



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 17 August 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 Councils website;

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



Thursday, 17 August 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

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 - 20 JULY 2023

RECOMMENDATION:

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

Attachment 1 - 20230720 - DRAFT Minutes - Ordinary Council



ORDINARY MEETING

MINUTES

Thursday, 20 July 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, 20 July 2023

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

2:00 PM

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Mayor

General Manager

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Mayor

General Manager

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

IN ATTENDANCE: General Manager Ken Gouldthorp, Director Infrastructure & Works Duncan Mitchell, Director Community & Corporate Jessica Quilty, Manager Finance Parthiv Parekh, Manager Growth & Activation Nick Wilton

1. ACKNOWLEDGEMENT OF COUNTRY

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

M118/23 RESOLVED:

THAT COUNCIL write a letter of congratulations to the 2023 King's Birthday Honours recipient Anne Thoroughgood.

Cr Ian Chaffey / Cr James Hayes

CARRIED UNANIMOUSLY

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

A Leave of Absence has been received from Cr Mick Ivill.

M119/23 RESOLVED that the Leave of Absence from Cr Mick Ivill be received and granted.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Julia Ham declared a non-pecuniary interest in relation to report 9.1 2023 Digital Agrifood Summit 11-12 October Wagga Wagga due to wanting to attend the Summit and will remain in the room during discussion.

Cr Johanna (Hansie) Armour declared a non-pecuniary interest in relation to report 9.1 2023 Digital Agrifood Summit 11-12 October Wagga Wagga due to wanting to attend the Summit and will remain in the room during discussion.

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Mayor

General Manager

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 22 JUNE 2023

M120/23 RESOLVED:

1. That the unconfirmed Minutes of the Ordinary Council Meeting held on 22 June 2023 be altered to record Cr Larter's vote FOR the Motion at Item 6.1 and that Motion being Carried with:

- Councillors Armour, Hayes, Ivill, Larter and Thomson FOR the Motion, and
- Councillors Chaffey, Hughes and Livermore AGAINST.

2. The Minutes of the Ordinary Council Meeting held on 22 June 2023, with the alteration in Point 1 above, be confirmed.

Cr Trina Thomson/Cr John Larter

CARRIED UNANIMOUSLY

4.2. MINUTES - EXTRAORDINARY COUNCIL - 29 JUNE 2023

M121/23 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 29 June 2023 be received and confirmed as an accurate record.

Cr Johanna (Hansie) Armour/Cr Brent Livermore

CARRIED UNANIMOUSLY

5. CORRESPONDENCE/PETITIONS

Nil.

6. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

7. MAYORAL MINUTE

7.1. MAYORAL MINUTE – ACTING GENERAL MANAGER ARRANGEMENTS

M122/23 RESOLVED:

THAT:

1. Ms Jessica Quilty be appointed Acting General Manager while Mr Gouldthorp is on Leave for the week of 24 July to 28 July 2023 inclusive; and
2. Mr Duncan Mitchell be appointed Acting General Manager from Mr Gouldthorp's departure on Friday 4 August 2023 until the commencement of the new Interim General Manager;

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Mayor

General Manager

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3. The Mayor be authorised to enter contractual arrangements with Mr Steven Pinnuck as the new Interim General Manager for a period of twelve months;

Cr Ian Chaffey

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

Against: Cr Larter

7 / 1

CARRIED

8. URGENT BUSINESS WITHOUT NOTICE

Nil.

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. 2023 DIGITAL AGRIFOOD SUMMIT 11-12 OCTOBER WAGGA WAGGA

M123/23 RESOLVED:

THAT COUNCIL:

1. Grant approval for Cr Ham's and Cr Armour's attendance at the 2023 Digital Agrifood Summit.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

9.2. REPORT ON ATTENDANCE AT THE DESTINATION AND VISITOR ECONOMY CONFERENCE 29-31 MAY 2023 BY CR HAM & CR HAYES

M124/23 RESOLVED:

THAT COUNCIL:

1. Receive the report on the Destination and Visitor Economy Conference outcomes from Councillor Ham and Councillor Hayes.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

9.3. REPORT ON ATTENDANCE AT THE 2023 NATIONAL GENERAL ASSEMBLY 13-16 JUNE BY MAYOR CHAFFEY, DEPUTY MAYOR THOMSON & CR HUGHES

M125/23 RESOLVED:

THAT COUNCIL:

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Mayor

General Manager

1. Receive the report on the 2023 National General Assembly outcomes from Mayor Ian Chaffey, Deputy Mayor Trina Thomson and Councillor Sam Hughes.

Cr Sam Hughes/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

9.4. STATEMENT OF INVESTMENTS - JUNE 2023

M126/23 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investments - 30 June 2023.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

10. MANAGEMENT REPORTS

10.1. SNOWY VALLEYS REGIONAL TRACKS AND TRAILS MASTERPLAN - PRIORITY PROJECTS

MOTION:

1. Prioritise delivery of the Batlow to Tumut Rail Trail - Stage 1: Batlow to Wybalena project, should suitable and substantial funding become available;
2. Prioritise delivery of the Tumut River Walk project, currently costed at \$257,897.00, should funding for a smaller project become available;
3. Work with the Toomaroombah Kunama Namadgi Indigenous Corporation (TKNIC) to continue to explore options with the Gudja Gudja Mura Trail and monitor funding opportunities to enable delivery of this project;
4. Note that detailed specifications for delivery of any project are to be reviewed and confirmed prior to any funding application;
5. Seek advice as to the process for accessing and/or leasing the Rail Corp. corridor from Batlow to Wybalena and a further report or workshop be provided to Council.

Cr Julia Ham/Cr Sam Hughes

M127/23 RESOLVED to move into Committee of the Whole.

Cr John Larter/Cr Julia Ham

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

Against: Cr Hayes

7 / 1

CARRIED

Mayor

General Manager

M128/23 RESOLVED to move out of Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M129/23 RESOLVED:

THAT COUNCIL:

1. Prioritise delivery of the Batlow to Tumut Rail Trail - Stage 1: Batlow to Wybalena project, should suitable and substantial funding become available;
2. Prioritise delivery of the Tumut River Walk project, currently costed at \$257,897.00, should funding for a smaller project become available;
3. Work with the Toomaroombah Kunama Namadgi Indigenous Corporation (TKNIC) to continue to explore options with the Gudja Gudja Mura Trail and monitor funding opportunities to enable delivery of this project;
4. Note that detailed specifications for delivery of any project are to be reviewed and confirmed prior to any funding application;
5. Seek advice as to the process for accessing and/or leasing the Rail Corp. corridor from Batlow to Wybalena and a further report or workshop be provided to Council.

Cr Julia Ham/Cr Sam Hughes

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

Against: Cr Hayes, Cr Larter

6 / 2

CARRIED

10.2. DRAFT CHILDSAFE POLICY 2022-2026 - FOR ADOPTION - COMMUNITY FEEDBACK

M130/23 RESOLVED:

THAT COUNCIL:

1. Note the one (1) submission received for the Draft Child Safe Policy SVC-COR-PO-125-02;
2. Adopt the Child Safe Policy SVC-COR-PO-125-02 without change;
3. Write to the submitter, thanking them for their input and advising them of the outcome to their submission.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

10.3. CLASSIFY LAND ACQUIRED - 1-3 CHISHOLM STREET, KHANCOBAN - LOT 32 DP 226654

M131/23 RESOLVED:

THAT COUNCIL:

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Mayor

General Manager

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1. Classify Land Acquired - Khancoban Preschool - 1-3 Chisholm Street, Khancoban - Lot 32 DP 226654 as "Operational Land".

Cr Julia Ham/Cr James Hayes

CARRIED UNANIMOUSLY

10.4. CLASSIFY LAND PURCHASED - LOT 7 DP 255952 - SNOWY MOUNTAINS HIGHWAY, TUMUT PLAINS

M132/23 RESOLVED:

THAT COUNCIL:

1. Classify Land Purchased - Lot 7 DP 255952, Snowy Mountains Highway, Tumut Plains as Operational Land.

Cr James Hayes/Cr Brent Livermore

CARRIED UNANIMOUSLY

10.5. DRAFT TUMUT TOWN CENTRE TRAFFIC AND PARKING STUDY 2023 - FOR ADOPTION

M133/23 RESOLVED:

THAT COUNCIL:

1. Receive the Tumut Town Centre Traffic and Parking Study 2023.

Cr Julia Ham/Cr Trina Thomson

For: Cr Chaffey, Cr Ham, Cr Hayes, Cr Hughes, Cr Larter, Cr Livermore,

Against: Cr Armour, Cr Thomson

6 / 2

CARRIED

10.6. DISSOLUTION OF TUMUT SALEYARDS COMMITTEE

M134/23 RESOLVED:

THAT COUNCIL:

1. Dissolve the Tumut Saleyard Committee as of 20 July 2023 acknowledging the new entity 'Tumut Regional Associated Agents Incorporated' in any future dealings with Council.
2. Acknowledge the efforts of current and previous committee members and volunteers and thank them for their contribution to the local community and Snowy Valleys Council.
3. Write to the Tumut Saleyards Committee advising them of the resolution of Council to dissolve the Committee as of 20 July 2023.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

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Mayor

General Manager

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 29 JUNE 2023**M135/23 RESOLVED:**

THAT COUNCIL:

1. Receive and Note the Minutes of the Disability Inclusion Action Reference Group held on 29 June 2023.
2. A workshop be conducted with Council on all events (not just disability inclusion) proposed to be scheduled for 2023/24.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

12. CONFIDENTIAL

M136/23 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:

10.7 CONFIDENTIAL - DISSOLUTION OF TUMUT SALEYARDS COMMITTEE - ATTACHMENTS

Item 10.7 Attachment 2 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 proposed 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 - ICT MANAGED SERVICES - REQUEST FOR QUOTATION 2023-03

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

12.2 CONFIDENTIAL - LEGAL MATTERS REPORT

Item 12.2 is confidential under the *Local Government Act 1993* Section 10A (2) (b) (e) (g) as it relates to: the personal hardship of any resident or ratepayer; 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 grounds 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.

12.3 CONFIDENTIAL - LATE ITEM - DEVELOPMENT COMPLIANCE

Item 12.3 is confidential under the *Local Government Act 1993* Section 10A (2) (e) as it relates to: information that would, if disclosed, prejudice the maintenance of law, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.41pm.

Mayor_____
General Manager

M138/23 RESOLVED to move back into open council.

Cr John Larter/Cr Sam Hughes

CARRIED UNANIMOUSLY

Council moved back into open council at 4.14pm.

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

12.1. CONFIDENTIAL - ICT MANAGED SERVICES - REQUEST FOR QUOTATION 2023/03

M139/23 RESOLVED:

THAT COUNCIL:

1. Resolve in accordance with Section 55(3) of the *Local Government Act 1993* to accept the proposal of Roberts & Morrow Technology for the provision of ICT managed services for a period of September 2023 to September 2025.
2. Authorise the General Manager to enter into the contract with Roberts & Morrow Technology for ICT managed services.
3. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Trina Thomson/Cr John Larter

CARRIED UNANIMOUSLY

12.2. CONFIDENTIAL - LEGAL MATTERS REPORT

M140/23 RESOLVED:

THAT COUNCIL:

1. Note the report providing information on Council's current legal matters.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

12.3 CONFIDENTIAL - LATE ITEM - DEVELOPMENT COMPLIANCE

M141/23 RESOLVED:

THAT the verbal advice regarding a possible Development Application compliance issue be noted.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

13. MEETING CLOSURE

There being no further business for discussion the meeting closed at 4.16pm.

5. CORRESPONDENCE/PETITIONS

6. NOTICE OF MOTION/NOTICE OF RESCISSION

7. MAYORAL MINUTE

8. URGENT BUSINESS WITHOUT NOTICE

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. 2023 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 12-14 NOVEMBER

REPORT AUTHOR: EXECUTIVE SUPPORT OFFICER

RESPONSIBLE DIRECTOR: ACTING GENERAL MANAGER

EXECUTIVE SUMMARY:

Council has received correspondence from Local Government NSW (LGNSW) concerning their 2023 Annual Conference. In preparation for their conference, LGNSW have asked all councils to consider the key issues affecting their communities. These issues will be discussed and debated during the business sessions of the conference.

RECOMMENDATION:

THAT COUNCIL:

1. Authorise all available Councillors wishing to attend the LGNSW Annual Conference.
2. Nominate up to two (2) Council voting delegates for motions before the LGNSW Annual Conference on 12-14 November 2023.
3. Approve the two (2) motions outlined in this report.
4. Grant delegated authority to the Mayor to request the General Manager to submit any further proposed motions, after consulting with Councillors, prior to the deadline for submitting motions.

BACKGROUND:

The Local Government NSW (LGNSW) Annual Conference is the pre-eminent policy making event for the local government sector. At the conference, delegates vote on motions which help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where councillors come together to share ideas and debate issues that shape the way the sector functions and is governed. The conference commences at 12.30pm on Sunday 12 November and ends at 3.00pm on Tuesday 14 November 2023.

REPORT:

The LGNSW Annual Conference will be held from Sunday 12th to Tuesday 14th November 2023 at the Rosehill Gardens Racecourse, Sydney. A program for the conference can be found on their website at [Home | Local Government NSW | Annual Conference \(lgnswconference.org.au\)](https://www.lgnswconference.org.au).

Conference registration rates are listed in the table below. Early bird registration must be paid in full by 28 September 2023. If not paid by this date, the standard member registration fee will apply.

Early Bird Rate (per person)	Standard Rate (per person)	Conference Dinner (per person) (Optional)	Accommodation (per room per night)
\$1,155.00	\$1,485.00	\$230.00	\$245.00

Under the LGNSW rules and the formula for calculating voting entitlements, Snowy Valleys Council is entitled to two (2) for voting on motions and the Board election at the annual conference.

Council is invited to submit motions for possible debate at the conference to advance the sector wide policy agenda. LGNSW encourages motions to be submitted by Friday 15 September 2023. The latest date motions can be submitted for inclusion in the conference business paper is Sunday 15 October 2023. Details of the requirements and criteria for submission of motions is attached to this report.

Motions for consideration

Motion 1

That LGNSW advocate to the NSW State Government to set in place appropriate legislation to ensure access to 'face to face' financial transactions through Banks and/or Building Society branches in Rural and Regional areas across Australia.

Background note

A recent Parliamentary Senate inquiry was held in relation to regional bank closures following the termination of hundreds of branches across the country. More than 80 branches have closed around the country since September 2022, and even more have reduced their hours to the point of almost being inaccessible to the average client. With the closure of branches and the loss of face to face financial services, advice and support, clients are forced to either travel significant distances or resort to phone or online services. In the Snowy Valleys Council area, the demographic paints a picture of the harsh reality that should there be no access to financial institution branches, our wider community will struggle, and their well being eroded.

Motion 2

For farmers who have a private land conservation agreement with the Minister or the Biodiversity Conservation Trust (BCT) over some or all of their land under Part 5 of the Biodiversity Conservation Act 2016 (the Act). <https://www.bct.nsw.gov.au/what-private-land-conservation> pay no rates on that part of their property.

Background note

There is a long history of private land holders locking up their land for the purpose of conservation. This is a generous act by people dedicated to being part of the natural reserve system.

The aim is to protect threatened native plants and animals.

In total, the NSW Biodiversity Conservation Trust is managing **2,270** private land conservation agreements with landholders over **2.263 million hectares**, representing **more than 2.8 per cent** of the landmass of NSW. This includes:

- **1127** in-perpetuity private land conservation agreements with landholders over **381,074 hectares**, which count as part of the national reserve system
- **369** permanent offset agreements over **94,592 hectares**, which count as part of the National Reserve System, and offsets the impact of development in NSW
- **774** term or revocable private land conservation agreements across more than **1.79 million hectares**, which do not count as part of the National Reserve System (of these, **48 agreements** across **39,309 hectares** are long-term agreements (for 15 years or longer) under the NSW Biodiversity Conservation Trust's Conservation Management Program

More than 70 per cent of the biodiversity of NSW is located on private land and it plays an important role in achieving good biodiversity conservation outcomes to meet **National Reserve System targets and establish a Comprehensive, Adequate and Representative system of protected areas.**

Since 2017, **446 landholders** have entered or plan to enter a conservation agreement with the NSW Biodiversity Conservation Trust, creating conservation areas across **311,790 hectares**.

The NSW Biodiversity Conservation Trust is investing **more than \$218.42 million** to support these agreements. This investment is split **71 per cent for in-perpetuity agreements** and **29 per cent for term agreements** (minimum 15 years). The median annual payment to agreement holders is **\$81** and **87%** of payments are between **\$5** and **\$300**.

As a result, many unique landscapes, many threatened ecosystems, and habitats for our threatened native plant and animal species are now protected and being managed by private landholders for conservation.

Agreements with the NSW Biodiversity Conservation Trust protect at least **131 unique threatened species** and at least **23 threatened ecological communities**.

While there is compensation for the land the increase in rates for landholders has meant this compensation is now minimal and departs from the attractiveness to lock up land. The land is locked up with no way to graze or farm. This means the land is currently being charged at the same rate as prime agricultural land.

Snowy Valley Council farmers and graziers pay a large sum in rates. As a community we should work to ensure projects to help the national good are supported and correctly compensated.

As an incentive to keep this beneficial program continuing, rates should not be charged on this land or rated at a lower level.

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:

Provision within Council's 2023/24 Operational Budget has been made for the attendance at conferences and training courses by Councillors.

At the commencement of this term, a pro-rata amount of \$39,500 was allocated for training and conference attendance by the Mayor and Councillors as per below:

Mayor \$6,500

Deputy Mayor \$5,000

Councillors \$4,000 each

The current balance for each Councillor and the costs incurred through attending the conference are detailed below, noting that actual costs will be subject to attaining the early bird conference registration rate, confirmation on dinner attendance and travel and accommodation arrangements.

Councillor	Opening Balance	Costs Proposed In This Report	Closing Balance
Mayor Chaffey	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Dep Mayor Thomson	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00

Councillor	Opening Balance	Costs Proposed In This Report	Closing Balance
Cr Armour	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Cr Ham	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Cr Hayes	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Cr Hughes	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Cr Ivill	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Cr Larter	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00
Cr Livermore	\$4,000	Max \$2,450.00 Min \$1,640.00	\$1,550.00 \$2,360.00

Council approval for conference attendance is conditional on adequate funds being available.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council's *Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy* requires Council to make a resolution on training/conference attendance for those seeking Council's financial support to attend.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Councillors need to consider financial costs to attend, cancellation fees, and the remaining Councillor funds available to ensure Council stays within budget.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Councillor's attendance at the conference requires a further report to Council which will document the learnings from the attendance in accordance with the *Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy*.

ATTACHMENTS

1. LGNSW 2023 Annual Conference Motion Submission Guide (Under separate cover)

9.2. FOURTH QUARTER PERFORMANCE UPDATE (DELIVERY PROGRAM/OPERATIONAL PLAN 2022-23)

REPORT AUTHOR: COMMUNICATION & ENGAGEMENT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The fourth quarter performance report is the final quarterly report of the Operational Plan 2022-23, developed to support the Delivery Program (2022 – 2025).

