



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 22 June 2023

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

Statement of Ethical Obligations

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

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

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

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

Photography

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

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

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

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



Thursday, 22 June 2023

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

2:00 PM

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1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Request for Leave of Absence from Cllr Julia Ham for this meeting and the Extra-Ordinary Council meeting held on 29 June 2023.

Attachment 1 - 20230519 - Leave of Absence - 22 and 29 June 2023 - Cr Ham



REQUEST FOR LEAVE OF ABSENCE

Chief Executive Officer
Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Dear Sir

I wish to apply for leave of absence from the Council Meeting/s to be held on:

Date: 22nd + 29th June,

I will be absent for the following reason/s:

Family holidays

Yours faithfully

Julia Ham

(Councillor Name & Signature)

SVC-EXE-F-221-01
ID1987219

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Approved: 01/12/2021

3. DECLARATIONS OF PECUNIARY INTEREST

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

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 18 MAY 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 18 May 2023 be received and confirmed as an accurate record.

Attachment 1 - 20230518 - DRAFT Minutes - Ordinary Council



ORDINARY MEETING

MINUTES

Thursday, 18 May 2023

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

Mayor

General Manager



Thursday, 18 May 2023

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

2:00 PM

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1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Nil.

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 20 APRIL 2023

M64/23 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 20 April 2023 be received and confirmed as an accurate record.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

5. CORRESPONDENCE/PETITIONS

Nil.

6. NOTICE OF MOTION/NOTICE OF RESCISSION

6.1. NOTICE OF MOTION - RECORDING / MINUTING WORKSHOPS

M65/23 RESOLVED:

THAT:

1. Council apply the Code of Meeting Practice clauses (3.33 – 3.38) applying to pre-meeting briefing sessions to ensure matters are debated and determined in the formal meeting;
2. Notes be taken of discussion at all workshops.

Cr Johanna (Hansie) Armour/Cr Trina Thomson

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

Against: Cr Hayes, Cr Larter

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CARRIED

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Mayor

General Manager

6.2. NOTICE OF MOTION - HUMELINK PRESENTATION TO COUNCIL AND COMMUNITY**M66/23 RESOLVED:****THAT COUNCIL:**

1. Invite Penny Sharpe, Minister for Climate Change, Energy Environment and Minister for Heritage and Brett Redman, Senator David Pocock, and CEO of Transgrid to address the Council and the community about the Humelink project;
2. Request a review of the Humelink project in view of the delays being experienced by Snowy 2.0.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY**7. MAYORAL MINUTE**

Nil.

8. URGENT BUSINESS WITHOUT NOTICE**M67/23 RESOLVED:**

That Council consider an urgent motion in respect to anti-social behaviour at the Tumut Youth Recreation area.

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY**M68/23 RESOLVED:**

That Council approach police with the objective of working together to develop a strategy to address the anti-social and inappropriate behaviours that seem to be escalating at the Tumut Youth Recreation area, Fitzroy Street.

Cr Trina Thomson/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY**9. GOVERNANCE AND FINANCIAL REPORTS****9.1. LOCAL GOVERNMENT NSW - DESTINATION AND VISITOR ECONOMY
CONFERENCE 2023 - 29-31 MAY****M69/23 RESOLVED:****THAT COUNCIL:**

1. Note the report on Local Government NSW - Destination and Visitor Economy Conference 2023 - 29-31 May;
2. Endorse the approval granted by the Mayor for Cr Ham's attendance at the Destination and Visitor Economy Conference 2023;

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General Manager

3. Endorse the approval granted by the Mayor for Cr Hayes attendance at the Destination and Visitor Economy Conference 2023.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

9.2. FEES FOR COUNCILLORS AND MAYOR 2023/24 FINANCIAL YEAR

MOTION:

THAT COUNCIL:

1. Determine the annual Councillor and Mayoral fee for 2023/24 financial year in accordance with sections 248 and 249 respectively of the *Local Government Act 1993*.

Cr James Hayes/Cr John Larter

M70/23 RESOLVED to move into Committee of the Whole

Cr James Hayes / Cr Julia Ham

CARRIED UNANIMOUSLY

M71/23 RESOLVED to move out of Committee of the Whole

Cr John Larter / Cr Julia Ham

CARRIED UNANIMOUSLY

M72/23 RESOLVED:

THAT COUNCIL:

1. Note the Local Government Remuneration Tribunal's determination for a 3% increase in mayoral and councillor fees for the 2023/24 financial year.
2. Note the Tribunal's determination to change Council's Category as per section 239 of the *Local Government Act 1993* from 'Rural' to 'Rural Large' effective 1 July 2023.
3. Set the annual Councillor Fee for the period 1 July 2023 to 30 June 2024 at the maximum amount of \$17,680 under the 'Rural Large' Category rate in accordance with the provisions of section 248 of the *Local Government Act 1993*.
4. Set the annual additional Mayoral Fee for the period 1 July 2023 to 30 June 2024 at the maximum amount of \$37,925 under the 'Rural Large' Category rate in accordance with the provisions of section 249 of the *Local Government Act 1993*.
5. Approve to pay the deputy mayor the proportion of the additional mayoral fee for such time as the deputy mayor acts in the office of the mayor, which is to be deducted from the mayor's annual fee.

Cr James Hayes/Cr John Larter

For: Cr Ham, Cr Hughes, Cr Ivill, Cr Larter, Cr Hayes

Against: Cr Armour, Cr Chaffey, Cr Livermore, Cr Thomson

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CARRIED

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Mayor

General Manager

9.3. DRAFT 2023-24 COMBINED DELIVERY PROGRAM & OPERATIONAL PLAN, BUDGET and FEES & CHARGES - FOR PUBLIC EXHIBITION**M73/23 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Draft 2023-24 Combined Delivery Program / Operational Plan, Budget, Fees & Charges, Revenue Policy and Long Term Financial Plan for Public Exhibition.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**M74/23 RESOLVED** to move into Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**M75/23 RESOLVED** to move out of Committee of the Whole

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY**M76/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the following draft Integrated Planning & Reporting documents to be placed on public exhibition for a minimum period of 28 days commencing 19 May 2023:
 - a. Draft Combined Delivery Program and 2023-24 Operational Plan including:
 - i. Draft 2023-24 Operational Budget
 - ii. Draft 2023-24 Capital Budget
 - b. Draft 2023-24 Fees and Charges
 - c. Draft 2023-24 Revenue Policy
 - d. Draft Long Term Financial Plan including scenarios 2 and 3 that show future potential special rate variations;
2. Hold a further workshop to review the IP&R documentation;
3. Hold an Extraordinary Meeting on Thursday 29 June 2023 to consider submissions and adoption of the documents following public exhibition.
4. That Council provides a vote of thanks to the staff in preparing and reviewing the IP&R documentation.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Mayor

General Manager

9.4. MAJOR PROJECTS OVERSIGHT COMMITTEE - TERMS OF REFERENCE - FOR ENDORSEMENT**M77/23 RESOLVED:**

That Council defer the establishment of the Committee pending commencement of the Director Infrastructure and Works.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

9.5. STATEMENT OF INVESTMENTS - APRIL 2023**M78/23 RESOLVED:**

THAT COUNCIL:

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

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

10. MANAGEMENT REPORTS**10.1. AUSTRALIA DAY 2024****M79/23 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Australia Day 2024.
2. Encourage and provide support to the community-led Australia Day events each year.
3. Award a Snowy Valleys Council Citizen of the Year from the pool of local Australia Day award winners in those categories.
4. Hold a Civic Reception after Australia Day to celebrate local Australia Day Award Winners, present the Snowy Valleys Council Award winners and conduct the Citizenship Ceremony.
5. Continue to apply for Australia Day grant funding and participate in the Ambassador program.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

10.2. DOLLY PARTON IMAGINATION LIBRARY**M80/23 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the Dolly Parton Imagination Library;

Mayor

General Manager

2. Thank United Way for their administration of the Program to Snowy Valleys Council;
3. Continue to focus and strengthen the promotion of Library services to children of preschool age, especially after the Dolly Parton Imagination initiative has concluded.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

10.3. DRAFT LIBRARY STRATEGIC PLAN 2022-2026

M81/23 RESOLVED:

THAT COUNCIL:

1. Receive the report on the Draft Library Strategic Plan 2022-2026;
2. Adopt the Draft Library Strategic Plan 2022-2026 without any changes;
3. Write to the submitter, thanking them for their input and advising them of the outcome to their submission.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY

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

M82/23 RESOLVED:

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 the draft conditions of consent in Attachment 3 to the report.

Cr Johanna (Hansie) Armour/Cr Brent Livermore

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

CARRIED UNANIMOUSLY

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 27 APRIL 2023

M83/23 RESOLVED:

THAT COUNCIL:

1. Receive and Note the Minutes of the Disability Inclusion Action Reference Group held on 27 April 2023.

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Mayor

General Manager

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2. Adopt the following recommendation/s from the minutes:

- a. Change the date of the next Disability Inclusion Access Reference Group from 22 June 2023 to 29 June 2023, commencing at 11.00am

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY

12. CONFIDENTIAL

M84/23 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 - DIRECTION TO REMOVE ITEMS UNDER THE ROADS ACT 1993

Item 12.1 is confidential under the Local Government Act 1993 Section 10A (2)(e) and (2)(g) as it relates to information that would, if disclosed, prejudice the maintenance of law, advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Mick Ivill/Cr Brent Livermore

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.47pm.

Cr Mick Ivill left the meeting at 4.20pm and returned at 4.21pm.

M85/23 RESOLVED to return to open council.

Cr Mick Ivill/Cr Sam Hughes

CARRIED UNANIMOUSLY

The meeting was re-opened to the public at 4.27pm.

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

12.1. CONFIDENTIAL - DIRECTION TO REMOVE ITEMS UNDER THE ROADS ACT 1993

M86/23 RESOLVED:

THAT COUNCIL:

1. Proceed to remove any obstructions or encroachments on Council's Little River Road and road related areas in the event that these items are not removed in accordance with Council's directions issued under the *Roads Act 1993* dated 24 April 2023.

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Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 18 May 2023

2. Return to the owner any items / articles that are removed by Council in giving effect to the direction issued under the *Roads Act 1993* dated 24 April 2023.
3. Seek to recover the full costs of giving effect to the prescribed direction in accordance with section 238 of the *Roads Act 1993*.

Cr Julia Ham/Cr Mick Ivill

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

Against: Cr Armour, Cr Hayes

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CARRIED

13. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 4.28pm.

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Mayor

General Manager

5. CORRESPONDENCE/PETITIONS

6. NOTICE OF MOTION/NOTICE OF RESCISSION**6.1. NOTICE OF RESCISSION - DIRECTION TO REMOVE ITEMS UNDER THE ROADS ACT 1993****COUNCILLOR/S: Johanna (Hansie) Armour, James Hayes, Trina Thomson.****NOTICE OF RESCISSION:**

Pursuant to Notice, Councillors Johanna (Hansie) Armour, James Hayes and Trina Thomson. move that Council rescinds the resolution relating to 12.1 Confidential - Direction to Remove Items Under The *Roads Act 1993* passed at the Ordinary meeting of Council held on 25 May 2023. A copy of the resolution is shown below:

12.1. CONFIDENTIAL - DIRECTION TO REMOVE ITEMS UNDER THE ROADS ACT 1993**M86/23 RESOLVED:****THAT COUNCIL:**

1. Proceed to remove any obstructions or encroachments on Council's Little River Road and road related areas in the event that these items are not removed in accordance with Council's directions issued under the *Roads Act 1993* dated 24 April 2023.
2. Return to the owner any items / articles that are removed by Council in giving effect to the direction issued under the *Roads Act 1993* dated 24 April 2023.
3. Seek to recover the full costs of giving effect to the prescribed direction in accordance with section 238 of the *Roads Act 1993*.

Cr Julia Ham/Cr Mick Ivill

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

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

1. Rescind Resolution M86/23 - Confidential - Direction To Remove Items Under The *Roads Act 1993*.

GENERAL MANAGERS COMMENTS:

The above notice of Rescission was signed by the third of the three Councillor signatories and lodged on Thursday, 8 June 2023. As Parts 1 and 2 of the original Resolution (M86/23) had already been carried out a week earlier on the morning of Thursday, 1 June 2023, it is not possible to rescind Parts 1 or 2 of the original Motion.

Council is yet to recover the costs of removing the obstructions in accordance with Part 3 of the original Motion, consequently, Council by majority, may elect to rescind that part only of the initial Resolution.

To assist all Councillors to understand the sequence and timing of activities related to the initial Motion passed at 22 May 2023 Ordinary Meeting, a summarized timeline is:

- Monday 29 May 2023 – Final notice provided to the owner of the obstructions, that as the Notice period in Council's Direction Notice had now passed, Council will proceed to remove the internal fencing on Council's road reserve on Thursday (1 June 2023).
- Tuesday 30 May 2023 – Councillor Armour submits draft Notice of Rescission as the sole signatory.
- Wednesday 31 May 2023 – the following email was forwarded to Councillor Armour

From: Ken Gouldthorp [REDACTED]
Date: 31 May 2023 at 4:44:06 pm AWST
To: Cr Hansie Armour [REDACTED]
Subject: Potential Rescission Motion

Hi Hansie,
I've tried to ring you a couple of times today to talk to you in person, but unfortunately I haven't been able to catch you.

I'm aware that you submitted a rescission motion in respect to Little River Road.
At this stage you are the only signatory, so it is yet to be formally made. However that is largely irrelevant in the circumstance.

|
For a rescission motion to defer an already passed motion from being carried out, it has to have been submitted on the same night as the original motion. This is in accordance with clause 17 of the Code of Meeting Practice (COMP) and s372 of the Local Government Act.

Consequently as already conveyed to [REDACTED], Council will continue to proceed to remove internal fencing.

I'm sending this email purely so that you are aware and not surprised if you are further contacted by Michael when Council commences to remove the fencing. If you would like to discuss this you are welcome to ring me on [REDACTED] this evening.

Regards
Ken

- Thursday 1 June 2023 (morning) – Council staff removed the obstructions on Little River Road in accordance with the original Resolution Parts 1 and 2
- Wednesday 31 May 2023 (afternoon) – Councillor Hayes signed and submitted the draft Notice of Rescission as the second signatory.
- Thursday 8 June 2023 – Councillor Thomson signed and submitted the Notice of Rescission as the third and final signatory.

The Mayor was kept informed throughout the above.

ATTACHMENTS

1. Notice of Rescission - Direction to remove Items Under The *Roads Act 1993*

Attachment 1 - 20230608 - Signed - Notice of Rescission - Direction to Remove Items Under The Roads Act 1993**NOTICE OF RESCISSION**

As provided by Section 372 of the Local Government Act, 1993, we, the undersigned, hereby give notice to rescind the following:-

Resolution No:	M86/23
Date of Ordinary Meeting	18 May 2023
SUBJECT:	12.1. CONFIDENTIAL - DIRECTION TO REMOVE ITEMS UNDER THE ROADS ACT 1993

RESOLVED that:**THAT COUNCIL:**

1. Proceed to remove any obstructions or encroachments on Council's Little River Road and road related areas in the event that these items are not removed in accordance with Council's directions issued under the *Roads Act 1993* dated 24 April 2023.
2. Return to the owner any items / articles that are removed by Council in giving effect to the direction issued under the *Roads Act 1993* dated 24 April 2023.
3. Seek to recover the full costs of giving effect to the prescribed direction in accordance with section 238 of the *Roads Act 1993*.

