.00	\$ 142,788.00

2021/2022	Adelong	Batlow	Khancoban	Tumbarumba	Tumut	Total
Expenditure	\$ 224,027.00	\$ 210,381.00	\$ 87,272.00	\$ 154,897.00	\$ 468,065.00	\$1,144,642.00
Daily Revenue	\$ 158.41	\$ 47.21	\$ 51.08	\$ 139.11	\$ 573.14	
Daily Expenditure	\$ 1,464.23	\$ 1,618.32	\$ 671.32	\$ 1,191.52	\$ 3,059.25	
Revenue per Attendee	\$ 3.13	\$ 1.51	\$ 1.80	\$ 2.05	\$ 3.50	\$ 2.89
Expenditure per Attendee	\$ 28.96	\$ 51.68	\$ 23.72	\$ 17.52	\$ 18.66	\$ 23.16

Table 5 outlines capital works/purchases undertaken on the five (5) swimming pools since 2019 and the annual depreciation incurred. It is estimated that following completion of this year's pool capital works, Council will incur an estimated total of \$169,000 in annual depreciation.

Table 5. Capitalisation Summary

Year/Pool	Sum of Replacement Cost	Sum of Annual Depreciation
2019	\$ 27,856	\$ 1,856
Khancoban	\$ 27,856	\$ 1,856
2020	\$ 26,098	\$ 2,731
Adelong	\$ 26,098	\$ 2,731
2021	\$ 2,481,758	\$ 68,063
Adelong	\$ 55,246	\$ 1,786
Khancoban	\$ 20,015	\$ 2,001
Tumbarumba	\$ 942,873	\$ 26,639
Tumut	\$ 1,463,624	\$ 37,637
2022	\$ 88,077	\$ 2,936
Tumbarumba	\$ 88,077	\$ 2,936
<b>Grand Total</b>	<b>\$ 2,623,789</b>	<b>\$ 75,586</b>
<b>YTD 2023</b>	<b>Actuals + Commitments</b>	<b>Yearly Depreciation Estimate</b>
BLER526 Khancoban Pool Upgrade	\$ 605,068	\$ 17,431
BLER527 Batlow Pool Upgrade	\$ 1,745,072	\$ 50,272
BLER528 Tumut Pool Upgrade	\$ 882,610	\$ 25,426
P057 Batlow Pool Filtration	\$ 40,000	\$ 1,152

### Benchmarking Pool Fees

Benchmarking of neighbouring Council 2022/23 pool fees was undertaken with table 6 showing the findings.

Table 6. 2022/23 Pool Entry Fees Benchmarking

Fee Description (incl GST)	Cootamundra Pool	Gundagai Pool	Snowy Monaro	Snowy Monaro - Jindabyne	Hilltops	Greater Hume	Junee	Temora	Queanbeyan -Palerang	Wagga Wagga Oasis
<u>Single Entry</u>										
Adult	\$ 4.50	\$ 5.50	\$ 4.00	\$ 7.00	\$ 5.80	\$ 4.00	\$ 6.50	\$ 5.00	\$ 7.50	\$ 7.00
Children	\$ 3.50	\$ 3.50	\$ 4.00	\$ 5.00	\$ 3.20	\$ 3.00		\$ 4.00	\$ 5.50	\$ 4.50
Concession	\$ 3.50	\$ 3.50		\$ 5.00	\$ 3.00	\$ 3.00	\$ 4.50	\$ 4.00	\$ 3.50	\$ 4.50
Non Swimming Spectator	\$ -	\$ -	\$ 2.00		\$ 1.00	\$ 1.50	\$ 1.00	\$ 2.00	\$ 2.50	\$ 2.00
Family		\$ 16.00			\$ 17.00		\$ 16.00	\$ 15.00	\$ 20.50	\$ 17.00
<u>Multi Visit Passes</u>										
10 Visits - Adult	\$ 40.00	\$ 53.00	\$ 49.50	\$ 64.50			\$ 58.00		\$ 67.50	\$ 63.00
10 Visits Children	\$ 30.00	\$ 33.00	\$ 40.50	\$ 43.50					\$ 49.50	\$ 38.00
10 Visits Concession	\$ 30.00	\$ 33.00	\$ 40.50	\$ 43.50			\$ 39.00		\$ 31.50	\$ 38.00
10 Visits Family			\$ 180.00						\$ 184.50	\$ 145.00
20 Visits - Adult							\$115.00			\$ 120.00
20 Visits Children										\$ 70.00
20 Visits Concession							\$ 77.00			\$ 70.00
20 Visits Family										\$ 270.00

<b>Fee Description (incl GST)</b>	<b>Cootamundra Pool</b>	<b>Gundagai Pool</b>	<b>Snowy Monaro</b>	<b>Snowy Monaro - Jindabyne</b>	<b>Hilltops</b>	<b>Greater Hume</b>	<b>Junee</b>	<b>Temora</b>	<b>Queanbeyan -Palerang</b>	<b>Wagga Wagga Oasis</b>
<u>Season Passes</u>										
Adult	\$ 266.00	\$ 118.00	\$ 100.00	\$ 187.50	\$ 176.50	\$ 105.00		\$ 140.00	\$ 145.00	\$ 325.00
Children	\$ 215.00	\$ 97.00	\$ 74.00	\$ 98.50	\$ 143.00			\$ 110.00	\$ 105.00	
Concession	\$ 215.00	\$ 97.00			\$ 58.00			\$ 110.00	\$ 75.00	\$ 280.00
Family	\$ 748.00	\$ 241.00	\$ 177.00	\$ 401.50	\$331.00	\$ 190.00		\$305.00	\$ 205.00	\$ 610.00

2022/23 fees for ten (10) pools from eight (8) different Council's were benchmarked with the average individual fee calculated along with the highest and lowest fees. Snowy Valleys Council 2017/18 fees (last year of adopted fees) is also included for comparison. Based on these averages, previous fees and ensuring value for money, proposed fees have been derived. These proposed fees are towards the lower end of the benchmarked fees.

Table 7. Pool Entry Fees Summary and Proposed Fees

<b>Fees &amp; Charges Comparison (inc GST)</b>	<b>Average</b>	<b>Lowest benchmarked fee</b>	<b>Highest benchmarked fee</b>	<b>SVC - 2017/18</b>	<b>Proposed Fees</b>
<b>Fee Description</b>					
<u>Single Entry</u>					
Adult	\$ 5.68	\$ 4.00	\$ 7.50	\$ 4.00	<b>\$ 5.00</b>
Children	\$ 4.02	\$ 3.00	\$ 5.50	\$ 3.00	<b>\$ 3.00</b>
Concession	\$ 3.83	\$ 3.00	\$ 5.00	\$ 3.00	<b>\$ 3.00</b>
Non Swimming Spectator	\$ 1.33	0.00	\$ 2.50	\$ 1.00	<b>\$ 1.00</b>
Family	\$ 16.92	\$ 15.00	\$ 20.50	\$ 10.00	<b>\$ 16.00</b>
<u>Multi Visit Passes</u>					
10 Visits	\$ 56.50	\$ 40.00	\$ 67.50		
10 Visits Children	\$ 39.08	\$ 30.00	\$ 49.50		
10 Visits Concession	\$ 36.50	\$ 30.00	\$ 40.50		
10 Visits Family	\$ 169.83	\$ 145.00	\$ 184.50		
20 Visits - Adult	\$ 117.50	\$ 115.00	\$ 120.00	\$ 65.00	<b>\$ 75.00</b>
20 Visits Children	\$ 70.00		\$ 70.00		<b>\$ 55.00</b>
20 Visits Concession	\$ 73.50	\$ 70.00	\$ 77.00		<b>\$ 55.00</b>
20 Visits Family	\$ 270.00	\$ 270.00	\$ 270.00		<b>\$ 250.00</b>
<u>Season Passes</u>					
Adult	\$ 173.67	\$ 100.00	\$ 325.00	\$ 163.00	<b>\$ 150.00</b>
Children	\$ 120.36	\$ 74.00	\$ 215.00	\$ 100.00	<b>\$ 120.00</b>
Concession	\$ 139.17	\$ 58.00	\$ 280.00	\$ 100.00	<b>\$ 120.00</b>
Family	\$ 356.50	\$ 177.00	\$ 748.00	\$ 260.00	<b>\$ 300.00</b>

### Potential Revenue

Table 8 summarises the 2021/22 season attendance numbers and projecting estimated revenue based on those proposed fees. In 2022/23 there were 183 swipe card holders. Under the proposed fees, these individuals would be charged season pass fees. Based on these figures, Council could reasonably expect from the proposed entry fees an additional \$200,000 to \$220,000 in revenue annually, effectively more than doubling current revenue from canteen sales, lessons and swipe card purchases. This projected revenue does not include any predictions on possible changes to attendance numbers as a result of the introduction of entry fees.

Table 8. Potential Revenue

	Children	Adults	Total
<b>TOTAL ATTENDANCE</b>	29,069	20,346	49,415
<b>Proposed Fees</b>	\$ 3.00	\$ 5.00	
<b>Estimated revenue</b>	<b>\$ 87,207.00</b>	<b>\$ 101,730.00</b>	<b>\$ 188,937.00</b>
<b>Swipe Card Holders - Adult season Pass</b>	holders 183	\$ 150.00	\$ 27,450.00
<b>Total estimated revenue</b>			<b>\$ 216,387.00</b>

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

Theme 2 - Our Economy

**Community Strategic Plan Strategic Objectives**

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

**Delivery Program Principal Activities**

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

As outlined, Council incurs, on average, a \$1M deficit for the operation of its five (5) public swimming pools.

Table 9. Revenue/Expenditure Summary

Year	Expenditure	Revenue	Deficit
2021/22	\$ 1,144,642.00	\$ 142,788.00	\$ 1,001,854.00
2022/23 YTD	\$ 1,032,254.00	\$ 115,271.00	\$ 916,983.00

Through the introduction of pool entry fees it is estimated that Council could potentially increase revenue by up to \$220,000 per annum. Its estimated that if Council charged pool entry fees over the past six (6) seasons approximately \$1.3M of revenue would have been generated.

Table 10. Potential Revenue

	Children	Adults	Total
<b>TOTAL ATTENDANCE</b>	28,748	20,077	48,825
<b>Proposed Fees</b>	\$ 3.00	\$ 5.00	
<b>Estimated revenue</b>	<b>\$ 87,207.00</b>	<b>\$ 101,730.00</b>	<b>\$ 188,937.00</b>
<b>Swipe Card Holders - Adult season Pass</b>	holders 183	\$ 150.00	\$ 27,450.00
<b>Total estimated revenue</b>			<b>\$ 216,387.00</b>

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Fees and charges are set in accordance with the *Local Government Act 1993* Chapter 15 Part 10.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

	<b>Positive</b>	<b>Negative</b>
Social	The participation rates at swimming pools over the first season of free entry rose on average by 23%, lifting the profile of swimming in the region.	There has been an increase in anti-social behaviour noted by pool staff and from pool users.
Economic/Financial	Flow on effects for the economy include increased patronage to businesses around the pool (cannot be readily quantified).	Reduced revenue opportunity without a corresponding alternative revenue source does result in operating deficit to be funded from an alternative source.
Governance	Fees and charges are set in accordance with the <i>Local Government Act 1993</i> Chapter 15 Part 10.	Reputational damage may exist whereby previous consultation has indicated support for paying fees for use.

**OPTIONS:**

Council is identified as having three available options:

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

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Should Council adopt the proposed pool entry fees, these fees would be included as part of Council's 2023/24 Fees and Charges consultation and adoption process.

**ATTACHMENTS**

Nil

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

This report provides an overview of Council's cash and investment portfolio performance as at 31 March 2023.

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

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

**BACKGROUND:**

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

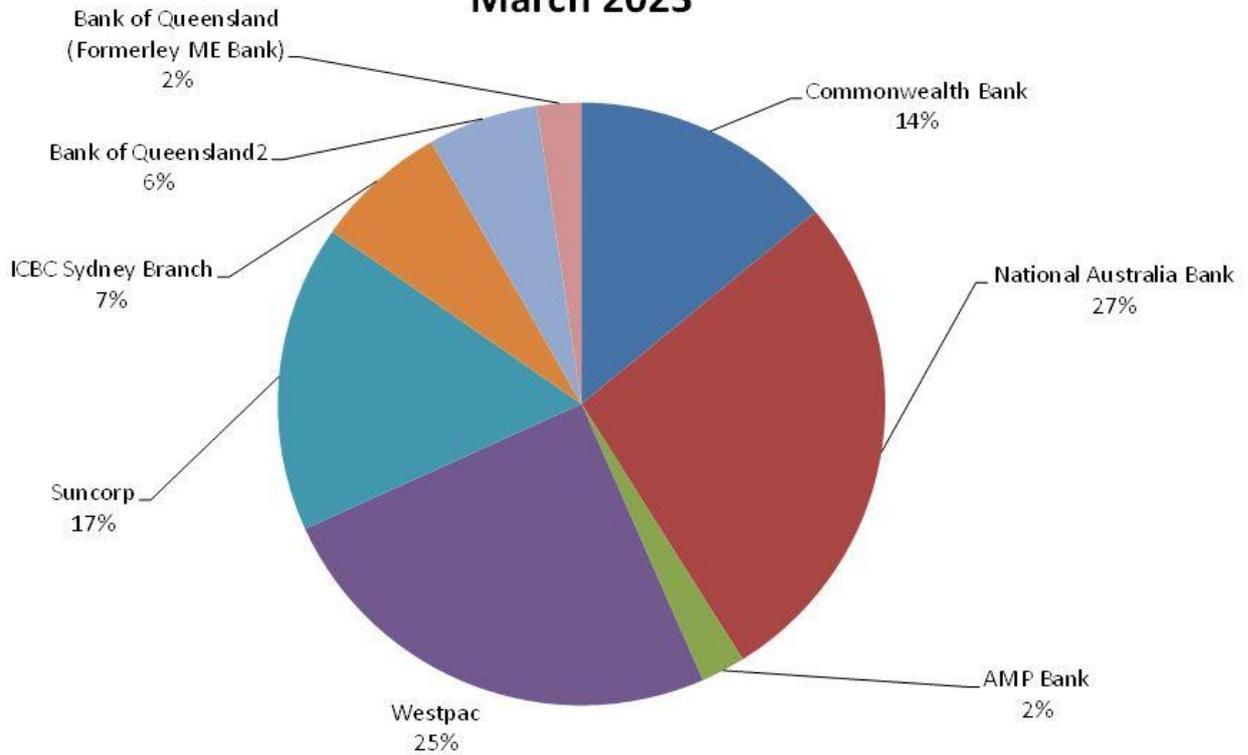
**REPORT:**

The following table contains a list of cash, at call investments and term deposits held by Council as at 31 March 2023.