The Operational Plan articulates the details of the Delivery Program by capturing those individual projects and activities that will be undertaken for the year to achieve the commitments made in the Delivery Program.

Under the *Local Government Act 1993*, Section 404(5), it is a requirement to publish a report to Council that details progress every six (6) months via the Half Year Report (published in February) and Annual Report (due by 30 November of each year)

In addition to these requirements, this process report is provided to demonstrate achievements for the period of 1 April to 30 June 2023.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Fourth Quarter Performance Update (Delivery Program / Operational Plan 2022-23).**

BACKGROUND:

The Fourth Quarter Performance Report provides Council with specific progress and accomplishments on its operational actions over the past three (3) months from 1 April to 30 June 2023, against those objectives contained in the Delivery Program (2022-2025).

REPORT:

The fourth quarter update for the 2022-23 Operational Plan outlines Council's progress and challenges in its delivery of the Operational Plan actions and initiatives for the period 1 April to 30 June 2023.





Under the *Local Government Act 1993*, Section 404(5), it is a requirement to publish a report to Council that details progress every six months via the Half Yearly Report (published February) and Annual Report (due by 30 November of each year).

In addition, a progress report is presented to the Executive Leadership Team each quarter. This progress report demonstrates achievements for the period of 1 April to 30 June 2023.

The 2022-23 Operational Plan contains 258 actions that detail the delivery of Council's services to the community.

In summary, the outcome for the end of the combined Delivery Program/Operational Plan 2022-23 (Quarter Four) is as follows:

- 238 actions were completed
- 11 actions were not completed and rolled into the 2023-24 Operational Plan for completion
- 6 actions were behind schedule, will be completed, though not added to the 2023-24 Operational Plan.
- 3 Actions were unable to be completed.

Key Status	Operational Plan Action Status	No. of Actions	%
	Completed	238	91%
	Behind Schedule	6	3%
	Rolled to 2023-24	11	5%
	Not Achieved	3	1%

During the quarter April to June 2023 some key highlights included:

- Childcare staff trained in Cultural Competency
- Snowy Valleys Libraries Strategic Plan adopted
- 15,406 visitors to the Tumut, Tumbarumba, and Khancoban Tourism Information Centre's
- On-Site Sewer Management Strategy adopted
- 1,216 Waste Vouchers redeemed
- 60 tonnes of burnt material collected under the NDE Environment Protection Authorities FenceCycle Program
- 60 permanent beds installed at the Batlow Caravan Park to increase available accommodation options in the town
- A section of the Tumut Riverwalk was widened to enable better accessibility for walkers, cyclists and mobility vehicles.
- Safety upgrades completed to a narrow section of hilly terrain along Brungle Road between Wee Jasper Road and Cockatoo Road - Funded by Federal Government's Black Spot Program

Three (3) actions were marked as 'not achieved' due to the following reasons:

OP Code	Action	Service Area	Reason
1.1.19	Facilitate emergency operations and LEMO training to identified staff	Emergency Management	Structure and responsibility of the LEMO are yet to be confirmed. Staff have been identified for training.
4.2.10	Complete Stormwater Management Plan	Drainage and Stormwater Management	Development of a stormwater management plan has not commenced in 2022-23 as Council is still collecting condition and GIS data which will form the basis of a consultant brief to prepare the Stormwater Management Plan.
4.2.11	Review Stormwater Levy Charge	Drainage and Stormwater Management	Review of a stormwater levy has not commenced as Council must first prepare a Stormwater Management Plan, which needs to be adopted by Council. Refer to item 4.2.10.

In addition to the fourth quarter performance report, Council's 2022-23 Annual Report is currently being prepared by the Communication & Engagement Team and is planned to be presented to Council at its November Council Meeting, in accordance with the *Local Government Act 1993*.

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

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The Operational Plan actions and initiatives are funded through the corresponding annual operational budget.

Financial updates are reported through Quarterly Budget Review Statements are annually through the Financial Statements.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Local Government Act 1993 s404 (5)

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil

OPTIONS:

1. No options are considered necessary as 6 monthly Operational Plan / Delivery Program update reporting is a requirement under the *Local Government Act 1993*.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**Internal Consultation**

Relevant information regarding the progress of Operational Plan actions has been collated from Council's Managers, Coordinators, and key responsible officers.

External Consultation

Once endorsed, this progress update for the Operational Plan is available for review by the community through Council's website.

ATTACHMENTS

1. Fourth Quarter Performance Report (Delivery Program / Operational Plan 2022-23 (Under separate cover)

9.3. STATEMENT OF INVESTMENTS - 31 JULY 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 July 2023.

RECOMMENDATION:**THAT COUNCIL:**

1. Note the report on Statement of Investments - 31 July 2023.

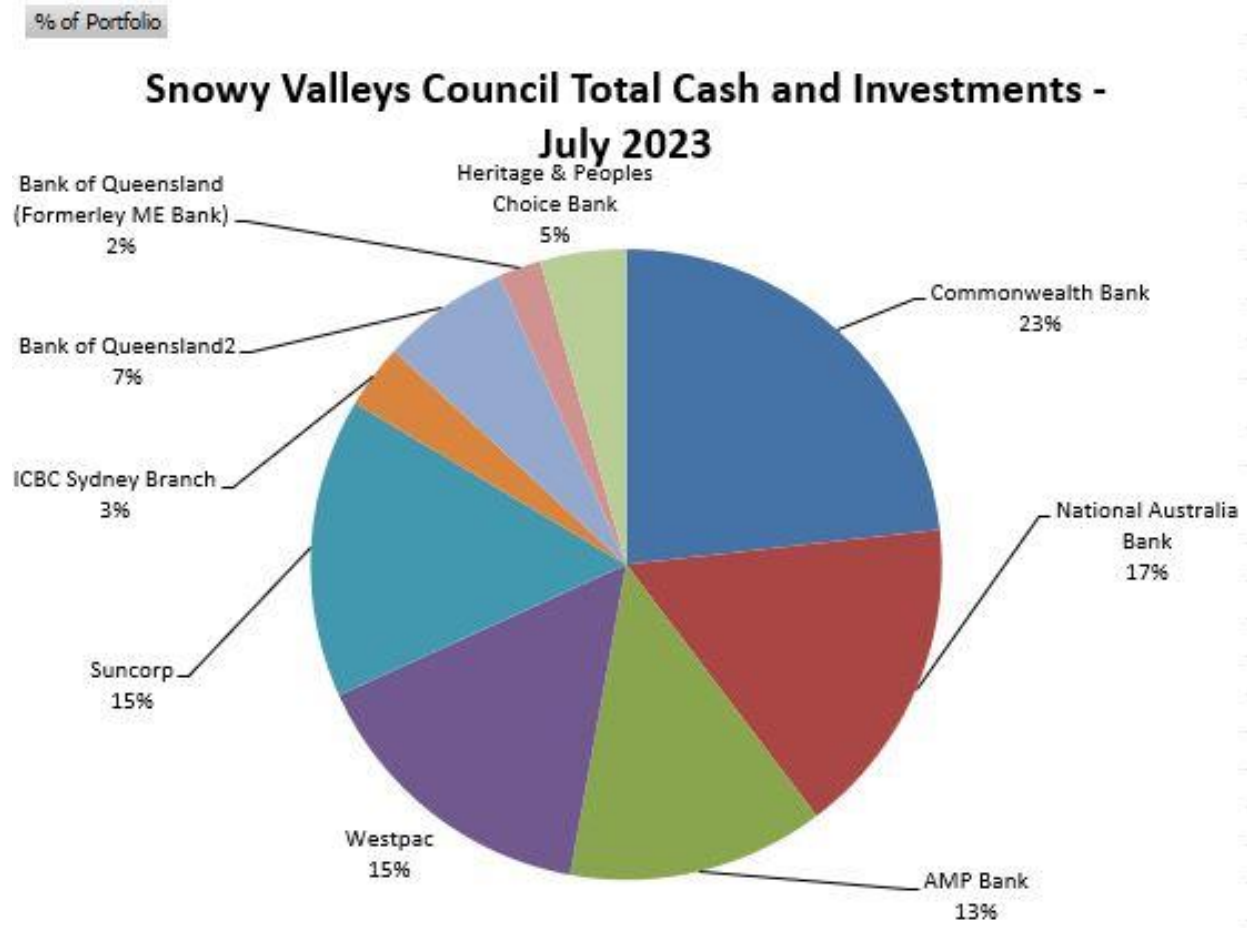
BACKGROUND:

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 July 2023.

Combined Cash & Investments Table		31/07/2023						
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date	
Commonwealth Bank	Tumut	\$ 2,433,737	\$ 1,139,092	\$ 1,294,644	W/Acct	4.10%		
Commonwealth Bank	Tumut	\$ 8,158,190	\$ 9,870,528	-\$ 1,712,338	At Call (BOS)	4.20%		
Commonwealth Bank	Tumut	\$ 3,888	\$ 3,881	\$ 7	Gen-Roth	4.10%		
Sub Total Cash & 11 am at Call Accounts		\$ 10,595,814	\$ 11,013,501	-\$ 417,687		4.18%		
Total Cash & At Call Investments		\$ 10,595,814	\$ 11,013,501	-\$ 417,687		4.18%		
	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date	
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	
Suncorp	484	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.10%	29/09/2023	
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	
Suncorp	484	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.50%	29/12/2023	
Bank of Queensland	001	\$ 1,000,000	\$ -	\$ 1,000,000	18/07/2023	5.45%	18/01/2024	
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	
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.53%	28/03/2024	
Bank of Queensland	001	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.51%	28/03/2024	
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	
Suncorp	484	\$ 2,000,000	\$ -	\$ 2,000,000	31/07/2023	5.35%	30/04/2024	
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.70%	28/06/2024	
AMP Bank	939	\$ 1,000,000	\$ -	\$ 1,000,000	18/07/2023	5.75%	18/07/2024	
Heritage & Peoples Choice Bank	140	\$ 2,000,000	\$ -	\$ 2,000,000	31/07/2023	5.50%	31/07/2024	
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024	
Total TD's		\$ 35,000,000	\$ 33,000,000	\$ 2,000,000		4.54%		
Total Cash & Investments		\$ 45,595,814	\$ 44,013,501	\$ 1,582,313		4.45%		



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 increased \$1.5M in July 2023.

Major **cash receipts** received during July 2023 included:

- Transport NSW - Natural Disaster Funding - 2022 Floods - \$1.3m
- Transport NSW - Natural Disaster Funding - 2021 Floods - \$840K
- Environment Protection Agency - Bushfire Greenwaste Clean up - \$748K
- Transport NSW - Natural Disaster Funding - 2022 Storms - \$721K
- Snowy Monaro - Claim - Bobeyan Road - \$672K
- Snowy Monaro - Private Works Fleet Hire - Bobeyan Road - \$550K
- Transport NSW - Australian Government Black Spot Program - Brungle Road - \$107K

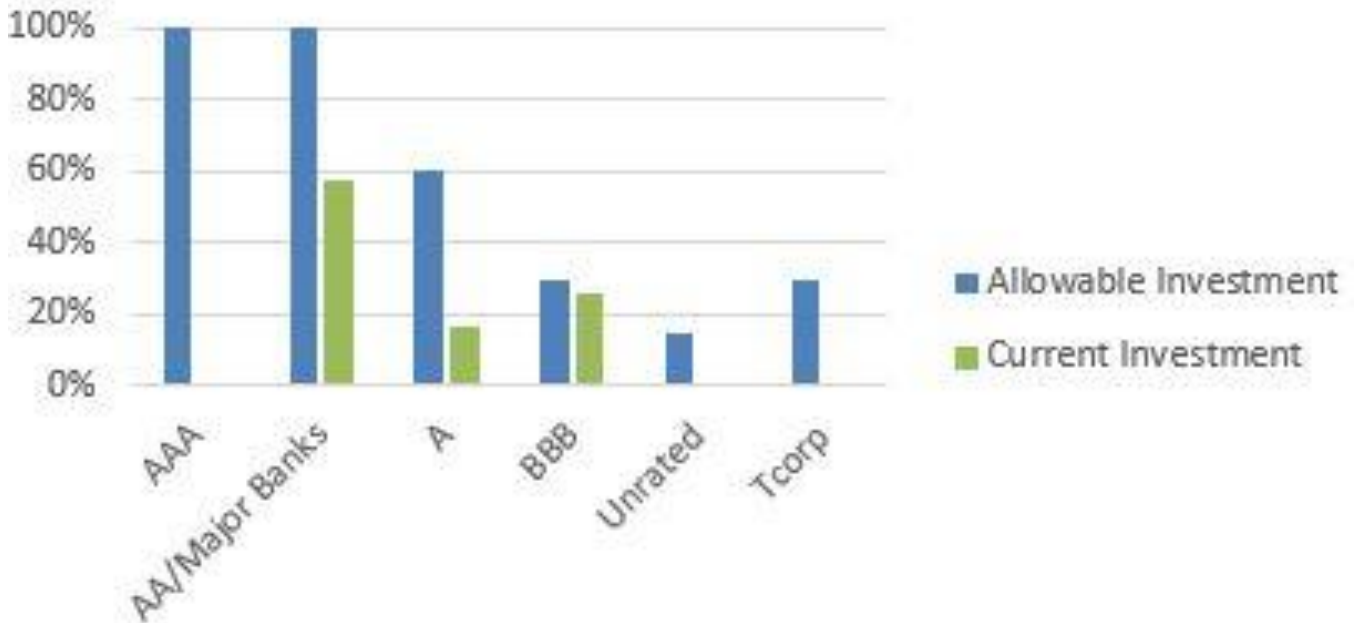
Main **cash disbursements** (excluding employee costs) during the month included:

- Business Insurance Renewals - \$1.1M
- Disaster Recovery Arrangement (DRFA) - Bridge Replacement - \$295K
- Quarter 4 - Emergency Services Levy (ESL) - \$186K

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.

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 portfolio exposed to any particular credit rating category. The maximum percentage of the total portfolio that can be held within any one credit rating category 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.

10. MANAGEMENT REPORTS

10.1. LIFE LONG LEARNERS - REALLOCATION OF RESERVE FUNDS

REPORT AUTHOR: COORDINATOR GOVERNANCE / COORDINATOR PLACE ACTIVATION

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to reallocate approximately \$5,500 of funds from the Life Long Learners and the Third Age Committee to the Place Activation budget for the purpose of programs, activities and events that support the senior citizens of the Snowy Valleys community during 2023/24.

RECOMMENDATION:

THAT COUNCIL:

- 1. Reallocate the Third Age Committee Reserve of \$3,148.24 to the Place Activation budget to coordinate programs and activities for seniors.**
- 2. Reallocate the Life Long Learners Reserve of \$1,624.68 to the Place Activation budget to coordinate programs and activities for seniors.**
- 3. Reallocate the Life Long Learners bank funds of approximately \$700, as of July 2023, from the National Australia Bank account to the Place Activation budget to coordinate programs, activities and events for seniors.**
- 4. Write to both current signatories of the Life Long Learners bank account advising them of the outcome of this report.**
- 5. Delegate the Manager Finance as the signatory on the Life Long Learners bank account held with the National Australia Bank, for the purposes of transferring the money to Council and then closing the bank account.**

BACKGROUND:

Life Long Learners were an active community group supported by the former Tumut Shire Council. Over a period of 4 or 5 years, the committee went through a number of changes and which resulted in the formation of the current Disability Inclusion Action Reference Group. Although the committees were combined and merged throughout the years, the Life Long Learners community group bank account was never officially closed.

25 August 2015 - The Council resolved that the Third Age Committee combine with the Life Long Learners to coordinate programs and activities for senior throughout the Shire.

28 September 2017 – The Council resolved that the Third Age Committee be joined with the Tumbarumba Welfare Committee

15 August 2019 - The Council resolved to dissolve the Community Welfare Committee and invite Community Welfare Committee members to join the Disability Inclusion Action Reference Group as a sub-committee.

REPORT:

Council currently has the two following reserves:

- Third Age Committee Reserve of \$3,148.24
- Life Long Learners Reserve of \$1,624.68

Once the funds from these reserves are allocated to the Place Activation budget, the reserves will be closed. In line with the Financial Management Reserve Policy this will allow for these internally restricted reserves to be utilised for the purpose they were received.

Council has communicated with the National Australia Bank - Gundagai Branch on a number of occasions during July 2023. To move the funds from the Life Long Learners bank account to the Council and effectively close the account, the current signatories were required to be contacted. The two current signatories have agreed for the money to be transferred to Council for the purpose of programs and activities for seniors.

Following the adoption of this report, National Australia Bank will be notified, and the process will commence to transfer the funds to the Place Activation budget and close the Life Long Learners bank account.

Council will delegate the Manager Finance as the signatory of the Life Long Learners bank account, held with the National Australia Bank.

The Place Activation team are proposing to utilise the funds allocated for the NSW Seniors Week in March 2024. Place Activation will be holding a Seniors Expo on 13th March 2024 and Seniors Day Out on 21st March 2024. The funds will be allocated towards these activities or a similar project dedicated to the Snowy Valleys seniors.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

This will result in approximately \$5,500 being reallocated to the Place Activation budget for the coordination of programs and events for seniors during 2023/24.

Specifically, the NSW Seniors Week planned activities in March 2024.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Financial Reserve Management Policy

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Council has communicated with the National Australia Bank, the former signatories, the Place Activation Team and the Finance Team. All parties are in agreement that the resolutions suggested in this report, is the best method to consolidate the three separate reserves and bank accounts.

ATTACHMENTS

Nil

10.2. DISSOLUTION OF PIONEER WOMENS HUT SUB-COMMITTEE

REPORT AUTHOR: COORDINATOR PLACE ACTIVATION

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to recommend that the Glenroy Heritage Reserve sub-committee Pioneer Womens Hut be dissolved as of 17 August 2023.

That the Pioneer Womens Hut Incorporated be acknowledged as the new body responsible for the museum functions located within the Glenroy Heritage Reserve.

RECOMMENDATION:

THAT COUNCIL:

- 1. Dissolve the Pioneer Womens Hut sub-committee as of 17 August 2023**
- 2. Acknowledge the Pioneer Womens Hut Incorporated as the new body responsible for the museum functions located within the Glenroy Heritage Reserve.**
- 3. Approve the donation of all monies held by the Pioneer Womens Hut sub-committee to the Pioneer Womens Hut Incorporated.**
- 4. Approve the transfer of all non-fixed assets held by the Pioneer Womens Hut sub-committee to the Pioneer Womens Hut Incorporated**
- 5. Transfer copyright from Snowy Valleys Council to Pioneer Womens Hut Incorporated for all publications produced through the Pioneer Womens Hut sub-committee**
- 6. Write to the Pioneer Womens Hut sub-committee advising of the dissolution of the sub-committee as of 17 August 2023**
- 7. Acknowledge the efforts of current and previous sub-committee members and volunteers and thank them for their contribution to the community and Snowy Valleys Council**
- 8. Authorise the General Manager to enter into an agreement with Pioneer Womens Hut Incorporated to determine the ongoing use of Glenroy Heritage Reserve and its facilities**

BACKGROUND:

The Glenroy Heritage Reserve Committee is a Section 355 Committee of Council formed for the purpose of caring for, controlling and managing the Glenroy Heritage Reserve.