Signed

Clr

Clr

Clr

Date:

8 June 23

SVC-EXE-F-223-01
ID73851

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Approved: 01/12/2021

6.2. NOTICE OF MOTION - HUMELINK - ENVIRONMENTAL IMPACT STATEMENT - CLR J ARMOUR

COUNCILLORS: Cr Johanna (Hansie) Armour and Cr Julia Ham

SUMMARY:

Pursuant to Notice, Councillor Johanna (Hansie) Armour and Councillor Julia Ham have submitted the following Motion:

NOTICE OF MOTION:

THAT COUNCIL request a 90-day response period to the upcoming Environmental Impact Statement (EIS) for Humelink.

RESOURCING IMPLICATIONS:

GENERAL MANAGER ADVICE:

ATTACHMENTS

1. Notice of Motion - Humelink - Environmental Impact Statement

Attachment 1 - Notice of Motion - Humelink EIS

**NOTICE OF MOTION**

Under Clause 3.10 of Councils Code of Meeting Practice, I give notice that the following motion be placed on the Council Agenda for the Ordinary Meeting of Council, to be held on:

Day and Date of Ordinary Meeting	22. 6. 2023
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SUBJECT:	Humelink.
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Motion - To request 90 day response period to the upcoming EIS for Humelink.

Chief Executive Officer's Comment [Delete if not required]

CouncillorName: JOHANNA ARMOUR

Signature: Johanna Armour

Date: 9.6.2023

CouncillorName: Julia Ham

Signature: Julia Ham

Date: 9.6.2023

SVC-EXE-F-222-01
ID73852

Page 1 of 1

Approved: 01/12/2021

7. MAYORAL MINUTE

8. URGENT BUSINESS WITHOUT NOTICE

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. CONSIDERATION OF DE-AMALGAMATION BUSINESS CASE REPORT

REPORT AUTHOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

As its meeting of 17 November 2022, Council resolved to appoint Newcastle University to undertake a business case capable of being submitted to the Minister for Local Government for de-amalgamation.

The report has been completed (Attachment 1) and made public. The purpose of this report is to formally table the *Snowy Valleys Council – Evidence Regarding Advantages and Disadvantages of De-amalgamation* Report and seek Council's direction on the next steps to be taken.

In commissioning Newcastle University to complete the report, Council was seeking an independent, peer review report. Throughout the review process Professor Drew has been provided access to any information sought and care was taken to ensure the Executive remained at arms' length. Consistent with this approach and the desire of the elected Council to ensure independence, this covering report does not attempt to critique the work undertaken by Professor Drew and his team or to comment on the conclusions reached.

Uncertainty, executive turnover, general staff leakage and loss of corporate knowledge; has impaired the capacity of Snowy Valleys Council to delivery services and the large capital works program currently in the pipeline. The organisation is fragile and risk of failure is high. To some extent this has already materialised with poor internal financial control, sub-optimal customer service and failures in some capital works projects.

Careful consideration should be given to the risks associated with future steps and the potential perpetuation of uncertainty.

RECOMMENDATION:

THAT COUNCIL:

1. **Consider next steps following submission of the *Snowy Valleys Council – Evidence Regarding Advantages and Disadvantages of De-amalgamation* Report from the University of Newcastle led by Professor Joseph Drew.**

BACKGROUND:

Council at its meeting held on 18 August 2022 resolved:

M229/22 RESOLVED:

THAT COUNCIL:

1. Seeks proposals for the preparation of a business case for the demerger of Snowy Valleys Council and the reinstatement of the former councils of Tumut and Tumbarumba subject to the Minister deciding to allow the demerger of Cootamundra Gundagai Regional Council;
2. Notifies the NSW Government of the intention to develop a business case for demerger;
3. Should the demerger of Cootamundra/Gundagai Regional Council be successful, follow the process for demerger that is set out in section 218C of the Local Government Act.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

Council at its meeting held on 15 September 2022 resolved:

M255/22 RESOLVED:

THAT COUNCIL request that the Minister for Local Government de-merge Snowy Valleys Council given:

- the previous decision of the Boundaries Commission who voted 3-1 to support the Snowy Valleys Council de-merge;
- and the Minister's decision to allow Cootamundra-Gundagai Regional Council to de-merge.

This would reduce the financial burden and any further risk to the emotional health of the Snowy Valleys Council community.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

The Mayor, Ian Chaffey, met with Ms Wendy Tuckerman, Minister for Local Government on Thursday, 20 October 2022 to discuss the merit of demerging Snowy Valleys Council based on the previous business case and favourable decision of the Boundaries Commission at that time.

The Minister advised that this was not possible and Snowy Valleys Council would need to resubmit a business case.

At its Ordinary Meeting of 17 November 2023, Council considered a report on expressions of interest received to prepare a de-amalgamation business case and resolved:

M334/22 RESOLVED:

THAT COUNCIL:

1. Appoint Newcastle University to undertake a business case capable of being submitted to the Minister for Local Government for de-merging;
2. The business case including an independent financial review be reported back to Council for consideration;
3. Note that the report prepared by Newcastle University will be independently peer-reviewed as part of the preparation process;
4. Allocate \$100,000 to the project noting that this will increase the forecast 2022/23 deficit by the same amount.

Cr James Hayes/Cr Julia Ham

FOR: Cr Johanna (Hansie) Armour; Cr Ian Chaffey; Cr Julia Ham; Cr James Hayes; Cr Mick Ivill; Cr Brent Livermore; Cr Trina Thomson

AGAINST: Cr Sam Hughes

CARRIED

On 10 November 2022, the Minister of Local Government issued Circular Number 22-34 initiating an independent review of the NSW Boundaries Commission. Submissions closed on 16 December 2022 with findings and recommendations to be provided to the Minister at the end of March 2023. However, it is understood that submissions are still being considered and the report is yet to be finalised for the Minister's consideration.

REPORT:

The Newcastle University team, led by Professor Joseph Drew, completed their review in five stages:

1. Document review and financial analysis
2. Site visit, presentation to Council and meeting with key stakeholder groups (16 and 17 February 2023)

3. Preparation of draft report and review findings
4. Site visit, presentation to Council and public presentations (27 and 28 April 2023)
5. Preparation and submission of the final report.

As part of the review process, Professor Drew undertook a staff survey and a survey of those members of the public that attended the public presentations on 27 and 28 April 2023.

The final report titled *Snowy Valleys Council – Evidence Regarding Advantages and Disadvantages of De-Amalgamation* (the report), was distributed to Councillors in the week commencing 15 May 2023, and made public by Council's website on Monday, 22 May 2023.

The Executive Summary of the report states:

"Our work covered the following key facts:

- The level of negativity bias is significant, and theory predicts that it will become further entrenched when Snowy Valleys Council (SVC) takes the measures necessary to assure financial sustainability.*
- The earlier work of KPMG and Deloitte was not fit for the purpose of making important boundary decisions. We provide sophisticated and robust evidence that stands in stark contrast to the guesswork of earlier commercial consultants.*
- Econometric evidence clearly demonstrates that there is no good reason to believe that significant economies of scale were ever possible for rural local governments.*
- Econometric evidence is also at odds with the assumption that small local governments can't be financially sustainable – indeed, our robust work indicates the opposite.*
- Data envelopment analysis and free hull disposability analysis demonstrate that efficiency has reduced since amalgamation.*
- The recent changes to legislation – whereby the state government has taken on the responsibility of funding de-amalgamation – significantly improve the calculus regarding the fiscal effects of de-amalgamation.*
- The ongoing fiscal implications of de-amalgamation span a range less than three-quarters of a percent either side of current level of operational expenditure. The precise outcomes are unknowable and will depend on decisions made by the current executive and Councillors as well as future decision-makers.*
- There is no good reason in law – or otherwise – to unduly preference the financial factor, which is indeed just one of eleven factors that must be considered.*
- In this regard, it is important to remain mindful that the sole source of legitimacy for any government is the common good.*
- Heterogeneity is the core problem affecting SVC efficiency and effectiveness.*
- Communities of Interest have very few intersections between the north and the south of SVC. This is important because neo-classical economic theory clearly predicts that this is a driving force of heterogeneity and hence lower efficiency.*
- SVC cannot be considered financially sustainable at present – indeed, it is clear that sustainability has declined since amalgamation. It will require significant intervention to redress a wide range of challenges at SVC.*
- The geographical vastness of SVC poses structural risks to the health and safety of staff and representatives.*
- Indeed, the perceived stress scale included in our survey of staff indicates that over three in every twenty staff are suffering high levels of stress.*

- *Well over a third of staff report that they are often or very often concerned about potential boundary change.*
- *Over half the staff believe that SVC should be de-amalgamated. Around a fifth of staff are undecided. It is likely that provision of information of staff – especially information that addresses prevalent misconceptions regarding who bears the cost of de-amalgamation – would alter this result in important ways."*

The report concludes:

"It is the firm belief of the three internationally recognised professors who co-authored this report that the balance of evidence suggests that Snowy Valleys Council should be de-amalgamated as quickly as possible. The empirical evidence is extremely compelling. Moreover, the continued risk posed to the mental and physical wellbeing of staff, representatives, and the community – arising from the unsuitable configuration of the local government area – demands urgent redress.

We commend our report to the Councillors, citizens of Snowy Valleys Council, and ultimately the Minister."

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The University of Newcastle review and final report led by Professor Joseph Drew was completed at a cost of \$98,105 plus GST. Additional costs were incurred to host the stakeholder and public meetings outlined above.

The final report addresses the financial context of the Snowy Valleys Council at significant length. The report concludes that *"SVC cannot be considered financially sustainable at present"* (Page v) and that their analysis *suggests that it is extremely unlikely that Council in its current configuration can become financially sustainable without the permanent injection of significant higher levels of revenue*. This is consistent with the recently completed review of the Long Term Financial Plan (LTFP) currently on exhibition that identifies further rate increases in the order of 36-40% are required over the next two or three years in addition to the Special Rate Variation approved for the 22/23 and 23/24 financial years.

The report does not attempt to establish an LTFP for the two separate entities, should Snowy Valleys Council de-amalgamate, or compare them to the LTFP for the combined entity. Rather, it simply lists some of the additional costs and potential savings prior to concluding that *there is a wide potential range of outcomes from the community when considered as a whole – ranging from being worse off to the tune of \$500,000 pa all the way up to being better off by more than \$600,000 pa* (Page 53) It also states *the precise outcomes are unknowable and will depend on decisions made by the current Executive and Councillors as well as future business decision makers*.

Nor does the report attempt to identify the cost of de-amalgamation. Rather it notes that changes to s218CC of the *Local Government Act 1993* (LGA) makes the State Government responsible for these costs. It does however reference the work undertaken by Deloitte who were engaged by the Boundaries Commission during the 2021 review that estimated these costs at \$3.7m to \$5.4m.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Proposals for de-amalgamations are addressed under s218CC of the *Local Government Act 1993*.

218CC Proposals for de-amalgamations

(1) The new council may, within 10 years of the constitution of the new areas, submit a written business case to the Minister setting out –

(a) a proposal for the de-amalgamation of the new area, whether by reconstituting the former areas or constituting different areas, and

(b) the reasons in support of the proposal.

(2) The Minister must, within 28 days after the business case is submitted, refer the de-amalgamation proposal to the Boundaries Commission with a direction that it conduct an inquiry and report on the proposal.

(3) Without limiting subsection (2) or section 263, the Boundaries Commission may in its report recommend that –

(a) the de-amalgamation proposal be supported, or

(b) the de-amalgamation proposal be rejected, or

(c) a different de-amalgamation proposal be supported.

(4) The Minister must ensure that the report of the Boundaries Commission is publicly released within 48 hours after it is provided to the Minister.

(5) The Minister must, within 28 days after the report is provided to the Minister, provide a written response to the new council setting out –

(a) whether or not the Minister supports the de-amalgamation proposal or a different de-amalgamation proposal recommended by the Boundaries Commission, and

(b) the reasons for the Minister's decision, and

(c) if the Minister supports the de-amalgamation proposal or the different de-amalgamation proposal – the anticipated time frame for giving effect to the proposal.

(6) If the Minister is, by making grants under section 620 or using money otherwise appropriated by Parliament for the purpose, to ensure that the cost of any de-amalgamation of the new area resulting from a business case submitted under this section is fully funded.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:Risks In Current Amalgamated Form

The report (Page 8) identifies significant challenges faced by the organization in its current form including:

(i) its financial problems,

(ii) the hostile attitude of the significant portion of its citizenry,

(iii) the clear disenfranchisement of a number of communities,

(iv) staff stress and turnover,

(v) increasing levels of resentment at the burdens brought on by amalgamation (most noticeably 35.9% rate increase).

The disenfranchisement of the community, or subsets of it, has resulted in significant pressure on staff and Councillors alike. Continued uncertainty within the organisation from the ongoing debate on the form of the organisation has been exacerbated by the financial challenges faced by the organization and lack of clarity and consistency on how to address them. Cost cutting reviews undertaken in advance, or parallel, with the implementation of the SRV has provided a level of doubt in the ongoing security of

employment for a large number of staff members. Over the past three years there has been constant turnover of executive staff and continual leakage of staff across the organisation. The situation has also made it difficult to recruit, resulting in a reliance on temporary contractual staff and an escalation in overtime. This, together with the loss of corporate knowledge, has had a significant impact on the capacity of the existing organisation, its financial management, and capability to deliver services and infrastructure. While not addressed in the report, the ongoing impact of the 2019/20 bushfires and succession of natural disaster flood events and recovery from them, has also had a significant impact.

Appendix 2 of the report makes a number of observations and underlines *the importance of exerting maximum effort to redress perceived problems as quickly as possible – irrespective of what happens on the de-amalgamation question.*

The revised LTFP currently on public exhibition has further identified Council's financial challenges and, in part, commences to identify and address the financial sustainability challenges raised by Professor Drew.

The risks associated with ongoing staff leakage and declining organisational capability, however has continued and possibly escalated with heightened staff perception of uncertainty in the face of the review. Clarity and certainty on the future of the organisation is essential to providing a stable foundation on which the capability of the organisation can be rebuilt and staffing stabilized. In the absence of stability, staff leakage is likely to continue and the existing high risk of failure in service and capital works delivery will escalate.

Transitional Risk

In the event that Council determines to pursue de-amalgamation, the high level of uncertainty will continue pending the outcome of the Boundaries Commission review, the decision of the Minister and any implementation process for de-amalgamation if that is ultimately to occur. The period of time until a decision is made by the Minister and (should the Minister support de-amalgamation) the timing of implementation; is largely outside Council's control. For example, 10 months on from the decision made for the de-amalgamation of Cootamundra/Gundagai, the process for the implementation of the de-amalgamation is uncertain.

An extended period of uncertainty will continue to impact on staff leakage and significantly impair the capacity to attract new staff, further reducing the already fragile capability of the organisation to meet its existing obligations.

This will result in an extreme risk of failure in service delivery, governance (including financial management) and delivery of the large capital works programme.

De-amalgamation Risk

As stated in the Financial Implications Section, the report does not attempt to identify the cost of de-amalgamation and merely refers to previous work undertaken by Deloitte (which is considered crude by the report author) that provides a range of \$3.7m - \$5.4m. While Section 218CC(6) requires the State to fully fund any de-amalgamation, this is yet to be applied in practice and invariably there will be a level of tension with the State attempting to minimise its costs.