<b>Combined Cash &amp; Investments Table</b>		31/03/2023								
<b>Cash &amp; 11am at call Accounts</b>	<b>Branch</b>	<b>Current Month</b>	<b>Last Month</b>	<b>Movement</b>	<b>Type</b>	<b>Interest Rate%</b>	<b>Maturity Date</b>	<b>% of Total Portfolio</b>	<b>% of Category</b>	<b>Rating</b>
Commonwealth Bank	Tumut	\$ 2,724,202	\$ 868,429	\$ 1,855,773	W/Acct	3.60%		6.4%	45.8%	AA-
Commonwealth Bank	Tumut	\$ 3,213,227	\$ 5,955,944	-\$ 2,742,717	At Call (BOS)	3.70%		7.6%	54.1%	AA-
Commonwealth Bank	Tumut	\$ 7,106	\$ 5,506	\$ 1,600	Gen-Roth	3.60%		0.0%	0.1%	AA-
<b>Sub Total Cash &amp; 11 am at Call Accounts</b>		<b>\$ 5,944,535</b>	<b>\$ 6,829,879</b>	<b>-\$ 885,344</b>		<b>3.65%</b>		<b>14.0%</b>	<b>100.0%</b>	
<b>Total Cash &amp; At Call Investments</b>		<b>\$ 5,944,535</b>	<b>\$ 6,829,879</b>	<b>-\$ 885,344</b>		<b>3.65%</b>		<b>14.0%</b>	<b>100.0%</b>	
<b>Term Deposits</b>	<b>Branch</b>	<b>Current Month</b>	<b>Last Month</b>	<b>Movement</b>	<b>Lodgement Date</b>	<b>Interest Rate%</b>	<b>Maturity Date</b>	<b>% of Portfolio</b>	<b>% of Category</b>	<b>Rating</b>
Suncorp	484	\$ -	\$ 1,000,000	-\$ 1,000,000	15/06/2022	3.53%	15/03/2023	0.0%	0.0%	A+
AMP Bank	939	\$ -	\$ 2,000,000	-\$ 2,000,000	18/03/2022	1.00%	20/03/2023	0.0%	0.0%	BBB
ICBC Sydney Branch	336	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.65%	11/04/2023	3.5%	4.1%	A
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	27/10/2022	4.20%	27/04/2023	3.5%	4.1%	A+
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	27/04/2022	2.27%	27/04/2023	4.7%	5.5%	AA-
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	31/10/2022	4.26%	28/04/2023	3.5%	4.1%	AA-
Westpac	032	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.88%	01/06/2023	3.5%	4.1%	AA-
Bank of Queensland	001	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	3.20%	01/06/2023	3.5%	4.1%	BBB+
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2022	4.15%	01/06/2023	3.5%	4.1%	A+
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2022	4.15%	01/06/2023	3.5%	4.1%	A+
Bank of Queensland	001	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2022	4.34%	22/06/2023	2.4%	2.7%	BBB+
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2021	0.60%	28/06/2023	4.7%	5.5%	AA-
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	15/07/2021	0.65%	17/07/2023	2.4%	2.7%	AA-
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	18/01/2023	4.38%	18/07/2023	2.4%	2.7%	AA-
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.65%	31/07/2023	4.7%	5.5%	AA-
Westpac	032	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	4.62%	28/08/2023	2.4%	2.7%	AA-
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	07/09/2022	4.13%	07/09/2023	4.7%	5.5%	AA-
AMP Bank	939	\$ 1,000,000	\$ -	\$ 1,000,000	15/03/2023	4.60%	15/09/2023	2.4%	2.7%	BBB
Bank of Queensland (Formerly ME Bank)	010	\$ 1,000,000	\$ 1,000,000	\$ -	27/04/2022	2.70%	27/10/2023	2.4%	2.7%	BBB+
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	4.80%	28/11/2023	2.4%	2.7%	AA-
Suncorp	484	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2022	4.48%	28/11/2023	2.4%	2.7%	AA-
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	30/01/2023	4.60%	30/01/2024	3.5%	4.1%	AA-
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	31/01/2023	4.60%	31/01/2024	3.5%	4.1%	AA-
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	31/01/2023	4.60%	31/01/2024	4.7%	5.5%	AA-
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	15/02/2022	1.75%	15/02/2024	2.4%	2.7%	AA-
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	5.00%	28/02/2024	2.4%	2.7%	aa-
ICBC Sydney Branch	337	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.85%	08/04/2024	3.5%	4.1%	A
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024	3.5%	4.1%	AA-
<b>Total TD's</b>		<b>\$ 36,500,000</b>	<b>\$ 38,500,000</b>	<b>-\$ 2,000,000</b>		<b>3.02%</b>		<b>85.99%</b>	<b>100.0%</b>	
<b>Total Cash &amp; Investments</b>		<b>\$ 42,444,535</b>	<b>\$ 45,329,879</b>	<b>-\$ 2,885,344</b>		<b>3.11%</b>		<b>100.0%</b>		

% of Portfolio

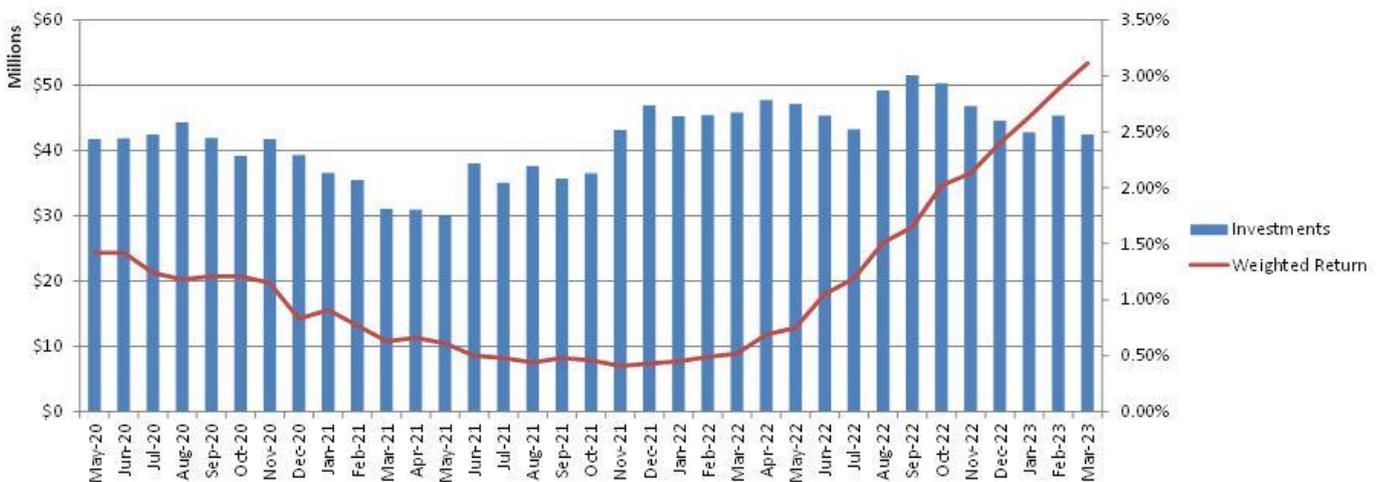
### Snowy Valleys Council Total Cash and Investments - March 2023



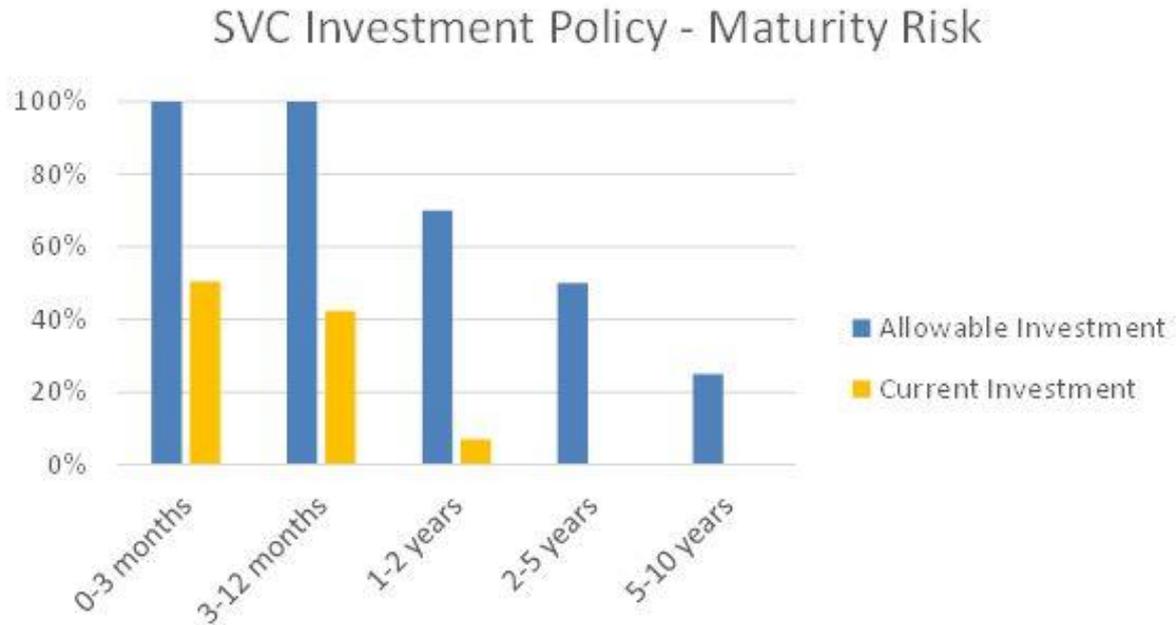
It is hereby certified that the above investments have been made in accordance with section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council's *Investment Policy*. Cash and Investments decreased \$2.8M in March 2023.

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

### SVC Cash Investments and Weighted Return



This month the report includes a focus on maturity risk. Currently the portfolio remains highly liquid with 51% of investments maturing within 90 days and an additional 42% within 12 months.



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

**Integrated Planning and Reporting Framework:**

**Community Strategic Plan Theme**

Theme 5 - Our Civic Leadership

**Community Strategic Plan Strategic Objectives**

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

**Delivery Program Principal Activities**

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

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

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

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

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

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

**OPTIONS:**

Nil.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

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

**ATTACHMENTS**

Nil.

## 10. MANAGEMENT REPORTS

### 10.1. SOUTHERN REGIONAL PLANNING PANEL MEMBERSHIP

**REPORT AUTHOR: MANAGER GROWTH AND ACTIVATION**

**RESPONSIBLE OFFICER: GENERAL MANAGER**

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#### **EXECUTIVE SUMMARY:**

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

This report seeks to formally amend the current appointment of the 'Interim General Manager' position from the panel and resolve to appoint a Councillor to this position. The report also seeks to appoint four (4) Council representatives to the panel to enable Council's interests to be represented in the consideration and determination of regionally significant development. The additional members are required as a result of changes in December 2022 to the governing legislation by the New South Wales Department of Planning and Environment.

#### **RECOMMENDATION:**

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

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

#### **BACKGROUND:**

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

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

- determine regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications;
- act as the Planning Proposal Authority (PPA) when directed;
- undertake rezoning reviews;
- provide advice on other planning and development matters when requested; and
- determine site compatibility certificates.

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

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

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

Council considered the panel membership at its meeting of the 20th January 2022 where it was resolved at that meeting not to appoint any panel members, but instead consider the panel membership at a future meeting of the Council. At the ordinary general meeting of the Council in August 2022, Council further considered the panel membership following the resolution to defer any appointment in January 2022. At the meeting in August 2022, Council resolved to appoint Councillor Brent Livermore as a Council appointed panel representative and also the 'Interim General Manager' position. Both Cllr Livermore and the Interim General Manager position remain (in accordance with the standing resolution of the Council) the current Council appointed representatives to the Southern Region Planning Panel.

## **REPORT:**

Subsequent enquiries with the Department following the resolution has revealed that Councils can only appoint individuals and not positions. The reasoning behind this is because the Department is required to identify the panel members on the Regional Planning website and the associated governance and security clearances required for the appointment of panel members. Accordingly, the appointment of a position over an individual is not possible.

Another issue that has presented with the resolution is that Council does not currently have an Interim General Manager following the departure of Mr Hamish McNulty and despite the limitations of appointment of a position as outlined above, the appointed membership is now vacated. This report seeks to amend the current membership to remove the position title and instead call for an expression of interest from qualified and professional members of the community to be appointed to the panel. It is expected to appoint four (4) eligible members of the community.