This committee also controls the letting of the facility, the cleaning of the facility, the daily operations of the museum and craft centre and purchasing of furniture and fittings for the museum.

The Glenroy Heritage Reserve Committee also manages the Pioneer Womens Hut museum functions through a sub-committee called the Pioneer Women's Hut. This sub-committee reports directly to the Glenroy Heritage Reserve Committee.

REPORT:

In January 2018, several risks were identified during an internal audit of Council's Section 355 Committees. In response to these findings, work was undertaken to develop and implement a OneSVC Volunteer framework and a OneSVC Council Committees framework. As part of the development and implementation of the Council Committees framework, a review of all Council committees was undertaken in 2020 and Council resolved on 19 November 2020 to dissolve the sub-committee.

Health Check - 19 August 2020

During the initial public exhibition period for the Council Committee framework, a 'Health Check' was undertaken with the committee on the 19 August 2020. These health checks gave the committees an opportunity to ask questions directly and have queries answered and different operational models were explored.

Future Directions Report M270/20 – 19 November 2020

At the Council meeting held on 19 November 2020 a report was presented regarding the future direction for all Council committees. As per resolution M270/20 Council resolved to maintain the Glenroy Heritage Reserve 355 Committee and dissolve the Pioneer Womens Hut sub-committee. Under the new framework, committees must not form sub-committees and therefore it was encouraged for the Pioneer Womens Hut sub-committee to merge with the Glenroy Heritage Reserve Committee. A letter was sent to all impacted committees following the November Council meeting informing the sub-committee of resolution M270/20.

Pioneer Womens Hut Incorporated

After consultation with the sub-committee and through discussions with Snowy Valleys Council about the development and implementation of the Council Committee framework and guidelines, it was decided that the Pioneer Womens Hut sub-committee would re-establish itself as an Incorporated Association.

Subsequently, a Glenroy Heritage Reserve General Meeting was held on 08 February 2021 which passed a motion to begin the process of the sub-committee to become an Incorporated Association. At the Glenroy Heritage Reserve Meeting held on the 07 November 2021 a motion was passed by Glenroy Heritage Reserve to acknowledge that the Pioneer Womens Hut sub-committee were now incorporated as Pioneer Womens Hut Incorporated.

The Pioneer Womens Hut Incorporated applied to be incorporated from 06 August 2021 and their Incorporation ID number is INC2100871 (attached)

Financial Assets

It is recommended that all financial assets of the committee be donated to the new incorporated entity to continue to support the members of the new incorporated entity and their ongoing operations. The committee have advised that monies held are \$1947.39 as at 30 June 2023 (attached).

The funds held in the bank account for the Pioneer Womens Hut sub-committee were transferred across to a new bank account named Pioneer Womens Hut Incorporated on 19 November 2021, a value of \$13,679.97. Since this date the Pioneer Womens Hut have spent \$10,848.87 on the repair of the floor of the Pioneer Womens Hut building at Glenroy Heritage Reserve.

It is noted that all aforementioned funds have been raised by the sub-committee through donations by visitors to the museum to see the displays curated by the Pioneer Womens Hut sub-committee.

Non-fixed Assets

It is recommended that all non-fixed assets as requested by the sub-committee (as per attachment) be transferred to the Pioneer Womens Hut Incorporated. Given the nature of these assets in point 1, which will be used to support the work to be continued by the new incorporated entity, there is no legitimate reason for these assets to remain with Council. The collection assets in point 2 have been curated by and funded through donations obtained by the Pioneer Womens Hut sub-committee, for the purpose of creating displays with direct association with the Pioneer Womens Hut, therefore there is no legitimate reason for these to remain with Council.

Record Management

In accordance with the *State Records Act 1998*, records relating to the sub-committee must be retained for a minimum of 5 years, or 7 years for financial records, after action is completed and then destroyed.

All records held by the sub-committee are to be transferred to the new incorporated entity. These records are to be kept for the minimum time required and destroyed accordingly. Records held by Council may be requested if required.

Additionally, all domain names, email and social media accounts associated with the sub-committee will be transferred to the new incorporated association.

Copyright

Members of the Pioneer Womens Hut have authored and published a number of books pertaining to local history and heritage. The copyright associated with these publications is transferred to Pioneer Womens Hut Incorporated.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Community Strategic Plan Strategic Objectives

CSP1 The liveability, heritage and unique characteristics of our region is acknowledged, supported, and retained

Delivery Program Principal Activities

1.5 Value our heritage and promote civic pride

FINANCIAL AND RESOURCES IMPLICATIONS:

The sub-committee review that was undertaken during 2019-20 in alignment with the development and implementation of the committee framework, ensuring efficient and appropriate management of risk for committee management. There are efficiency gains in staff resources when the Council reduces the number of committees to be managed in the situations where it is appropriate to do so.

Cost and Benefits

The total donation to the Pioneer Womens Hut Incorporated is the financial assets plus the non-fixed assets. It must be noted that the volunteers and committee members have contributed personally to the committee and that a number of the assets have been donated by the community.

Funds transferred will be used to assist with ongoing sustainability of the new incorporated entity.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Local Government Act 1993

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

There is a slight reputational risk that the community may feel as though Snowy Valleys Council is abandoning the sub-committee, however this is negated by the fact that the committee have taken the steps required to become incorporated. Further, Council has continued with the Section 355 Committee of Council for Glenroy Heritage Reserve.

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:**Health Check**

During 2019-20 community engagement was undertaken with this committee during the initial public exhibition of the Council Committee framework documents. The committee underwent one of 20 committee health checks.

Formal and Informal Meetings

During the past three years Council staff have communicated formally and informally with the committee and volunteers several times with notable meetings being held on the 8 February 2021, 8 March 2021, 16 February 2022, 24 March 2022, 31 May 2023 to discuss the direction of the committee and its volunteer management.

Letter following Future Directions Report M270/20

A formal letter was sent to the committee as well as the Councillor delegates and staff delegate following the November 2020 Council meeting and contained:

- Acknowledgment of the valuable contributions made by volunteers who support committees
- Background of the OneSVC Volunteer and OneSVC Committees frameworks
- Invitation to provide feedback on the improved Council Committees Policy and Operations Manual
- The determination by way of resolution that the committee would be dissolved by June 2021 (which was extended)
- The committees nominated staff delegate and Councillor delegate and their contact details
- The requirements regarding committee meeting agendas, minutes and correspondence

In addition, the following was attached to the letter:

- Future Directions for Council Committees report from November Council Meeting
- Draft Council Committees Policy
- Draft Council Committees Operations Manual
- Draft Council Committees External Grant Funding Notification Form
- Draft Committee Check List
- Model Code of Conduct at a Glance Council Committee Members and Delegates, produced by the Office of Local Government.

Councillors

Councillors have been kept apprised of progress with the future direction of the committees through Council Meetings and Councillor Workshops since 2019.

ATTACHMENTS

- 1 Pioneer Womens Hut Certificate of Incorporation (under separate cover)
- 2 Pioneer Womens Hut Bank Statement (under separate cover)
- 3 Pioneer Womens Hut Assets Register (under separate cover)
- 4 Pioneer Womens Hut Insurance Policy (under separate cover)

10.3. SNOWY VALLEYS COUNCIL EVENT SPONSORSHIP PROGRAM 2023-2024

REPORT AUTHOR: EVENTS AND GRANTS OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to seek the endorsement of Council for the event sponsorship applications for the 2023-24 financial year.

This is the first year of the new Event Sponsorship Program, implemented by the Place Activation Team for the 2023-24 financial year. Applications are received annually with one round of open requests. The program was implemented to better regulate council event sponsorship, to ensure all applications have the same support, benefits, and accessibility to council event funding.

Council has received 34 event sponsorship applications for this round of funding as detailed in this report.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the projects recommended for funding, these being:**
 - a. Adelong Carols by Candlelight - \$1,000.00**
 - b. Adelong Show - \$1,000.00**
 - c. ANZAC Day Ceremony and Aged Care Centre Concert - \$825.00**
 - d. Batlow Show - \$1,000.00**
 - e. Blues, Brews and BBQ - \$3,500.00**
 - f. Ciderfest - \$5,156.00**
 - g. Courabyra Hall Christmas Markets - \$1,290.00**
 - h. Courabyra Hall Mother's Day Markets - \$1,900.00**
 - i. Falling Leaf Festival - \$4,804.00**
 - j. Khancoban Fireworks - \$3,000.00**
 - k. Rosewood Bonfire Night - \$3,000.00**
 - l. Rotary Carols by Candlelight - Tumut - \$1,000.00**
 - m. Talbingo Tattoo - \$2,737.50**
 - n. The Off Grid Throwdown - \$3,200.00**
 - o. Tumbafest - \$5,745.60**
 - p. Tumbarumba Campdraft - \$659.92**
 - q. Tumbarumba Christmas Carnival - \$1,000.00**
 - r. Tumbarumba Rodeo - \$3,500.00**
 - s. Tumbarumba Show - \$1,000.00**
 - t. Tumbarumba Spring Flower Festival - \$1,268.00**
 - u. Tumut Cycle Classic - \$2,000.00**
 - v. Tumut MTB - \$155.00**
 - w. Tumut Reined Cow Horse Show - \$1,000.00**

- x. Tumut River Tap Days - \$2,066.00**
- y. Tumut Show - \$1,000.00**
- z. Tumut Xmas Family Fun Night - \$1,000.00**
- aa. Zone 20 Pony Club - \$1,200.00**

BACKGROUND:

The Event Sponsorship Program 2023-2024 is being implemented to:

- Attract, assist and support community focused events in the Snowy Valleys Local Government Area as well as continuing to assist and support local established events.
- Better regulate council event sponsorship, in a fair and equitable manner and to ensure all applications have the same support, benefits, and accessibility.
- Align council's event sponsorship with the Snowy Valleys Community Strategic Plan 2042 as well as Snowy Valleys council Delivery and Operational Plan 2023-24, alignment with strategic directive 2.3.1.
- Ensure an accessible and equitable process for those seeking event sponsorship from Snowy Valleys Council.
- For Snowy Valleys Council to support its communities now and into the future. Recognising the economic and community benefits events bring to the local government area.
- To build community capacity to lead the delivery of events in the region and establish a more collaborative approach to partner with the community to administer events in the region.

There is one round of application submissions per year for the Event Sponsorship Program, this year's applications were open Monday 15th May and closed Friday 30th June. Applicants were required to include quotes for items requested and attach a copy of their Certificate of Currency/Public Liability Insurance.

The applications were assessed in July 2023 by the Place Activation Team, a presentation of the submissions received was then presented at the Councillor workshop on Thursday 3rd August 2023.

Funded activity timeframe for the Event Sponsorship Program 2023-24 is from the 1st September 2023 until the 30th June 2024.

REPORT:

Applications for the Event Sponsorship Program 2023-24 have been reviewed by the Place Activation Team who then provide recommendations to Council. The team consists of the Events and Grants Officer, Coordinator of Place Activation, Interim Coordinator of Place Activation and Director Community and Corporate.

34 applications were received with \$380,619.57 of funds requested and \$60,000 of available funds to be utilised. The Place Activation Team have recommended 27 events to be funded through the Program, totalling \$55,007.02. With left over funding kept available for out of round requests and contingency.

Event	Location	Amount Requested	Amount Recommended	Funding Items
Adelong Carols by Candlelight	Adelong	\$10,627.65	\$1,000.00	To go towards SVC venue hire, event bins, Street Banner, PA

Event	Location	Amount Requested	Amount Recommended	Funding Items
Adelong Show	Adelong	\$3,183.20	\$1,000.00	To go towards event bins, SVC venue hire
ANZAC Day Ceremony and Aged Care Centre Concert	Tumbarumba	\$1,980.00	\$825.00	Bus hire
Batlow Show	Batlow	\$10,378.62	\$1,000.00	To go towards event bins, toilet hire, SVC venue hire, PA and street banner
Blues, Brews and BBQ	Tumut	\$5,909.75	\$3,500.00	To go towards event bins, fencing and equipment hire
Ciderfest	Batlow	\$16,189.35	\$5,156.00	Event bins, SVC venue hire, SVC waste truck and street banner
Courabyra Hall Christmas Markets	Courabyra	\$1,953.74	\$1,290.00	Kids entertainment and live music
Courabyra Hall Mother's Day Markets	Courabyra	\$2,171.04	\$1,900.00	Kids entertainment and live music
Falling Leaf Festival	Tumut	\$16,415.08	\$4,804.00	Event bins, SVC venue hire, street banner and toilet hire
History Month	Tumut	\$1,483.88	\$0	
Indoor/Outdoor Cinema Night	Khancoban	\$6,111.00	\$0	
Inward Bound	Blowering	\$2,544.72	\$0	
Khancoban Fireworks	Khancoban	\$8,000.00	\$3,000.00	Contribution to fireworks
Rosewood Bonfire Night	Rosewood	\$10,000.00	\$3,000.00	Contribution to fireworks
Rotary Carols by Candlelight	Tumut	\$5,164.50	\$1,000.00	To go towards event bins, SVC venue hire and street banner
St Jude's Anglican Church Events	Tumut	\$10,263.64	\$0	
Talbingo Tattoo	Talbingo	\$10,232.50	\$2,737.50	Catering costs
The Land Sydney Royal Ag Show Young Rural Women Zone 3 Final	Adelong	\$39,662.00	\$0	
The Off Grid Throwdown	Tumut	\$49,350.35	\$3,200.00	To go towards first aid
Transmoto	Gilmore	\$39,308.99	\$0	
Tumbafest	Tumbarumba	\$18,144.72	\$5,745.60	SVC venue hire and event bins.

Event	Location	Amount Requested	Amount Recommended	Funding Items
Tumbarumba Campdraft	Tumbarumba	\$10,369.20	\$659.92	Event bins
Tumbarumba Christmas Carnival	Tumbarumba	\$6,942.24	\$1,000.00	To go towards SVC venue funding, Santa lollies, amusements devices and event bins
Tumbarumba Polocrosse Carnival	Tumbarumba	\$2,609.40	\$0	
Tumbarumba Rodeo	Tumbarumba	\$46,394.00	\$3,500.00	To go towards SVC venue hire, first aid and entertainment
Tumbarumba Show	Tumbarumba	\$8,138.40	\$1,000.00	To go towards event bins and SVC venue hire
Tumbarumba Spring Flower Festival	Tumbarumba	\$6,580.40	\$1,980.40	Brochures and event bins. Include Tumbarumba VIC as in-kind support.
Tumut Cycle Classic	Tumut	\$6,511.12	\$2,000.00	Contribution to traffic management cost
Tumut MTB	Tumut	\$155.00	\$155.00	Lawn mowing
Tumut Reined Cow Horse Show	Tumut	\$4,682.00	\$1,000.00	To go towards Tumut Showground hire fee, water consumption, electricity, gas and rubbish removal
Tumut River Tap Days	Tumut	\$8,441.60	\$2,066.00	SVC venue hire, street banner and event bins
Tumut Show	Tumut	\$4,470.00	\$1,000.00	To go towards first aid and bus hire
Tumut Xmas Family Fun Night	Tumut	\$2,055.32	\$1,000.00	To go towards equipment hire and traffic management
Zone 20 Pony Club	Tumbarumba	\$8,088.16	\$1,200.00	To go towards event bins and SVC venue hire
	TOTAL	\$380,619.57	\$55,007.02	

Applicants will be notified of the outcome of their submission, after the report has been processed through the August 2023 council meeting. The outcome will be supplied in letter form to each individual applicant, confirming if successful or unsuccessful. Successful applicants will receive a letter stating which components of their event will be funded and the confirmed amount of funding based on the quotes supplied in their application. The funds will then be transferred into the applicant's bank account, with the funds needing to be utilised on the items and event specified. Unsuccessful applicants will receive a letter stating the reason why their application was not successful.

Successful applicants must submit an acquittal within one month of the conclusion of their event. Acquittal forms will be supplied with successful letters.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Theme 2 - Our Economy

Community Strategic Plan Strategic Objectives

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

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The 2023-24 budget was presented to Council at an Extraordinary Meeting on 29th June 2023. Upon adoption of the 2023-24 budget, Council allocated \$60,000 for event sponsorship in the 2023-24 financial year.

Recommendations are to utilise \$55,007.02 of the event sponsorship budget to go towards the applications received and addressed within the report section.

Remaining funds of \$4,992.98 will be kept available for out of round event sponsorship requests. The out of round event applications will be submitted to Council and undergo the same assessment process as outlined above with a report provided to Council to determine funding provided.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Sponsorship to support community groups to deliver new and existing events that support the community and local economy. As well as help bring the community together and build social cohesion.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community groups were invited to apply through advertising in traditional forms including local radio and newspaper, email newsletters and council wide correspondence. Digital media was also utilised including Snowy Valleys Council Facebook page. Information was also readily accessible on the

Council's website under "Grants, Sponsorship and Scholarships", with the submission round being open from Monday 15th May until Friday 30th June.

An email was also sent to event organisers from the past two years informing them of the new process, the date event sponsorship was opened as well as a follow-up email reminding event organisers to get their applications in two weeks before the closing date.

ATTACHMENTS

Nil.

10.4. TUMUT AERODROME STAGE 2 - FLOOD IMPACTS & OPTIONS

REPORT AUTHOR: SURVEY & DESIGN ENGINEER

RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS

EXECUTIVE SUMMARY:

The purpose of this report is to outline the impacts that the recent flood modelling has identified for the proposed 240m runway extension for the Tumut Aerodrome (Stage 2) Improvement Project.

Extension of the runway by 240m north, impacts on a high volume of water flowing across the existing floodplain that surrounds the Tumut Aerodrome in the 1% (1 in 100 AEP) and the 5% (1 in 20 AEP) flood events.

In light of the flood modelling that has been undertaken, Councils civil engineering consultants have prepared a design to mitigate the impacts on surrounding properties, however 100% mitigation cannot be achieved due to the flood prone nature of the land and the modelling shows that there are still residual flooding impacts to surrounding properties.

The estimated cost of the flood mitigation works required for the runway extension of 240m is \$9million which still does not achieve 100% mitigation.

A number of options are presented in this report for Councils consideration. The key consideration for Council is how the project can be delivered within the existing budget of \$12.5million while still achieving the required timelines and core objectives of the grant funding agreement. A preferred option is being recommended (Option2) which was the subject of the briefing to Council held on 3 August 2023.

Council will also need to seek concurrence and approval from the grant funding body (Bushfire Local Economic Recovery Fund) on any proposed changes to the project once Council has decided what option is to be progressed.