The report does not identify the actual cost of running the two separate organisations in a rigorous or detailed manner supported by LTFP's. In the absence of doing so, there is a high risk that de-amalgamation will significantly add to the financial pressures already being experienced by the combined entity.

OPTIONS:

The following options are offered to assist Council in their deliberation and are not listed in any priority order.

Option 1

The *Snowy Valleys Council – Evidence Regarding Advantages and Disadvantages of De-amalgamation* Report be received.

Option 2

That the University of Newcastle be requested to complete further analysis including:

(a) identifying the cost of de-amalgamation, and

(b) identifying the cost of operating two separate organisations through the establishment of LTFFP's based on current service delivery and existing established staff levels split across the two organisations together with the additional Executive.

Option 3

That Council apply to the Minister for Local Government to de-amalgamate and submit the final report from the University of Newcastle led by Professor Joseph Drew as the supporting business case for the application.

Option 4

That Council submit the final report to the Minister and seek a meeting to discuss the same.

Option 5

A further report, preceded by a workshop, be provided to Council on the feedback provided by Professor Joseph Drew in Appendix 2 of the Report with a view to addressing the current challenges faced by the organisation as a combined entity.

COUNCIL SEAL REQUIRED:

No

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

Professor Joseph Drew initially met with Councillors, and Council staff during 16 and 17 February 2023, collecting information, including a staff survey, feedback and individual views on the advantages and disadvantages of amalgamation to help inform his report.

External Consultation:

Professor Joseph Drew met with key community stakeholders during 16 and 17 February 2023, to assist in the preparation of his report.

Public meetings were also carried out upon Professor Drew's return to the region to share his draft findings, including carrying out attendee surveys. These were held on 27 and 28 April 2023.

ATTACHMENTS

1. Snowy Valleys Council – Evidence Regarding Advantages and Disadvantages of De-amalgamation Report (under separate cover)

9.2. STATEMENT OF INVESTMENTS - MAY 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 May 2023.

RECOMMENDATION:**THAT COUNCIL:**

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

BACKGROUND:

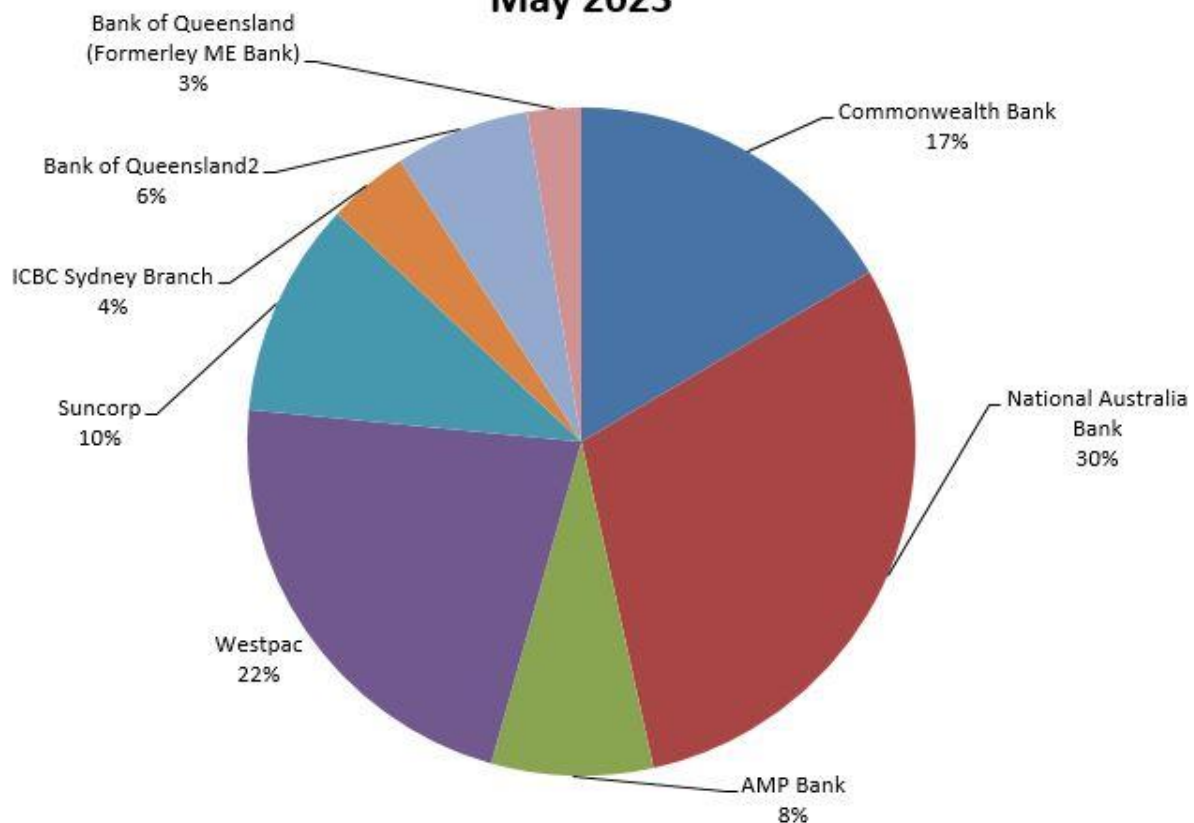
In accordance with section 212 of the Local Government (General) Regulation 2021, a monthly report is required to be submitted to Council detailing all investments of Council.

REPORT:

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

Combined Cash & Investments Table		31/05/2023					
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date
Commonwealth Bank	Tumut	\$ 2,488,568	\$ 593,697	\$ 1,894,871	W/Acct	3.85%	
Commonwealth Bank	Tumut	\$ 3,851,487	\$ 8,125,795	-\$ 4,274,308	At Call (BOS)	3.95%	
Commonwealth Bank	Tumut	\$ 308	\$ 8,803	-\$ 8,495	Gen-Roth	3.85%	
Sub Total Cash & 11 am at Call Accounts		\$ 6,340,363	\$ 8,728,296	-\$ 2,387,933		3.91%	
Total Cash & At Call Investments		\$ 6,340,363	\$ 8,728,296	-\$ 2,387,933		3.91%	
Term Deposits	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
Westpac	032	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.88%	01/06/2023
Bank of Queensland	001	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	3.20%	01/06/2023
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2022	4.15%	01/06/2023
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2022	4.15%	01/06/2023
Bank of Queensland	001	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2022	4.34%	22/06/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2021	0.60%	28/06/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	15/07/2021	0.65%	17/07/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	18/01/2023	4.38%	18/07/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.65%	31/07/2023
Westpac	032	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	4.62%	28/08/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	07/09/2022	4.13%	07/09/2023
AMP Bank	939	\$ 1,000,000	\$ 1,000,000	\$ -	15/03/2023	4.60%	15/09/2023
Bank of Queensland (Formerly ME Bank)	010	\$ 1,000,000	\$ 1,000,000	\$ -	27/04/2022	2.70%	27/10/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	4.80%	28/11/2023
Suncorp	484	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2022	4.48%	28/11/2023
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	30/01/2023	4.60%	30/01/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	31/01/2023	4.60%	31/01/2024
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	31/01/2023	4.60%	31/01/2024
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	15/02/2022	1.75%	15/02/2024
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	5.00%	28/02/2024
ICBC Sydney Branch	337	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.85%	08/04/2024
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	11/04/2023	4.80%	11/04/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024
Total TD's		\$ 32,000,000	\$ 32,000,000	\$ -		3.18%	
Total Cash & Investments		\$ 38,340,363	\$ 40,728,296	-\$ 2,387,933		3.30%	

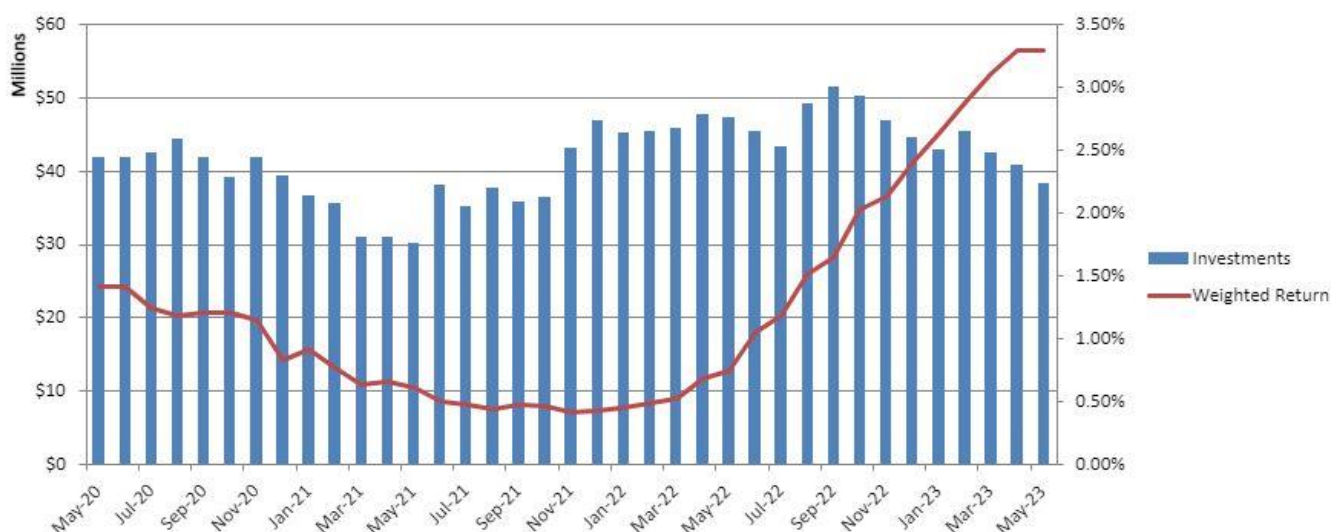
Snowy Valleys Council Total Cash and Investments - May 2023



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 \$2.3M in May 2023.

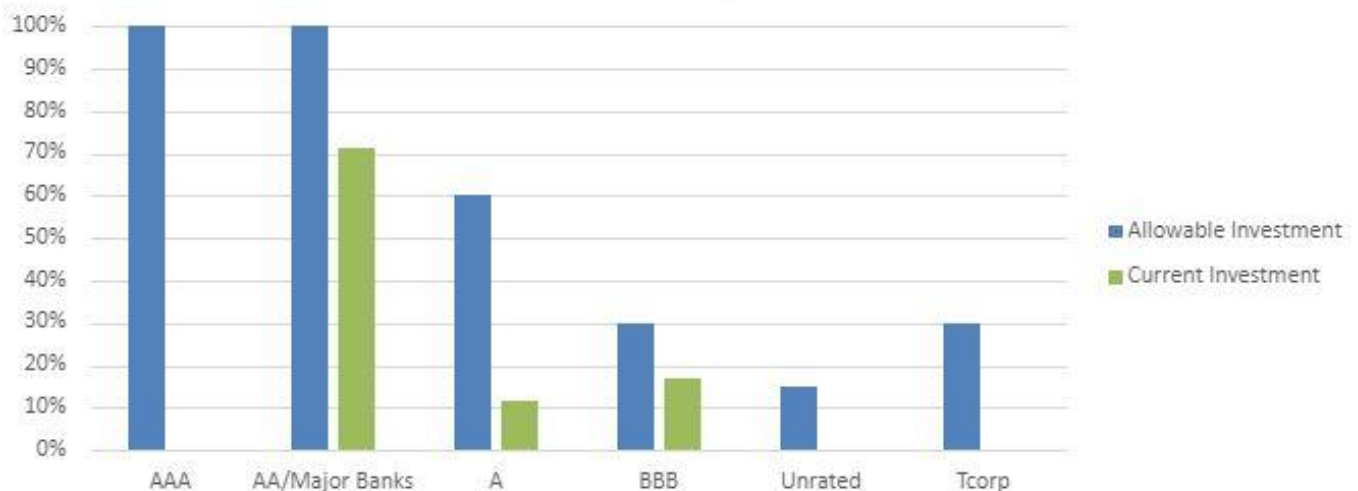
Cash and Investment rates are levelling out with the market factoring in forward expectations of increasing rates. Council's *Investment Policy* requires Council officers to minimise investment risk by spreading investments across several institutions (Institutional credit framework) as well as within its investment portfolio (overall portfolio credit framework). These risk minimisation measures 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 portfolio risk, one of the three risks identified in Council's *Investment Policy*. Portfolio risk refers to the overall risk of the portfolio of investments, this includes the combined risk of each individual investment. The different components of the portfolio and their weightings contribute to the extent to which the portfolio is exposed to risk. To control the credit quality on the entire portfolio, Council limits the percentage of the total portfolio that can be held within any one credit rating category, this percentage is outlined in the *Investment Policy*.

SVC Investment Policy - Portfolio Risk



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.

9.3. QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2023

REPORT AUTHOR: FINANCE MANAGER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The full Quarterly Budget Review Report plus attachments will be submitted to council under separate cover.

10. MANAGEMENT REPORTS

10.1. APPLICATION FOR EVENT SPONSORSHIP - TUMBARUMBA TO ROSEWOOD RAIL TRAIL MARATHON

REPORT AUTHOR: COORDINATOR PLACE ACTIVATION

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council an application for event sponsorship in relation to the 2023 Tumbarumba to Rosewood Rail Trail Marathon event.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the report on Application for Event Sponsorship - Tumbarumba to Rosewood Rail Trail Marathon**
- 2. Allocate event sponsorship of \$8,865.49 to the Tumbarumba to Rosewood Rail Trail Marathon to be held on Saturday 9 September 2023; and**
- 3. Advise Wagga Road Runners that this sponsorship should be considered a one-off and in the future they will need to apply for State Grant Funding.**

BACKGROUND:

Snowy Valleys Council (SVC) has an Event Sponsorship Program to create opportunities for the establishment of new events and the growth of existing events within the SVC community.

Festivals and events are valuable community building activities that provide an opportunity for the community to come together and celebrate life, spend time with friends and family and to build social cohesion through attendance, organising and volunteers. Events play an important role in attracting people to the Snowy Valleys region, supporting local businesses, employment and tourism more broadly.

Council provides support to many events each year and it is the role of Council to consider which organisations are eligible for event sponsorship. In recent years, Council has set \$80,000 in its budget for the provision of event sponsorship, however, upon adoption of the 2023-24 budget, this amount will be reduced to \$60,000 for the next financial year.

To be eligible for funding, an organisation must:

- Be not-for-profit;
- Be an incorporated body or be auspiced (sponsored) by an incorporated body;
- Offer an event in the Snowy Valleys LGA;
- Be for the benefit of the Snowy Valleys community;
- Have no outstanding debts to Council; and
- Demonstrate the ability to manage and deliver events that do not become solely dependent on ongoing sponsorship from Council.

REPORT:

The inaugural Tumbarumba to Rosewood Rail Trail Marathon was held on Saturday 23 April 2022. This event was funded and delivered through a partnership between SVC and the Wagga Wagga Road

Runners Incorporated and grant funding through Destination NSW's Regional Event Fund - Incubator Event Stream was received to enable and support delivery. SVC covered some event costs, however the majority of the costs were covered through this state funding program. This fund offers seed funding to eligible events in regional NSW to support their first or second year of activity and supports activities that are likely to establish an event as a driver of visitation from outside the Local Government Area. This funding program contributed \$20,000 (ex GST) to the inaugural Tumbarumba to Rosewood Rail Trail Marathon and the event would not have been delivered without this grant funding.