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

Changes to the operation of Regional Planning Panels include:

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

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

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

As a result of these changes, Council is required to appoint additional Council appointed members to the Southern Regional Planning Panel. Whilst Councillor Livermore has been appointed as a member of the panel by Council resolution in August 2022, it is proposed to appoint an additional Councillor as a member of the panel as a replacement of the 'Interim General Manager' position on the panel. In accordance with the December 2022 changes introduced by the Department to increase panel membership, it is also proposed to appoint an additional four (4) Council appointed panel members from an expression of interest process. Such a process would call on members of the community who are eligible in accordance with the panel membership guidelines to nominate to be considered as Council appointed members. Any nominations would be considered at a future report to Council for consideration and adoption.

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

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

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

Theme 5 - Our Civic Leadership

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

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

**Delivery Program Principal Activities**

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

It is expected that Council will consider two (2) development applications within the 2022/23 financial year period with an expected cost of remuneration for the Panel members being \$2,400. Council has currently provided a budgetary allocation of \$5,000 for the financial year through the adoption of the Operational Plan. This allocation is expected to cover any costs with additional meetings that may be held within the financial year. Incidental travel expenses will be required to be approved by Council through submission of a claim form and also receipts to support the claim where required.

Increasing panel membership is not expected to have any additional budgetary impact.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

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

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

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

N/A

**OPTIONS:****Option 1**

THAT Council:

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

**Option 2:**

THAT Council:

1. Amend the current membership of the Southern Region Planning Panel (SRPP) by removing the appointment of the 'Interim General Manager';
2. Formally advise the New South Wales Department of Planning and Environment of the amendment effective immediately;
3. Determine the mix of Councillor / individuals appointed through an expression of interest (EOI process) providing that a total of five (5) representatives are appointed to the Southern Regional Planning Panel. Council appointed members through the EOI process will be in via a future report to Council and will be for the current term of Council or not more than a period of three (3) years from the date of appointment; and
4. Confirms that the rate of remuneration for any Council appointed representative on the Southern Regional Planning Panel in accordance with the Department's guidelines be \$600 per meeting inclusive of GST (includes preparation, pre-meeting site inspections, determination meetings and post meeting administrative matters.

This is not the recommended option

### **Option 3**

THAT Council:

1. Amend the current membership of the Southern Region Planning Panel by removing the appointment of the 'Interim General Manager';
2. Formally advise the New South Wales Department of Planning and Environment of the amendment effective immediately; and,
3. Appoint no additional members to the Southern Region Planning Panel.

This is not the recommended option.

**Option 1 is recommended.**

### **COUNCIL SEAL REQUIRED:**

No

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

#### **Internal Consultation:**

The proposed changes to the Council appointed members to the Southern Regional Planning Panel has been discussed with Council's Governance Unit and the Office of the General Manager.

#### **External Consultation:**

The appointment of the position of the Interim General Manager position has been discussed with the New South Wales Department of Planning and Environment.

### **ATTACHMENTS**

Nil.

## **10.2. SERVICE NSW FOR BUSINESS**

**REPORT AUTHOR: COORDINATOR PLACE ACTIVATION**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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### **EXECUTIVE SUMMARY:**

The purpose of this report is to provide background information and seek support to enter into a partnership agreement with Service NSW and to consider future business improvement initiatives.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

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

### **BACKGROUND:**

In August 2019, Council entered into an MOU with Service NSW for the Easy to Do Business Program. The aim of this agreement was to promote and provide access to NSW Government information and services to better assist business owners and to support the local economy.

The Easy to Do Business Program has been replaced by the Service NSW for Business Program and an updated partnership agreement has been developed in line with this.

The Service NSW for Business Program provides free, personalised support to small businesses to help them start, run, grow, adapt and recover. Service NSW will liaise with Council on issues including development applications to see how the customer can be assisted and Service NSW also provides feedback to Council of anything they hear whilst on the ground talking to businesses in the Snowy Valleys region.

The partnership agreement is non-binding and there is no cost to Council. There is no timeframe on the agreement - it can be ended at any time with no penalty and there isn't a specific end date.

### **REPORT:**

Service NSW for Business provides free, personalised support to small business owners, to help them understand industry regulations, to guide them through transactions and to access support. The services provided to business owners include:

- Business Concierges offering over-the-phone, email and face-to-face support and case management.
- An online Business Profile to make it faster and easier for business owners to transact with NSW Government.
- Guidance and support for small business owners impacted by natural disasters or emerging issues to access a range of Government stimulus, support and information.
- Online business information hubs including how-to guides to help business owners understand key tasks and the support available when starting and running a business in NSW.

A new Partnership Agreement has been developed to provide consistency across all councils, reflect the broader focus of Service NSW for Business and provide the opportunity for Snowy Valleys Council to engage with all services across Service NSW now and into the future.

The new Partnership Agreement includes further detail and clarity about the roles and responsibilities of all agencies in relation to the collection, storage and security of personal information.

Section 4 of the agreement outlines the Roles and Responsibilities of Service NSW and Council. Council's roles and responsibilities are as follows:

- Provide Service NSW with all information, inputs, resources and subject matter expertise in a timely manner as required to enable Service NSW to provide the services as set out in the agreement; and
- Take responsibility for the management of records it receives or holds following the exercise of a customer service function by Service NSW.

Section 5 of the agreement outlines the Services of Service NSW and Council. Council's services are as follows:

- Refer eligible customers to the program;
- Provide guidance to Service NSW staff to assist in responding to inquiries;
- Inform customers and Service NSW of an outcome of relevant applications in line with privacy requirements;
- Provide updates on changes to local government policies, guidelines or other matters which may affect the program;
- Identify local opportunities to inform customers of the program; and
- Provide Service NSW with feedback on the effectiveness and performance of the program.

The intention of the Partnership Agreement is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

For Snowy Valleys Council, the process is to endorse the proposed recommendations and to inform Service NSW when this endorsement has occurred.

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

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

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

Theme 2 - Our Economy

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

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

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

2.4 Attract and support local business and industry

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

This is a free initiative for Council and customers using the service. Resource implications on Council would be staff time in communicating and working with businesses and Service NSW. This would be absorbed in day-to-day activities.

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

Nil

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Nil

**OPTIONS:**

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

**COUNCIL SEAL REQUIRED:**

Yes

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The Director Community & Corporate and the Coordinator Place Activation were briefed on the program by the Service NSW Business Relationship Manager.

**ATTACHMENTS**

Nil.

## 10.3. TUMUT AERODROME DRAFT MASTER PLAN - COMMUNITY FEEDBACK

**REPORT AUTHOR: SURVEY & DESIGN ENGINEER**

**RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

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### EXECUTIVE SUMMARY:

This report summarises the community feedback received during a period of public exhibition of the Tumut Aerodrome Draft Master Plan and proposes actions based on the submissions.

### RECOMMENDATION:

#### THAT COUNCIL:

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

### BACKGROUND:

Following the announcement of \$12.5M for a runway extension, lighting and other improvements proposed under the Tumut Aerodrome Stage 2 Infrastructure Improvement project, as well as a new Fire Control Centre (FCC) proposed for NSW Rural Fire Service at Tumut Aerodrome, Council recognised that the 2015 Tumut Aerodrome Master Plan would need to be updated. Council engaged Aviation Projects to incorporate these new developments and other demands on the site into a new Master Plan for Tumut Aerodrome.

Most recently, at its 16 February 2023 ordinary meeting;

#### **M13/23 RESOLVED:**

##### THAT COUNCIL:

1. Endorse the Tumut Aerodrome Draft Master Plan for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided to Council;
3. Adopt the Tumut Aerodrome Draft Master Plan if no submissions are received on the day after the completion of the public exhibition period;
4. Note the summary of the Civil Aviation Safety Authority (CASA) agreement for non-standard runway strip width and the overall positive outcomes for Tumut Aerodrome; and
5. Authorise the General Manager to negotiate with and accept the exemption as provided by CASA regarding a non-standard runway strip width at Tumut Aerodrome.

**REPORT:**

Following Council resolution M13/23, Council staff actioned the exhibition of the Tumut Aerodrome Draft Master Plan with the exhibition period spanning 20 February to 20 March 2023.

A total of 44 responses were received during the exhibition period, with one further late response which has been incorporated with the General Manager's approval. The submissions are summarised by theme in Table 1 below:

Table 1

Number	Response theme	Number of contributors	Council response
1	Supportive of the Master Plan / want the proposed infrastructure to progress	34	Response validates the Master Plan
2	Tumut Aerodrome upgrade will create a valuable emergency services asset for the community	15	Response validates the Master Plan
3	Section 9 'development stages' (p24, 25, 28) has the runway extension under 15-20 years timeframe, but this will be delivered under the Stage 2 Tumut Aerodrome Infrastructure Improvement Project. This should be changed to reflect the project timeline (move runway extension to 1-5 year timeframe).	2	During public consultation, Council staff became aware of an error on page 24 which did not take into account the current BLER funding and associated Tumut Aerodrome Stage 2 Infrastructure Improvement project. This error was also observed by these two submissions. The Master Plan has been adjusted to address the error and bring the runway extension into the 'Initial Development Stage' (1-5 years).
4	Protect forestry-related resources, industry and jobs / economy	10	Response validates the Master Plan
5	Wellbeing of people / growth and protection of the region	6	Response validates the Master Plan
6	Request a waterpipe from Tumut to airport and nearby estate	1	While recognised as an important issue, this has not been budgeted for in the Stage 2 works.
7	Current runway / facilities not suitable for fire fighting	4	Response validates the Master Plan
8	Consolidate RFS and Forestry assets in one location	3	Response validates the Master Plan
9	Current FCC not fit for purpose / parking not fit or secure	6	Response validates the Master Plan
10	Need a new FCC / airbase with appropriate facilities	9	Response validates the Master Plan
11	Paragliding, hang-gliding, parachuting attracted to visual amenity of SVC but avoid Tumut Airport - SVC should create a non-approved airport for smaller & alternate aviation activities.	1	Tumbarumba Airstrip could be appropriate for some of these activities.

Number	Response theme	Number of contributors	Council response
12	To locate RFS facilities is counter-intuitive to other emergency coordination approaches - should be centralised. Use radios and satellite imagery to coordinate.	1	Emergency management strategy is not in the scope of this master planning process.
13	Problem of encroaching urbanisation - Council must prevent development under flight paths with wide exclusion zones - prevent noise complaints, plan for potential expansion, and avoid hazards and risk.	1	A relevant concern. The Master Plan outlines already existing zoning and other planning provisions to facilitate the protection of aerodrome airspace and functionality. Council's Aviation Consultant was asked to identify any further planning changes to bolster Council's position in this matter, but no further changes were identified.
14	Weather station should be installed at Tumut Aerodrome - gets busy during emergency ops, weather observational gap at Tumut (other stations are at different elevations or too far away)	1	The Master plan could identify a possible location for a weather station. Considering the ongoing costs there is no commitment at this point - but it can be planned for.
15	Extend and strengthen the runway to accommodate all types of firefighting and aeromedical aircraft	1	It would be impossible to accommodate all types of firefighting and aeromedical aircraft without changing the surrounding topography. The Master Plan has identified the target aircraft types.
16	Approval and construction be given the highest priority by Council	1	This is a Council decision and is not an issue to be included in the Master Plan.
17	Concern - impact of TransGrid powerlines on flight paths, particularly in an emergency	1	A relevant concern. Council staff have spent a significant amount of time liaising with TransGrid on this issue. This is not an issue for the Master Plan.
18	Locate tarmac further from RFS operations building for safety and install foam pump station for Hot-Refuelling. Need extra space for helicopters waiting to refuel. Track for fuel truck.	1	Hot-refuelling is not currently identified as an issue needing consideration. RFS has advised that their policy is a preference for no hot-refuelling. Hot-refuelling can only be done within strict operating procedures and only with the approval of the Incident Controller.  If hot-refuelling is required at some time in the future, there is most likely sufficient space available to make the required modifications. This would be part of a detailed design stage for the RFS Fire

Number	Response theme	Number of contributors	Council response
			Control Centre and is not required to be included in this Master Plan.
19	Need 'state of the art' to keep up with rest of the country.	1	It is not clear exactly what the submission is requesting, but the Master Plan does make improvements to the aerodrome functionality.
20	Need best fire management practices to protect high-value assets of national significance	1	Response validates the Master Plan.
21	CASA regulations could change forcing either additional changes to the masterplan or change to the aerodrome classification	1	This risk must be weighed against the current Aerodrome value to the community vs value added resulting from the project.
22	Need for Flood Mitigation Plan to reduce flood risks for property owners	1	A flood study is currently underway as part of the civil design - this will inform infrastructure which will best mitigate potential flood impacts on surrounding properties.
23	Concern over RFS including a fire-ground training space in their area and possible pollution	1	This is a development approval issue. There is no fire-ground mentioned on the plans in the Master Plan.
24	Opposition to helicopter bucket and winch training at the airport - request it be done elsewhere	1	This is not relevant to the Master Plan - it is a development control issue. Aerodrome operators cannot control the actions of pilots.  However, it is good 'PR' practice for organisations to engage with other stakeholders and open up lines of communications regarding their operations.

A full copy of all submissions is available to councillors on request and will be available to councillors at the meeting.

Of the 24 issues mentioned, three items trigger a change to the Master Plan.