RECOMMENDATION:

THAT COUNCIL:

- 1. not proceed with the original planned extension of the runway by 240m north of the existing runway (Option 1)**
- 2. Council proceeds with developing the "preferred" option (Option 2) as presented at the Council workshop held on 23 August 2023.**
- 3. the developed "preferred" Option 2 be brought back to Council after further detailed design development is completed including input from expert aviation and firefighting consultants.**
- 4. Council staff seek approval from the grant provider (Bushfire Local Economic Recovery Fund) to modify the project scope and change the grant agreement to reflect those changes for the preferred option (Option 2).**

BACKGROUND:

On 2 November 2020, \$12.5M in grant funding was announced from the Bushfire Local Economic Recovery Fund (BLERF) for upgrades to Tumut Aerodrome. Council has since sought an approval from CASA for the upgrade, negotiated access to private land, begun the process of acquiring the required land, and is in the detailed design stage of the project which includes undertaking flood modelling as part of the project's due diligence and design development process.

On 17 March 2022, Council resolved (M74/22) to affirm its support of the Tumut Aerodrome upgrade project.

On 16 February 2023, Council resolved (M22/23) to progress with acquiring land for the Tumut Aerodrome runway extension.

On 20 April 2023, Council resolved (M53/23) to adopt the Tumut Aerodrome Master Plan which included the runway extension.

As part of the project's due diligence and design development process, from May to June 2023 consultants were engaged to undertake flood modelling on the detail design of the runway extension. This was completed and presented to Council staff on 13 July 2023.

A Council workshop was undertaken on 3 August 2023 to brief Councillors on the findings of the Flood modelling. The workshop identified what options could be explored to deliver the project within the confines of the existing grant funding agreement, project budget (\$12.5M), timeline obligations and project objectives.

This report reflects the discussion undertaken at the workshop in relation to the formulation of a "preferred" option (Option 2) which can be delivered within the parameters of the funding grant agreement outlined above.

REPORT:

Since November 2020, when the \$12.5M funding was announced from the Bushfire Local Economic Recovery Fund (BLERF) for upgrades to Tumut Aerodrome, Council has engaged with industry experts and consultants to develop the design for the upgrade of the aerodrome.

The \$12.5M upgrades to the existing Tumut Aerodrome under the current funding deed includes the following works;

- 240m runway extension to the north
- Drainage works to the adjoining land adjacent to the runway
- Fencing works around the runway perimeter
- Upgraded lighting and control systems
- The installation of precision approach path indicators, which will help improve fire-fighting capabilities and improve air-ambulance access to the aerodrome
- Expansion of the apron area adjacent to the taxiway

Funding Deed Options

The funding deed that Council has entered into with BLERF did include Options that could be included if budget from within the existing funding was available due to project cost savings. These included the construction of a southern parallel taxiway, expansion of the existing helipad. Note these are approved options under the funding deed but are not included as part of the funding deed budget of \$12.5M.

Flood Modelling

A key part of Council's project due diligence and design development process was to investigate the impacts that the runway extension would have on the existing flood plain that surrounds the Tumut Aerodrome. From May to June 2023 specialist consultants were engaged to undertake flood modelling on the detail design of the runway extension. This was completed and presented to Council staff on 13 July 2023. The modelling showed a flood affectation increases of 10-100mm and 10-200mm over a large area upstream of the proposed runway and a corresponding 10-100 and 10-200mm decrease downstream. This highlighted the 'dam effect' of the runway on the existing floodplain flows. Refer to Figure 3 in this report.

Based on the findings, civil engineering consultants were then engaged by Council to prepare a design for the runway extension that would mitigate the impacts identified in the flood modelling.

This design included the construction of a 50-cell culvert under the new runway extension measuring 117 metres wide x 90 metres long and 0.6 metres high. This design also factored in a 50% blockage rate. This design has a preliminary cost estimate of \$9M.

The preliminary cost estimate is based on a developed concept design and does not include additional costs to the final design which needs to take into account Geotech testing and detail investigations on ground conditions, environmental design requirements, final structural design requirements for construction and any further works to surrounding properties to mitigate flooding.

Refer to Figures 1 and 2.

While the flood mitigation design did achieve a significant reduction in the potential flooding to adjoining properties - it could not achieve 100% mitigation with residual flooding occurring in some areas.

Refer to Figure 3a and 3b - flood modelling.

Figure 1- Plan view of Tumut Aerodrome - Run way Extension - 240 m with 50 cell and culvert under the new runway extension.

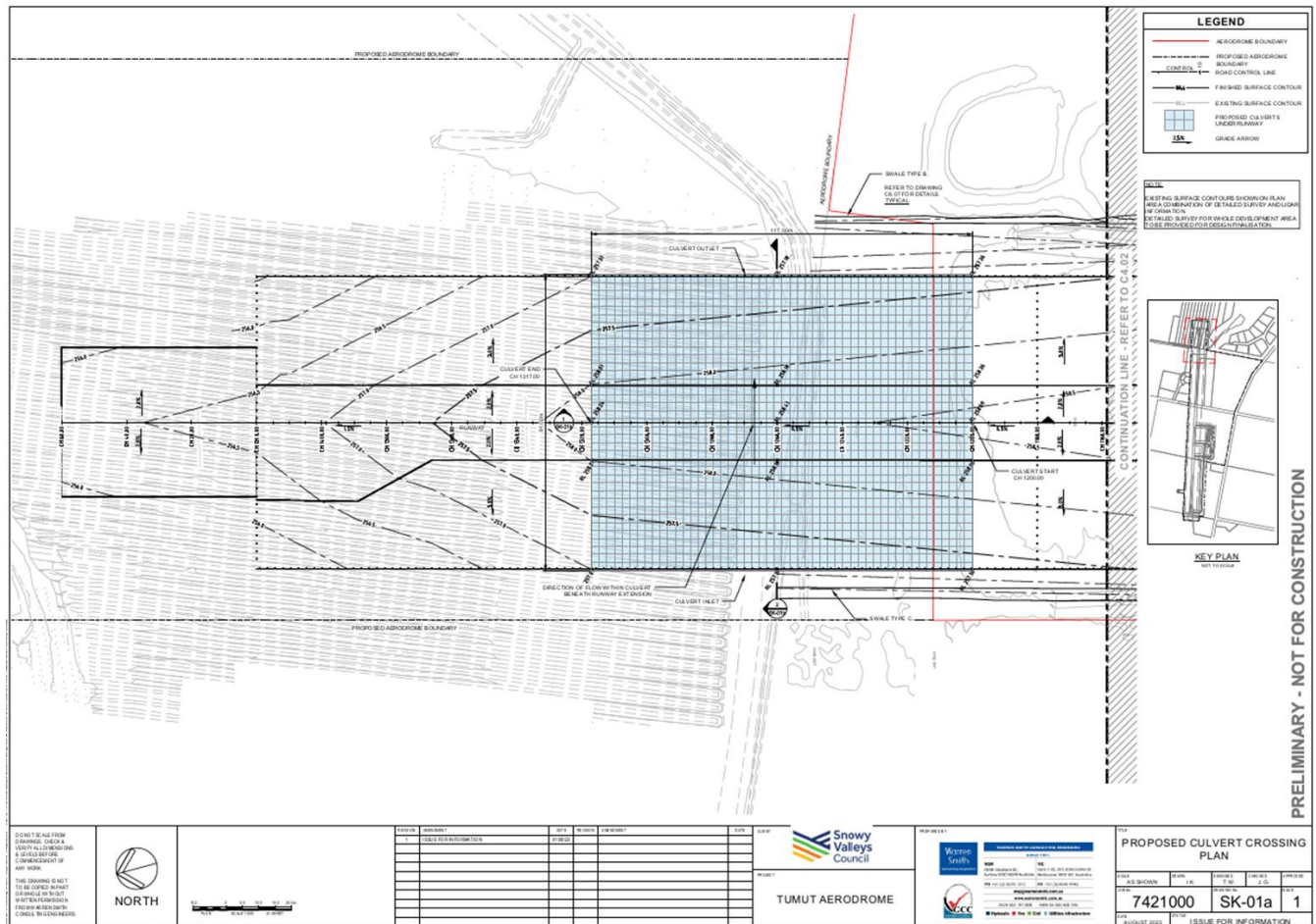
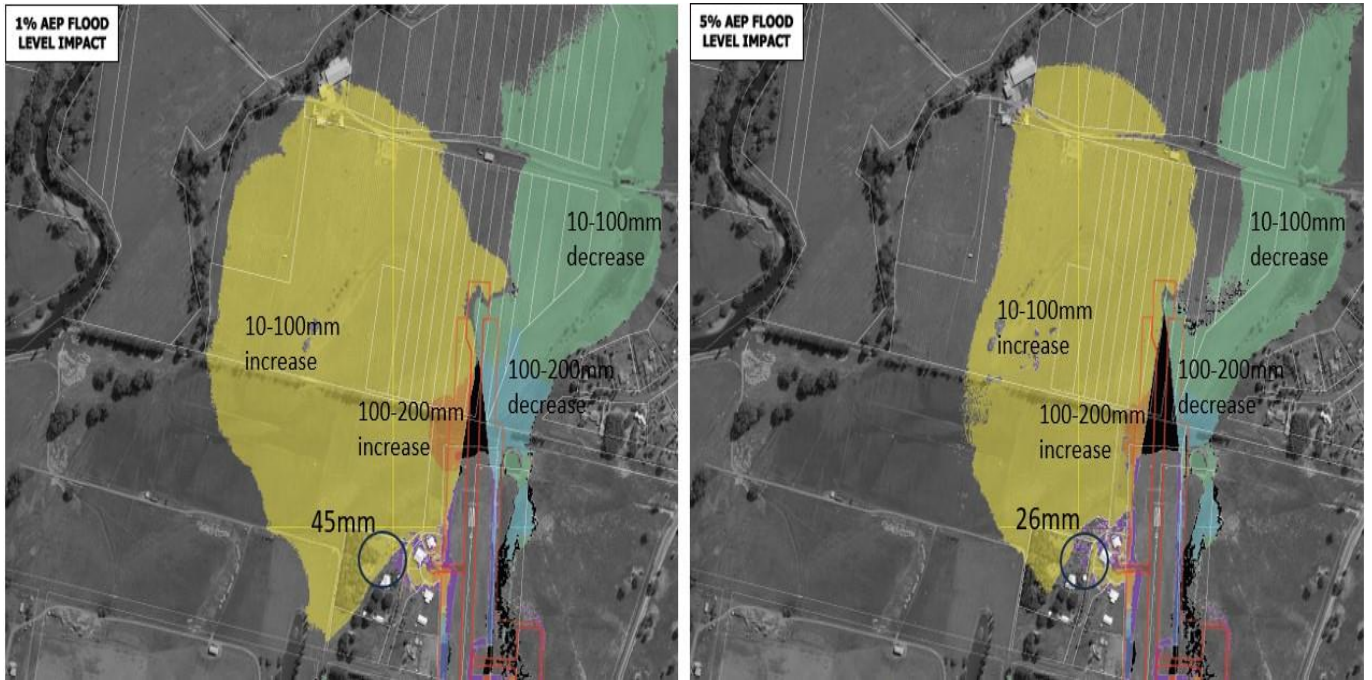


Figure 2- Elevation view of Tumut Aerodrome - Run way Extension - 240m with 600mm high culvert under the new runway extension x 117 metres wide x 90 metres long .



Legend

1% AEP is the 1 in 100-year flood event modelling and the 5% is the 1 in 20-year flood modelling.

This flood modelling highlights that the current proposed runway extension of 240m will cause an increase in existing flooding issues for adjoining properties to the aerodrome. Given the estimated cost for flood mitigation works and the potential liability issues for Council, it is proposed that Council modifies the scope of the project to achieve an outcome that is within the \$12.5M grant budget while still achieving the timeline requirements and core objectives of the project.

Options

At the workshop held with Councillors on 3 August 2023 four (4) Options were presented. These were as follows:

OPTION 1.

1 – Extension of the runway by 240m to the north and associated flood mitigation works to address the impact this extension would have on the floodplain and adjoining properties (additional cost estimate for these works is \$9million). Other works included in Option 1 as part of the funding deed include- Drainage works to the adjoining land adjacent to the runway- Fencing works - Upgraded lighting and control systems, installation of precision approach path indicators and the expansion of the apron area adjacent to the taxiway. This option is not preferred because of the flood mitigation works required to the runway - additional cost - timeline constraints and potential future liability issues for Council.

(Not Preferred)

OPTION 2

Includes all of Option 1 with the exception of the 240m runway extension and associated flood mitigation works.

This option seeks to maximise opportunities within a smaller runway footprint (Approx 100m north/south). Aviation Specialist (Keith Tonkin, Aviation Projects) has been engaged to investigate and inform Council on what a smaller runway length could achieve in terms of improved medivac and firefighting capabilities of the aerodrome. Option 2 would also include the other funding option items such as

a southern parallel taxiway (length to be determined) and expanded helipad. This option is preferred because it can be delivered within the existing Grant funding budget of \$12.5M, as well as within the agreed timeframes and also meets the core objectives of the project.

(Preferred option).

OPTION 3 – Extend runway to the south. Extending the runway to the south will involve a re-alignment of the existing creek which will increase costs for the project and also delay the delivery of the project significantly as advice received by Council from the Department of Fisheries is that the realignment will need to include a complete natural habitat restoration of the creek *before* any works on the runway in this location could commence. In addition, extending the runway in this location would place aviation facilities and activities very close to an existing dwelling which potentially would result in Council having to acquire that property. This option is not preferred because of additional timeline constraints, cost impacts of the creek realignment which are yet to be fully determined and potential future property acquisitions which also have not been costed or factored into the current timeline (Program) for the project.

(Not preferred).

OPTION 4

4 – Cancel project and return funds to the funding body is not recommended because Council has the opportunity to improve the aerodrome facilities in terms of operations and functionality. There is also the risk that Council will need to return any funds spent to date to the Grant provider. As part of the funding agreement with BLERF there is a condition in the Grant agreement that stipulates that if council fails to deliver the project on time and/or according to the scope of the deed, Council is potentially exposed to repay funds back to the department (BLERF - Regional NSW). The amount to be repaid is at the department's discretion. This option is not preferred because no improvements to the operations and functionality of the Tumut aerodrome will be achieved and there is significant reputational and financial risk to Council if the grant funds spent to date on the project have to be returned.

(Not preferred).

Note: The funds previously earmarked for the full 240m runway extension could be utilised to deliver part of the southern parallel taxiway and improvements to the helipad facility which are identified in the Funding agreement as options. This will provide a significant upgrade to the airport for emergency services operations and also meet the overall objectives of the grant. These improvements are being investigated as part of Option 2. An additional variation to the grant that Council would seek is the re-surfacing of the runway which would improve the overall condition of the runway. This would be requested as a formal variation to the existing funding agreement if there are funds available from costs savings within the \$12.5M

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

4.4 Plan and deliver a capital works program to responsibly manage and maintain community infrastructure

FINANCIAL AND RESOURCES IMPLICATIONS:

The project is 100% grant funded from the Bushfire Local Economic Recovery Fund (BLERF) with a current approved budget of \$12.5million. There is no funding required from Council.

Council has spent to date \$1million in actuals with a further \$556,471 in commitments (Orders).

The current budget cannot cover the proposed project (Option 1) that comprises the 240m runway extension and associated flood mitigation measures which is estimated to cost an additional \$9M. This is on top of the current awarded \$12.5M, bringing the total project cost to \$21.5M

The preferred option (Option 2) can still be delivered within the \$12.5M budget with the deletion of the full 240m runway extension and associated flood mitigation measures.

Note: As part of the funding agreement with BLERF there is a condition in the Grant agreement that stipulates that if council fails to deliver the project on time and/or according to the scope of the deed, Council is potentially exposed to repay funds back to the department (BLERF - Regional NSW). The amount to be repaid is at the department's discretion.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Any land acquisitions must be in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

All relevant legislation and Council policies relating to the Environment and Flooding

All aerodrome works must be in accordance with the Civil Aviation Safety Authority's (*CASA Part 139 Manual of Standards for Aerodromes*).

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Below outlines the preliminary assessment for the preferred option - Option 2.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD (Option 2)
Legal	Liability associated with flood impacts on private property is mitigated due to appropriate management.	Cost of undertaking full flood mitigation measures is in the order of \$9M for Option 1. Ongoing flood liability risks for Council	Limit risks to a known value. Less legal risk to Council through potential future compensation claims. - Option 2.
Environmental & Public Health	Mitigate any impact on habitat, species or local communities through appropriate environmental management.	Cost of environmental assessment (initial quote \$27,040 ex GST) with construction mitigation measures still unknown until Environmental assessment is complete. Costs of undertaking future habitat restoration and environmental protection works is unknown but will be significant.	Less impact on the existing environment and flood plain ecosystem. Less risk to local flooding and increasing the potential for local flooding. - Option 2.
Financial	Reduced scope of runway extension allows funds to be re-distributed elsewhere. Potential to not improve the operations and functions of the aerodrome as per the original objectives of the	Cost savings as a result of not proceeding with the 240m runway extension and associated flood mitigation works. Current budget will not cover the increased costs of flood mitigation works associated with the 240m	Cost savings through a reduced scope in the short term. Better asset management and depreciation outcomes for Council in the long term. Meets the existing project budget and is still

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD (Option 2)
	grant funding and grant agreement.	runway extension which are estimated at \$9million.	consistent with the original objectives of the grant. - Option 2.
People	None identified	None identified	None identified Less impact on adjoining property owners - no reduction in the current functionality of the existing aerodrome. - Option 2.
Technology	By not proceeding with the project the lighting and control systems and the installation of precision approach path indicators will not be undertaken. These works improve the overall operations and functionality of the aerodrome.	Council would need to find the funds in its own budget to do these works if the project is stopped and grant funding removed.	Upgraded lighting and control systems -the installation of precision approach path indicators will improve the operations and functionality of the aerodrome and are included in Option 2 as part of the existing \$12.5million grant. - Option 2.
Stakeholder	Local landowners - reduced risk of flood increase on property. Land acquisitions - local landowners subject to acquisition - no longer required. emergency services - loss of runway extension could result in some loss of payload/functionality to be confirmed by Aviation Specialist. Cost savings transferred to Option 2 for additional scope such as parallel taxiway and helipad expansion.	Land acquisitions - reputational damage to Council in not proceeding with the current project. emergency services - loss of runway extension results in some loss of payload/functionality - to be confirmed by expert aviation consultant.	Cost savings through reduced scope and less impact on surrounding properties and property owners due to flooding resulting from the 240m runway extension to the north. Reduced liability for Council through reduced flood impacts on adjoining properties. Better asset management outcomes for Council in the long term. Potential operational, maintenance and functionality improvements to the aerodrome and Council in the long term. Aviation Specialist (Keith Tonkin, Aviation Projects) has been engaged to investigate the Option 2 improvements. - Option 2.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD (Option 2)
Service Delivery	<p>Reduced payload due to shorter runway</p> <p>Southern parallel taxiway can be funded through cost savings in the reduced scope of Option 1.</p> <p>Update aerodrome infrastructure and assets - lighting fences - drainage to meet standards and improve ongoing maintenance.</p>	<p>Estimated saving of approximately \$2.5M to the current overall project budget by not proceeding any further with Option 1.</p> <p>Southern parallel taxiway and helipad extension has a current cost estimate to be \$850,000</p> <p>Option 2 can be delivered within the existing and approved project budget of \$12.5M</p>	<p>No benefit of a shorter runway identified</p> <p>Increased air traffic circulation at the airport, greater efficiency in high-traffic emergency scenarios such as firefighting, increased safety through the introduction of a parallel taxiway and increased helipad footprint</p> <p>Overall increased maintenance efficiency and operational functionality of the aerodrome.</p> <p>- Option 2.</p>

OPTIONS:

1. Adopt as per recommendations set out in this report - preferred option is Option 2.

2. Options

At the workshop held with Councillors on 3 August 2023 four (4) Options were presented. These were as follows:

OPTION 1.