The event, which was the first of its kind to be held on the Tumbarumba to Rosewood Rail Trail, featured four elements - a marathon, a half marathon, a 10km run and a 10km walk. The race held high status following certification by the Association of International Marathons and Distance Runners.

Over 290 participants were involved across the four events with 78% of these people coming from outside of the Local Government Area (LGA). SVC received a lot of positive feedback following the event regarding the social and economic benefits it brought to Tumbarumba and surrounds. As a result of this, the idea of holding the event annually was explored, however SVC has not had the resources to deliver this event since it took place in 2022.

Over recent weeks, the Wagga Wagga Road Runners Inc. have expressed an interest in delivering the event this year and the 2023 Tumbarumba to Rosewood Rail Trail Marathon is scheduled to be held on Saturday 9 September. The event received approval from the Local Traffic Committee at its meeting on 10 May 2023.

In the early stages of planning, it has become apparent that the voluntary committee do not have the finances to deliver the event without additional support. Relevant grant funding streams are currently closed for applications and as a result, the committee has approached SVC for financial support.

Council has recently revamped its event sponsorship program and this is currently open for applications for events to be held between 1 September 2023 and 30 June 2024. Funding under this sponsorship program will be allocated and distributed in August 2023. Despite this event falling within the delivery timeframe, Council staff believe that a decision regarding event sponsorship needs to be made sooner to allow organisers to effectively and efficiently plan for this year's Tumbarumba to Rosewood Rail Trail Marathon.

The Wagga Wagga Road Runners Inc. have not applied for external grant funding for delivery of this event. A successful grant application would have reduced the likelihood if not eliminated the need for Council to consider providing financial support to the event. Council staff were made aware of their intention to hold the event on 9 September 2023 towards the end of March 2023. This didn't leave enough time to apply for grant funding through the Destination NSW Regional Event Fund as applications for this program closed on Wednesday 29 March 2023. In April, the Wagga Wagga Road Runners Inc. submitted an application for event sponsorship to Council.

The event sponsorship application included a list of event items that the organisers would like SVC to cover the cost of. Since receiving the application, Council staff have sourced relevant quotes for each of the requested items to enable us to attach a financial amount to the request. A breakdown of the request for event sponsorship is as follows:

Item	Cost
6 x portable toilets	\$1,610.00
Buses (to transport half marathon participants to Rosewood trail head for start of race)	\$265.00
Traffic management	\$6,990.49
	Total - \$8,865.49

Planning for this event is well underway with registrations already open and associated communications and promotions being rolled out across platforms including social media. Council staff believe that this event will not go ahead without approval of the event sponsorship request.

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

2.3 Provide and support a variety of events, festivals and visitor activities

FINANCIAL AND RESOURCES IMPLICATIONS:

The 2023-24 budget will be presented to Council at an Extraordinary Meeting on 29 June 2023.

Assuming the 2023-24 budget is adopted, Council will have \$60,000 allocated for event sponsorship in the 2023-24 financial year. This is \$20,000 less than what was allocated in the 2022-23 budget.

The Tumbarumba to Rosewood Rail Trail Marathon is scheduled to take place in September 2023 and any costs incurred by Council as a result of this event will therefore come out of the 2023-24 budget. Should the recommendations in this report be endorsed, Council would have \$51,134.51 remaining in its sponsorship budget for events delivered in the 2023-24 financial year.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Sponsorship to support community groups to deliver new and existing events to help the community come together and build social cohesion. The event may not be able to be delivered without sponsorship from Council.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

Nil.

10.2. PROPOSED DONATIONS FOR 2023-24

REPORT AUTHOR: COORDINATOR PLACE ACTIVATION

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council the proposed donations for 2023-24. The donations that Council provide have built over time based on individual approvals. This forms part of the overall community assistance program which totals \$242,648 and includes donations totalling \$92,148. The list of donations were workshopped with Councillors in May. It is intended to approve the donation list for 2023-24 with a review occurring next financial year, updating the donations policy to include a set of clear principles will form part of the review.

RECOMMENDATION:

THAT COUNCIL:

- 1. Receive the report on Proposed Donations for 2023-24; and**
- 2. Endorse the donations recommended for funding for the 2023-24 financial year of \$242,648.**

BACKGROUND:

Snowy Valleys Council (SVC) recognises and values the strengths of the Snowy Valleys community, including the strong sense of belonging demonstrated through participation in a range of community and cultural events.

Council provides support to assist the community in a number of ways, including assistance of a financial nature through donations, awards, scholarships, community, sport and heritage grants.

In relation to donations, the Community Assistance Policy (SVC-FIN-PO-127-01) and the Donations Procedure (SVC-COR-PR-017-01) are the relevant documents that Council consults.

The Operational Budget 2023-24 includes \$242,648 in community assistance, including \$92,148 in donations. A detailed list of donations is included in this report.

REPORT:

Snowy Valleys Council is committed to supporting community groups, organisations, projects, activities and events that reflect a vibrant community in the Snowy Valleys Local Government Area (LGA).

The Community Assistance Policy has been in effect since 23 March 2022. This policy establishes guidelines on how Council will provide assistance to the community through monetary and in-kind support. It aims to develop a robust, open and transparent decision making process for requests of support from Council to ensure that finite public funds for community causes are allocated in a manner that achieves greatest public benefit.

Council provides support to many organisations and individuals each year. In adopting the annual budget, Council may approve the provision of community assistance that aligns with Council's strategic priorities as detailed in the Delivery Program. Council's community assistance is categorised as:

- Donations
- Grants
- Event Sponsorship
- Scholarships
- Street Banners

A summary of the proposed budgets for grants, event sponsorship and scholarships is as follows:

Community Assistance Type	Budget 22/23	Proposed Budget 23/24
Charles Sturt University Scholarships	\$10,500	\$10,500
SVC Community Grants	\$60,000	\$50,000
SVC Capital Sports Grants	\$40,000	\$30,000
SVC Heritage Grants	\$7,000	\$0
Event Sponsorship	\$80,000	\$60,000
Donations	\$132,841	\$92,148
	Total - \$330,341	Total - \$242,648

Under the Community Assistance policy, donations are defined as 'Money, goods or services that are given to help a person or organisation'. Categories available for submission under Council's donations program are as follows:

- Art prizes
- Fee waivers
- In-kind donations
- One-off donations
- Rates and charges payment relief
- School bursaries, awards and prizes
- Special purpose donations

Council may resolve to make a continuing annual contribution to a relevant applicant to facilitate continuity of the provision of a community service or benefit or the staging of an event or festival that contributes significantly to the cultural, social, recreational or economic wellbeing or the general community, however approval of ongoing annual contributions cannot exceed any given Council term.

The table below outlines the proposed donations for 2023-24.

Owners/ Organisation Name	Grouping	Details	Donation Amount 2022/23	Proposed Donation 2023/24
Former S355 Committees	Community Group	Insurance assistance upon application	\$10,000.00	\$10,000.00
Landcare	Business	2000 KL Allowance as per Resolution 2012	\$4,900.00	\$5,257.70
Adelong Men's Shed	Community Group	All Rates & Charges	\$1,391.00	\$1,634.43
CWA Batlow	Community Group	Annual Sewerage Charges 75% - 20mm	\$412.50	\$442.61
Batlow Community Hall	Community Group	All rates and charges	\$3,530.65	-
Tumut Showground Trustees	Community Group	Annual Sewerage Charges 100% - 40mm	\$2,200.00	\$2,360.60

Owners/ Organisation Name	Grouping	Details	Donation Amount 2022/23	Proposed Donation 2023/24
Batlow Showground	Sporting	Non rateable -all other charges	\$39,049	-
Adelonia Theatre	Community Group	All Rates & Charges	\$1,391.00	\$1,634.43
Tumut Town Band	Community Group	All Rates & Charges	\$3,971.60	\$4,666.63
Tumut Guides	Community Group	Non rateable-all other charges	\$1,618.00	-
Montreal Theatre	Community Group	All Rates & Charges	\$4,097.11	\$4,814.10
Tumut Scouts	Community Group	Non rateable - all other charges	\$1,618.00	\$1,736.11
Tumut Art Society	Community Group	General Rates - 50% reduction in business rate	\$487.24	\$572.51
CWA Tumut	Community Group	Annual Sewerage Charges 75% - 20mm	\$412.50	\$442.61
SES Tumut	Community Group	All Rates & Charges	\$2,498.29	\$2,935.49
Men's Shed Tumut - Railway	community Group	User agreement is silent on who pays rates & charges	\$3,611.00	\$4,242.93
Batlow Rescue Squad	Community Group	All Rates & Charges	\$1,895.71	\$2,227.46
Gilmore Hall & Fire Services - Gilmore Hall	Community Group	All Rates & Charges	\$871.01	\$1,023.44
Men's Shed Tumberumba	Community Group	Rates waiver (on lease), water, sewer	\$6,969.00	\$8,188.58
Khancoban Op Shop (KUVA)	Community Group	All Rates & Charges	\$1,660.03	\$1,950.54
Khancoban Country Club	Community Group	Difference between old rural club and new business and farm rating category upon rates harmonisation	\$723.14	\$849.69
Adelonia Theatre	Community Group	Insurance	\$3,000.00	\$1,000.00
Jingellic Showground Toilets	Community Group	Electricity - 50%	\$1,500.00	\$1,500.00
Riding for the Disabled	Community Group	Towards feed for the horses	\$500.00	\$500.00
Adelong Progress Association	Community Group	Donation	\$1,650.00	\$1,650.00
Arts Society Tumut Fiveways	Community Group	Art prize sponsorship	\$2,500.00	\$2,500.00
Tumut Museum	Museum	All Rates & Charges	\$2,218.79	\$2,386.84
Batlow Museum	Museum	All Rates & Charges	\$1,270.46	\$1,379.40
Batlow Museum	Museum	Insurance	\$1,000.00	\$1,000.00

Owners/ Organisation Name	Grouping	Details	Donation Amount 2022/23	Proposed Donation 2023/24
Adelong Alive Museum	Museum	Insurance	\$1,000.00	\$1,000.00
Tumut Museum	Museum	Insurance	\$1,000.00	\$1,000.00
Tumut Pre-School	Pre-School	One Garbage Charge & Waste Access (Rates are exempt)	\$614.00	\$658.82
Batlow Pre-School	Pre-School	One Garbage Charge & Waste Access (Rates are exempt)	\$614.00	\$658.82
Adelong Pre-School	Pre-School	One Garbage Charge & Waste Access (Rates are exempt)	\$614.00	\$658.82
St Vincent De Paul - Tumut	Registered Charity	Annual Sewerage Charges 75% - 20mm	\$412.50	\$442.61
St Vincent De Paul	Registered Charity	Gate waste fees (12 loads)	\$600.00	\$840.00
Church of St Paul - Talbingo	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
Jehovahs Witness - Tumut	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
AASIAN Conference - Tumut	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
Church of England	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
The Presbyterian Church - Tumut	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
Uniting Church Australia - Tumut	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
Uniting Church Australia - Tumut	Church	Annual Sewerage Charges 75% - 20mm	\$412.50*	-
Brungle Memorial Hall & Fire Services - Brungle Hall	RFS	All Rates & Charges	\$675.44	\$793.64
Rural Doctor Network Bush Bursary Placements	Rural Group	Former Tumbarumba initiative; SVC participated in 2021 without budget	\$3,000.00	\$3,000.00
School book awards	School	Annual donation to end of year awards	\$1,320.00	\$1,320.00
Tumut Clay Target	Sporting	General Rates - difference between business & farmland	\$375.25	\$440.92
Southwest Slopes Sporting Archers	Sporting	General Rates - difference between business & farmland	\$593.15	\$696.95
Tumut Racecourse	Sporting	All Rates & Charges	\$1,504.07	\$1,767.28

Owners/ Organisation Name	Grouping	Details	Donation Amount 2022/23	Proposed Donation 2023/24
Tumut Netball Association	Sporting	Annual Sewerage Charges 75% - 20mm	\$412.50	\$442.61
Tumut Turf Club	Sporting	Annual Sewerage Charges 100% - 50mm	\$3,440.00	\$3,691.12
Tumut Rugby League Football Club	Sporting	400 KL Domestic water allowance	\$980.00	\$1,051.54
Tumut Rugby League Football Club	Sporting	Annual Sewerage Charges 100% - 25mm	\$860.00	\$922.78
Tumbarumba Race Course	Sporting	Water meter size donation (difference 20mm to 40mm)	\$683.00	\$802.53
Tumbarumba Golf Club	Sporting	Difference between old rural club and new business rating category upon rates harmonisation	\$1,385.77	\$1,628.28
Tumbarumba Golf Club	Sporting	Difference between old rural club and new business rating category upon rates harmonisation	\$558.56	\$656.31
Rosewood Golf Club	Sporting	Difference between old rural club and new business rating category upon rates harmonisation	\$744.39	\$874.66
Tumbarumba Tennis Club	Sporting	All Rates & Charges	\$1,621.00	\$1,904.68
				Total - \$92,148

*Church groups are exempt from paying rates under the *Local Government Act 1993* but are required to pay utilities.

Council will review the list of donations in the near future and will review and update the Donations Policy to include a clear set of principles/guidelines for organisations that wish to apply for donations.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The Draft Operational Budget 2023-24 includes \$242,648 in community assistance. This report proposes the approval of \$92,148 in donations.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Relevant SVC documents are the Community Assistance Policy (SVC-FIN-PO-127-01) and the Donations Procedure (SVC-COR-PR-017-01).

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	COST/RISK	BENEFIT/ REWARD
Environmental & Public Health	Increased waste from events and impact on facilities being used.	Events utilise our parks and gardens, recreational facilities and buildings.
Financial	Impact on budget. Financially supporting community organisations and events can limit the likelihood of them becoming financially sustainable.	Events provide an economic boost by bringing people to the region and utilising local businesses.
People	Some requests may be refused as they don't meet the criteria or the budget has already been exhausted.	Council providing financial support to local organisations enhances the external image of Council and shows that we support the local community. Events that bring people together and promote the region encourage volunteering and participation.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

10.3. LOCAL ROAD COMMUNITY INFRASTRUCTURE ADDITIONAL FUNDING ALLOCATION

REPORT AUTHOR: ACTING DIRECTOR INFRASTRUCTURE AND WORKS

RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

Snowy Valleys Council has received additional funding to a value of \$502,883 on top of the initial allocation provided for the assets under the Local Road Community Infrastructure (LRCI) grant from the Federal Government which had projects approved in March 2023 by Council. This program is designed to support local Councils to deliver priority local road and community infrastructure projects across Australia by supporting employment and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

This report seeks funding of high priority infrastructure projects that comply with LRCI Program funding arrangements.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse proceeding with the delivery of the following high priority infrastructure projects funded through the Australian Government Local Roads and Community Infrastructure Program**
 - a. Herbert Street Tumut Footpath \$50,000**
 - b. Capper Street Tumut Footpath \$30,000**
 - c. Lambie Street Tumut Footpath \$50,000**
 - d. Franklin School Tumut Footpath \$60,000**
 - e. Park Street Tumbarumba Cycleway \$120,000**
 - f. Waratah Street, Boundary Street Intersection Tumut \$192,883**
- 2. Authorise the General Manager to negotiate and/or amend the project list as described in Item 1 above, as required to comply with the Local Roads and Community Infrastructure Program funding arrangements**

BACKGROUND:

The Local Roads and Community Infrastructure (LRCI) Program Funding is intended for local road and community infrastructure projects that involve the construction, maintenance and/or improvement of council-owned assets that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.