Changes to the exhibited Tumut Aerodrome Draft Master Plan adopted from the above feedback are listed below:

1. Modify section 9 (p24) of the Master Plan to move the runway extension from 'Ultimate Development Stage' (5-20 years) to 'Initial Development Stage' (1-5 years).
2. Modify section 9.1 (p25) to include the runway extension.
3. Modify section 9.4 (p28) to remove the runway extension.
4. Request Aviation Projects to advise of any planning constraints suggested to improve aerodrome protections - none were identified.
5. Request Aviation Projects to provide suggested location for weather station - location has been identified.

Note: One additional change resulted from the review of the plans associated with the Master Plan - the future aerodrome boundary has been slightly adjusted to exclude land at the south end of the runway which is not intended to be acquired.

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

### Integrated Planning and Reporting Framework:

#### Community Strategic Plan Theme

Theme 4 - Our Infrastructure

#### Community Strategic Plan Strategic Objectives

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

#### Delivery Program Principal Activities

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

## FINANCIAL AND RESOURCES IMPLICATIONS:

None identified from the feedback provided by the community.

## POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council is following its policies and statutory obligations by ensuring the community has opportunity to provide feedback on the master plan.

Council values the feedback provided by the community and carefully considers all contributions.

## RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Failure to follow policy and statutory obligations	Loss of valuable community input, reputational risk, possible legal ramifications	None identified
Environmental & Public Health	None identified	None identified	None identified
Financial	None identified	None identified	None identified
People	None identified	None identified	None identified
Technology	None identified	None identified	None identified
Stakeholder	Appropriate stakeholder engagement	If stakeholder engagement is done poorly, stakeholders may feel disenfranchised and reduce their involvement in this service delivery area.	Valuable input, stakeholder satisfaction and future involvement.
Service Delivery	Well planned facility layout	Time and financial cost expended on producing the master plan	Improved service delivery (especially emergency services)

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
			though well planned and efficient aerodrome facility layout.

**OPTIONS:**

1. Adopt as per recommendations set out in this report (recommended - allow the aerodrome and fire control centre projects to progress in a timely manner).
2. Amend the recommendations prior to adopting the master plan (not recommended - possibility of causing confusion and delay to projects, depending on changes made).
3. Decline the recommendations set out in this report (not recommended - this would delay the master plan and the aerodrome and fire control centre projects, cause confusion, negative political impacts with RFS and Forestry, negative impacts on project timelines and funding bodies).

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Significant consultation with key stakeholders was undertaken prior to the master plan being finalised for public exhibition.

The Tumut Aerodrome Draft Master Plan was exhibited from 20 February to 20 March 2023 for public consultation and the responses have been carefully considered in this report.

**ATTACHMENTS**

1. Tumut Aerodrome Draft Master Plan (Under separate cover)

## **10.4. TERMS OF REFERENCE - FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE-TUMUT AND TUMBARUMBA**

**REPORT AUTHOR: COORDINATOR GROWTH AND DEVELOPMENT**

**RESPONSIBLE OFFICER: GENERAL MANAGER**

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### **EXECUTIVE SUMMARY:**

Council was successful in obtaining grants for Tumut (2021 funding round) and Tumbarumba (2022 funding round) to undertake flood studies on the Tumut River and Tumbarumba Creek catchments, given the current development pressures being experienced within the catchment areas. As part of the terms of the funding agreement, Council is required to have advisory committees to assist in providing direction to the Council on the proposed Tumut and Tumbarumba Flood Studies. Separate Terms of Reference (ToR) are required for both the Tumbarumba Flood Plain Risk Management Committee and the Tumut Flood Plain Risk Management Committee.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

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

### **BACKGROUND:**

In 2021, the then New South Wales Department of Planning and Environment (the Department) provided an opportunity for NSW Councils and public land managers to apply for grant funding to undertake flood studies and other mitigation works as part of a \$10 Million budget to address flood impacts on NSW communities. Council was successful in obtaining grants for Tumut and Tumbarumba to undertake flood studies on the Tumut River and Tumbarumba Creek catchment areas.

Separate applications have been made to the Department for the 2023 funding round, seeking to update Council's Adelong Flood Study completed in 2017. The update of the study is justified on the basis of recent flooding events.

### **REPORT:**

At the Tumut Floodplain Risk Management Committee meeting held on the 25 January 2023, it was carried unanimously to make changes to the Terms of Reference, being the title of the Committee should be Tumut Floodplain Risk Management Committee. The changes seek to alter the current name of Snowy Valleys Floodplain Development Committee. The terms of reference of the Tumbarumba Floodplain Risk Management Committee will also adopt the same naming convention.

Furthermore, amendment within the Terms of Reference to identify that voting rights should only be for Councillors and local community representatives on the committee. Council staff and external agencies are in attendance only in a technical/advisory capacity. This alteration will be for both the Tumut and Tumbarumba flood studies.

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

Theme 3 - Our Environment

Theme 5 - Our Civic Leadership

**Community Strategic Plan Strategic Objectives**

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

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

**Delivery Program Principal Activities**

3.1 Create climate resilience through our actions and advocacy

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

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

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

As part of the funding agreement, the Department has awarded Council \$155,568 Ex GST on a 4:1 funding for Tumut and \$80,000 Ex GST on a 4:1 funding ratio for Tumbarumba. Council's contribution has been identified in the 2022/23 financial year budget and the co-contribution for the Tumbarumba Flood Study has been included in the draft budget for 2023/24.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Both Floodplain Risk Management Committees will comply with the requirements of the terms of the funding deed and also the New South Wales Floodplain Development Manual Guidelines.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

<b>RISK CATEGORY</b>	<b>RISK/REWARD DESCRIPTION</b>	<b>COST/RISK</b>	<b>BENEFIT/ REWARD</b>
Legal	Potential litigation	The absence of a Tumbarumba Flood Study and old data of the Tumut Flood Study , will likely increase the risk to Council of litigation relating to development matters on flood prone land.	The development of a floodplain study for Tumut and Tumbarumba will decrease Council's risk to litigation primarily due to increased certainty around development matters and also better infrastructure planning to protect the community from the effects of flooding.
Environmental & Public Health	Nil	Nil	Nil

<b>RISK CATEGORY</b>	<b>RISK/REWARD DESCRIPTION</b>	<b>COST/RISK</b>	<b>BENEFIT/ REWARD</b>
Financial	Nil	Nil	Nil
People	Nil	Nil	Nil
Technology	Nil		Nil
Stakeholder	The Committees will enable greater stakeholder participation in the project outcomes.	Nil	Enables greater community insights into the project leading to better project outcomes.
Service Delivery	More informed decision making and strategic planning	Nil	The project will likely lead to more informed decision making processes surrounding development assessment / infrastructure planning and strategic land use planning throughout the Local Government Area.

**OPTIONS:**

Option 1:

THAT COUNCIL:

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

Option 2:

THAT Council not endorse the Terms of Reference for Tumut and Tumbarumba for the above.

**Option 1 is recommended**

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Council will undertake engagement with a number of stakeholders and government agencies as the project progresses. Council has provided a media release to the community identifying that Council has been successful in the recent grant applications for 2022/23 funding round.

## **ATTACHMENTS**

1. Terms of Reference (SVC-TofR-037-02) -Tumut Floodplain Risk Management Committee (Under separate cover)
2. Terms of Reference (SVC-TofR-040-01) -Tumbarumba Floodplain Risk Management Committee (Under separate cover)

## **10.5. DRAFT COMPANION AND NON-COMPANION ANIMALS POLICY - FOR PUBLIC EXHIBITION**

**REPORT AUTHOR: RANGER / BIOSECURITY OFFICER**

**RESPONSIBLE OFFICER: GENERAL MANAGER**

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### **EXECUTIVE SUMMARY:**

Council has responsibilities under the *Companion Animals Act 1998* to appropriately regulate and control companion animals including cats and dogs throughout the Local Government Area. The Act provides the fundamental statutory basis in which animals should be managed and also prescribes certain requirements on pet owners to identify, register and control animals in public places. Local Laws Policies such as the Draft Companion and Non-Companion Animal Policy provide additional guidance to both companion animals owners, animals including livestock and poultry and game owners.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Endorse the Draft Companion and Non-Companion Animals Policy for public exhibition for a period of not less than 28 days;**
- 2. Note that if submissions are received during the exhibition period, a further report will be provided to Council; and**
- 3. Adopt the Draft Companion and Non-Companion Animals Policy if no submissions are received on the day after the completion of the public exhibition period.**
- 4. Repeal the Companion Animal Management Policy should the Draft Companion and Non-Companion Animals Policy be adopted.**

### **BACKGROUND:**

Council currently has a Companion Animal Management Policy and Companion Animals Management Procedure which was endorsed by Council in 2019 for public exhibition was later adopted. A review of the draft policy position suggests that the policy duplicates provisions of the *Companion Animals Act 1998* and Regulation 1999 and accordingly, it is recommended that the policy be repealed once the new policy is formally adopted.

Council has responsibilities under the *Companion Animals Act 1998* to appropriately regulate and control companion animals including cats and dogs throughout the Local Government Area. The Act provides the fundamental statutory basis in which animals should be managed and also prescribes certain requirements to permanently identify, register and control animals in public places. The Act also regulates issues surrounding dangerous and menacing dogs.

Likewise, Council has responsibilities under the *Local Government Act 1993* and the Local Government Regulation 2021 to regulate the keeping of non-companion animals within the Local Government Area. This includes the regulation of amenity, health and sanitary conditions of animals held on premises. The Regulation also enables Council to consider enforcement where animals are kept which can affect amenity within the community.

Council has been experiencing an increase in the number of complaints relating to both the control of animals in public spaces and also the keeping of animals on premises in residential areas within the Local Government Area. In certain instances, the number of dogs being kept on a residential property has led to poor hygiene and amenity outcomes. In these cases, the lack of facilities and standards of housing not only affects the welfare of the animals but has also led to increased community complaints as a result of noise, odour and concerns for the health and wellbeing of the animals. Suitable facilities and correct management practices for the handling of companion and non-companion animals provides for appropriate standards of care and promotes amenity within the community.

In certain circumstances where complaints are received and the substance of those complaints can be substantiated, Council's authorised officers requires a framework to guide minimum standards in the keeping of both companion and non-companion animals. This draft policy seeks to provide guidance in the case where complaints are received and enforcement action is required to be pursued under the *Companion Animals Act 1998* or the *Local Government Act 1993*.

## **REPORT:**

The Draft Companion and Non-Companion Animal Policy seeks to encourage responsible management of pets for the benefit of the community through education and information, which is consistent with the Council's responsibilities under the *Companion Animals Act 1998*. The draft policy also seeks to control and regulate the number of non-companion animals kept on a premises and to maintain the health standards of the premises and preserve the amenity of the neighbourhood. The draft policy also acknowledges the rights of all property owners to enjoy the use of their premises provided that in doing so, they do not conflict with the broader public interest.

The draft policy seeks to assist in the administration of the *Companion Animals Act 1998* and the associated Regulation relating to pet ownership. Acknowledging that pet ownership provides social benefits to the community through social enrichment, the draft policy also seeks to encourage responsible pet ownership whilst providing a guide for authorised officers in regulating pet ownership in the LGA.

Council regulates the number of animals kept on premises in accordance with the *Local Government Act 1993 'the Act'*. Schedule 2, Part 5 of the Local Government (General) Regulation 2021. This regulation provides statutory controls on the keeping of animals by specifying minimum standards. The standards relating to the keeping of animals apply to a person only if the Council has served an order under section 124 of the *Local Government Act 1993* to that effect on the person and Council has discretionary power to enforce the standards.

The draft policy also provides:

- Minimum standards for the keeping of dogs and cats on premises including restricting numbers in the case where complaints are substantiated, and the owner cannot demonstrate compliance with the prescribed standards within the draft policy.
- The consideration and introduction of a cat curfew between the hours of 6pm and 6am to prevent the straying of cats and the potential damage to native wildlife in the community.
- The restrictions and associated standards for the keeping of non-companion animals in residential and residential-related areas.
- Guidance to authorised officers of the Council to regulate adopted standards and apply the provisions of the *Companion Animals Act 1998* and *Local Government Act 1993* to achieve compliance.

Should the draft policy be adopted, Council's existing Companion Animals Management Policy and associated procedure should be repealed.

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

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

Theme 5 - Our Civic Leadership

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

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

### **Delivery Program Principal Activities**

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

Any costs associated with the drafting and implementation of the draft Companion Animals and Non-Companion Animals Policy will be covered under Council's existing operational budget allocations within the 2022/23 financial year.

It is not expected that the introduction of the draft policy will impose any recurrent financial costs or additional resources.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The *Companion Animals Act 1998* and Companion Animals Regulation 1999 provide statutory frameworks for the management of companion animals. The Draft Companion and Non-Companion Animals Policy provides additional policy guidance and standards for the management and welfare of companion animals and also additional requirements for the management of livestock and game not covered under the Act and Regulation.

The *Local Government Act 1993* provides a regulatory framework for Council's and its authorised officers to control both the number and manner in which companion animals and livestock, poultry and other animals to maintain both hygiene and amenity. Discretionary power is provided to Council to enforce the guidelines under section 124 of the *Local Government Act 1993* by issuing an order to animal owners to comply. In general, the guidelines will be enforced where substantiated complaints exist, Council has identified amenity and hygiene concerns or in other cases where the stocking of animals is, or is likely to cause, both welfare issues for the animal or community concerns.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Appropriate governance frameworks manage risks to both the Council and also the community. The management of animals in the Local Government Area through a local policy position enables discretionary guidelines to be established for regulatory compliance of both companion animals, livestock and game.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Consistent guidelines are established for the management of companion animals and animals throughout the Local Government Area.  Greater community understanding of Council's requirements leads to increased compliance with minimum standards.	Absence of guidelines can lead to inconsistent approaches to the management of companion animals and other animals throughout the Local Government Area.	Provides consistent guidelines for the management of animals within the Local Government Area.
Environmental & Public Health	Minimum standards of both environmental and public health can be achieved including animal welfare standards.	Negative outcomes with respect to welfare standards, public health and sanitary conditions and amenity can be affected in the case where guidelines are not established.	Increased compliance associated with standard of environmental and public health.  Establishment of standards of

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
			environmental and public health and amenity.