1 – Extension of the runway by 240m to the north and associated flood mitigation works to address the impact this extension would have on the floodplain and adjoining properties (additional cost estimate for these works is \$9million). Other works included in Option 1 as part of the funding deed include- Drainage works to the adjoining land adjacent to the runway- Fencing works - Upgraded lighting and control systems, installation of precision approach path indicators and the expansion of the apron area adjacent to the taxiway. This option is not preferred because of the flood mitigation works required to the runway - additional cost - timeline constraints and potential future liability issues for Council.

(Not Preferred)

OPTION 2

Includes all of Option 1 with the exception of the 240m runway extension and associated flood mitigation works.

This option seeks to maximise opportunities within a smaller runway footprint (Approx 100m north/south). Aviation Specialist (Keith Tonkin, Aviation Projects) has been engaged to investigate and inform Council on what a smaller runway length could achieve in terms of improved medivac and firefighting capabilities of the aerodrome. Option 2 would also include the other funding option items such as a southern parallel taxiway (length to be determined) and expanded helipad. This option is preferred because it can be delivered within the existing Grant funding budget of \$12.5M, as well as within the agreed timeframes and also meets the core objectives of the project.

(Preferred option).

OPTION 3 – Extend runway to the south. Extending the runway to the south will involve a re-alignment of the existing creek which will increase costs for the project and also delay the delivery of the project significantly as advice received by Council from the Department of Fisheries is that the realignment will need to include a complete natural habitat restoration of the creek *before* any works on the runway in this location could commence. In addition, extending the runway in this location would place aviation facilities and activities very close to an existing dwelling which potentially would result in Council having to acquire that property. This option is not preferred because of additional timeline constraints, cost impacts of the creek realignment which are yet to be fully determined and potential future property acquisitions which also have not been costed or factored into the current timeline (Program) for the project.

(Not preferred).

OPTION 4

4 – Cancel project and return funds to the funding body is not recommended because Council has the opportunity to improve the aerodrome facilities in terms of operations and functionality. There is also the risk that Council will need to return any funds spent to date to the Grant provider. As part of the funding agreement with BLERF there is a condition in the Grant agreement that stipulates that if council fails to deliver the project on time and/or according to the scope of the deed, Council is potentially exposed to repay funds back to the department (BLERF - Regional NSW). The amount to be repaid is at the department's discretion. This option is not preferred because no improvements to the operations and functionality of the Tumut aerodrome will be achieved and there is significant reputational and financial risk to Council if the grant funds spent to date on the project have to be returned.

(Not preferred).

Note: The funds previously earmarked for the full 240m runway extension could be utilised to deliver part of the southern parallel taxiway and improvements to the helipad facility which are identified in the Funding agreement as options. This will provide a significant upgrade to the airport for emergency services operations and also meet the overall objectives of the grant. These improvements are being investigated as part of Option 2. An additional variation to the grant that Council would seek is the re-surfacing of the runway which would improve the overall condition of the runway. This would be requested as a formal variation to the existing funding agreement if there are funds available from costs savings within the \$12.5M

3. Council may choose to resolve to take an alternative to the recommended option (Option 2) and the other options identified above.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Over the last 12 months the community has been engaged on different aspects of this project.

The BLERF Funding body, Tumut Aerodrome Committee and all relevant stakeholders will be advised of the current status of the project after the August Council meeting and decision of Council.

Council may choose to undertake further community consultation on this project following the adoption of the preferred option (Option 2)

ATTACHMENTS

Nil

10.5. SUBDIVISION OF LAND - LOT 3 DP 1041444 - SNOWY MOUNTAINS HIGHWAY GILMORE TUMUT

REPORT AUTHOR: PROPERTY AND ROADS PARTNER

RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS

EXECUTIVE SUMMARY:

This report seeks approval from Council to provide owners consent to make an application to subdivide and sell freehold land described in Lot 3 DP 1041444 which is located on Snowy Mountains Highway in Gilmore through an Expression of Interest (EOI) the process. The land is comprised of 28.5Ha and is located in the Gilmore industrial and agricultural area. The land is currently zoned E4, General Industrial and RU1, Primary Production.

The subdivision of this land into E4 General Industrial Lots and subsequent sale of the land will address an identified need for more Industrial Land in the Snowy Valley LGA.

RECOMMENDATION:

THAT COUNCIL:

- 1. Consent to make an application for the subdivision of the 28.5Ha Lot 3 DP 1041444 zoned E4 and RU1, located on Snowy Mountains Highway in Gilmore.**
- 2. Seek approval to subdivide the 28.5Ha lot into:**
 - (a) 15.5Ha E4 General Industrial lot then seek approval to subdivide that lot into 7 x 2.2Ha lots - zoned E4 General Industrial**
 - (b) Subdivide the remaining land into 1 x RU1 lot of approximately 12.99 ha which is to remain in the ownership of Council**
- 3. Authorise the sale (once approved) of the industrial lots zoned E4 of Lot 3 DP 1041444 located on Snowy Mountains Highway in Gilmore through a public Expressions of Interest (EOI) process.**
- 4. That a report be brought back to Council on the outcome of the EOI process recommending whether to proceed with the sale of the lots zoned E4 either by accepting directly any of the offers put forward through the EOI process or to proceed to a public auction of the properties or not.**
- 5. Retain the RU1 lot of 12.99Ha in the ownership of Council for future use and leasing purposes.**
- 6. Delegate authority to the General Manager to negotiate and finalise the terms of subdivision and sale of the E4 lots zoned General Industrial including the sale price, provided it is within 10% of the land valuation that Council has received.**
- 7. Authorise the affixing of the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.**

BACKGROUND:

The identified need for the provision of additional industrial land adjacent to the township of Tumut has been the subject of a number of feasibility studies prepared by Council, dating back to 1988. These studies documented the need for additional industrial land and offered a number of proposed sites suitable for this type of land use. In 2002, Habitat Planning carried out studies on 6 x possible industrial sites across, in and around the Tumut area and concluded that the 28.5Ha Gilmore site was the most suitable.

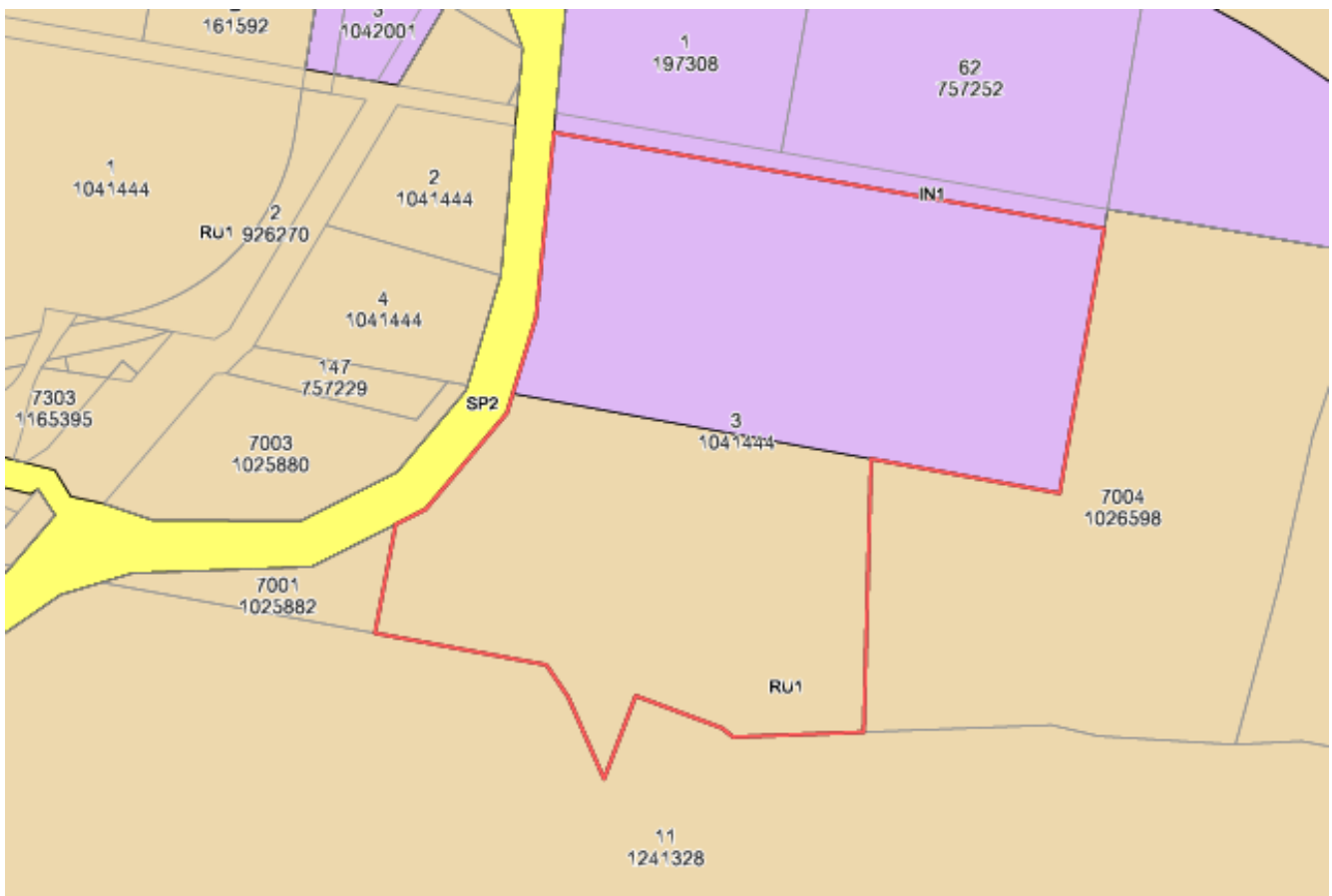
There is considerable market demand for light Industrial land use around the town centres of the Snowy Valleys LGA, in particular around Tumut. The purpose of the report is to address this current demand and provide new business and employment opportunities for the area by subdividing the E4, General Industrial and RU1, Primary Production Council freehold land that Council currently owns.

REPORT:

The property is located at Lot 3 DP 1041444 with E4 General Industrial and RU1 Primary Production zones pursuant to the Tumut Local Environmental Plan 2012. (TLEP)

- E4 General industrial zone minimum subdivision area is 2 ha. The current E4 portion is approximately 15.5ha.
- RU1 Primary Production zoned portion is approximately 12.99 ha.

The current use of the property as rural holding conforms to the current zoning under the town planning guidelines. The property is currently utilised for livestock grazing purposes.



Objective of E4 General Industrial zone as per Councils LEP is to:

- To provide a range of industrial, warehouse, logistics and related land use.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provided facilities and services to meet the needs of businesses and workers.

The benefits to Council and the community in undertaking the subdivision and sale of the E4 General Industrial zoned land are as follows:

- Income to Council from the sale of the land (7 x 2.2Ha lots zone E4 - General Industrial)
- ongoing savings in operation and maintenance costs on the existing 28.5Ha block of land
- potential for ongoing rating revenue from the E4 zoned land 7 x 2.2Ha lots that are sold
- potential social, economic and employment benefits for the area through meeting an identified demand for the provision of more land that supports light industry and associated businesses.
- potential to promote and attract further economic and employment development in the local area.

A development application would be required to be submitted to Council for development consent to excise the current RU1 zoned land from the E4 zoned land and further subdivide the residual E4 zoned land. Any development application would require specialist reports to be prepared in support of the proposal and to enable the merits of the development to be assessed. The subdivision of the rural zoned allotment does not need to comply with the minimum allotment size of 150 hectares as it is not proposed to create this lot for residential purposes.

Expression of Interest Process

If Council resolves to proceed with recommendations of this report to subdivide the land and sell 7 x 2.2Ha lots, then it is recommended that a Public Expression of Interest (EOI) process should be the first step taken by Council to ascertain the best value and use of the subdivided land. The calling for Expressions of Interest (EOI) will be undertaken in accordance with Councils standard EOI Process. At the conclusion of the EOI process a report will be brought back to Council recommending whether to proceed with the sale of the E4 General Industrial Lots either by accepting directly any of the offers put forward through the EOI process or to proceed to a public auction of the properties. The report may also recommend that Council not proceed with the sale of a property or properties as the offers put forward through the EOI process do not meet Councils requirements or expectations and or the likely offers made through a public auction would not be acceptable to Council.

The methodology adopted to undertake the evaluation of the Expression of Interest process for the properties will be developed using specific selection criteria that is based on both price (Financial return) and Non price criteria. Scores will then be applied to each criterion in each application received and given a point score relative to various weightings set to each criterion, in order to provide an equitable and fully transparent means of evaluating each Expression of Interest. The Expression of Interest documents and EOI process for this land sale will also be undertaken in accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005.

Property Valuation

As part of Councils due diligence process for the potential subdivision and sale of these properties, Council engaged professional land valuers' to undertake an independent valuation of the Property and the potential value of the sub divided lots in the E4 General Industrial zoning. The valuation was prepared in July 2023 and is a confidential attachment to this report.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 4 - Our Infrastructure

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The public Expression of Interest process (EOI) will incur the following costs: preparing the documentation and advertising \$2500

Preparation of Contract of Sale undertaken by Council Solicitors \$7000

Land Valuation prepared by qualified Land Valuers \$8800

Public Auction and associated costs \$7000

If the sale proceed, these costs will be recovered from the income of the sale. If the sale of the land is unsuccessful these costs will be borne by Council.

The total development fees including DSP and Section 7.11 charges for construction are unknown. It is expected that the activities associated with processing and lodging the subdivision are estimated to cost \$150,000.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

In accordance with section 377 of the *Local Government Act 1993*, the Council needs to formally resolve to make application to subdivide and sell the properties identified in this report, which as per the recommendation of this report would be subject to a Public Expression of Interest process (EOI) and future report to Council.

The sale of the industrial freehold property is governed by the *Conveyancing Act 1919*, specifically Part 4 Division 8.

In addition, if Council adopts the recommendation of this report and considers the sale of the properties, Council will engage suitably qualified Legal services to prepare a draft contract for sale of the E4 zoned land.

While Council must resolve to subdivide and sell the properties, (subject to a future report if offers made are in accordance with the recommendations of this report and the outcome of a future EOI process - reported back to Council) obligations will arise following an exchange of contracts (i.e. damages may follow if Council exchanges then decides not to complete the contract).

A land valuation from a Certified Practising Land Valuer has been undertaken and is placed in a separate confidential attachment so as not to influence the sale process. The market valuation will provide the basis of negotiation with interested parties, and as such is treated as confidential.

A suitably qualified solicitor will be engaged to oversee the process of the lot sale to ensure all statutory compliance is met.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Financial	Short term income Ongoing savings in operation and maintenance costs	A risk is present that there is no interest in the land or the market appraisal has overpriced the value of the land and the land is not sold. Negotiations to 10% of the land valuation will help provide some flexibility to mitigate this risk	Potentially promote further development and attract further development in the area. Potential for rating revenue from the land

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
People	Nil	Nil	Potential social benefits through a more appropriate use of the land.

OPTIONS:

Option 1:

THAT COUNCIL:

1. Consent to make an application for the subdivision of the 28.5Ha Lot 3 DP 1041444 zoned E4 and RU1, located on Snowy Mountains Highway in Gilmore.
2. Seek approval to subdivide the 28.5Ha lot into:
 - (a) 15.5Ha E4 General Industrial lot then seek approval to subdivide that lot into 7 x 2.2Ha lots - zoned E4 General Industrial
 - (b) Subdivide the remaining land into 1 x RU1 lot of approximately 12.99 ha which is to remain in the ownership of Council.
3. Authorise the sale (once approved) of the industrial lots zoned E4 of Lot 3 DP 1041444 located on Snowy Mountains Highway in Gilmore through a public Expressions of Interest (EOI) process.
4. That a report be brought back to Council on the outcome of the EOI process recommending whether to proceed with the sale of the lots zoned E4 either by accepting directly any of the offers put forward through the EOI process or to proceed to a public auction of the properties or not.
5. Retain the RU1 lot of 12.99Ha in the ownership of Council for future use and leasing purposes.
6. Delegate authority to the General Manager to negotiate and finalise the terms of subdivision and sale of the E4 lots zoned General Industrial including the sale price, provided it is within 10% of the land valuation that Council has received.
7. Authorise the affixing of the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

Option 2.

THAT COUNCIL :

1. not provide approval to make application for land subdivision and sale of the land as the offers put forward through the EOI process do not meet Councils requirements or expectations and or the likely offers made through a public auction would not be acceptable to Council.

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Contact by way of letter to direct neighbouring properties and interested parties will be forwarded advising of Council's resolution on the matter.

The sale of the industrial land will be subject to a public expressions of interest process, which will be publicly advertised on Council's website and in the local paper.

ATTACHMENTS

1. 20230608 - Zoning Report - Lot 3 -DP 1041444 and Map (Under separate cover)
2. Confidential - 20230718 - Lot 3 DP 1041444 - Gilmore NSW - Snowy Mountains Highway - HTW Valuation Report (Under separate cover)

10.6. DA 2023/0025 - PROPOSED TOURIST AND VISITOR ACCOMMODATION. 404 GOOBARRAGANDRA ROAD, GOOBARRAGANDRA

REPORT AUTHOR: MANAGER GROWTH AND ACTIVATION

RESPONSIBLE OFFICER: ACTING GENERAL MANAGER

EXECUTIVE SUMMARY:

An application has been submitted under Development Application 2023/0025 seeking development consent for the purposes of six (6) tourist and visitor accommodation suites at Lot 2 in Deposited Plan 630937 known as 404 Goobarragandra Road, Goobarragandra. The application seeks to increase short term accommodation offerings in the Snowy Valleys Local Government area.

The application has attracted one (1) submission and does not trigger referral to Council as a 'public interest' matter however Councillors have requested that the application be presented to full Council for consideration. This report details the assessment of the application under section 4.15 of the *Environmental Planning and Assessment Act 1979* and recommends that the proposal can be supported subject to conditions of development consent.