Councils are able to select the projects to be funded in their community according to priorities at the local level.

Similar to the Roads to Recovery Program, councils will need to submit a Work Schedule that outlines the project(s) they plan to undertake.

Noting that the guidelines for the funding program are still being finalised, the conditions that currently apply to the funding include:

- Councils will need to complete all project works by 30/06/2025 to receive their full nominal share of funding.

The Department of Infrastructure, Transport, Regional Development and Communications have finalised implementation arrangements for the LRCI Program Round Four. Council has now been asked to agree to the program arrangements and identify local projects in their area that meet the guidelines.

REPORT:

Council received notice from the Department of Infrastructure, Transport, Regional Development and Communications that Council would receive an additional \$502,883 from LRCI4. This funding was identified to be specifically allocated to road related projects and could not be used on community infrastructure. As such, Council Officers reviewed suitable projects to nominate through this funding.

A review of relevant Council resolutions has identified the following projects in relation to previous Council approvals for funding.

Project	Nominated Funding
Herbert Street, Tumut (M178/19)	\$50,000
Franklin School, Tumut (M144/21)	\$60,000
Lambie Street to Wilga Place, Tumut (M30/23.5 discussion)	\$50,000

The proposed Herbert Street footpath is to link the footpaths between Lambie Street and Bogong Place, adjacent to the Tumut High School with a 1.5m wide concrete footpath.



The Franklin School, Tumut footpath is intended to connect the footpath that terminates in Forest Street, between Capper Street and Blowering Road (Snowy Mountains Highway), on the outside of the school boundary, terminating opposite Lockeridge Drive. This does not include any works to connect onto the Snowy Mountains Highway or a formal crossing of this roadway.



The project for Lambie Street footpath extension is to continue the footpath on the southern side of Lambie Street, from Forest Street to Wilga Place.



Council staff have also reviewed the frequent requests received for footpath connectivity within the LGA and outstanding priority works

Project	Nominated Funding
Road Renewals - Waratah Street Boundary Street Intersection	\$192,883
Park Street Cycleway	\$120,000
Capper Street Footpath	\$30,000

The Capper Street Footpath project is to connect the section of footpath that terminates mid block between Clarke Street and the Snowy Mountains Highway, with matching concrete footpath connections at the Snowy Mountains Highway. This will connect the main CBD area of Tumut with key attractors including the Visitor Information Centre at the National Parks and Wildlife Centre as well as a loop option connecting with the River Walk.



The Park Street Cycleway connection is to provide pedestrian access in a safe way around Park Street, Tumbarumba, towards the entry to the Tumbarumba Golf Club. The area has a narrow sealed road with limited site distance and is a regular cycle route.



The road network was assessed in terms of areas failing significantly and requiring significant investment outside of the current expenditure. The industrial area was identified as having continual failures which impact negatively on maintenance budgets. Therefore it was identified that the Waratah Street and Boundary Street intersection would benefit from a timely treatment to return it to the level of service expected.



Strategic projects were reviewed for connectivity, however concerns were raised that not enough time was available to have surety in the scope and estimates to be provided to Council.

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

Theme 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:

The footpath projects listed above are all new assets. As such, additional funding needs to be allocated for inspection, maintenance and depreciation. The construction of the footpath identified above has been calculated to generate an additional \$3,000 per year and maintenance and inspection are calculated at \$3,000 per year. If these projects are to be funded, an additional \$6,000 will need to be included in the budget to cover these projects.

The only renewal asset identified in this funding is the rehabilitation of the intersection of Waratah Street and Boundary Street. This is to improve functionality and usability of the road and as a renewal project will not increase the depreciation significantly and maintenance and repair allocations will not be affected negatively.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The procurement process for the delivery of these projects will be undertaken in accordance with the provisions of the *NSW Local Government Act 1993*, NSW Government (General) Regulation 2021 and Council's own procurement policy and procedures.

Under Council's Footpath, Kerb and Road Verge Policy and the *Roads Act 1993* (New South Wales) contributions can be sought for the construction of new footpaths for those with frontage. This is not proposed to be applied for these projects.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:**Risk Management – Business Risk/WHS/Public:**

Failure to deliver the funded works by 30 June 2025 could impact on both the reputation and business of the organisation and withdrawal of the funding.

To help reduce this risk, the delivery of these projects will be undertaken in accordance with Council's accredited Integrated Management System. This will ensure that the WHS, Quality and Environmental aspects of the work are managed in compliance with AS/NZS 4801:2001, ISO 9001:2008 and ISO 14001:2004 to achieve the best outcomes for Council and the community.

Costs and Benefits:

Securing funding through the LRCI and bringing these projects forward for delivery will assist in reducing part of the financial commitment that would otherwise need to be made by Council to facilitate the delivery of these projects in future financial years.

The projects identified are not subject to current pending grant applications and focus on the renewal of assets in line with Council's asset hierarchy. By undertaking these projects, there will be negligible impact on the whole of life costing.

Future strategic planning will include future opportunities and identification of funding opportunities for the renewal of assets within Council's portfolio.

OPTIONS:

1. Adopt as per recommendations set out in this report - preferred option.
2. Amend the nominated project and funding profile set out in this report
3. Decline the recommendations set out in this report

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Due to the timing of the grant funding, only limited consultation has been undertaken with the relevant stakeholders for the listed projects.

Further consultation will be undertaken as the project and funding arrangements are refined.

ATTACHMENTS

Nil

10.4. DA2022-0200 - PROPOSED SUBDIVISION (4 LOTS INTO 2) WEST BLOWERING ROAD, JONES BRIDGE

REPORT AUTHOR: MANAGER GROWTH AND ACTIVATION

RESPONSIBLE OFFICER: GENERAL MANAGER

EXECUTIVE SUMMARY:

An application was lodged with Council under DA 2022/0200 seeking development consent for a 'simultaneous consolidation and boundary adjustment' of four lots into two lots with a dwelling entitlement created by an existing holding to a newly created allotment located at West Blowering Road, Jones Bridge. The application seeks consent utilising the provisions of clause 4.2C of the Tumut Local Environment Plan 2012.

Council has assessed the application in accordance with the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* and recommends that the proposal cannot be supported in its current form for the reasons outlined within the recommendation section of this report.

RECOMMENDATION:

THAT COUNCIL:

Determine Development Application 2022/0200 for a simultaneous lot consolidation and boundary adjustment (subdivision) of four lots into two lots (including a dwelling entitlement created by an existing holding to a newly created allotment) located at Lot 9, 10 and 34 in Deposited Plan 757257 and Lot 1 in Deposited Plan 114418, by way of refusal for the following reasons:

- 1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*, the proposed development is inconsistent with the objectives of the RU1 Primary Production zone of the *Tumut Local Environment Plan 2012*.**
- 2. Pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act, 1979*, the proposal is unsatisfactory in respect to the matters for consideration under Clause 4.1, 4.2, 4.2A, 4.2B, 4.2C of *Tumut Local Environment Plan 2012*.**
- 3. Pursuant to section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal is incapable of compliance with clause 4.2C of the *Tumut Local Environment Plan 2012* as:**
 - (a) the change to the boundary of Lot 1 DP 114418 is so significant that the Proposed Development cannot be considered to be “adjusting” the boundary.**
 - (b) the two resulting lots do not bear any resemblance to the lots currently in existence (or that would be in existence following the initial lot consolidation).**
 - (c) the size of the new allotment (being the former Lot 1 DP 114418) is increased through the proposal so significantly that it is more than simply a slight or marginal adjustment to boundaries.**
- 4. Pursuant to Section 4.15(a)(iii) of the *Environmental Planning and Assessment Act, 1979*, the proposal is unsatisfactory in respect to ‘Requirements Applying to All Development’ in particular 3.2.10, 3.2.14 and Rural Subdivision Part 9.8 of Snowy Valleys Development Control Plan with particular reference to Part 9.8.1, 9.8.4, 9.8.5, 9.8.6 and 9.8.9.**
- 5. Pursuant to Section 4.15(1)(b) *Environmental Planning and Assessment Act, 1979*, insufficient information has been provided to assess the level of impact on the locality in respect of natural hazards.**
- 6. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided to determine the suitability of the proposed development.**

7. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided in the application to satisfy the requirements of Clause 5.21 of the Tumut Local Environment Plan in particular the flood susceptibility, associated flood risk or behaviour of the Tumut River. Proposed Lot 101 has been identified for the purposes of residential development and is flood liable land.
8. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided in the application to satisfy Clause 6.8 of the Tumut Local Environment Plan 2012 and accordingly the requisite level of satisfaction has not been achieved to ensure that the land is not susceptible to the natural hazards associated with landslip.
9. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided in the application to satisfy Clause 6.4 of the Tumut Local Environmental Plan 2012 relating to groundwater vulnerability. No geotechnical analysis has been undertaken to ensure that the land is capable of disposal of onsite sewerage waste relating to any proposed lot that will be utilised for the purposes of a residential dwelling and agriculture.
10. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is not considered to be in the public interest.

BACKGROUND:

Site Description / Context

The development site is located at Lot 9, 10 and 34 Deposited Plan 757257 and Lot 1 Deposited Plan 114418 known as West Blowering Road, Jones Bridge via Tumut. The combined size of the lots occupy an area of approximately of 55 hectares with primarily timbered land to the North of West Blowering Road and cleared agricultural land which is floodprone to the South. Figure 1 provides an illustration of the land's general location and layout and the current allotment boundaries.

The site is located approximately 8.5 kilometres South East from Tumut on the West Blowering Road. The site context is primarily timbered agricultural lands to the North and West, and substantively cleared land with pockets of timber to the South and the East. The land is flanked by the Tumut River to the South and the East.

As shown in Figure 2, the site is irregular in shape and dissected by West Blowering Road. The northern side of West Blowering Road has an area of approximately 32 hectares with the southern side having an area of approximately 23 hectares. The site has a gentle fall towards the Tumut River. All the subject lands are zoned RU1 Primary Production with the northern side of West Blowering Road having a minimum lot size of 150 hectares to attract a potential Dwelling Entitlement and the southern side of the road having a minimum lot size of 30 hectares to attract a potential Dwelling Entitlement.

Proposed Development

A development application has been submitted to Council seeking development consent under DA 2022/0200 for simultaneous consolidation of Lots 9, 10 and 34 in Deposited Plan 757257. The application is also seeking to undertake a boundary adjustment (subdivision) between the consolidated Lots and Lot 1 in Deposited Plan 114418. The potential dwelling entitlement is then proposed to be nominated on proposed Lot 101.

Application Summary:

Applicant	Michael Kelley C/ Gray Surveyors
Land owner(s)	Michael and Catherine Kelly
Zoning Context	RU1 – Tumut Local Environmental Plan 2012
Capital Investment Vale (\$)	\$10,000

Applicant	Michael Kelley C/ Gray Surveyors
Notification Period	Not required in accordance with Council's Community Participation Plan (CPP) as adopted.
Number of submissions	Nil
Political Donations declaration	Nil
Reasons for referral to Council	Significant departure - Non compliance with statutory controls.

Development Site:

The development site cadastral general layout is shown below in Figure 1 and Figure 2.

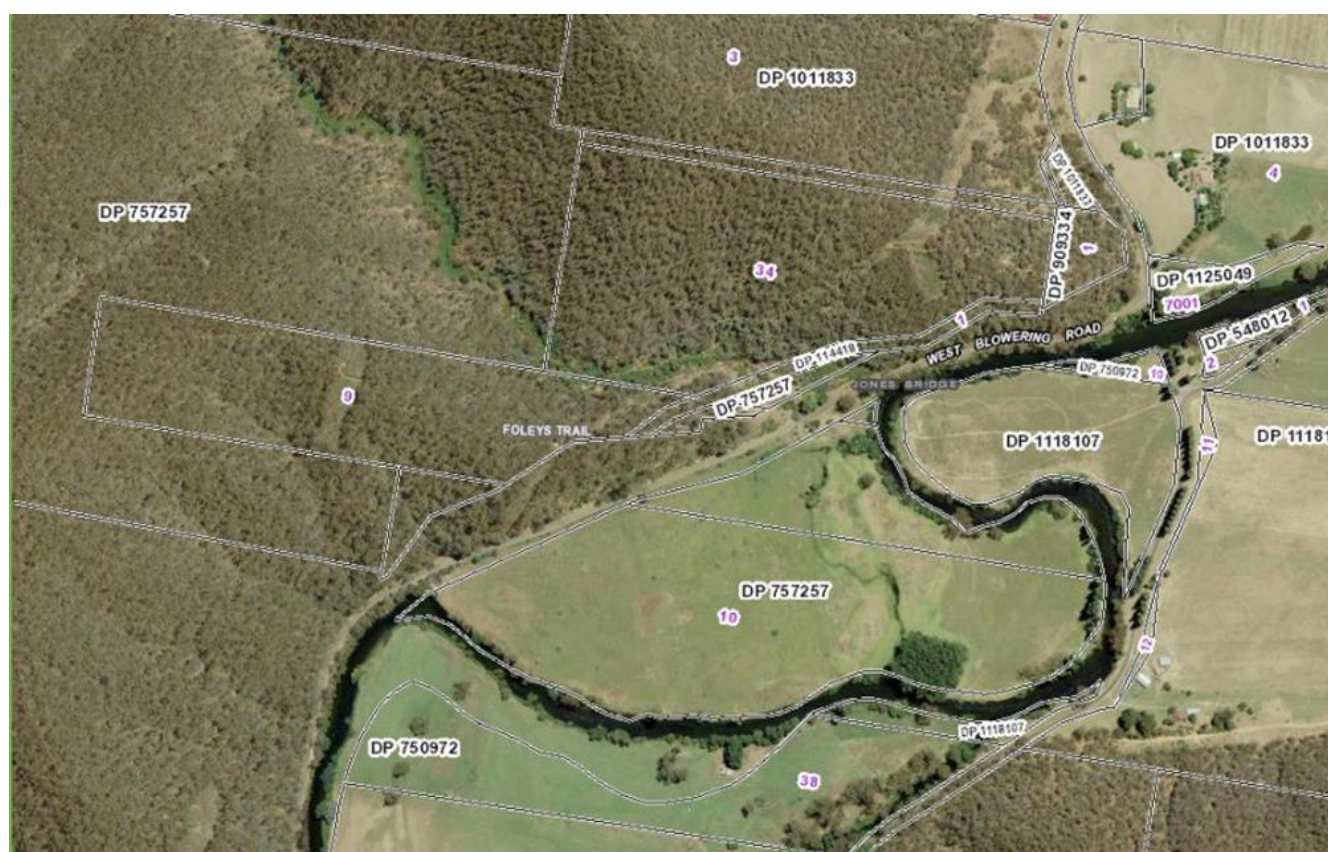


Figure 1: Development Site (<https://maps.six.nsw.gov.au>)