**OPTIONS:****Option 1**

THAT COUNCIL:

1. Endorse the Draft Companion and Non-Companion Animals Policy for public exhibition for a period of not less than 28 days;
2. Note that if submissions are received during the exhibition period, a further report will be provided to Council; and
3. Adopt the Draft Companion and Non-Companion Animals Policy if no submissions are received on the day after the completion of the public exhibition period.
4. Repeal the Companion Animal Management Policy should the Draft Companion and Non-Companion Animals Policy be adopted

**Option 2**

THAT Council not endorse the Draft Companion and Non Companion Animals Policy and provide an alternate policy position.

**Option 1 is recommended.**

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

In accordance with the *Local Government Act 1993*, the Draft Companion and Non-Companion Animals Policy shall be placed on public exhibition once endorsed, for a period not less than 28 days. Should any submissions be received, they shall be considered in a future report to Council.

**ATTACHMENTS**

1. IDRAFT Companion and Non-Companion Animals Policy - SVC-ENV-PO-107-03 (Under separate cover)

## 10.6. PLANNING PROPOSAL PP2022-1938 AMENDMENT TO ZONING AND MINIMUM LOT SIZE - 67-99 ADELONG ROAD, TUMUT - POST EXHIBITION

REPORT AUTHOR: DEVELOPMENT ASSESSMENT PLANNER

RESPONSIBLE OFFICER: GENERAL MANAGER

### EXECUTIVE SUMMARY:

The purpose of this report is to detail the outcomes of the public exhibition and to seek Council endorsement to finalise the Planning Proposal PP2022-1938 to make an amendment to the Tumut Local Environmental Plan (LEP) 2012 submitted by Snowy Valley Developments Pty Ltd. The Planning Proposal and supporting material were publicly exhibited between Friday 24 February and Friday 24 March 2023 (inclusive). No submissions were received during the exhibition period.

The Planning Proposal seeks to amend the land zoning of a 654m<sup>2</sup> parcel of land located within the existing Adelong Road, reserve, which is to be closed and consolidated into the adjoining allotment known as 67- 99 Adelong Road, Tumut (Lot 3 DP 839094). The Planning Proposal seeks to amend the zoning of the subject site from SP2 "Infrastructure" to IN1 "General Industry" and the minimum lot size from "Not Applicable" to 750m<sup>2</sup>.

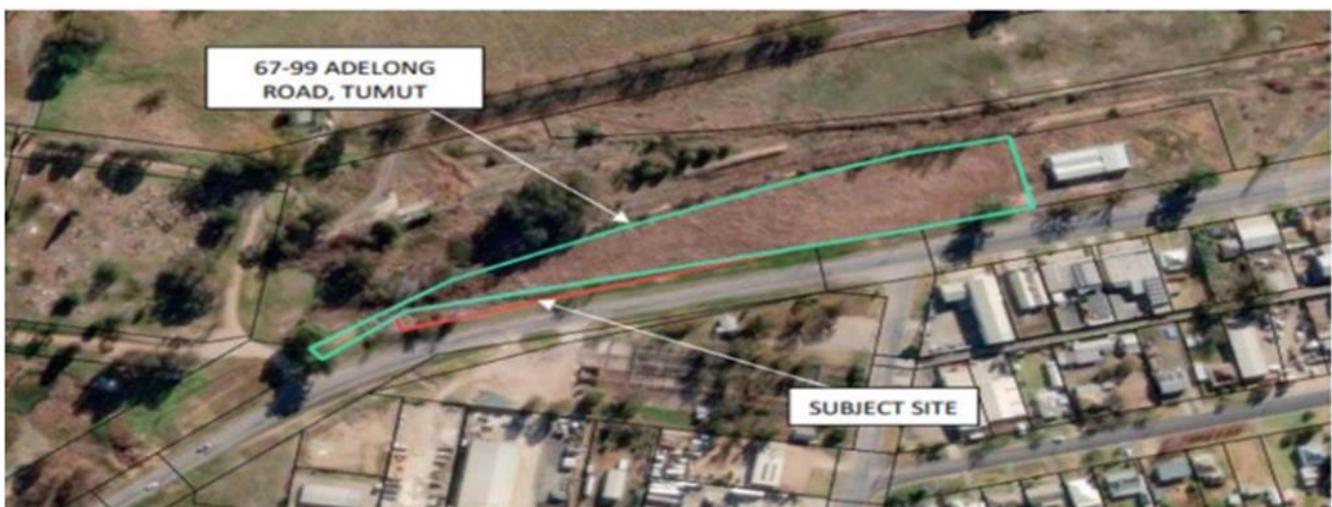
### RECOMMENDATION:

#### THAT COUNCIL:

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

### BACKGROUND:

Council is in receipt of a planning proposal LEP2022/01 to change the land zoning of a part section of Adelong Road that Council has previously resolved to close and transfer to the adjoining landowner.



**Figure 1: Aerial View - Subject site highlighted (Source: SixMaps)**

The current land zoning of the subject site is identified as Zone SP2 Infrastructure under the Tumut Local Environment Plan 2012 which is a common land use zone for main roads and rail corridors.

The planning proposal seeks to change the Zone to IN1 General Industry which is consistent with the surrounding allotments and will permit a greater range of land uses in the future.

Subject to the Local Environmental Plan amendment and land sale transaction, a proposed future Service Station, Truck Wash and Workshop are proposed for the site. The change to IN1 General Industrial would ensure that this portion of the site is consistent with the land use zone of the remainder of the site. The portion of the site is expected to be utilised for access and egress arrangements.

Council's resolution minute number M266/22 of 15th September 2022 resolved:

THAT COUNCIL:

1. Support the planning proposal LEP2022/01 prepared to amend the Tumut Local Environment Plan (LEP) 2012.
2. Forward the planning proposal to the Department of Planning and Environment for a Gateway Determination.

A Gateway Determination was received on 29 November 2022 by the New South Wales Department of Planning and Environment and provided the necessary direction for the Council to consult with Transport for New South Wales and also undertake community consultation.

## REPORT:

### Planning Proposal

The Planning Proposal PP2022-1938 ('the proposal') has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the Local Environment Plan Making Guidelines.

The proposal seeks to change the zoning of a part section of Adelong Road (67-99 Adelong Road) from SP2 to IN1 which would allow for additional land uses to occur on the subject site.

The IN1 Zone is consistent in the locality with the lands surrounding the subject site all being zoned IN1. The change will permit a greater variety of land uses to occur and increase future development potential of the property.

The proposal has been assessed against the relevant Local and State provisions, guidelines and regional strategies, including the Department of Planning and Environment's (DPE) Local Environmental Plan Making Guidelines 2021 - Section 2 that outlines the required content for planning proposals. The planning proposal is considered to be consistent with these requirements.

To achieve the intended outcomes of the Planning Proposal, the following amendments to LEP 2012 maps will be required:

- Amend Land Zoning Map LSN\_003A to modify the current minimum lot size provisions applied to the subject land from SP2 (Infrastructure) to IN1 (General Industrial).
- Amend Lot Size Map LSZ\_003A to modify the current minimum lot size provisions applied to the subject land from "Not Applicable" to 750m<sup>2</sup>.

### Consultation

#### External Referrals

In accordance with the Gateway Determination, Council consulted with Transport for NSW which was provided with a copy of the Planning Proposal and relevant supporting material and given at least 30 days to comment on the proposal.

Referral	Response
Transport for NSW	<p>Transport for NSW (TfNSW) is responding to the Planning Proposal PP-2022-1938 referred on 24 February 2023. TfNSW has reviewed the information and has no objections to the Planning Proposal in principle. Comments are set out in Attachment 1.</p> <p>Attachment 1: PP-2022-1938 – Spot Rezoning – LOT 3 DP 839094 – 67-99 Adelong Road TUMUT</p> <p>Context: TfNSW notes for this DA:</p> <ul style="list-style-type: none"> <li>• The key state road is Adelong Road (the Snowy Mountains Highway). The subject site currently forms part of the road reserve of Adelong Road.</li> <li>• The proposal includes the rezoning of the site from SP2 Infrastructure (Classified Road) to IN1 General Industrial and the increase of the minimum lot size to 750 sqm.</li> </ul>

**Public Exhibition**

The Planning Proposal and supporting material were placed on public exhibition in accordance with the Gateway Determination for a period of 28 days from Friday 24 February and Friday 24 March 2023 (inclusive). The Planning Proposal was notified on the NSW Planning Portal. A hard copy of the Planning Proposal was also made available to view at Council’s Riverina Highlands Building at 76 Capper Street, Tumut.

No submissions were received during the exhibition period.

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

**Integrated Planning and Reporting Framework:**

**Delivery Program and Operation Plan Strategic Directions**

Theme 3 - Our Environment

**Community Strategic Plan Objectives**

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

**Delivery Program Principal Activities**

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

The costs associated with the assessment of the planning proposal will be covered through Council’s existing allocated budget for 2022/23. The adopted fees and charges provide for levying any application for a minor LEP amendment.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Legislative framework for amending the Tumut Local Environmental Plan 2012 is covered under the *Environmental Planning and Assessment Act 1979* and associated Regulation (2021) and the Local Environment Plan Making Guidelines.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Nil

**OPTIONS:**

Option 1

THAT COUNCIL:

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

Option 2:

THAT Council not endorse the planning proposal LEP 2022/01 and not finalise the planning proposal in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**Option 1 is recommended.**

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:****External Consultation:**

In accordance with the Gateway Determination, Council consulted with Transport for NSW who were provided with a copy of the Planning Proposal PP2022-1938 and relevant supporting material and given at least 30 days to comment on the proposal.

Community engagement was identified by the NSW Department of Planning and Environment through the gateway determination.

The Planning Proposal and supporting material were placed on public exhibition in accordance with the Gateway Determination for a period of 28 days from Friday 24 February and Friday 24 March 2023 (inclusive). The Planning Proposal was notified on the NSW Planning Portal. A hard copy of the Planning Proposal was also made available to view at Council's Riverina Highlands Building at 76 Capper Street, Tumut. No submissions were received during the exhibition period.

**ATTACHMENTS**

1. Signed Gateway Determination PP2022-1938 (under separate cover)
2. Signed Gateway Determination Report PP2022-1938 (under separate cover)
3. Signed Letter to Council PP2022-1938 (under separate cover)
4. Advice from TfNSW Development Services South PP2022-1938 (under separate cover)
5. Extract from the Tumut LEP Land Zoning Map in relation to the subject site (under separate cover)
6. Extract from the Tumut LEP Lot Size Map in relation to the subject site (under separate cover)

## 10.7. DEVELOPMENT APPLICATION 2023-0008 - PROPOSED FOOD AND DRINK PREMISES (LOT B DP 157032) 71 FITZROY STREET TUMUT

**REPORT AUTHOR: DEVELOPMENT ASSESSMENT PLANNER**

**RESPONSIBLE OFFICER: GENERAL MANAGER**

### EXECUTIVE SUMMARY:

A Development Application (DA2023/0008) was received by Council on 3 February 2023 seeking development consent for the purposes of a 'food and drink premises' at Lot B, DP 157032, known as 71 Fitzroy Street, Tumut. The application seeks to construct a prefabricated building (a 'cafe container') and associated infrastructure for preparation of coffee and other foods. A shipping container is already onsite for storage but is unrelated to this application.

The application has been forwarded to Council for consideration as the applicant is a current sitting Councillor.

<b>Applicant</b>	<b>John Larter</b>
Landowner	JHELGE Pty Ltd
Zoning Context	B2 – Tumut Local Environmental Plan 2012
Capital Investment Value(\$)	\$80,000
Notification Period	14 days in accordance with the Community Participation Plan
Number of submissions	One (1)
Political Donations declaration	Nil
Reasons for referral to Council	Delegations - Applicant is a current sitting Councillor

### RECOMMENDATION:

#### THAT COUNCIL:

- Determine the Development Application DA2023/0008 for a 'food and drink premises' at Lot B DP 157032 by way of approval and Council apply the conditions of development consent to the approval.**

### BACKGROUND:

The land is identified as Lot B DP 157032, known as 71 Fitzroy Street, Tumut, and comprises approximately 828.30 m<sup>2</sup> of total land area. The subject site is located on the southern end of the Central Business District and is zoned B2 Local Centre under the Tumut Local Environmental Plan 2012 (LEP), with the surrounding land currently being utilised for residential land uses. It is considered that the proposal is generally consistent with the surrounding existing land uses of the area and is not expected to cause unmanageable land use conflict. The site is currently utilised for commercial use.



Figure 1: Aerial of Subject Site (Lot B, DP 157032, known as 71 Fitzroy Street, Tumut NSW 2720)

The existing building has previously been utilised as the former Roads and Maritime Services commercial office space. The use as commercial offices ceased and the land was sold in 2022, making way for a retail recreational and camping supplies store. The current proposal seeks to value add to the current retail business opportunity and also provide for greater food and drink takeaway options in the Tumut Central Business District.