Application Summary:

Applicant	Amanda Myers
Land owner(s)	Jason and Amanda Myers
Zoning Context	RU1 – Tumut Local Environmental Plan 2012
Capital Investment Vale (\$)	\$ 825,000
Notification Period	Council's Community Participation Plan (CPP) as adopted - Twenty Eight (28) Days (Nominated Integrated)
Number of submissions	Ten (10) Submissions
Political Donations declaration	Nil
Reasons for referral to Council	Councillors - Request for Elected Council Determination / Public Interest Matter

RECOMMENDATION:

THAT COUNCIL:

1. **Determine Development Application 2023/0025 which seeks development consent for tourist and visitor accommodation at Lot 2 in Deposited Plan 630937 by way of approval subject to draft conditions of consent as outlined in ATTACHMENT 2.**

BACKGROUND:

Site Description / Context

The development site is located at Lot 1 in Deposited Plan 630937 known as 404 Goobarragandra Road Goobarragandra. The site occupies an area of approximately 6.08 hectares and is bounded by the Goobarragandra River to the South West and Goobarragandra Road to the North East. The site has historically been used for rural residential pursuits and is also adjoined by other small scale farming operations and rural residential development given the land sizes. Immediately west of the development is a similar tourist and visitor accommodation facility namely Elm Cottages, and a recently approved

artisan food and drink premises development. Figure 1 below provides the general location and context of the development in relation to other land uses within the vicinity.

The land is irregular in shape and is substantively cleared with a small pocket of vegetation to the South East of the allotment. The site gains direct access from the Goobarragandra Road which fronts the allotment. The site has a gentle slope towards the Goobarragandra River to the South and South East and also has an existing approved dwelling and associated infrastructure on the land which is not proposed to be altered as part of this development application beyond some minor upgrades to comply with current bushfire standards.

Proposed Development

A development application has been submitted to Council seeking development consent under DA 2022/0200 for the purposes of:

- Erection of five (5) accommodation suites on a pier footing system; each unit will be 5.2 metres long x 4.5 metres wide with an overall height of 3.5 metres (total floor area of 23.4 square metres). Each suite will contain a bedroom, bathroom (Shower, toilet and basin) and a deck with access stairs.
- Erection of one (1) Accessible suite (7.4m x 5.7m with a floor area of 42.18 square metres, constructed to comply with AS 1428.1 disability standards.
- Construction of a kitchen facility (7.9m x 6.5m with a total floor area of 51.35 square metres) with accessibility for disabled person(s).
- Construction of a viewing platform and temporary marque cover (7m x 9m) - located 20m from the high bank of the river.
- Ancillary civil works including access upgrades, cut and fill for the viewing platform and car parking and access paths; and
- Onsite Sewer Management System to cater for the proposed units on site.
- Seven (7) carspaces will be provided on the site.
- Accommodation will provide for a maximum of 12 persons at any time and will operate 7 days per week, with check in at 2pm and checkout at 10am.
- Development will be staffed by 2 people 24 hours per day and 7 days per week (living onsite).

The site plan and architectural plans have been provided in ATTACHMENT 1 to this report.

General locality and layout

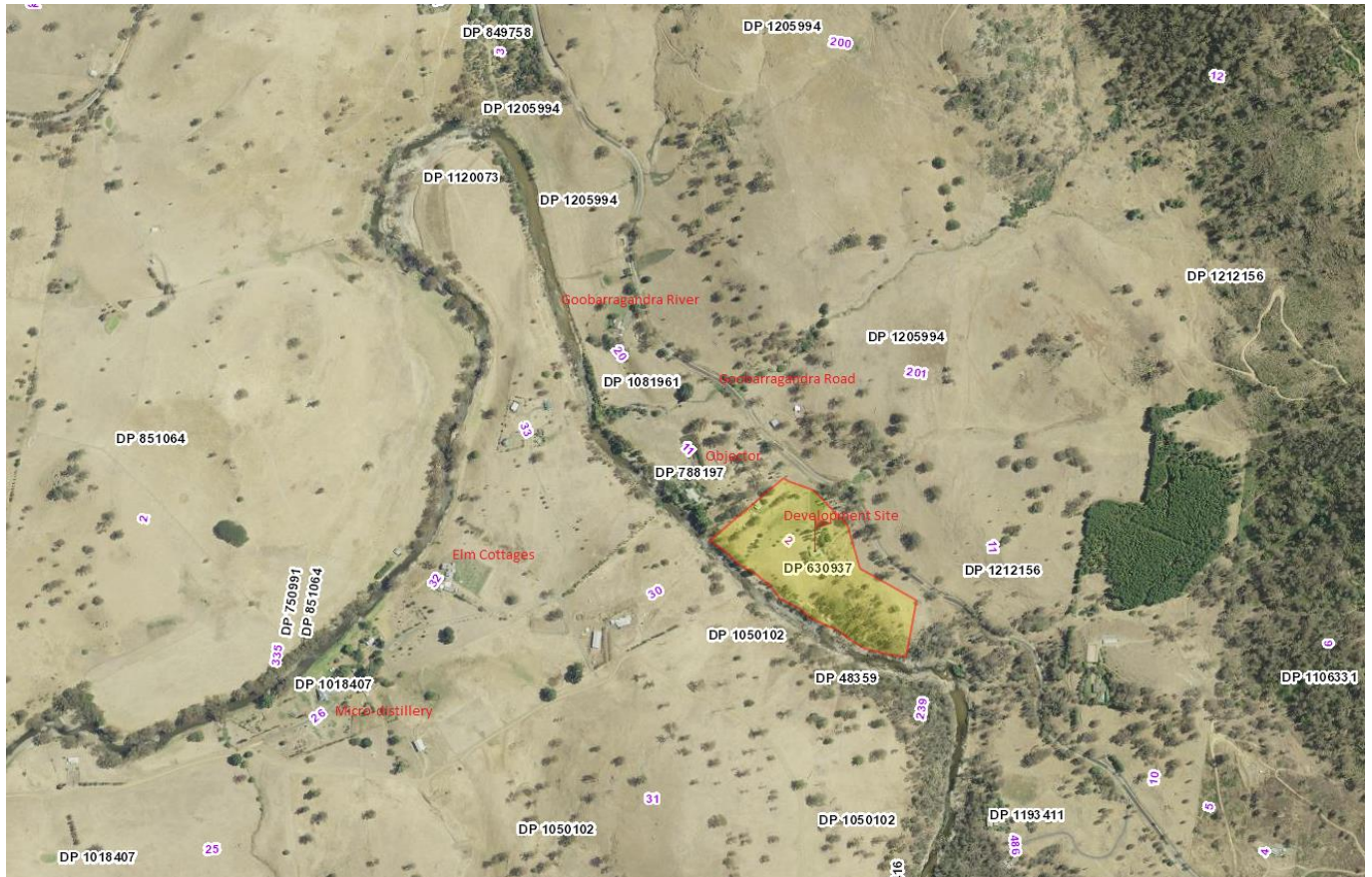


Figure 1: General Location / Context of Development Site.

REPORT:

Statutory Provisions

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

State Environmental Planning Policies

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

- **State Environmental Planning Policy (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)</i>	Yes	The site is potential koala habitat, continue assessment (Clause 3.6).

Question	Development	Outcome
<i>constitute at least 15% of the total number of trees 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**

Subdivision 2 - Development Likely to affect an electricity transmission or distribution network.

Clause 2.48 Determination of development applications—other development

The consent authority must consider whether a development is likely to affect an electricity transmission or distribution network prior to consenting to an application.

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(c) installation of a swimming pool any part of which is—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

The proposed development is located more than five (5) metres from the transmission lines on the property and therefore Council is not required to provide notice to the electrical supply authority in regards to the application.

- **State Environmental Planning Policy (Primary Production 2021)**

Chapter 2 Primary Production and Rural Development.

The aims of the State Environmental Planning Policy (Primary Production 2021) is to primarily reduce land use conflict and ensure the orderly use of agricultural lands.

The aims of this Chapter are as follows—

- (a) *to facilitate the orderly economic use and development of lands for primary production,*
- (b) *to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) *to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) *to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) *to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) *to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The land has not been identified as state significant agricultural land and given the size of the allotment, the small scale use of the site for tourist and visitor accommodation is not inconsistent with the overall aims and objectives of the SEPP (Primary Production) 2021.

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 (EPIs), 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*. The development as proposed is characterized as a Tourist and Visitor Accommodation (Hotel or Motel Accommodation). As outlined within the RU1 Land use Table, Hotel or Motel accommodation is permissible with the development consent of the Council.

'hotel or motel accommodation' means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—*Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in the LEP dictionary.*

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

The land is zoned RU1 - Primary Production under the Tumut Local Environment Plan 2012. Tourist and Visitor Accommodation (Hotel or Motel Accommodation) is permissible in the zone subject to development consent of the Council. Being an open zone, the land use is not defined within permitted without consent or prohibited and therefore is permissible with consent.

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

Zone RU1 Primary Production

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Aquaculture; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Garden centres; Intensive livestock agriculture; Markets; Open cut mining; Plant nurseries; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Amusement centres; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Local distribution premises; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Vehicle repair stations; Wholesale supplies

The proposal generally complies with the overall aims and objectives of the RU1 Primary Production Zone.

- **Clause 5.21 Flood Planning**

The land is located adjacent to the Goobarragandra River and potential flooding may occur on the lower portions of the subject allotment. Council's GIS system has not identified the land as either flood prone or an area that is within the flood planning area. Given the proximity and elevation of the proposed buildings and topography of the land, the controls have been considered and there is no requirement for additional investigations in relation to riverine flooding on the land.

- **Clause 6.1 Earthworks**

Minor Earthworks are proposed adjacent to the banks of the Goobarragandra River to accommodate a viewing platform. Any earthworks are expected to be within 500mm cut and fill. Any works will be required to obtain a controlled activity approval issued by the Department of Planning and Environment (Water).

- **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 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. A report has been prepared in support of the application being a Geotechnical Report including Land Capability Assessment prepared by McMahons Earth Sciences. The report concludes that the land is capable of disposal of onsite effluent and proposed an area for subsurface irrigation over 100m from the Goobarragandra River to the North East of the existing dwelling on relatively level land. Any future on site sewer management system would be subject to a permit and licencing by Council under section 68 of the *Local Government Act 1993*. This includes regular inspections undertaken by Council to ensure the systems operability in accordance with adopted industry standards.

- **Clause 6.5 Riparian Lands and Watercourses**

The development as proposed is not expected to have any impact on the riparian land and watercourse and prior to any construction commencing within the riparian areas, a controlled activity permit will be required from the Department of Planning and Environment (Water). 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 Goobarragandra River with units being constructed approximately 68 metres from the natural watercourse. Any structure proposed to be located adjacent to the river will be subject to a controlled activity approval.

- **Clause 6.6 Wetlands**

The development as proposed is not expected to have any impact on the wetlands given the application proposes construction of the units setback from the Goobarragandra River. 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. Any works within the wetlands area will be subject to a controlled activity approval.

- **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 has been supported by a Geotechnical Analysis prepared by a qualified and professional geotechnical engineer McMahons Earth Sciences which has outlined that the land is capable of supporting the proposed development subject to the conclusions outlined in the report. Structural engineering details for any footings for proposed buildings has been provided as part of the application.

- **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. As outlined in the waste water report / geotechnical report provided in support of the application, the land is capable of supporting an onsite sewer management system.

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 existing access arrangement to the site from the local road (Goobarragandra Road) is proposed to be retained and upgraded to a 4.5 metre wide all weather access. The entrance and egress to the development has a reduced line of sight distance due to the lineal curve in the road however is considered acceptable for the purposes of both the Australian Standard and Austroads. Internal access roads and parking will be upgraded with an appropriate base material to provide all weather access.	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 in support of the application was undertaken and referred to the NSW Rural Fire Service as a 'Special Bushfire Purpose.' The application was referred to the RFS under section 100B of the Rural Fires Act 1997 and a Bushfire Safety Authority has been issued dated the 2nd June 2023.	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.3	Carparking	The Snowy Valleys Development Control Plan prescribed a rate of one (1) space per unit for hotel and motel accommodation. The development has made provision for seven (7) car spaces on the subject site and one (1) of the car spaces shall be designated to comply with the premises code (Disability Access Standards). There is space for additional parking on the site if required on an informal basis.	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 rural residential and 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 tourist and visitor accommodation use in terms of contamination risk and further assessment is not necessary.</p>	Complies
3.2.6	Cut and Fill	A modest cut and fill arrangement has been proposed for the purposes of a viewing platform being approximately 500mm for cut and 500 for fill over an area of approximately 7 metres x 9 metres. The proposed cut and fill comply with the maximum prescribed cut and fill controls under the development control plan.	Complies.
3.2.7	Demolition	No demolition is proposed as part of the application for subdivision.	Not Applicable

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.8	Development Near Electrical Easements	The development is not expected to impact on any electrical easements or power infrastructure on the land. The proposed works are located at a greater distance than 5 metres from the electricity lines that traverse the site and therefore the application is not required to be referred to Essential Energy.	Complies
3.2.9	Erosion and Sediment Control	Appropriate controls will be applied through conditions of consent to manage erosion and sediment control in accordance with industry standards - in particular the Blue Book being <i>Landcom's Managing urban stormwater; soils and construction volume 1</i> .	Complies subject to conditions
3.2.10	Flooding	The land is located adjacent to the Goobarragandra River and potential flooding may occur on the lower portions of the subject allotment. Council's GIS system and the New South Wales Planning Portal or Council's LEP flood mapping has not identified the development area as either flood prone or an area that is within the flood planning area. Given the proximity and elevation of the proposed buildings and topography of the land and that the buildings are located outside of the historical flood area, it is satisfied that there is no requirement for additional investigations in relation to riverine flooding on the land.	Complies
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. A search of the Aboriginal Cultural Heritage Website has confirmed that there is no items recorded of significance within 1km of the subject development site.	Not Applicable
3.2.12	Landscaping	Minor landscaping is proposed to complement the proposed development however a condition	Complies subject to conditions.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		of development consent will be applied requiring a landscaping plan to be submitted to Council for approval prior to the issue of a construction certificate should the application be supported. Any landscaping plan will be required to provide addition plantings of River Red Gums and also Tumut Grevilleas on the site.	
3.2.13	Onsite Waste Water Management	The application has been supported by a report prepared by McMahon Earth Scienced which concludes that the land is capable of onsite sewer management. The development will utilise an aerated waste water management system which will be located approximately 70 metres from the river and a pump station will deliver waste water to the land application area over 130 metres from the Goobarragandra River. The OSSM system proposes a land application area of approximately 1,634 square metres. An Aerated Waste Treatment System as the system provides the highest level of treatment.	Complies.
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 as outlined in clause 3.2.13.	Complies
3.2.15	Retaining Walls	A minor retaining wall is proposed up to a maximum height of 500mm adjacent to the viewing platform. The retaining wall is not expected to affect the drainage of the land.	Complies
3.2.16	Safer by design	It is not expected that the development will increase the prospects of crime in the area and each building provides to active surveillance in and around the development. The site owner will also provide supervision over the operations of the development.	Not Applicable

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.17	Stormwater / rood water management	The collection and management of stormwater onsite will be via collection tanks which will have overflow infrastructure provided that will drain to the natural watercourse. It is not expected that there will be additional hardstand areas that will create additional impervious surfaces and run off beyond the access road and proposed parking bays.	Complies
8.3	Specific provisions for the Goobarragandra Valley	The development does not propose to remove any remnant vegetation on the property and applies appropriate setbacks to the riparian corridor. Should the application be supported, conditions of consent shall be applied to require the submission of landscaping plan to Council for approval prior to the issue of an occupation certificate. The landscaping plan will ensure that a positive environmental impact is achieved on the land.	Complies subject to conditions.

The proposal generally complies with the prescriptive and performance based controls of the Snowy Valleys Development Control Plan 2019, subject to conditions of development consent.

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 *Section 94 (Section 7.11) Assessment Policy* applies to the site and an assessment has been made against the plan, in particular clause 3.3.4 which applies to tourist development.

3.3.4 Tourist Development

Contributions may be required for certain forms of tourist development, such as accommodation (hotels, motels, guesthouses and caravan parks); hospitality services (bars and restaurants); and attractions. Council recognizes that certain forms of tourism development, such as resorts, are relatively self-contained or provide the general community with significant recreational facilities and amenities. The provision of such facilities and services will be taken into account by Council, when determining Section 94 (Section 7.11) contributions.

Contributions may be sought to provide/fund open space; parking; road upgrading; traffic management; and trunk drainage, where this is considered appropriate.

Whilst the development is largely self contained, tourism development is likely to increase demand on local services including parking, traffic management and open space. As Council has repealed its

contributions plans for parking in Tumut, the only plan that would apply is the Tumut Section 94 (Section 7.11) - Parks and Recreation 2005-2015 Plan dated 24 May 2005. The current contribution for 2023/2024 in Rural Areas is \$1,738.51 or in accordance with the adopted fees and charges of the year of payment, with the total amount payable prior to 30 June 2024 being \$10,431.06. In accordance with the plan the contributions would be required to be paid prior to the issue of any construction certificate.

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 in particular with other adjacent and adjoining tourist and visitor accommodation uses, artisan food and drink premises, primary production pursuits and rural residential land uses.

The development as proposed is not expected to have any unmanageable impacts on the natural environment. Appropriate controls have been demonstrated in the application to ameliorate any potential impacts on the natural environment including, on site sewer management, appropriate control of stormwater, protection and retention of existing vegetation, erosion and sediment control and the increase in landscaping treatments to complement local indigenous species. Any development adjacent to the water course will be required to be issued with a controlled activity approval which will provide the necessary protections for working within close proximity to the river environment.

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

- *Built Environment*

It is not expected that the development as proposed will have any impact on the built environment. Proposed draft conditions of consent as outlined in ATTACHMENT 2 will control any potential impacts on the built environment through use of recessive materials that are commensurate with the surrounding environment. The application proposes organic materials and also recessive non reflective colourbond roofing and cladding.

The cluster of buildings will be required to demonstrate no light spill impacts on adjoining properties and that any proposed lighting be directed downward.

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. Any localised construction will likely have a minor micro economic impact within the Snowy Valleys Local Government Area through the purchase and use of materials and trades. Any operation of the facility is likely to have a positive economic impact through employment and increased tourism to the region via increased tourist and visitor accommodation options.

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 size of the land being approximately 6 hectares does not provide for a suitable area for productive farming operations. The site, being located 15km from Tumut and adjacent to both the Goobarragandra River and other tourist and visitor accommodation and artisan premises is suitable for the purposes of tourist and visitor accommodation in a rural setting. The development shall complement Snowy Valleys existing accommodation offerings and provide a rural experience for tourists.

Any expected impacts associated with the development can be appropriately managed through imposing appropriate conditions of development consent on any notice of determination should the application be supported.

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.

The application was notified in accordance with the provisions of Council's adopted Community Participation Plan (CPP) and a request for extension was received from an adjoining resident. The extension request was granted for an additional week to provide a submission in relation to the development.

A total of one (1) submission was received in relation to the development from an adjoining property located at 382 Goobarragandra Road, Goobarragandra as part of the initial notification processes associated with the subject development application.