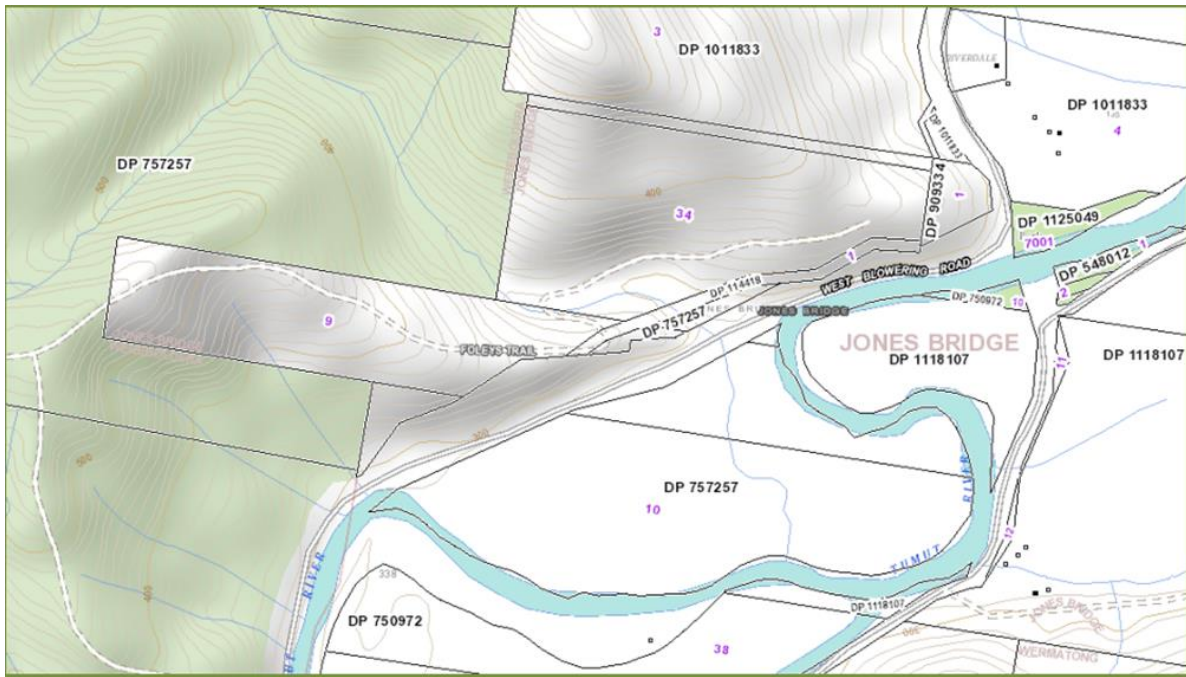


Figure 2: West Blowering Road, Jones Bridge, Lots 9, 10 & 34 DP 757257 & Lot 1 DP 114418
<https://maps.six.nsw.gov.au>

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 (Biodiversity and Conservation) 2021 (B&C SEPP)**

Note: This chapter applies to RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry in a local government area specified in Schedule 1.

Table 1 - Chapter Three: Koala Habitat Protection 2020 Assessment

Question	Development	Outcome
Clause 3.5 - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area?	Yes	Assessment under B&C SEPP required (Clause 3.5).
Clause 3.5 – Step 1 – Is the land potential koala habitat? <i>Note: 'potential koala habitat' are areas of native vegetation where trees of the types listed in Schedule 2 of the SEPP (feed tree species) constitute at least 15% of the total number of trees</i>	Yes	The site is potential koala habitat, continue assessment (Clause 3.6).

Question	Development	Outcome
<i>in the upper or lower strata of the tree component.</i>		
Clause 3.6 – Step 2 – Is the land core koala habitat?	No	Development satisfactory under B&C SEPP

The development has been assessed against the requirements of Chapter Three of the B&C SEPP (see **Table 1**) and it has been determined that the development would meet the requirements and objectives of the B&C SEPP as the land is not considered to be core koala habitat and no land clearing has been proposed as part of this application.

- **State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)**

Chapter Four: Remediation of Land

Chapter Four of the R&H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.

A search of Council's records and aerial photos indicates the site has a history associated with agricultural use including livestock grazing. A site inspection has not identified any animal dips, chemical storages or other potentially hazardous activities. The land is not identified as contaminated on Council's contaminated land register or the Environmental Protection Authority (EPA) register of contaminated sites

It is therefore unlikely that the site has experienced any known contamination. As such, the site is considered suitable for residential use and further assessment is not necessary.

The development has been assessed against the requirements of Chapter Four of the R&H SEPP and it has been determined that the development as proposed would meet the requirements and objectives of the R&H SEPP.

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

Chapter Two: Infrastructure

Chapter Two - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) applies to the development pursuant to clause 2.2 and aims to facilitate the effective delivery of infrastructure across the State.

Clause 2.119 - Development with frontage to a classified road

Clause 2.119 of the T&I SEPP requires that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- where practicable, vehicular access to the land is provided by a road other than the classified road, and
- the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

- (i) the design of the vehicular access to the land, or
- (ii) the emission of smoke or dust from the development, or
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (iv) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The existing access to the land is not proposed to be altered by the proposed subdivision of land (cited in the application as a lot consolidation and boundary adjustment). Any notice of determination in support of

the development will require submission of a section 138 application to upgrade any access to the subdivision. Any section 138 application will be forwarded to Transport for New South Wales (TFNSW) for assessment as the subdivision is adjacent to a classified road network in accordance with SEPP (T&I)2021. There is no current alternative to provide access to a road other than the classified road network in accordance with Clause 2.119 of the SEPP.

Draft State Environmental Planning Policies

There are no current draft State Environmental Planning Policies that apply to the development.

Local Environmental Plans

Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider the provisions of Environmental Planning Instruments (EPs), which includes Local Environmental Plans (LEPs). The Tumut Local Environmental Plan 2012 (*hereafter the 'LEP'*) applies to the northern part of the Snowy Valleys LGA. An assessment of the development against the relevant sections of the LEP is provided below:

Tumut Local Environmental Plan 2012

- **Clause 1.2 Aims of the Plan:**

The development complies broadly with respect to the overall aims and objectives of the *Tumut Local Environment Plan 2012*.

- **Clause 1.4 Definitions:**

The land is zoned as RU1 Primary Production under the *Tumut Local Environmental Plan 2012*. As defined within the RU1 Land use Table, subdivisions are permissible with development consent of the Council.

The development has been defined as a 'subdivision' (four lots into two lots).

- **Clause 2.2 Zoning to which the plan applies:**

The land is zoned RU1 - Primary Production and subdivisions are permissible with the development consent of the Council.

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

The proposal generally complies with the overall objectives of the zone with the exception that the proposal will likely add to the fragmentation of resource lands including potential provision of a dwelling entitlement to an undersized allotment and creation of a separate agricultural allotment.

- **Clause 4.1 Minimum Allotment Size.**

The land has a minimum allotment size of 150 hectares which applies to the land to the North of West Blowering Road, Jones Bridge and 30 hectares to the South of West Blowering Road, Jones Bridge.

Both proposed Lot 101 and Lot 102 are below the minimum allotment size being 32.68 and 23.11 hectares respectively. The proponent seeks to rely on Clause 4.2C to create the undersized allotment(s) via a simultaneous 'lot consolidation' and 'boundary adjustment' (Subdivision).

- **Clause 4.2 Rural Subdivision**

(1) *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*

(2) *This clause applies to the following rural zones—*

(a) *Zone RU1 Primary Production,*

(b) *Zone RU2 Rural Landscape,*

(baa) *Zone RU3 Forestry,*

(c) *Zone RU4 Primary Production Small Lots,*

(d) *Zone RU6 Transition.*

(3) *Land in a zone to which this clause applies may, with development consent, be subdivided for the*

purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

Note— A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

The development is not capable of compliance with clause 4.2 as the development is not seeking to subdivide the land solely for the purposes of agriculture.

4.2A Exceptions to minimum lot sizes for certain rural subdivision

(1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of permissible uses other than for the purpose of dwelling houses or dual occupancies.

(2) This clause applies to land in Zone RU1 Primary Production.

(3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under the existing development consent for the land.

(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—

(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and

(b) the subdivision is necessary for the ongoing operation of the permissible use, and

(c) the subdivision will not increase rural land use conflict in the locality, and

(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

The application seeks to create two lots that are less than the minimum allotment size including one lot with a dwelling entitlement – proposed lot 101.

- **Clause 4.2B Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones**

(1) The objectives of this clause are as follows—

(a) to minimise unplanned rural residential development,

(b) to enable the replacement of lawfully erected dwelling houses or secondary dwellings in rural and residential zones.

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the erection of a dwelling house or secondary dwelling on land to which this clause applies, and on which no dwelling house or secondary dwelling has been erected, unless the land—

(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or

(b) is a lot created before this Plan commenced and on which the erection of a dwelling house or secondary dwelling was permissible immediately before that commencement, or

(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or secondary dwelling would have been permissible if the plan of subdivision had been registered before that commencement, or

(ca) is a lot created by a boundary adjustment in accordance with clause 4.2C and on which a dwelling house would have been permissible before the adjustment of the boundary, or

(d) is an existing holding, or

(e) is a lot with an area of at least 15 hectares on land identified as "Horticultural Land" on the Horticultural Land Map, with at least 10 hectares of horticulture or viticulture established on that lot, or

(f) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—

(i) a minor realignment of its boundaries that did not create an additional lot, or
(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.
Note - A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

(4) Development consent may be granted for the erection of a dwelling house or secondary dwelling on land to which this clause applies if there is a lawfully erected dwelling house or secondary dwelling on the land and the dwelling house or secondary dwelling to be erected is intended only to replace the existing dwelling house or secondary dwelling.

(5) In this clause—

existing holding means land that—

(a) was a holding on the relevant date, whether or not there has been a change in the ownership of the holding since the relevant date, or

(b) is a lot that had an area of at least 40 hectares on land to which the Tumut Local Environmental Plan 1990 applied before the commencement of this Plan and did not have the same owner as any adjoining lot on 7 December 1990.

'holding' means all adjoining land, even if separated by a road or railway, held by the same person or persons.

'relevant date' means—

(a) in the case of land to which the Tumut Local Environmental Plan 1990 applied immediately before the commencement of this Plan—11 June 1976, or

(b) in the case of land to which the Yarrowlunla Local Environmental Plan 2002 applied immediately before the commencement of this Plan—13 October 1995.

The lots identified within the 'holding' including Lot 9, 10 and 34 in Deposited Plan 757257 and Lot 1 in Deposited Plan 114418 and constitute an 'existing holding' as defined within clause 4.2B(3) of the Tumut LEP which has been confirmed by Council in writing. On this holding a dwelling house would be permissible subject to the consent of Council.

An existing holding can be a number of parcels of land that remain in the same configuration since the appointed date on 11 Jun 1976, then the landowner is entitled to lodge a development application for the purposes of a dwelling house on that holding.

The application is not seeking development consent for the purposes of a dwelling however is seeking to nominate a dwelling entitlement (which is legally created under clause 4.2(B)(3)) to the proposed allotment 101 within the 'holding'.

- **Clause 4.2C Boundary adjustments in certain Rural Zones.**

The proponent seeks to rely on the utilisation of Clause 4.2C to enable the subdivision of the subject allotments and to enable a dwelling entitlement to be created on proposed allotment 101.

4.2C Boundary adjustments of land in certain zones

(1) The objective of this clause is to facilitate boundary adjustments between lots if the adjustment will result in the lot size of one or more of the lots being less than the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone RU3 Forestry,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone R5 Large Lot Residential.

(3) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that -

(a) the subdivision will not create additional lots or the opportunity for additional dwellings,
and

(b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and

(c) the potential for land use conflict will not be increased as a result of the subdivision.

There are a number of cases in the New South Wales Land and Environment Court that provides case law around what is considered to be a 'boundary adjustment' in particular the cases relating to *Ousley Pty Ltd vs Warringah Shore Council 1999* and *McCabe and others vs Blue Mountains City Council 2006*

In *Ousley Pty Ltd v Warringah Shire Council [1999]* NSWLEC (Ousley), the Court considered a subdivision under the now repealed provisions of State Environmental Planning Policy 4 – Development Without Consent and Miscellaneous Exempt and Complying Development (SEPP 4). In this regard, the Court found:

16. Having regard to the aims of SEPP 4 stated in cl 3 and the other categories of subdivision in cl 6, the reference to “an adjustment to a boundary” in cl 6(b) must be construed as being a re-arrangement of a boundary so that no significant changes are made to the configuration of any existing allotments.

21. ... The extent of any changes must pay respect to the existing subdivision design and fit the prescription of an adjustment to a boundary between allotments so that the resulting parcels of land bear some resemblance to the lots which existed before the subdivision.

In *McCabe & Others v Blue Mountains City Council [2006]* NSWLEC (McCabe), the Court considered the ordinary meaning of the phrase “boundary adjustment” and found as follows:

‘I do not accept that the “ordinary and grammatical meaning” of the phrase “...for a boundary adjustment” embraces any and all alterations of a boundary that make land suitable for an applicant’s requirements. I consider that the primary meaning conveyed by the clause, construed in its immediate and more general context, accords with the notion of an alteration of a boundary by correction or regularisation, whether that correction or regularisation is to reflect actual conditions (such as physical features of the land or its zoning) or to achieve some other requirement or objective (for example, to render the use of land feasible or more practical). Hence, consistent with the observation of Cripps J in Boast v Eurobodalla Shire Council, unreported, NSWLEC, 20110/91, 22 November 1991 at pp 2 – 3, questions of fact and degree are involved’.

These principles have also been applied by Commissioners of the Court in factual circumstances analogous to those which arise in relation the current development application being considered by Council.

Following the proposed lot consolidation as outlined in the application, the Development Application also seeks consent for further subdivision described in the statement of environmental effects as a 'boundary adjustment' that would be permitted pursuant to clause 4.2C of the LEP. The proposed boundary adjustment, as set out in the statement, would adjust the boundaries of Lot 1 DP 114418 and the consolidated allotment such that the boundaries of Lot 1 DP 114418 are extended south to align with West Blowering Road and north to align with the northern and western boundaries of the consolidated allotment to the north of West Blowering Road.

The Development Application relies on clause 4.2C of the LEP which provides that, in certain circumstances, 'development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size'. Taking into account the language of clause 4.2C, it is necessary to consider whether the proposed development may be described as 'adjusting the boundary between lots'.

Applying the principles set out by the Court in *Ousley* and *McCabe*, the following conclusions may be made with respect to the proposal:

- a. the change to the boundary of Lot 1 DP 114418 is so significant that the Proposed Development cannot be considered to be “adjusting” the boundary.
- b. the two resulting lots do not bear any resemblance to the lots currently in existence (or that would be in existence following the initial lot consolidation).

c. the size of the new allotment (being the former Lot 1 DP 114418) is increased through the proposal so significantly that it is more than simply a slight or marginal adjustment to boundaries.

In such circumstances, the proposed development cannot be characterised as a 'boundary adjustment' and clause 4.2C cannot be relied upon in considering the permissibility of the proposed development.

- **Clause 5.21 Flood Planning**

Due to the proximity of the land to the Tumut River, the subject allotment(s) are susceptible to flooding including inundation during flood events by the Tumut River. The application seeks to nominate a potential dwelling entitlement on the proposed Lot 101 however no building envelope has been provided within the application identifying any proposed or expected location for a future dwelling.