The merits of the current proposal include:

- Construction and installation of a prefabricated container at the front of the existing premises fronting Fitzroy Street, Tumut.
- Construction and upgrading of a disabled toilet to current standards.
- Installation of a 1,000 litre grease arrestor
- Construction of decking for onsite consumption of food and drinks.

A drive-through component had been proposed but was removed at the applicant's request: *"In view of the additional material required for the drive thru component of the application as requested by transport, could the DA be progressed with operational modifications preventing the use of the drive thru components until such time as the further material is lodged supporting this operation. We would be happy to accept a modified consent with such conditions and pursue the drive through once we have the necessary information"* Applicant, 22 March 2023.

**Attachment 1** provides the proposed site plan, **Attachment 2** provides the proposed floor plan and **Attachment 3** provides elevation drawings that outline the development as proposed.

## REPORT:

### Statutory Provisions

Pursuant to Section 4.15 (1)(a) of the *Environmental Planning and Assessment Act 1979*, the provisions of (i) any environmental planning instrument, and (ii) any proposed instrument that apply 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 (Resilience and Hazards) 2021**

*Clause 4.6 Contamination and remediation to be considered in determining development applications*

The proposed development is considered satisfactory with respect to the particular aims 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.

*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 has conducted a site inspection of the premises to ensure that there are no contamination issues present. The land is not considered to be contaminated, nor does it require remediation for the purposes of the development. The site has previously been used for the purposes of commercial office space.

- **State Environmental Planning Policy (Transport and Infrastructure) 2021**

*Clause 2.119 Development with frontage to classified road*

*Object of the Policy:*

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*The proposed development identified a drive through from Richmond Road to Fitzroy Street with vehicles ordering at the Southern End of the car park and orders collected at the proposed manufactured container on the Fitzroy Street end. As the proposal fronts a classified road network, the proposal was referred to Transport for New South Wales (TfNSW) on 10 February 2022 under the Roads Act 1993. TfNSW provided comments and requested that a traffic management study be completed in support of the drive through component of the application. The applicant has sought to formally amend the proposal and remove the drive through component, negating the need to prepare the required study. The applicant should (if the application is approved), modify the consent at a later date to include the drive through component.*

Clause 2.122 Traffic-generating development

*Object of the Policy:*

This section applies to development that involves—

(a) new premises of the relevant size or capacity, or

(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

See previous commentary concerning the removal of the driveway component of the development.

**Local Environmental Plans (LEPs)**

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

- **Clause 1.2 Aims of the Plan**

The relevant aims of the Tumut LEP are:

*(c) to encourage the provision of employment opportunities for local residents,*

*(e) to promote and enhance the viability of existing commercial and industrial centres within Tumut*

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

- **Clause 1.4 Definitions**

*The proposed development is defined as a 'food and drink premises' meaning a premises that is used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—*

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,*
- (c) a pub,*
- (d) a small bar.*

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

The land is zoned as B2 Local centre under the LEP.

*Objectives of zone*

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*

The proposal complies with these objectives.

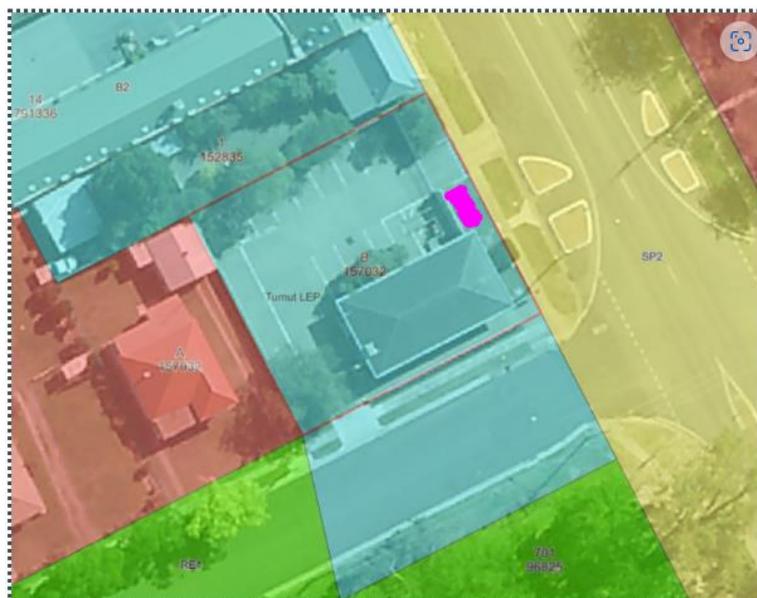


Figure 2: Zoning Map of Subject Site and Locality (proposed cafe container location in pink)

- **Clause 5.10 Heritage Conservation**

The relevant objectives of this clause are as follows:

(a) to conserve the environmental heritage of Tumut,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

Whilst the site is not listed under Schedule 5 of the LEP, the site is adjacent to a premises which is a local item of heritage. Accordingly, the application was referred to Council's heritage advisor for comment. Council's Heritage Advisor has stated:

"It is noted that the proposed development is adjoining the heritage item "Residence" (I68) at 69 Fitzroy St, Tumut in the Tumut LEP 2012 - Schedule 5 – Environmental Heritage and therefore in accordance with LEP Clause 5.10 (5) Heritage Assessment "The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),"

With reference to the SVC DCP 2019 Chapter 7 Heritage - Conservation Clause 7.2 Objectives 'The objectives of this Chapter are to: ensure that new development respects its context and is sympathetic in terms of form, scale, bulk, fabric, colours and textures without mimicking or adversely affecting the significant of heritage items and Conservation Areas and their settings'.

Also referenced is Clause 7.6.1.1 Development controls, where it states: "New development can be contemporary in design when it is well integrated with and related harmoniously to its older neighbours" and Clause 7.6.2 New/Infill Development in the Vicinity of Heritage Items/Conservation Area, where it also states 'Development in the vicinity of a heritage item may be contemporary in design.' It is noted that it consists of [a] ... new 'cafe container' placed adjacent to the street in front of the building/fence line."



Figure 3: Fitzroy Street view of current conditions of Item and fence – with location of container at rear

"With reference to the applicant's concept design 'images' of the proposed food container (see below), the proposal to place the container away from the heritage item "Residence" and adjacent to the 'modern' building does aim to minimise the impact on the adjoining heritage item."



"In summary, the placement of the ‘transportable’ and premanufactured container on the site at 71 Fitzroy St, Tumut, being located some distance away from the adjacent heritage building will have minimal impact on the heritage item “Residence” (I68) at 69 Fitzroy St, Tumut. An additional condition of consent has been recommended within the draft conditions to provide some timber treatments to the front facade of the container to soften the visual presence and provide an increased natural aesthetic."

The use of timber treatments to the exterior will remove the industrial look of the container and provide an improved streetscape appearance.

**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
3.2.1 Vehicle Access Standards	Vehicle access to all development is to be designed to be safe.	<p>Adequate sight distance, in each direction, is provided for the existing internal access road which joins the public road.</p> <p>Existing internal access road joins the public road at 90 degrees and entrance is not located so vehicles do not queue onto the public road.</p> <p>The applicant has amended the application to remove</p>	Complies.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		the drive-through component.	
3.2.3.1 Car Parking Requirements	Sufficient on-site car parking is to be provided for all development proposals.	On the development site, the demand for the car parking generated by the development is provided for.  The Building Code of Australia prescribes the minimum requirements for the provision of parking spaces for people with disabilities.	Complies.
3.2.3.3 Car parking for changes of use in existing commercial buildings	Change of use of all enclosed floor space within existing approved buildings is to be exempt from car parking standards to facilitate increasing the use of existing vacant buildings in the commercial areas of all towns and villages throughout the Snowy Valleys.	Existing parking is proposed to be utilised on the site.	Complies.
3.2.4 Construction Over Council Land and Services	Council requires clear access to sewerage mains for maintenance purposes and needs to ensure that sewerage mains are protected from potential damage caused by excavation and or loads imposed by buildings and other structures.	The existing shipping container shown on the Site Plan is removable and the load imposed acceptable.	Complies.

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

### Planning Agreements

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

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

### Regulations

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

The proposed development has been considered in accordance with the Environmental Planning and Assessment Regulation 2021.

### **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.*

*Environmental impact on the natural environment:*

It is not expected that the proposed development will have any impacts on the natural environment.

*Environmental impact on the built environments:*

Whilst it is acknowledged that prefabricated containers can have a modern and industrial architectural dominance in the streetscape, it is not considered that the proposal will have a detrimental impact on the commercial precinct or adjacent uses. Adding 'faux timber' battens or hardwood cladding would soften the industrial nature of the container. A draft condition of consent has been provided to this effect.

*Social impacts on the locality:*

It is not expected that the development will have any social impacts on the locality. The activation of the intersection of Fitzroy Street and Richmond Street and the creation of social opportunities for the community will likely have a positive social impact.

*Economic impacts on the locality:*

It is expected that the development will provide additional employment opportunities and the use of local trades and the adaptive re-use of an existing commercial building will provide a positive economic impact on the region.

### **Suitability of the site for the development**

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

The development seeks to leverage an existing commercial building opportunity adjacent to a classified road network. The development as proposed is considered suitable in terms of location, size and scale and layout. The site is located adjacent to a listed item of heritage. However, following referral to Council's Heritage Advisor, their advice suggests that due to separation of the buildings and the proposed treatments to the facades, it is not likely to be any unmanageable impacts on the location.

### **Submissions made in accordance with the Act or Regulations**

One (1) submission was received and consideration of the issues raised and associated commentary has been provided in the Community Participation section of this report.

### **Public Interest**

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

The development as proposed provides a low scale, food and drink premises opportunity which adds to the economic mix of central business district and provides additional employment opportunities. It is considered that the development, as proposed, is within the public interest.

### **Consultation**

#### **Pre-lodgement Meetings Internal Consultation**

On-site pre-lodgement meeting was undertaken with Council staff in relation to this proposal. These discussions centred around National Construction Code compliance, disability access and change of use provisions.

#### **Additional information meetings**

Further to pending the provision of additional information, Council staff met with the applicant to discuss the proposal and the provision of information that may satisfy the Snowy Valleys Councils DCP. The applicant has agreed to provide a timber treatment to the exterior of the building and timber hand railings and stainless steel balustrades to improve the overall appearance of the area.

<b>Internal Referrals</b>	<b>Advice / Response / Conditions</b>
Technical Officer Utilities and Trade Waste	Conducted site inspection to assess the grease arrestor 1,000 litre approved by Sydney Water to be installed on site.
<b>External Referral</b>	
Transport for NSW	<p>Transport for NSW (TfNSW) provided comment to the DA (Proposed Drive Thru Café – LOT B DP 157032 – 71 Fitzroy Street, TUMUT) referred on 10 February 2022.</p> <p>TfNSW noted for this DA that the key state road is the Snowy Mountains Highway and Council is seeking advice from TfNSW to assist in its assessment under clause 2.119 &amp; 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW raised concerns with respect to the driveway component of the development and requested that a Traffic Management Study be completed.</p> <p>The applicant has amended the application to remove the drive-through component of the application. This will be pursued once a traffic study is completed and a modification application is prepared and lodged with Council</p>

### Community Participation Plan – Notification

The DA was notified in accordance with the provisions of the Community Participation Plan (25 February 2022 to 11 March 2022) and during this period, one (1) submission was received by Council.

<b>Summary of Submission</b>	<b>Council's Response</b>
Concerns about lateness of closing time.	A condition of development consent will be applied to limit the hours of operation of the development.
Concerns about using container being used as an acoustic nuisance (drummed upon by passers-by).	It is not expected that the container will provide any additional noise impacts on the locality. Adding (faux) timber battens or hardwood exterior treatments would negate the acoustic deflections of the container.
Concerns about distance to boundary of the shipping container.	An existing shipping container is located onsite approximately 900mm from the Western property boundary. Any commercial building can zero lot line site (ie build to the property boundary). The container does not form part of the development being considered.
Concerns about waste disposal.	A condition of consent will be applied to ensure appropriate waste disposal occurs on the site.
Development is next to Heritage Item.	The application was referred to Council's Heritage Advisor who considered the proposal in accordance with clause 5.10. The advisor has concluded that the proposal is satisfactory subject to conditions.

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

#### Integrated Planning and Reporting Framework:

#### Delivery Program and Operation Plan Strategic Directions

#### Theme 2 Our Economy

**Community Strategic Plan Objectives**

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

**Delivery Program Principal Activities**

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

2.4 Attract and support local business and industry

**FINANCIAL AND RESOURCES IMPLICATIONS:****Financial and Resources Implications:**

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

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

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The assessment of the proposal has been carried out in accordance with the relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning Regulation 2021*.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

N/A

**OPTIONS:**

THAT Council:

**Option 1.**

Determine the determination application DA2023/0008 for a proposed "food and drink premises" at Lot B DP 157032 by way of approval and Council apply the draft conditions of development consent as outlined in Attachment 5

**Option 2**

THAT Council determine DA 2023/0008 for a proposed food and drink premises at Lot B in DP 157032 by way of refusal and Council provide reasons for refusal.

**Option 3**

THAT Council defer DA2023/0008 for a proposed food and drink premises pending additional information.