As the assessment of the proposal progressed it was identified that a controlled activity approval would be required and therefore triggering the application to be notified as integrated development and be placed on public exhibition for a period of 28 days. The application was re-notified in accordance with Council's adopted Community Participation Plan (CPP) and Council received an additional nine (9) submissions (being a total of 10 submissions)

In receipt of the submissions, it must be noted that one submission was submitted twice in exactly the same form by the same submitter, one submission was updated and resubmitted by the same submitter and Council received one proforma submission which was an excerpt of a previous submission that was received. A summary of the submissions received, and the assessing officers' response to the submissions has been included below:

Issue	Response:
Registration of Electrical Easements	The <i>Electricity Supply Act</i> and Essential Energy standards provides the necessary guidance relating to easements over private land where electrical infrastructure is located. Providing that utilities can be provided to the property to service the development - any issues surrounding capacity or supply is not a consideration under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Boundary between the property and adjoining land	Comments are noted.

Issue	Response:
The setback is less than 100m from a natural water course	<p>The application was referred to the Department of Planning and Environment (Water) which has issued their general terms of approval to the application dated 13th April 2023. The applicant will be required to make application under the <i>Water Management Act 2000</i> for a controlled activity approval should the development proceed.</p> <p>Any proposal for an onsite sewer management system will require a separate approval under section 68 of the Local Government Act 1993. The application provides a geotechnical analysis that demonstrates that the soil is capable of disposal of onsite sewer waste.</p> <p>The development as proposed is located outside of the area designated as a flood planning area susceptible to flooding.</p> <p>Council's inspection of the property has not identified any outdoor toilet on the banks of the Goobarragandra River and any such alleged structure does not form a consideration of the current development application.</p>
Setbacks and privacy concerns.	<p>The development application proposes six (6) tourist and visitor accommodation units on the subject land. Should the application be supported a condition of development consent can be applied which requires screening (both physical and also landscaping treatments to increase privacy from the proposed units to the adjacent dwelling on 382 Goobarragandra Road, Goobarragandra.</p> <p>A Draft Condition is proposed under (ATTACHMENT 2) to address any privacy concerns.</p>
Proposed development is inconsistent with use and or quiet enjoyment of the land	<p>Should the application be supported a draft condition of development consent may be applied which places restrictions on the noise that can be emitted from the development.</p> <p>A draft condition is proposed under (ATTACHMENT 2) to address noise and dust impacts.</p> <p>A draft condition is proposed under (ATTACHMENT 2) to reduce glare impacts on surrounding residents through the use of low reflective materials.</p> <p>A draft condition is proposed under (ATTACHMENT 2) which shall require the proponent to screen any proposed lighting or to direct lighting downwards to reduce the impact on surrounding residents.</p>
The proposed use is inconsistent with the RU1 Zoning.	<p>See assessment of the Zoning, characterisation and objectives of the zone under the Local Environment Plan Section of this report.</p> <p>Any existing use of the property is a compliance matter and not a consideration of the current development application before the consent authority. The subject application is for the purposes of tourist and visitor accommodation.</p> <p>The proposed development is not defined as a 'function centre', or a recreational facility 'indoor'.</p>

Issue	Response:
	<p>Tourist and Visitor Accommodation including child definitions as a 'hotel' is permissible within the RU1 zone under the Tumut Local Environmental Plan 2012.</p> <p>Any notice of determination will specify the use (definition) of the development. Any use of the property outside of the definition (that is not ancillary to the approved use) is a separate compliance issue.</p>
Inconsistent with the development control plan	See assessment of controls under the Development Control Plan Section of this report. The proposal is consistent with these controls subject to development consent conditions.
Development inconsistent with Strategic Planning	Envisage 2040 and the Local Strategic Planning Statements as adopted, are documents which provide the necessary strategic guidance for policy in the Snowy Valleys LGA. The identified strategic documents are not a consideration of section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Development does not provide sufficient information on wastewater management	<p>An application will be required under section 68 of the <i>Local Government Act 1993</i> for the provision of any onsite sewer management systems on the subject land. The application is supported by a geotechnical analysis that identifies that the land is capable of disposal of onsite sewer waste.</p> <p>The identified strategic documents such as Envisage 2040 is not a consideration of section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Development inconsistent with preservation of soil	The application has provided a geotechnical analysis prepared by a qualified and professional geotechnical engineer in support of the subject application. The geotechnical analysis prepared by McMahon Earth Sciences does not identify any proposed issues with respect to soil stability or drainage issues associated with the proposal.
Increased fire risk to adjoining land owners	There is no evidence that the subject proposal will increase the fire risk on the subject allotment or adjacent allotments. The application has been supported by a professional bushfire assessment report that has been referred to the Rural Fire Service who have issued their Bushfire Safety Authority (BFSA) dated 2 June 2023.
The development is controlled activity under the Water Management Act 2000	<p>Noted. The application has been referred to the Department of Planning and Environment – Water who have issued their General Terms of Approval dated 13th April 2023.</p> <p>The approval has been referenced in the draft conditions of development consent in (ATTACHMENT 2).</p>
Water quality impacts associated with the development.	<p>Should the application be supported, a draft condition of consent in (ATTACHMENT 2) has been provided to ensure that sediment and erosion control measures are in place.</p> <p>Any proposed onsite sewer management system associated with the development will be required to be approved by Council in accordance with Section 68 of the <i>Local Government Act 1993</i> with the appropriate risk rating applied and regular inspections undertaken by Council.</p>

Issue	Response:
	General Terms of Approval has been issued by DPE (Water) dated 13 April 2023 and a controlled activity approval will be required prior to any works being undertaken within the proximity of the Goobarragandra River.
Habitat loss and Diversity	<p>The development as proposed does not require the removal of vegetation on the subject land. The site has been utilised previously as grazed pastoral land and conditions of development consent in (ATTACHMENT 2) will require additional landscaping opportunities as part of the development.</p> <p>General Terms of Approval has been issued by DPE (Water) and a controlled activity approval will be required prior to any works being undertaken within the proximity of the Goobarragandra River.</p>
Stormwater and Flood Management	<p>Conditions of consent have been imposed in (ATTACHMENT 2) to address water quality considerations and associated controls.</p> <p>General Terms of Approval has been issued by DPE (Water) and a controlled activity approval will be required prior to any works being undertaken within the proximity of the Goobarragandra River.</p> <p>The proposed viewing platform is proposed to be located outside of the historical flood planning level for the Goobarragandra River.</p>
Alterations in hydrology	<p>The development has been considered in light of the Goobarragandra River and its natural watercourses and it is not expected that the development as proposed will alter the natural flow of the river. The application has been supported by a geotechnical analysis and the number of units proposed is not considered to be an overdevelopment of the site.</p> <p>A controlled activity approval will be required through DPE (Water) prior to the commencement of any works on the land.</p> <p>Conditions of consent have been included in (ATTACHMENT 2) to address migration of material into the river system.</p>
Climate change implications.	<p>Climate change is not a consideration of section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Site hazards have however been appropriately considered in the body of this report including landslip, flooding and bushfires. Sustainability matters will also be considered as part of any construction certificate. Conditions of consent have been applied in (ATTACHMENT 2) in support of natural hazard considerations and resilience.</p>
Cumulative impacts of the development and other developments in the area.	<p>It is considered that the proposal when operated in accordance with the supporting material contained in the application and associated conditions of consent is expected to be a development which does not display unmanageable impacts on the environment. Conditions of consent have been applied in (ATTACHMENT 2) to address these issues.</p> <p>It is not expected that the cumulative impact of approved developments in the region will have an unmanageable cumulative impact on the environment in the case where they</p>

Issue	Response:
	have been subject to merit assessment and application of appropriate conditions of consent.
Public awareness and engagement must be actively encouraged to ensure transparency and incorporate community perspectives into the decision about this proposed development.	The application has been notified in accordance with Council's adopted Community Participation Plan (CPP) to invite community participation in the subject application. The proposal has been notified as integrated development for a period in excess of 28 days inviting submissions.
Viewing platform and toilet facilities already erected on the banks of the river and subject to damage during flooding.	<p>This is not a merit assessment consideration under section 4.15 and accordingly is a separate compliance issue.</p> <p>Council's inspection of the subject site has not revealed any toilet facilities on the banks of the Goobarragandra River. Flooding considerations have been outlined in the body of the report and the erection of any structure is outside of the historical flood planning area on the subject site.</p> <p>See commentary surrounding the Erection of a Marquee below.</p>
The development is inappropriate on the side of a hill of a natural watercourse	The proposal complies with the provisions of the Tumut Local Environmental Plan and Snowy Valleys Development Control Plan 2019 and has been supported by a geotechnical analysis. The merits of the application have been considered in accordance with section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> and conditions of consent have been applied in (ATTACHMENT 2) to ameliorate and control impacts associated with the development and the natural watercourse.
Submission points to the <i>Ludford Family</i> submission and Goobarragandra Valley as a site of environmental importance.	Issues raised in the submission(s) have been appropriately considered within the business paper report.
Visual amenity concerns on the Goobarragandra Valley. Proposal could incite other development opportunities in the area.	<p>The development as proposed will provide a high-quality architectural statement in the area that is not inconsistent within the surrounding natural and built environment. The proposed buildings will use new materials that blend into the surrounding environment.</p> <p>Other development opportunities in the area is not a merit consideration under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i></p>
Loss of productive agricultural land	The development as proposed is permissible in the RU1 zone. The site occupies an area of approximately 6 hectares and the development will not sterilise the land for future agricultural use if desired.
No policy for development within the Valley	The Goobarragandra Valley is subject to controls at a state level including State Environmental Planning Policies which have been detailed within the business paper report, the Tumut Local Environmental Plan 2012 and the Snowy Valleys Development Control Plan 2019. There are specific controls in the DCP for this area of the Goobarragandra which have been addressed and assessed as part of this application.
Poor access to the development from Goobarragandra Road	The entrance and egress has been assessed as part of the development application with a number of upgrades proposed to

Issue	Response:
	<p>the access roads to the development to comply with relevant standards.</p> <p>Should the development be supported a condition of development consent in (ATTACHMENT 2) shall require a section 138 application to be submitted to upgrade the access to the property.</p>
Increased traffic on Goobarragandra Road may lead to farm machinery and livestock conflicts	The proposed traffic numbers associated with the development is not considered to be inconsistent with the locality, with minor increases in traffic numbers utilising the Goobarragandra Road associated with the development. Note: Council may consider as a separate matter through its traffic committee installing additional signage on the public road to warn of agricultural activity in the area. Livestock on any road is subject to the appropriate signage and safety controls being employed by the owner of the stock.
Speed limit reductions from 100km/hr to 70km/hr should be considered.	The design speed of Goobarragandra Road has been considered by Transport for NSW that has the jurisdiction for setting and altering traffic speeds on local and state roads. Following detailed consideration, TfNSW has maintained that the current speed zone is appropriate for the location. Council has no jurisdiction to alter speed zones on local roads.
Road is narrow and winding and is dangerous with school buses.	The proposed traffic numbers associated with the development is not considered to be inconsistent with the locality with minor increases in traffic numbers utilising the Goobarragandra Road associated with the development. Note: Council may consider as a separate matter through its traffic committee installing additional signage on the public road relating road users driving to the conditions.
Questions whether a bushfire assessment was completed.	A bushfire assessment has been completed and submitted to Council in support of the development in accordance with section 100B of the <i>Rural Fires Act 1997</i> and submitted to the Rural Fire Service for a Bushfire Safety Authority. Bushfire Safety Authority has been issued and conditions have been included in the conditions of consent in (ATTACHMENT 2) of the report.
Density of the proposed development should not be more than one cottage per 2 hectares in equivalent zones.	There is no density requirements within any statutory controls (including SEPPs, LEP) or non statutory controls including Development Control Plans that requires a restriction on hotel developments to have not more than one unit per 2 hectares of land.
No landscaping or screening plan provided in the application.	Should the application be supported, additional landscaping and screening opportunities have been applied to the conditions of consent as outlined in (ATTACHMENT 2).
Concerns relating to the Tumut Grevillea	The development does not propose any removal of vegetation on the subject land. Should the development be supported, Council has imposed conditions of consent in (ATTACHMENT 2) to increase landscaping opportunities on the site. Additional plantings of Tumut Grevillea will be required as part of any consideration of any landscaping on the site.

Issue	Response:
Erection of a Marquee on the land without approval. Reference to 'temporary' provided in Town and Country Planning (General Permitted Development) Order 1995.	<p>The issue raised is not a consideration under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Note: A marquee was erected on the site in accordance with the provisions of Clause 2.117 and Clause 2.118 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> for the purposes of a private family function. Whilst the structure remains on the land, no further action is proposed to be taken until such time as the development application is determined.</p> <p>The submission makes reference to legislation in the United Kingdom (UK) that has no basis or relevance to the issue being considered and the governing legislation for this subject proposal.</p>
Exceeds planning recommendations and fails the DCP.	An assessment of the merits of the application have been undertaken in accordance with section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> including statements of compliance which are detailed in the body of this report.
Boundary survey should be completed to determine the exact location of cottages in relation to the Western Boundary / site.	The application provides a professionally prepared and to scale site plan which details the locations of any proposed improvements on the land and their relation to any property boundaries. As part of any construction certificate the development will be required to provide survey plans in support of the development.
Too much guest accommodation in the valley	<p>This is not a consideration under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The proposal is permissible within the RU1 Zone subject to development consent of Council.</p>
Physical and mental impacts on surrounding neighbours	The impacts associated with the development have been appropriately considered as part of the section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> assessment in the body of the report.
Land use considerations – questions surrounding the development of the site.	<p>The development as proposed being tourist and visitor accommodation is permissible within the RU1 zone. The objectives of the zone have been considered in the body of the report.</p> <p>The existing cottage is proposed to be utilised for residential purposes of the owners of the site.</p>
Amenity of the area – design choice of materials and provision of landscaping.	The design of the buildings complies with the requirement of the Snowy Valleys Development Control Plan 2019. An additional condition of consent has been added in (ATTACHMENT 2) to ensure that materials associated within the development are recessive in colour. Additional conditions of consent have been applied to increase landscaping opportunities on the development.
Proposal is not tourism – no local economic benefits.	The attraction of tourists and visitors to the area will have a positive economic impact and will likely provide opportunities for retail spending and visitation. The proposed development will provide micro economic benefits in terms of construction of the development (both building, civil and consultancy) and will

Issue	Response:
	provide employment opportunities as part of the operational aspects of the development.
Native Animals and Wildlife – questions surrounding local wildlife on the land and habitat.	It is not proposed that any vegetation will be removed as part of the development. The Biodiversity SEPP has been considered as part of the assessment of the application and there has been no unmanageable impacts identified as part of the assessment. The applicant will also be required to obtain a controlled activity approval for any works within the Goobarragandra River environment. Increased landscaping opportunities required in the conditions of consent (ATTACHMENT 2) will provide increased opportunity for wildlife habitat.
Accessible unit should have a concreted car space	Accessibility requirements have been considered as part of the development application. BCA considerations including compliance with AS1428 and the Premises Code will be applied at the construction certificate stage should the application be supported. A requirement to obtain a construction certificate has been included in the conditions of consent in (ATTACHMENT 2)

Public Interest

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

On balance, the development is likely to provide a positive environmental outcome for the natural environment through increased plantings, retention of existing vegetation and protection of riparian corridors. The proposal will increase tourism to the Snowy Valleys Local Government Area and also increase tourism accommodation offerings to the local market. The site is suited to the development given its land size and its proximity to other similar uses. Any likely impacts associated with the proposal are able to be appropriately mitigated through the application of conditions of consent. Accordingly, the application is considered to be in the public interest.

Consultation

Pre-lodgement Meetings:

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>) Department of Planning and Environment (Water)	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. The Department of Planning and Environment has issued their General Terms of Approval 13 April 2023

Internal Referrals:

Referrals	Advice / Response / Conditions
Development Engineer	<p>The application was referred to Council's Coordinator Design and Survey who has identified that:</p> <ul style="list-style-type: none"> • The existing accesses relating to the development will be required to be upgraded as part of a section 138 application including sealing from the road edge to the property boundary. • Accessible details are to be provided prior to the issue of any construction certificate for any disabled parking to be provided on the site in accordance with the Premises Standard and AS 2890.6 including accessible pathways between the accessible unit and the kitchen / carpark.

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

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

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:

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

OPTIONS:

1. Determine Development Application 2023/0025 which seeks development consent for tourist and visitor accommodation at Lot 2 in Deposited Plan 630937 by way of **approval** subject to draft conditions of consent as outlined in ATTACHMENT 2.
2. Determine Development Application 2023/0025 which seeks development consent for tourist and visitor accommodation at Lot 2 in Deposited Plan 630937 by way of **refusal** with reasons for refusal to be provided in any resolution to refuse the application.
3. Development Application 2023/0025 which seeks development consent for tourist and visitor accommodation at Lot 2 in Deposited Plan 630937 **be deferred** pending additional information, with any required information requested to be provided in any resolution to defer the matter.

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The application has been notified in accordance with Councils adopted Community Participation Plan (CPP) as outlined in the report.

ATTACHMENTS

1. Architecturals - 404 Goobarragandra - Tourism and Visitor Accommodation(Under separate cover)
2. Draft notice of determination - Draft Consent Conditions DA2023/0025 Proposed Tourist and Visitor Accommodation (Under separate cover)

10.7. DEVELOPMENT APPLICATION 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS. LOT 10 DP 703914, 131-133 HERBERT STREET TUMUT NSW 2720

REPORT AUTHOR: BUILDING SURVEYOR

RESPONSIBLE OFFICER: ACTING GENERAL MANAGER

EXECUTIVE SUMMARY:

Development application DA2023/0073 was lodged with the Council on 14 June 2023 seeking development consent for the purposes of continuous use (retrospective approval) of completed earthworks which increased an earth pad for vehicle manoeuvring associated with domestic shed at Lot 10 DP 703914, known as 131-133 Herbert Street, Tumut.

The development application was lodged with the Council for the continuous use of completed earthworks in response to a direction made to the property owner by the Council following a complaint by a member of the public. The completed earth works on the subject property is not identified as 'exempt development' under the requirements of *State Environmental Planning Policy (exempt and complying development codes) 2008* and therefore requires development consent. The Council has determined the earthworks had been undertaken on subject property to the south-west and south-east of the shed development not in accordance with any development consent issued for the residential garage. The continuous use development application and associated plan drawings were notified in accordance with Snowy Valleys Council adopted Community Participation Plan for the period of 16 June 2023 to 30 June 2023. The proposal has been reported to full Council on the basis that the application has not been supported on merit.

The merits of the application have been assessed in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* and accordingly it has been recommended that the application be determined by way of **refusal** for the provided reasons in the section of "*recommendations*".

Applicant	Tumut Building Design
Landowner	James Doon
Zoning context	R2 – Tumut Local Environmental Plan 2012
Capital investment Value (\$)	\$ 5000
Notification period	Fourteen (14) days in accordance with Council's Community Participation Plan
Number of submissions	One (1) submission received.
Political donations declaration	Nil
Reasons for referral to council	Proposal not supported on basis of merit assessment.