Whilst Lot 102 is flood susceptible and is being retained for the purposes of agricultural use, the application also identifies an area of 0.18 hectares which forms part of Lot 101 which is located on the meander of the Tumut River. The application identifies that this portion of the land will be utilised to provide 'river frontage' however the part lot 101 is also capable of supporting a future dwelling house (subject to development consent of Council).

The applicant has not provided any information in the application in relation to flood susceptibility, flood risk or flood behaviour and as a result, Council cannot be satisfied of the matters relating to the provisions contained within Clause 5.21(2)(a-d) and also 5.21(3)(a-d). As the consent authority must be satisfied of these matters prior to granting of consent, the application cannot be supported in its current form.

- **Clause 6.3 Terrestrial Biodiversity**

No vegetation is expected to be removed as part of the development and it is not expected that the development will impact either flora or fauna associated with the land. Consideration has been made of Clause 6.3(3) and Clause 6.3(4) and it is expected that the development will not pose any unmanageable impacts.

- **Clause 6.4 Groundwater Vulnerability**

The site has been identified as an area of groundwater vulnerability. Any future development application for a dwelling house would require a section 68 application under the *Local Government Act 1993* for wastewater management. Any such application would be supported by a waste water report prepared by a qualified and professional geotechnical engineer. No information has been provided in the current application with respect to the proposed location of any future dwelling house by identification of a building envelope. In the absence of the location of proposed building envelope and without a geotechnical analysis being submitted to identify that the land is capable of supporting an onsite sewer management system, groundwater vulnerability is unable to be assessed in accordance with the provisions of clause 6.4.

- **Clause 6.5 Riparian Lands and Watercourses**

The development as proposed is not expected to have any impact on the riparian land and watercourse given the application has proposed a subdivision of land. Accordingly, an assessment has been made in relation to Clause 6.5(3) and 6.5(4) and it is not expected that the development will have any likely impact on riparian lands and the watercourse associated with the Tumut River.

- **Clause 6.6 Wetlands**

The development as proposed is not expected to have any impact on the wetlands given the application proposes a subdivision of land. Accordingly, an assessment has been made in relation to Clause 6.6(3) and Clause 6.6(4) and it is not expected that the development will have any likely impact on the wetlands of the Tumut River.

- **Clause 6.8 Landslide Risk**

The land has been identified as potential landslide risk and accordingly the controls under clause 6.8 of the Local Environment Plan must be considered. The application identifies within the Statement of Environmental Effects that there has been a number of dwelling houses constructed within the area and there has been no landslides occur in the area and therefore it is concluded that such risk is low.

Appropriate investigations are required by way of a geotechnical analysis by a qualified, experienced and professional civil engineer of the land, to identify whether there is a potential for landslide and also to enable appropriate consideration of the controls under clause 6.8 of the Tumut LEP. Council is unable to grant consent to any application in the absence of any formal geotechnical analysis being undertaken to achieve the requisite level of satisfaction.

- **Clause 6.11 Essential Services**

The development is capable of being able to access electricity following enquiries with Essential Energy. Provision of electrical infrastructure is also located within close proximity to the development and telecommunications are available for connection within proximity of the land.

Static water supplies will be required for the purposes of providing water to the development as reticulated water is not available due to the location of the proposal. No investigations have been made to ascertain whether onsite sewer management is capable of being undertaken on the subject land.

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: The controls relating to Subdivisions in the RU1 Primary Production and requirements relating to all development are considered to be the most relevant and will be utilised for the assessment of the application.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
Chapter 3 Requirements applying to all types of development			
3.2.1	Vehicle access standards.	The proposal seeks to utilise existing access arrangements to the development. Any approval of the application will require a section 138 application to be lodged to upgrade the accesses. Such applications will be provided to TFNSW.	Complies subject to conditions.
3.2.2	Bushfire	As the land is mapped as bush fire prone land the development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines. A Bushfire Assessment was undertaken in accordance with an incorrect / repealed Regulation namely the <i>Rural Fires Regulation 2013</i> . The application was referred to the RFS under section 100B and a Bushfire Safety Authority has been issued dated the 16th March 2023.	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.3	Carparking	Sufficient carparking can be accommodated on both Lots 101 and 102	Complies
3.2.4	Building over Council Land and Services	Not Applicable	Not Applicable
3.2.5	Contaminated Land	<p>A search of Council's records and aerial photos indicates the site has a history associated with agricultural use including livestock grazing. A site inspection has not identified any animal dips, chemical storages or other potentially hazardous activities on the land .</p> <p>The land is not identified as contaminated on Council's contaminated land register or EPA register of contaminated sites</p> <p>It is therefore unlikely that the site has experienced any known contamination. As such, the site is considered suitable for residential use in terms of contamination risk and further assessment is not necessary.</p>	Complies
3.2.6	Cut and Fill	No cut and fill is proposed as part of the application for subdivision.	Not Applicable
3.2.7	Demolition	No demolition is proposed as part of the application for subdivision.	Not Applicable
3.2.8	Development Near Electrical Easements	There is a high voltage powerline that traverses the site through proposed Lot 101. It is not expected that the subdivision will have any impact on the easement.	Complies
3.2.9	Erosion and Sediment Control	The development does not propose any excavation or other construction that would lead to erosion or sediment being produced. Any works proposed on upgrading accesses will be covered in any section 138 permit under the <i>Roads Act 1993</i> .	Complies
3.2.10	Flooding	The land is flood liable given its proximity to the Tumut River. No information has been submitted	Non Compliant

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		with the application to determine the land's flood susceptibility. Part Lot 101 also has the potential to have a dwelling erected on the land subject to development consent which could be impacted by flooding. In the absence of any detailed analysis being undertaken or provided, Council is unable to assess the application against compliance with the controls.	
3.2.11	Heritage	The land is not identified as either a heritage item under Schedule 5 of the LEP nor in a heritage conservation area.	Not Applicable
3.2.12	Landscaping	No landscaping is proposed as part of this development.	Not Applicable
3.2.13	Onsite Waste Water Management	The application identifies that a potential dwelling entitlement will be attributed to proposed Lot 101. No geotechnical information has been submitted with the application to identify whether the land is capable of disposal of onsite sewer waste water. The proposed Lot, Part Lot 101 and proposed Lot 102 is subject to ground water vulnerability.	Non Compliant
3.2.14	Provision of Services	The provision of services such as electricity and telephone are available within the area for connection. No water or sewer reticulation is available and therefore will require onsite static supplies and on-site disposal (subject to Geotech investigations and approvals - no information on land capability has been provided)	Compliant – in part
3.2.15	Retaining Walls	The application does not seek to provide any retaining of earth as part of the subject application.	Not Applicable
3.2.16	Safer by design	These controls relate to buildings and site design. The subject application seeks consent for the purposes of subdivision only.	Not Applicable
3.2.17	Stormwater / road water management	These controls relate primarily to buildings. The subject application seeks consent for the purposes of subdivision only.	Not Applicable

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
Chapter 9.0 Subdivisions			
	Subdivision Objectives	<p>These controls relate more broadly to all types of subdivisions.</p> <p>The proposed lots incorrectly utilise the provisions of clause 4.2C of the LEP and therefore the development is not (in part) considered to be in accordance with the overall broader objectives of the controls.</p>	Compliant – in part
Chapter 9.8 Rural Subdivisions			
9.8.1		<p>Clause 9.8.1 requires Council to consider how the subdivision will accommodate future and existing structures and be suitable for appropriate likely future land uses and site activities, and the subdivision proposal responds to the existing site attributes and constraints.</p> <p>These controls relate to subdivision in the RU1 and C3 zones. No information has been provided in the statement to indicate the building envelope for any potential dwelling.</p> <p>Accordingly, such location is unable to be assessed as suitable.</p>	Complies in part
9.8.2	Adjoining development	<p>Any future development would need to consider adjoining or nearby development, in relation to possible land use conflicts, the need for any buffer areas and the impacts of the subdivision on primary production activities on adjoining land.</p> <p>No information has been provided in the application on likely building envelopes on Lot 101. An assessment on the potential impact is unable to be made in the absence of such information. Adjoining land uses appears to be from inspection, grazing and other agricultural pursuits. No intensive agricultural pursuits have been</p>	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		observed requiring additional buffer areas.	
9.8.3	Fencing	Existing fencing is proposed to be utilised for the purposes of the new lot arrangements. Some additional fencing for part Lot 101 maybe required.	Complies
9.8.4	Lot size, shape and orientation	<p>The proposed lots within the application identify areas which are below the minimum allotment size on the minimum lot size map. The application seeks to incorrectly utilise the provisions under clause 4.2C of the Tumut Local Environmental Plan 2012.</p> <p>The proposed orientation and shape of the allotments complies with the controls identifies with the relevant controls of the clause.</p>	Complies in part
9.8.5	Natural Hazards and Risks	<p>The site is mapped as being bushfire prone and is susceptible to flooding being within close proximity of the Tumut River. The application has been referred to the Rural Fire Service under section 100B of the <i>Rural Fires Act 1997</i> and has received a Bushfire Safety Authority issued by the Rural Fire Service. The application was made under the incorrect provisions of a repealed <i>Rural Fires Regulation 2013</i>.</p> <p>The applicant has not provided any information in the application in relation to flood susceptibility, flood risk or flood behaviour and as a result, Council cannot be satisfied of the matters relating to the provisions contained within controls.</p>	Complies in part.
9.8.6	Onsite sewer waste water management	The application identifies that a dwelling entitlement will be attributed to proposed Lot 101. No geotechnical information has been submitted with the application to identify whether the land is capable of disposal of onsite sewer waste water. The proposed Lot 101, Part Lot 101	Non -compliant.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		and proposed Lot 102 is subject to ground water vulnerability.	
9.8.7	Roads and Access	The application identifies that the existing access arrangements will be retained. Should the application be supported, an application under Section 138 of the <i>Roads Act 1993</i> will be required to upgrade the accesses. Any application will be provided to Transport for NSW for consideration as the road is a classified road network.	Complies
9.8.8	Rural Addressing	An application for Rural Addressing will be made should the application be supported. Rural addressing is capable of being supplied in accordance with Council Policy and the Australian Standard.	Complies
9.8.9	Services	The provision of services such as electricity and telephone are available within the area for connection. No water or sewer reticulation is available and therefore will require onsite static supplies and on-site disposal (subject to Geotech investigations and approvals)	Complies in part.
9.8.10	Water Supply	Reticulated water is not available to the site and accordingly any water requirements will be required to be met via onsite static water supply (ie: tanks).	Complies

It is considered that the main departures from the Development Control Plan (DCP) relate primarily to natural hazards and risk, onsite sewer management and the overall objectives relating to the incorrect use of Clause 4.2C of the *Tumut Local Environment Plan 2012*. The departures have been as a result of limited information including provision of geotechnical analysis, information surrounding flood susceptibility and provision of proposed building envelopes on the plans to correctly assess associated impacts.

It is considered that the proposal is not consistent with all relevant controls of the Snowy Valleys Council DCP 2019 with departures identified above. It is considered that the development is generally compliant with all other relevant controls of the DCP.

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.

Contribution Plans**Section 7.11 Contributions**

Council's Contributions Plan (Section 94 Contributions for Parks and Recreation 2005-2015) and Section 94 Assessment Policy applies to the site. An assessment has been made against the provisions of these plans and as no additional lots are proposed to be created above the existing number of allotments and accordingly no contribution is payable.

Regulations

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

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation.

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

Section 4.15(1)(b) of the EP&A Act requires Council to consider "the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality".

- *Natural Environment - Context and Setting*

The proposed development is not expected to have significant negative impacts on the locality context and setting with particular regard to the existing and desired scenic qualities and features, the character and amenity of the 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.

The development as proposed is not expected to have any unmanageable impacts on the natural environment with the exception of flooding and groundwater vulnerability in the case where a geotechnical analysis has not been provided to identify whether the land is capable of onsite waste management. Such report is required to enable Council to appropriately assess the suitability of the land for disposal of onsite sewer management waste. A geotechnical report is also required to assess the potential for landslip on the subject allotments.

No land clearing is proposed as part of this development and accordingly, it is not expected that the subdivision will have any unmanageable impacts on natural vegetation on either of the proposed lots.

- *Built Environment*

It is not expected that the development as proposed will have any impact on the built environment.

The site is not identified as an item of heritage in accordance with Schedule 5 of the Tumut Local Environment Plan 2012 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.

- *Social*

It is not expected that the development as proposed will have any expected social impacts.

- *Economic*

It is not expected that the development as proposed will have any expected broader economic impacts.

Suitability of the site for the development

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

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

The application has not nominated any proposed building envelope of any potential dwelling entitlement beyond stating that a dwelling would likely be constructed on Lot 101 in the future. The omission of such information and the omission of information on the flood susceptibility of the Tumut River has prevented the proper assessment of site in relation to natural hazards and also any potential impact in relation to any location of a future dwelling. As outlined previously, it is likely that the proponent will utilise Part Lot 101 for the provision of a future dwelling house given its location to the river frontage. The application has also identified that Lot 101 will be utilised for residential and agricultural purposes.

The suitability of the site for onsite sewerage disposal has been unable to be assessed as a result of insufficient information being provided in support of the application.

The site will retain its existing access arrangements however, if supported, an application will be required under section 138 of the *Roads Act 1993* to upgrade the accesses in accordance with standards imposed by Transport for New South Wales being a classified road network. The application was not required to be referred to Transport For New South Wales at the development application stage as no new accesses are being proposed as part of the application. An application under section 138 is considered to be the most appropriate approval pathway.

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.

No submissions were received in relation to the proposal (See Community Participation Plan section of this report).

Public Interest

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

The development in its submitted form is unlikely to provide additional housing opportunity as Council has acknowledged a potential dwelling entitlement created under Clause 4.2B(3) of the *Tumut Local Environment Plan 2012* for the existing four (4) allotments being a holding. The proposal seeks to further fragment the land by excising the proposed agricultural allotment and the lot proposed to be used both for residential and agriculture which is not in the public interest. The application seeks to incorrectly rely upon the Clause 4.2C of the *Tumut Local Environment Plan 2012* which is considered to not be in the public interest.

Consultation

Pre-lodgement Meetings Internal Consultation

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

External Referrals:

Referrals	Advice / Response / Conditions
New South Wales Rural Fire Service (s100B of the <i>Rural Fires Act 1997</i>)	New South Wales Rural Fire Service has provided its Bushfire Safety Authority supporting the proposal dated 16 March 2023 subject to general terms of approval.

Internal Referrals:

Referrals	Advice / Response / Conditions
Development Engineer	The application was referred to Council's Co-ordinator Design and Survey who has identified that the existing accesses relating to the

Referrals	Advice / Response / Conditions
	development will be required to be upgraded as part of a section 138 application.

Community Participation Plan – Notification

No notification was required to be undertaken in accordance with Council's Community Participation Plan (CPP) and accordingly no submissions have been received in relation to the proposal.

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

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

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:

Council has the following options with respect to Development Application 2022/0200:

1. Determine Development Application 2022/0200 which seeks consent for a simultaneous lot consolidation and boundary adjustment (subdivision) of four lots into two lots and transfer of a dwelling entitlement created by an existing holding to a newly created allotment located at Lot 9, 10 and 34 in Deposited Plan 757257 and Lot 1 in Deposited Plan 114418, by way of **approval** subject to draft conditions of consent as outlined in the Attachment 3.
2. Determine Development Application 2022/0200 for a simultaneous lot consolidation and boundary adjustment of four lots into two lots and transfer of a dwelling entitlement created by an existing holding to a newly created allotment located at Lot 9, 10 and 34 in Deposited Plan 757257 and Lot 1 in Deposited Plan 114418, by way of **refusal** for the reasons as outlined in the recommendation section of this report.
3. Defer any decision relating to Development Application 2022/0200 pending additional information.