**OPTION 1 is recommended.**

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

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

**ATTACHMENTS**

1. Attachment - Site Plan – 71 Fitzroy Street Tumut (under separate cover)
2. Attachment - 'Cafe container' elevations – 71 Fitzroy Street Tumut (under separate cover)
3. Attachment - 'Cafe container' elevation - colourised and annotated – 71 Fitzroy Street Tumut (under separate cover)
4. Attachment - Statement of Environmental Effects - 71 Fitzroy Street Tumut (under separate cover)
5. Attachment - Proposed Consent Conditions – 71 Fitzroy Street Tumut (under separate cover)

## 10.8. DEVELOPMENT APPLICATION 2022-0099 - RESIDENTIAL ALTERATIONS AND ADDITIONS LOT 32 DP 1120073, LITTLE RIVER ROAD, LITTLE RIVER 2720

**REPORT AUTHOR: COORDINATOR GROWTH & DEVELOPMENT**

**RESPONSIBLE OFFICER: GENERAL MANAGER**

### EXECUTIVE SUMMARY:

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

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

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

### RECOMMENDATION:

#### THAT COUNCIL:

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

### BACKGROUND:

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

#### Previous approved developments / activities

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

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

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

### **Subject site and locality**

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

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



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



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

**Proposed Development**

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

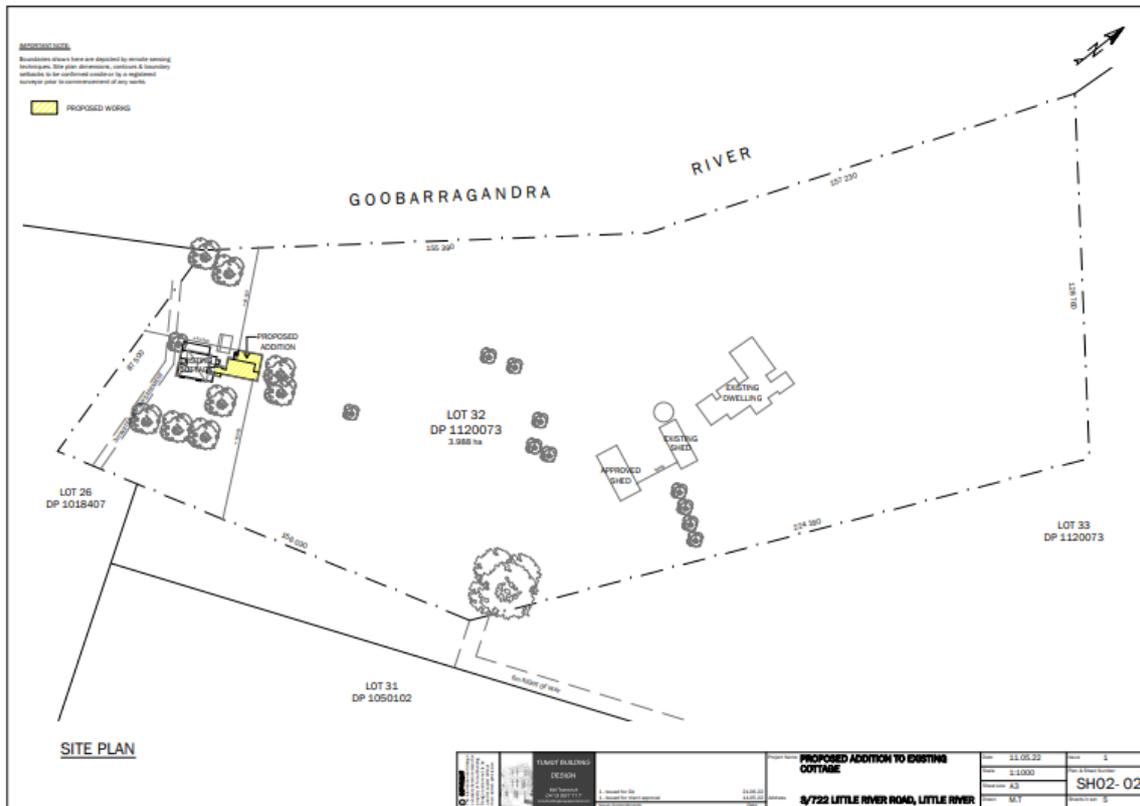


Figure 3: Site plan. Source from plans

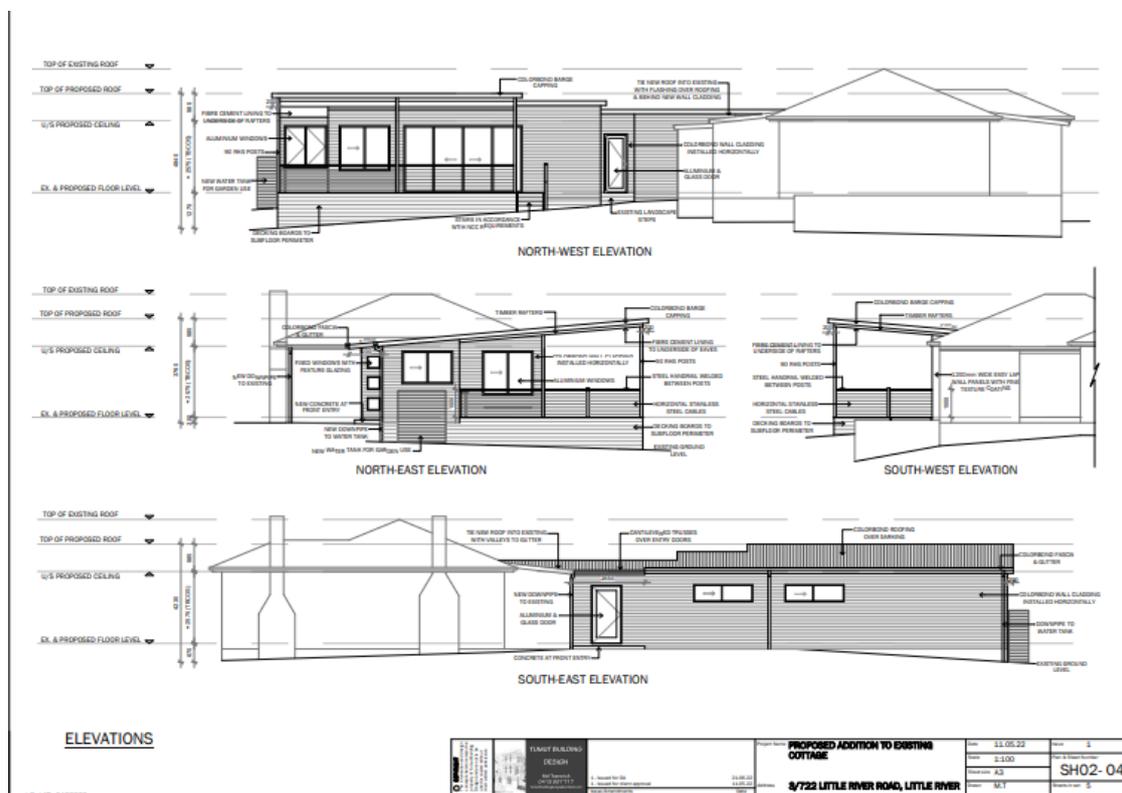


Figure 4: Elevations. Source from plans

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

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

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

## **REPORT:**

### **Statutory Provisions**

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

### **State Environmental Planning Policies**

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

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

- Clause 6 – Buildings to which Policy applies.

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

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

• Clause 3.6 – Is the land potential koala habitat?

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

### **Local Environmental Plans**

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

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

The aims of the Tumut Local Environment Plan 2012 are:

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

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

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

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

Objectives of zone:

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

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



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

**• Clause 6.4 - Groundwater Vulnerability and Wastewater**

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

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

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

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

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



Figure 6: Groundwater vulnerability mapping. Source: SVC IntraMaps

• **Clause 6.5** - Riparian lands and watercourses

This clause applies to all of the following—

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

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

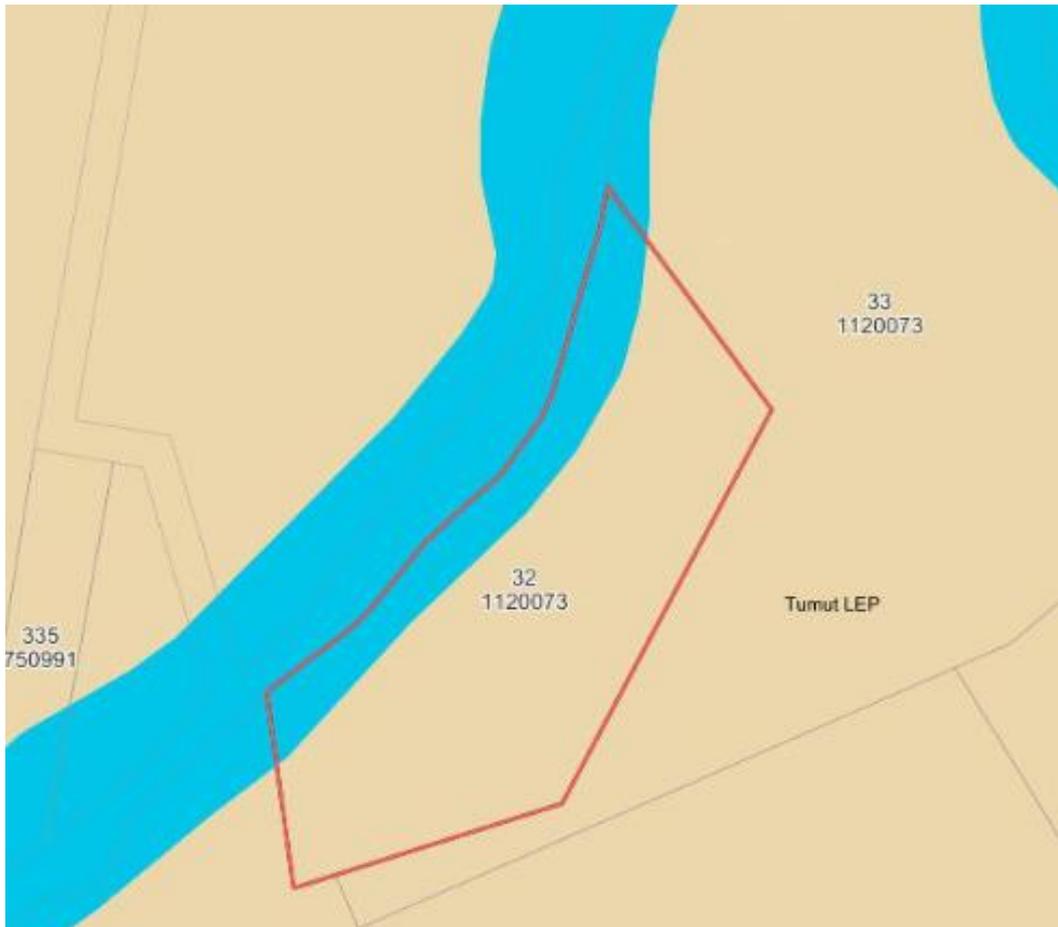


Figure 7: Riparian lands and watercourses mapping. Source: SVC IntraMaps

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

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

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

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



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

**Development Control Plans**

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

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

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

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

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

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

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

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
4.7.10 Temporary accommodation	n/a	Not proposed	n/a
4.7.12 Waste Management	No on-site domestic solid waste disposal is permitted. Domestic solid waste must be, either collected by a waste collection transportation disposal service or is disposed of to a Council waste or resource management facility.	Condition of consent in regards to waste collection will be applied to ensure that waste is disposed of to a lawfully approved and licenced waste management facility.	Yes

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

**Planning Agreements**

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

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

**Regulations**

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

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

**Coastal Management Plans**

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

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

**Impacts of the Development**

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

**Context and Setting**

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

**Site Design and Internal Design**

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

## Heritage

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

## Flooding

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

## Suitability of the Site for the Development

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

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

## Submissions made in accordance with the Act or Regulations

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

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

## Public Interest

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

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

## CONSULTATION

### Pre-lodgement Meetings

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

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

## Community Participation Plan – Notification

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

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

Summary of submissions	Councils Response
	the flood planning area on the subject land and is located above the Australian Height Datum (AHD) of known historical flood heights in the area. No additional controls are required in terms of flood planning for behaviour or storage on the land.
Dogs are a huge problem on the property causing noise.	This is not a consideration under section 4.15 of the Environmental Planning and Assessment Act 1979.  Any potential noise issue relating to companion animals will be investigated via a separate process.
Concerns of Privacy/ Interference .	A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the privacy. Council will impose conditions of development consent requiring additional plantings on the site to maintain privacy with surrounding properties.

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

#### Road Access

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

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

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

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

**'Existing Cottage'**

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

An inspection of the building by Council staff revealed that the structure has been recently renovated including recladding, restumping and replacement of the roofing materials. Internally the building has been painted and also a new ensuite has been installed. The primary use of the building is for a single bedroom and also ensuite and cannot be considered as a separate dwelling as it does not contain the components of a separate domicile ie laundry, kitchen etc.

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

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

**Signage**

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

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

Theme 2 Our Economy

**Community Strategic Plan Objectives**

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

**Delivery Program Principal Activities**

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

2.4 Attract and support local business and industry

**FINANCIAL AND RESOURCES IMPLICATIONS:****Financial and Resources Implications:**

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

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

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

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

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

N/A

### **OPTIONS:**

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

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

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

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

#### **Option 1 is recommended.**

Councillors must record their votes on the matter.

### **COUNCIL SEAL REQUIRED:**

No

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

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

## **ATTACHMENTS**

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

## **10.9. DRAFT TUMUT TOWN CENTRE TRAFFIC AND PARKING STUDY 2023 - PUBLIC EXHIBITION**

**REPORT AUTHOR: MANAGER GROWTH AND ACTIVATION**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

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### **EXECUTIVE SUMMARY:**

The Tumut Township Traffic Town Centre Traffic and Parking Study 2023 was prepared in response to a key recommendation of the Snowy Valleys Local Strategic Planning Statement (LSPS) adopted in 2019. The study aims to promote accessibility and amenity in the central business district leading to increased activity in the commercial precinct.

The draft study will also provide an underpinning strategic policy statement for the preparation of a town masterplan in 2024.

Council's consultant Stantec has prepared the study on behalf of Council and has made a number of recommendations which will support the overall objectives of the project. The report seeks to consider the draft and further commence public exhibition of the draft study.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Endorse the Draft Tumut Town Centre Traffic and Parking Study 2023 for public exhibition for a period of no less than 28 days;**
- 2. Note if submissions are received during the exhibition period, a further report will be provided to council; and**
- 3. Adopt the Draft Tumut Town Centre Traffic and Parking Study 2023 if no submissions are received on the day after the completion of the public exhibition period.**

### **BACKGROUND:**

The Tumut Town Centre Traffic and Parking Study was identified within the Snowy Valleys Local Strategic Planning Statements (LSPS) as a key input study to assist in the preparation of a masterplan for the Tumut Town Centre in 2024/2025. The objectives of the study included improving accessibility and amenity with the view to increasing activity within and the viability of the town centre areas.

Council has previously undertaken a number of studies as a result of preparation of a former section 94 developer contributions plan for parking in 1997 which explored, amongst other things, parking demands of commercial development and also the cost of provision of parking in the case where carparking could not be supplied by individual business owners. The plan operated for a period of eleven (11) years following which was later repealed by Council resolution in 2018, as the plan had not yielded expected contributions due to considerably low development activity which would otherwise trigger contributions under the plan and further was considered to be an impediment to attracting new business activity within the town centre areas. A particular consideration for the repeal was 'change of use activities' where any proposed development required greater parking demand which was unable to be provided would constitute the business being required to pay parking development contributions and, in some cases, rendering the development unfeasible depending on the level of contributions to be paid.

In 2001, Council commissioned a traffic study to examine car parking within the town centre called the 'Central Business District Parking Strategy in Tumut'. The plan aimed to provide a ten (10) year strategic plan for the development of car parking within the Tumut Central Business District (CBD) and provided a number of recommendations for localised traffic upgrades to support the overall objectives of the study. One of the key findings of the study included that the parking availability in Tumut Town Centre was considerably high at a rate of 62% within the project area and within a prescribed time frame outlined in

the study. The study also recommended a number of minor upgrades to the existing road network to increase parking opportunity.

In 2012, Council built on the previous study undertaken in 2001 through the development of the Tumut Central Business District Parking Strategy. The study aimed to revise the assumptions made in the earlier study and provided updated data following traffic surveys in the defined project area. Whilst the study did not provide calculations and data analysis to provide any updated parking availability data, the study did focus on provision of carparking upgrades through the provision of amalgamation of parking areas and changes to on-street parking geometry, adjustments to time restrictions and also pedestrian access improvements. It is noted that a number of the recommendations had not been progressed following adoption of those studies however, if those recommendations remain relevant to the current study being undertaken then those recommendations should be identified, costed, prioritised and included in a future works program for completion. Whilst the Tumut Central Business District Parking Strategy remains the current study for traffic analysis in the town centre, the Draft Tumut Town Centre Traffic and Parking Study 2023 will incorporate previous recommendations and will become Council's contemporary study to inform both future works opportunities and a detailed masterplan of the CBD area in 2025.

Councillors considered the Draft Tumut Town Centre Traffic and Parking Study at the Council meeting of 16 February 2023. Councillors resolved to defer the matter pending an additional workshop to discuss the draft study and the inclusion of Richmond Street / Fuller Lane parking precinct and the Russell Street / Wynyard Street parking precinct.

## **REPORT:**

The Draft Tumut Town Centre Traffic and Parking Study was commenced in February 2021, following the appointment of Cardno (Stantec) which focused on a defined study area outlined in Council's brief bounded by Merivale, Simpson, Richmond and Fitzroy Streets, Tumut. The study area has been considered consistent between all three studies undertaken by Council since 2001.

Due to subnormal conditions being experienced primarily due to the pandemic which distorted traffic conditions in and around Tumut, the study was paused until such time as traffic conditions normalised and travel restrictions and associated restrictions on movement eased. Such conditions delayed the project fieldwork associated with the project from being undertaken until early 2022, in turn delaying the completion of the project.

The objectives of the study sought to examine the traffic and parking issues in the study area through the collection of survey data including traffic counts, speed, parking utilisation and duration of stay, establishment of existing traffic and parking demand and identification of current and future parking issues, including traffic flows. The study also aims to identify and investigate the provision of accessible and long vehicle parking bays whilst also developing one or more concept plans incorporating traffic flow and proposed parking changes.

The project consultant undertook a number of traffic surveys on Friday 18th February 2022 between the hours of 8am and 6pm and Saturday 19th February 2022 between 8am and 1pm. The field surveys sought to capture hourly occupation of on and off street parking locations along with the duration of stay. Traffic counts (tube counts) were also undertaken at the same time however the period was extended to seven (7) days to increase the data obtained across a standard week period. The tube counts were established in Wynyard Street, Russell Street and Fitzroy Street Tumut and measured speed of vehicles, direction of travel and the number of vehicles travelling within the prescribed period.

Whilst the 2001 and 2012 studies commissioned by Council provided analysis around parking, time restricted parking, pedestrians, angled parking and car park upgrades, the current 2023 study subject of this report seeks to include these themes and expand the analysis to include cycling opportunities, public transport, road safety, parking compliance and accessible parking. The study also expands into analysis on long vehicle parking and way finding and directional signage.

As part of the project development, a number of consultation sessions were undertaken with both the community and Councillors which assisted in the identification of issues being experienced within the

study area. The project consultant and Council staff provided a 'drop-in' session with the community at the Riverina Highlands Building (RHB) on Thursday 6th August 2022 which was attended by a number of local residents and Councillors. The 'drop in' session was to enable key stakeholders to provide insights and user experiences as well as enabling project officers to disseminate information about the aims and objectives of the project. The Tumut Chamber of Commerce was also consulted as part of the initial consultation process.

Separate briefings were provided with the Councillors on Thursday 10th November 2022 via a virtual meeting and a subsequent in person meeting was held on the 8th December 2022 to explain the project, key findings and recommendations and seek feedback on the project. All responses provided in the briefing sessions were recorded and has been included in the project report with a particular focus on disability access, pedestrian accessibility, school parking, enforcement and timed restrictions. Recommendations associated with the study have been outlined in draft study within Attachment 1.

Whilst the report concludes that there is parking availability within the town centre areas with up to 50% occupancy being identified (700 of the 1399 spaces were occupied), this rate is not inconsistent with previous studies conducted in 2001 and later in 2012 with occupancy rates in the order of 61%.

The study also recommends and identifies new disability access and disabled parking opportunities supporting medical facilities and targeted public and community facilities. Further the document recommends retention and upgrading of existing disabled parking spaces to the current disability standards. Other recommendations suggest upgrading of pedestrian treatments, school zone timed amendments, the creation of a cycle strategy, a number of road safety upgrades and upgrades to school bus zones and transport nodes. Provision for long vehicles to support Council's tourism and visitor economy and wayfinding and directional signage was also recommended as part of the study.

Given the draft study is expected to underpin a proposed masterplan to be developed in 2025, this report seeks adoption of the draft study for the purposes of public exhibition. As part of the exhibition period, Council staff will develop a communications strategy to effectively engage with relevant stakeholders and town centre users including other members of the community on the draft study.

An additional workshop was held with Councillors on Thursday 6th April 2023 in accordance with the resolution of Council from the 16th February 2023 meeting. The workshop provided a study overview, including the work completed to date, financials and also demonstration of the inclusion of the requested parking precincts of Richmond Street / Fuller Street precincts and also Wynyard Street and Russell Street parking precincts.

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

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

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

Theme 4 - Our Infrastructure

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

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

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

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

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

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

A budget of \$60,000 ex GST was allocated for the preparation of the draft Tumut Town Centre Traffic and Parking Study in the 2021/22 financial year period. A number of variations have been approved as part of the project through the project management framework including an extension to the time period of the fieldwork data and also an additional Councillor workshop outside of the original project brief.

The initial cost of the project was \$54,520 Ex GST with variations totalling \$6,690 Ex GST. The total cost of the project to date is \$61,210 Ex GST.

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

Council's Local Strategic Planning Statement (LSPS) 2019 is mandated under the *Environmental Planning and Assessment Act 1979*. The Draft Tumut Town Centre Traffic and Parking Study 2023 is a key recommendation of the LSPS which will provide a strategic basis for a Tumut Masterplan 2024.

Any proposed exhibition of the draft plan will be undertaken in accordance with the provisions of the *Local Government Act 1993*.

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

The preparation of the draft plan will assist Council in both achieving the recommendations as set out in the Local Strategic Planning Statements (LSPS) complying with it's obligations under the *Environmental Planning and Assessment Act 1979* and also enabling greater accessibility and amenity leading to increased viability in the central business district area.

<b>RISK CATEGORY</b>	<b>RISK/REWARD DESCRIPTION</b>	<b>COST/RISK</b>	<b>BENEFIT/ REWARD</b>
Legal	Compliance with recommendations under the LSPS 2019, complying with the requirements of the <i>Environmental Planning and Assessment Act 1979</i>	The study will have a financial impact of \$61,620 to complete. The risks in not completing the study include not complying with Council's statutory obligations to complete the statement's recommendations within its identified timeframes.	Statutory Compliance / Increased accessibility and amenity in the Tumut CBD areas.

### **OPTIONS:**

OPTION 1: THAT Council:

1. Adopt the Draft Tumut Town Centre Traffic and Parking Study 2023 for the purposes of public exhibition.
2. Publicly exhibit the Draft Tumut Town Centre Traffic and Parking Study 2023 in accordance with the provisions of the *Local Government Act 1993* for a period not less than 28 days;
3. Finally adopt the draft Tumut Town Centre Traffic and Parking Study 2023 should no submissions be received within the exhibition period. In the case where submissions are received, those submissions shall be considered in a future report to Council prior to consideration for final adoption.

OPTION 2: THAT Council not adopt the Draft Tumut Town Centre Traffic and Parking Study 2023.

**Option 1 is recommended.**

### **COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:****External Consultation:**

Should the draft plan be adopted by Council, it is proposed to undertake a communications strategy for the public exhibition of the document. Any public exhibition will be undertaken in accordance with the *Local Government Act 1993* for a period of not less than 28 days.

**ATTACHMENTS**

1. Draft Tumut Town Centre Traffic and Parking Study (under separate cover)

## 11. MINUTES OF COMMITTEE MEETINGS

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

**REPORT AUTHOR: COORDINATOR GOVERNANCE**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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#### **EXECUTIVE SUMMARY:**

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

#### **RECOMMENDATION:**

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

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

#### **BACKGROUND:**

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

*(1) A council must appoint an Audit, Risk and Improvement Committee.*

*(2) The Committee must keep under review the following aspects of the council's operations*

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

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

#### **REPORT:**

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

The ARIC members noted their concern regarding the high level of risk associated with large volume of grants and the delivery of projects. In the ARIC members opinion, projects are becoming a real strategic risk to the Council. Also discussed was the potential increase in risk associated with fraud given the number of vacancies across the organisation.

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

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

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

Theme 5 - Our Civic Leadership

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

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

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

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

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

The approved budget for the operation of ARIC for 2022/23 is \$40,000 and includes member remuneration, training and the engagement of the internal auditor.

The ARIC have proposed a budget for the operation of ARIC for 2023/24 at \$47,000 and includes member remuneration, training and the engagement of the internal auditor. The increase in budget will allow for comprehensive internal audits to be undertaken.

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

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

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

The Committee is charged with the responsibility of:

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

## **OPTIONS:**

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

## **COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Nil

**ATTACHMENTS**

1. Minutes - Audit Risk and Improvement Committee - 08 March 2023 (Under separate cover)

**11.2. MINUTES - TUMUT AERODROME COMMITTEE - 14 MARCH 2023****REPORT AUTHOR: SURVEY & DESIGN ENGINEER****RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

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**EXECUTIVE SUMMARY:**

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

This report has been prepared to accompany the minutes from the Aerodrome Committee meeting on 14 March 2023.

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

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

**BACKGROUND:**

At its meeting on 14 March 2023, the Tumut Aerodrome Committee considered the following matters:

- Matters arising from previous minutes - council decisions.
- Tumut Aerodrome Master Plan on exhibition.
- CASA draft approval.
- Tumut Aerodrome Stage 2 Project.

**REPORT:**

It is noted that the committee was concerned that Council may seek to pass on the financial burden of the current aerodrome upgrade on to a small number of users who have hangar licence deeds with Council. This was seen to be inequitable as it targets a small sub-group of aerodrome users. For this reason, the committee passed a resolution and therefore the second recommendation to Council in this report has been formed to ensure this position is noted. Council staff note that there is currently no system in place at Tumut Aerodrome to track itinerant users, and such systems have been proven to be unviable in the past.

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

The next meeting of the Tumut Aerodrome Committee is scheduled for Tuesday, 13 June 2023 in the Riverina Room, 76 Capper Street Tumut.

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

Theme 4 - Our Infrastructure

**Community Strategic Plan Objectives**

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

**Delivery Program Principal Activities**

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

None identified

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

None identified

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

None identified

**OPTIONS:**

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

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The Tumut Aerodrome Committee is a form of community engagement.

Multiple other community engagements have taken place for the various projects discussed in the committee meeting.

**ATTACHMENTS**

1. Minutes - Tumut Aerodrome Committee - 14 March 2023 (Under separate cover)

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**12. CONFIDENTIAL**

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**13. MEETING CLOSURE**

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