OPTION 2 is recommended

Councillors must record their votes on the matter.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Any community engagement / notification requirements have been identified within the body of this report.

ATTACHMENTS

1. Development Application DA2022-0200 - Proposed Plan - West Blowering Road, Jones Bridge (Under separate cover)
2. Development Application DA2022-0200 - Statement of Environmental Effects - West Blowering Road, Jones Bridge (Under separate cover)
3. Draft Conditions of Consent 2022/0200 West Blowering Road Jones Bridge (Under Separate Cover)

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 10 MAY 2023

REPORT AUTHOR: COORDINATOR GOVERNANCE

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

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.

Following the ARIC meeting on 10 May 2023, ARIC were advised that the final report on the de-amalgamation business case prepared by Professor Drew had been delivered to Council. It was noted by the Committee that the independent members had not been consulted as part of his research undertaken for the report.

RECOMMENDATION:

THAT COUNCIL:

1. **Note the Minutes of the Audit Risk and Improvement Committee meeting held on 10 May 2023 and in particular that:**
 - a. **The Audit Risk and Improvement Committee request input from Council on the expectation placed upon the committee, in alignment with the Draft Risk Management and Internal Audit Guidelines for Local Government NSW that have been drafted by the Office of Local Government.**
 - b. **Draw Councils attention to the findings as outlined in the Final Internal Audit Report - Asset Management as per confidential attachment.**
 - c. **Draw Councils attention to the findings as outlined in the Final Internal Audit Report - Management Accounting and Internal Reporting Controls as per confidential attachment.**

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:

De-amalgamation Business Case

The last ARIC meeting was held on 10 May 2023. The de-amalgamation business case was released publicly on 22 May 2023, following the ARIC meeting. During the research phase of the de-amalgamation business case, at no time did Professor Drew or any other representative of the University of Newcastle contact the independent members of the Audit Risk and Improvement Committee. The Committee were only made aware of the final report once the business case was made public. There was no consultation undertaken with the committee.

Minutes

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

Draft Risk Management and Internal Audit Guidelines for Local Government NSW

The Office of Local Government (OLG) released the Draft Risk Management and Internal Audit Guidelines for Local Government in NSW (guidelines) during September 2019. The OLG invited submissions from councils and other stakeholders which were due in December 2019. Following further consultation, the approved guidelines have been released and Council need to have full compliance from 01 July 2024. Additional information has been provided by OLG as follows

"Amendments are currently being made to the Local Government (General Regulation 2021 to require all councils and joint organisations to have a risk management framework and an internal audit function and to prescribe membership requirements for audit risk and improvement committees. The Regulation amendments will be made in early 2023. Councils and joint organisations will be required to comply with these requirements from 1 July 2024 and, commencing with the 2024/25 annual report, to attest to their compliance with the requirements in their annual reports.

The Office of Local Government has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW to assist councils and joint organisations to implement these requirements. The Guidelines have been issued in draft form pending the supporting Regulation amendments being made so that councils can commence the steps necessary to implement them. The Guidelines will be reissued in a final form when the supporting regulations are made in early 2023, to align them with the regulations as drafted."

An additional report will be provided to Council in the future regarding the implementation of the guidelines.

Internal Audit Reports

Two internal audits were undertaken in the 2022/23 period, Asset Management and Management Accounting and Financial Reporting Controls. These final internal audit reports were presented to the Committee and as resolved, are now being provided to Council as per the confidential attachments. Council should draw their attention to the findings as provided in both internal audit reports.

Project Office Report

The ARIC members noted the following regarding the Project Office Report. The ARIC business paper was provided to the committee members at the beginning of May. Updated information has now been provided to the committee members.

- 1) *Draw Councils attention to the following amber projects*
 - *Emergency Evacuation and Multi-Purpose Centre*

- *Funding for this project is due to run out in 2024, leaving only 12 months for construction. How is this risk being managed?*
- *FOGO Organics Infrastructure*
 - *Councillors noted potential impacts of conditions of DA approval on this project. ARIC members noted that Council should reconsider if this project is still viable given the potential impacts of the conditions of the DA approval. ARIC concern centres around further information that may have come to light that impacts on the various criteria that made this project feasible to proceed to a DA. If feasibility conditions have changed for the negative then the potential risks, including operating financial loss and payback time frames should be re-evaluated as the DA process progresses to approval or otherwise.*
- *Itinerant Worker Accommodation*
 - *The Committee received an update that this project was largely considered complete at the time of the meeting. ARIC members noted the report provided indicates the project was approximately \$350,000 over budget, noting that Council is aiming to have approximately \$225,000 of contributions waived (these charges were not identified in the original project budget). ARIC members enquired how Council is funding the additional expenditure on this project.*
- *Snowview Estate*
- *Tumut Aerodrome Stage 2*
- *Tumut Parking Strategy*

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The Committee is charged with the responsibility of:

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

OPTIONS:

1. Adopt as per recommendations set out in this report.
2. Amend 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:

Not required

ATTACHMENTS

1. Minutes - Audit Risk and Improvement Committee - 10 May 2023 (Under separate cover)
2. Final Internal Audit Report - Asset Management - ID3232890 (Under separate cover)
CONFIDENTIAL
3. Final Internal Audit Report - Management Accounting and Financial Reporting - ID3232909
(Under separate cover) CONFIDENTIAL

11.2. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 17 MAY 2023**REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

EXECUTIVE SUMMARY:

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

This report seeks Council to receive and note the minutes of the First Nations Liaison Committee held on 17 May 2023.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the minutes of the First Nations Liaison Committee held on 17 May 2023.**

BACKGROUND:

The Aboriginal Liaison Committee and Council, through collaborative work in 2019, identified the need for a formal reconciliation journey. This led to the development of the Reflect Reconciliation Action Plan Council (RAP). During the RAP development, Council and the Aboriginal Liaison Committee in 2022 agreed that the existing Aboriginal Framework including the Memorandum of Understanding Between Aboriginal Community of Snowy Valleys and the Snowy Valleys Council (MoU), the Aboriginal Cultural Protocols and Practices Policy and the Aboriginal Liaison Committee Terms of Reference were not consistent and replicated each other. In 2022, Council adopted the RAP, First Nations Liaison Committee Terms of Reference and the First Nations Cultural Protocols.

Three (3) resignation were received during 2023; Rhonda Casey, Sue Bulger (Chair) and Winnie Bulger. The General Manager sent the retiring members a letter thanking them for their contribution. June Wolter has since been elected chair.

The First Nations Liaison Committee currently has ten (10) voting members. In line with Council's *Committee Operation Manual*, Committees can elect minimum of three and maximum of 12 voting members. The committee can accept applications for two voting memberships (this may be from the non-voting members) if they wish. This will be discussed at the next meeting.

REPORT:

At the First Nations Liaison Committee meeting held on the 17 May 2023, key agenda items were discussed and details are included in the attached minutes. A summary of the agenda items and discussion points is as follows:

1. Reconciliation Action Plan (RAP) progress update
2. Committee member resignations
3. Elected Chairperson
4. 2024 Bicentennial celebration preparations
5. 2023 NAIDOC week preparations
6. Winter School holiday program activities
7. Event Sponsorship Process
8. Committee discussed the concern for the safety of the community using the footpath near the old Ambulance station in Tumut on Fitzroy Street

9. Brungle Volunteer Program (Business Arising)
10. Mapping project (Business Arising)

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Theme 3 - Our Environment

Community Strategic Plan Strategic Objectives

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

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

Delivery Program Principal Activities

- 1.1 Provide services that support our community in all stages of life
- 1.2 Provide and maintain community spaces that encourage activity and wellbeing
- 1.3 Provide services and support to enhance local arts and culture
- 1.5 Value our heritage and promote civic pride
- 3.4 Partner with other agencies to protect our natural spaces and environment

FINANCIAL AND RESOURCES IMPLICATIONS:

Preparation for the First Nations Liaison Committee meetings involve staff time taken to prepare the agenda and report, conduct the meetings and complete the minutes. This would be approximately 3-4 hours of staff time depending on the length of the meeting. These meetings are held every two (2) months and generally two staff members attend. Including staff wages to attend the meeting, writing reports and room hire the estimate for the cost per First Nations Liaison Committee meeting is \$350.00 to \$400.00. The actual cost may exceed this estimation, depending on the work that may arise from the meeting.

Council will utilise the Cultural budget for its commitment to celebrate First Nations ceremonies and events, including NAIDOC Week, Reconciliation Week and events identified in the RAP and providing remuneration to Elders performing 'Welcome to Country' stated in the First Nations Cultural Protocols.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

1. Council Receive and Note the Minutes of the First Nations Liaison Committee held on 17 May 2023.
2. Council do not Receive and Note the Minutes of the First Nations Liaison Committee held on 17 May 2023 and consults with the First Nations Liaison Committee as to the reason.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

1. Minutes - First Nations Liaison Committee - 17 May 2023 (Under separate cover)

11.3. MINUTES - LOCAL TRAFFIC COMMITTEE - 10 MAY 2023**REPORT AUTHOR: EXECUTIVE ASSISTANT INFRASTRUCTURE****RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

EXECUTIVE SUMMARY:

The Local Traffic Committee is a statutory committee with representatives from NSW Police, Transport for NSW, Local Members of Parliament, Councillors and council staff.

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

This report seeks adoption of the Committee's minutes and recommendations.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Note the Minutes of the Local Traffic Committee held on Wednesday, 10 May 2023;**
- 2. Adopt the following recommendations from the minutes:**
 - a. Endorse 15-minute parking zone outside the Bright Horizons Childcare Centre, 90 Capper Street, Tumut, for operational hours, impacting four (4) parking spaces.**
 - b. Request Council undertake a speed assessment within the area of the Childcare Centre with VMS boards and report these figures back to the Local Traffic Committee August meeting.**
 - c. Endorse the Special Event Application Traffic Guidance Scheme for the Tumbarumba to Rosewood Rail Trail Marathon to be held on Saturday, 9 September 2023 to enable this event to go ahead, subject to Council's standard conditions.**
 - d. Endorse the Special Event Application for the Heart2Heart long-distance charity walk commencing 1 July from the Northern Territory finishing 28 September 2023 at Parliament House (ACT) to enable this event to go ahead, subject to any changes to the DRAFT Traffic Management Plan.**
 - e. Endorse the Special Event Application for the Tumbarumba Hume and Hovell Ultra Marathon to be held on Saturday, 8 and Sunday, 9 October 2023 to enable this event to go ahead, subject to Council's standard conditions.**
 - f. Note Speed Zone, Boonderoo Road; currently has an 80km/hr speed limit, however, it is within the 50km/hr speed zone in Tumut. Review had been undertaken. Transport for NSW has approved, just awaiting on the installation of signs.**
 - g. Note Lacmalac to Goobarragandra Road speed zone; question was asked if speed zone should be reduced to 80km/hr. Transport for NSW has undertaken a review (discussion within the review from TfNSW is it would be difficult to enforce and that drivers should drive to the conditions of the road) consequently it will remain at the default (100km/hr speed zone).**
 - h. Note TransGrid Traffic Management Plan; NSW Police had received copy of report requesting their endorsement of Traffic Management Plan. TransGrid advised that this Plan will need to be directed to the SVC Local Traffic Committee for discussion and endorsement.**
 - i. Note Ciderfest Special Event Application; Committee reviewed, noted it to be compliant and approved the application.**

- j. **Note Road Safety Officer position; Committee advised that the position will be re-advertised.**
- k. **Note Simpson Street extension of bus zone for Tumut Public School; SVC confirmed action completed, and extension is now in place.**
- l. **Note East Gilmore Road and Batlow Road (MR4) Intersection; TfNSW to provide update to next meeting.**
- m. **Note The Glen Estate Tumut traffic; ongoing.**
- n. **Note Location markers on Snowy Mountains Highway up Talbingo Mountain. Location markers being installed along with appropriate signage; ongoing.**

BACKGROUND:

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

REPORT:

A copy of the Local Traffic Committee Minutes is attached to this report.

The next meeting of the Local Traffic Committee is scheduled for Wednesday, 9 August 2023. This meeting will be held in Tumut Meeting Room.

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Internal resources are utilised to prepare the reports for the Local Traffic Committee and the provision of executive staff of the committee.

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Risk Management Assessments are provided with Special Event applications.

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

OPTIONS:

Council may choose to:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The traffic management for events that occupy road reserves requires consultation with NSW Police, Transport for NSW, Snowy Valleys Council, road managers, event organisers and other stakeholders.

Changes to the road environment require communication with the community.

ATTACHMENTS

1. Minutes - Local Traffic Committee - 10 May 2023 (Under separate cover)

11.4. MINUTES - ADELONG SHOWGROUND COMMITTEE - 2 MAY 2023**REPORT AUTHOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS****RESPONSIBLE DIRECTOR: GENERAL MANAGER**

EXECUTIVE SUMMARY:

The Adelong Showground Committee is an active Section 355 Committee of Council engaged in the preservation and improvement of the upkeep of facilities at the Adelong Showground, Adelong.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the Minutes of the Adelong Showground Committee held on 2 May 2023.**

BACKGROUND:

This is the first meeting that has been formally attended by Council for a considerable period of time. Council Officers are working to engage the Adelong Showground Committee (the Committee) in the framework established and adopted for Council's management of committees and volunteers.

REPORT:

Council Staff have re-engaged with the Adelong Showground Section 355 Committee for inclusion and inclusion into Council's Section 355 Committee framework. This was the first meeting with communication regarding the Terms of Reference, reporting and volunteer needs commencing. The Committee ran through the Terms of Reference (ToR) and asked to review for the next meeting for endorsement.

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The Committee have completed the current identified improvement works under available grant funding and are now working on a new 'masterplan' of works to identify the next stage of works required at the showground for eligible and prioritised funding. This will be provided to Council for approval of funding.

Council staff are collating information to provide to the Committee per the items identified. This will be supplied prior to the next committee meeting.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Local Government Act 1993 (Section 355)

Draft Terms of Reference are currently under review by the Adelong Showground Committee

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Council will need to have inclusion in the development of the masterplan to ensure sustainability. The process and drive of the Committee will provide increased output and delivery from grant funding delivered for the improvement of the facility.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Minutes - Adelong Showground Committee - 2nd May 2023 (under separate cover)

12. CONFIDENTIAL

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

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

RECOMMENDATION:

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

11.1 CONFIDENTIAL - MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 10 MAY 2023 - ATTACHMENTS

Item 11.1 is confidential under the *Local Government Act 1993* Section 10A 2(c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct), business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.1 CONFIDENTIAL – TUMUT MULTI-PURPOSE CENTRE TENDER 2023-1 ASSESSMENT

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 information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.2 CONFIDENTIAL – TENDER 2022-07 CONSTRUCTION OF AMENITIES BLOCK BULL PADDOCK TUMUT

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

12.3 CONFIDENTIAL – SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP MEMORANDUM OF AGREEMENT RENEWAL

Item 12.3 is confidential under the *Local Government Act 1993* Section 10A (2) (g) as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13. MEETING CLOSURE