RECOMMENDATION:

THAT COUNCIL:

1. Determine the Development Application 2023/0073 which seeks consent for continued use (retrospective approval) of earthworks at Lot 10 DP 703914 known as 131-133 Herbert Street Tumut by way of refusal for the following reasons:

(i) Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the completed earthfilling work is inconsistent with the objectives of the R2 Low density residential zone of the Tumut Local Environment Plan 2012 in the scope of completed earthfilling area that contravenes the development approval (DA 2020/0259)

issued for domestic shed and has been and is likely to support commercial plant utilising the site. The landfilling is excessive and unnecessary to support a residential pursuit on the land.

(ii) Pursuant to *Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory in respect to the matters for consideration under Clause 6.1 (Earthworks), 6.4 (Ground water vulnerability) & 6.8 (Landslide risk) of Tumut Local Environment Plan 2012. The development application was not lodged with adequate information for addressing the requirements of subject clauses of LEP and therefore Council is unable to be satisfied that the development as proposed can satisfy the subject clauses.

(iii) Pursuant to *Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory in respect to 'Requirements Applying to All Development' in particular 3.2.6 & 3.2.9 of Snowy Valleys Development Control Plan 2019 in its current form.

(iv) Pursuant to *Section 4.15(1)(b) Environmental Planning and Assessment Act, 1979* the completed earthfilling work is unsatisfactory in respect to the matters identified for likely impacts on the natural and built environment due to the nature of development form.

(v) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory as the apron is not consistent with the intended use of the approved domestic shed and sealed driveway due to the predominant land filling area established on the property in which the area will be deemed to be unnecessary for domestic use.

(vi) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the completed earthfilling work does not provide any certainty with respect to stormwater management on the land and its potential impacts on surrounding properties.

(vii) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the application fails to provide any geotechnical information to enable Council to be satisfied of the geotechnical hazards of the site.

(viii) Pursuant to *Section 4.15(1)(e) Environmental Planning and Assessment Act 1979*, the completed earthfilling work has or is likely to have a visual impact on adjoining and adjacent properties due to the bulk and scale of the earth filling.

(ix) Pursuant to *Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979*, the development as proposed provides no information with respect to stormwater management as a result of runoff from the earth filling and accordingly Council is unable to assess the impacts of stormwater runoff on surrounding properties.

BACKGROUND:

Subject site and locality

The subject site is approved for residential purposes and provides for an existing domestic shed with sealed driveway approved by development consent DA 2020/0259 which was completed on the northern corner of the subject property. The property slopes from north-eastern side to south-western side. Earthworks (Landfilling) was required to support the siting of the garage and due to the topography of natural contours of the land in terms of access requirements for both users and vehicles. The land also occupies a dwelling house and ancillary carport.

Attached Figures provide an illustration of the general location and establishment of the land within the R2 zoning as prescribed by Tumut Local Environmental Plan 2012. The land is identified as Lot 10 DP 703914 known as street address of 131-133 Herbert Street Tumut . The land comprises of 15,725.64m² in extent.



Figure 1 - Aerial of subject site (Lot 10 DP 703914 known as 131-133 Herbert Street Tumut NSW 2720)



Figure 2 - Cadastral map of subject site and surroundings (Lot 10 DP 703914 known as 131-133 Herbert Street Tumut NSW 2720)

Proposed Development

The Development Application 2023/0073 seeks retrospective approval (continued use) of completed earthworks associated with an approved domestic shed and sealed driveway at Lot 10 DP 703914 known as 131-133 Herbert Street Tumut.

Figure 3 provides the submitted site plan that outlines the completed earthworks in the scope on the subject property and seeking development consent for continued use of the landfill. The filling was contrary to the approved landfill under DA 2020/0259.



Figure 3 - Site plan submitted with application of DA2023/0073 (Lot 10 DP 703914 known as 131-133 Herbert Street Tumut)

A site inspection was undertaken by the assessment officer in connection with DA 2023/0073 where existing land features, amount of fill, slope and drainage was observed. The amount of fill required for a pad to support a residential undertaking on the land was also considered to ensure that the existing consent for a shed building was not contravened.

Considering whether to grant retrospective approval for the earth works completed, a number of factors were also considered in relation to the development including, the location of the shed, proximity to neighbouring properties, the location of the shed entrances and egress arrangements, type of vehicles and articles that would ordinarily be stored in a domestic arrangement, the likely impacts associated with amenity and also stormwater management, the stability and compaction of the fill and also the origin of the fill and whether it can be considered to be virgin natural excavated material. Council also considered previous compliance issues relating to the property including the alleged use of the facility as a 'truck depot' as defined under the Tumut Local Environment Plan 2012. A use which is prohibited in the zone.

During the assessment of the application, Council's assessment officer has made reasonable attempts to resolve the issue by providing support to a ground apron of approximately 6 metres width around the perimeter of the shed to support cars and vehicles associated with the residential dwelling particularly along the south-western and south-eastern side of shed by referencing the requirements of AS 2890.1- *Parking facilities - Off-street car parking*.

Council contacted the owner of the site and proposed that the land filling be restricted to a maximum width of 6 metres when measured from the exterior walls of the building. This alternative was to enable satisfaction of the access requirements for residential vehicles and equipment to access the residential garage without creating additional and unmanageable impacts within the location. A request for additional information was made through the New South Wales Planning Portal which was rejected by the applicant stating that they wished to pursue the current plan as lodged.

Accordingly, the proposal as lodged has been considered with a recommendation not to support the proposal given the issues identified within the reasons for refusal as outlined in the recommendations section of the report.

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 – (Exempt and complying development codes) 2008.

- Clause 1.5 and Part 2 – What development is exempt development for the purposes of this Policy and exempt development codes.

The completed earth filling works in which the development application is submitted to seek approval for, does not comply with the requirements of subject clause of environmental planning policy. The completed works are subject to a lodgement of development application (retrospective approval) and the need to obtain approval should the earthworks remain in their current form. It is noted that the completed works of earth filling works associated with shed has been carried out in contravention of the development consent issued.

State Environmental Planning Policy – (Resilience and hazards) 2021.

- Clause 3.10 of Part 3 – Development for the purpose of a potentially offensive industry. In the definition of potentially offensive industry.. *"a development for the purposes of an industry which, if the development were to operate without employing any measures to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality"*

From Council's inspection of the property it was observed that the earth material was excavated from another site and transported to the subject site. It is not known if the fill brought to the site has a clearance certificate issued or if it is a virgin natural excavated material (VNM) or whether the fill is potentially contaminated. Oil drums were observed on the land and the servicing of large plant and machinery has been known to occur on the site. Council has no information with respect to the fill to be confident that the imported fill is not contaminated, however from visual inspection there didn't appear to be any material or chemicals present which would render the site contaminated. Further analysis is required to be provided by the applicant to ensure that any landfilling is clean material.

Local Environmental Plans

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

Clause 1.2 - Aims of plan

The aims of the *Tumut Local Environmental Plan 2012* are to provide a variety of residential environments to cater for differing lifestyles and needs.

Council alleges that the site has been utilised for the purposes of a truck depot including the storage of trucks and other equipment as part of a commercial undertaking. Council further alleges that the landfill was required to support the manoeuvring of heavy plant and machinery including semi trailers and prime movers accessing the site. Should the earthworks support a commercial undertaking on the land as a truck depot, the application as proposed is not in accordance with the overall aims and objectives of the *Tumut Local Environmental Plan 2012*.

Clause 2.3 Zone objectives and Land Use Table

The land is zoned as R2 Low Density Residential under the *Tumut Local Environmental Plan 2012*. The proposed development site is located wholly within the R2 Low Density Residential zone with the objectives of providing housing needs of the community within a low-density residential environment. As defined within the R2 Land Use Table, utilising a residential shed for an alleged commercial purpose including vehicle parking and servicing as a 'truck depot' contravenes the zoning objectives. Increased

landfilling of the site is likely to support such commercial undertaking through supporting larger vehicles and plant on the subject site.

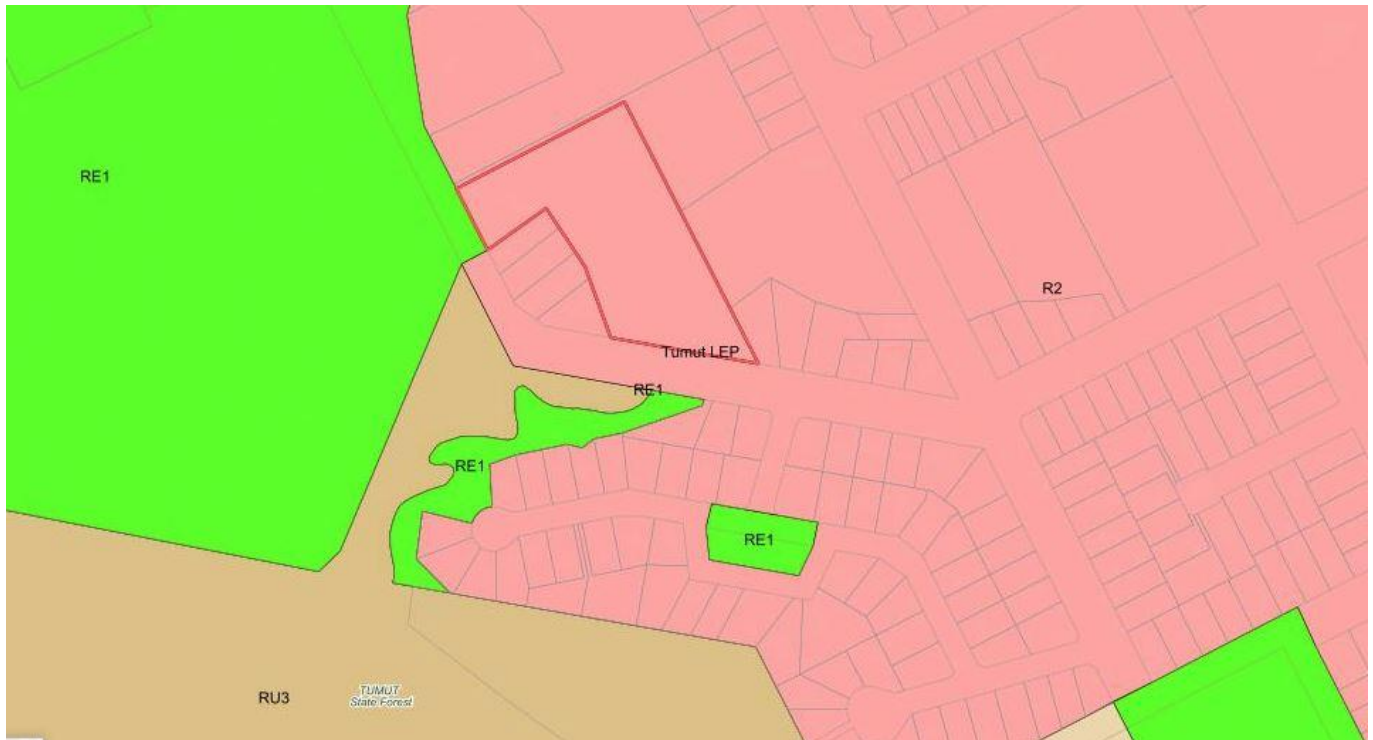


Figure 4 - Zoning map of subject site and locality (Lot 10 DP 703914 known as 131-133 Herbert Street Tumut)

Clause 6.1 Earthworks

The completed earthworks is not permissible as an exempt development under the *Tumut Local Environmental Plan 2012* or the *State Environmental Planning Policy (Exempt and Complying Development Codes 2008)* and the works were completed on the subject property without a development consent issued by the Council. The completed works significantly contravene section 3.2.15 - Retaining walls of Snowy Valleys Council Development Control Plan 2019 due to the scope of area being undertaken for landfilling without prior approval.

Council is not satisfied that the completed works meet the overall objectives of this clause due to likely impact on the future use of land zoning from utilising the ground apron for identified commercial purposes, disturbance of natural drainage pattern and effects on the existing amenity and adjoining residential properties.

Clause 6.4 Groundwater vulnerability

The subject property is identified as within the land zoning map of "Ground water vulnerability". The completed earthfilling work is anticipated to be a potential for disturbance of hydrological functions of key ground water systems. No information has been provided with the application to address groundwater vulnerability and therefore Council is unable to be satisfied that the development will not have an impact on ground water in the location.

Clause 6.8 Landslide risk

The subject property in which the earthfilling works were completed without prior approval is identified as within the mapping zone of "Landslide risk land". No information has been provided in support of the application by a geotechnical engineer to satisfy the Council that the development as proposed is not likely to increase risks associated with geotechnical hazards.

Development Control Plans

Pursuant to section 4.15 (1) (a) (iii) - Any development control plan

The application has been assessed in accordance with provisions of the *Snowy Valleys Council Development Control Plan 2019* (SVC DCP 2019) which is applied to the subject property.

Clause of SVC DCP	Prescriptive control/ Performance standard	Commentary	Compliance
3.2.1 Vehicle Access Standards	Vehicle access to all development is to be designed to be safe.	N/A	N/A
3.2.2 Bushfire	On land that is mapped as bushfire prone land a development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines.	N/A	N/A
3.2.3 Car Parking	Sufficient on-site car parking is to be provided for all development proposals.	N/A	N/A
3.2.4 Construction Over Council Land and Services	Approval must be obtained from Council, prior to the commencement of any construction, works, activities on public land, including roads, easements, stormwater connections, water mains and connections, sewerage mains and connections, Council car parks, footpaths, driveways or nature strips.	N/A	N/A
3.2.5 Contaminated Land	This council's policy for the identification and management of contaminated lands must be considered as part of any development proposal that may involve land that is contaminated.	N/A	N/A
3.2.6	<p>Cut and fill.</p> <p>Cut and fill not to exceed 1m.</p> <p>The maximum restriction on cut & fill is not applicable where the excavation is incorporated into the dwelling to satisfy minimum carparking requirements up to a maximum height of 2 meters. (Figure 2- SVC DCP 2019)</p>	<p>The fill on the land has been identified as exceeding 1 metre in height (filling) above natural ground level. No retaining or other structures have been constructed on the site.</p> <p>Some earth filling was approved as a part of the development consent issued for the domestic shed. It is identified that the earth works have been undertaken in contravention of the subject development application.</p>	Not compliant

Clause of SVC DCP	Prescriptive control/ Performance standard	Commentary	Compliance
3.2.7 Demolition	All demolition work is required to comply with AS2601-2001. The Demolition of Structures (as amended) in accordance with a detailed work plan prepared by a suitably qualified person.	N/A	N/A
3.2.8 Development Near Electrical Easements	All proposed activities within and immediately adjacent to electricity easements and infrastructure require approval from the relevant utility providers.	N/A	N/A
3.2.9 Erosion and Sediment Control	Runoff is to be managed to prevent any land degradation including off site sedimentation. Arrangements are to be implemented to instigate revegetation of earthworks to minimise erosion.	It is observed from the property inspection conducted by council, the earthworks in its current form does not provide for any vegetation or catch drains or diversion banks to minimise the silt run off within the subject property.	Non compliant.
3.2.10 Flooding	Development must not occur on land that is affected by the 1 in 100-year ARI event unless the development is consistent with, and meets the requirements, of the NSW Floodplain Development Manual.	N/A	N/A
3.2.11 Heritage	The alterations and additions proposed to components with heritage significance require the submission of a development application with sufficient supporting information to allow full and proper assessment of potential impacts.	N/A	N/A
3.2.12 Landscaping	Landscape design is to enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	N/A	N/A
3.2.13 On-site Wastewater Management	Development must be connected to Council's reticulated sewerage system or alternatively to on-site sewer management system.	N/A	N/A

Clause of SVC DCP	Prescriptive control/ Performance standard	Commentary	Compliance
3.2.14 Provision of Services	New developments must be connections to available services.	N/A	N/A
3.2.15 Retaining Walls	Any retaining wall that is not complying or exempt development and is higher than 800mm must be designed by a structural engineer and made from appropriate material.	N/A	N/A
3.2.16 Safer By Design	Crime Prevention Legislative Guidelines requires that Council ensure that the development provides safety and security to users and the community.	N/A	N/A
3.2.17 Stormwater/roof Water Management	Stormwater, rainwater tank overflow must be collected and disposed of (under gravity) directly to a road or street, to another Council drainage system/ device or where Lot size is of sufficient size.	N/A	N/A

Planning Agreements

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

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

Regulations

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

There are no Regulations that are considered to be applicable to the subject land or the proposed development.

Coastal Management Plans

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

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

Impacts of the Development

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

The development as constructed is likely to have unmanageable impacts on the natural environment through increased geotechnical risk, unmanaged stormwater runoff and the potential for the imported fill to be contaminated in the absence of any clearance certification being provided. The landfill in its current form can be seen from Herbert Street and is dominating in the landscape. The development could also present unmanageable impacts on groundwater vulnerability.

Context and setting

The development needs to comply with the DCP development controls as the bulk and scale will dominate in the locality, especially regarding the intended use of earthworks as associated with domestic shed. It is considered the works undertaken for soil filling is excessive to the intended purpose of approved domestic shed.

Site design and internal design

The overall site design and layout is considered inadequate, as the design could have addressed the controls of the SVC DCP 2019 and the approved conditions of development consent DA 2020/0259.

Heritage

The site is not identified as an item of heritage in accordance with schedule 5 of the *Tumut Local Environmental 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.

Flooding

The site is not subject to flooding and not identified as flood prone land, being shown in the flood planning layer of the *Tumut Local Environmental Plan 2012*.

Suitability of the site for the development

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

The site is within R2 residential zoning that is not considered to be suitable for the completed excessive earth filling works given the bulk and scale in the current form. The works should consider the development controls of SVC DCP 2019 and approved conditions of development consent DA 2020/0259.

Submissions made in accordance with the Act or Regulations

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

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

Public Interest

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

The development is not considered to be in the public interest given that the landfill is contrary to the provisions of the *Tumut Local Environmental Plan 2012* and the *Snowy Valleys Development Control Plan 2019*.

Consultation

Pre-lodgement meetings

There is no record of any pre-lodgement meetings having been undertaken with Council staff in relation to this completed works that has requested the approval for "continuous use."

Community Participation Plan - Notification

The DA was notified for the standard period (16 June 2023 to 30 June 2023) and during this period one (1) submission was received by the Council.

Summary of submissions	Council's response
Failure to disclose the purpose of such a large area of land fill.	In the development application assessment, it was identified by the council that the purpose of completed works is not annotated in the submitted drawings. This information was mentioned in the development description of the submitted Statement of Environmental Effects report. The disclosed purpose of having the earth filling

Summary of submissions	Council's response
	increased was the intention of mitigating the steepness of driveway access to the approved domestic shed. Council's assessment officer is unable to recommend support for the area that has exceeded the general requirement of ground apron associated with domestic vehicles turning circle. Council has previously provided an alternate position to support a 6m apron surrounding the existing shed by considering the domestic vehicles with trailers.
The works for this proposal is 90% completed.	The completed development works on subject property have a potential to seek the retrospective approval of development consent for specifically operating as "continuous use". Council has accepted the development application pursuant to the <i>Environmental Planning and Assessment Act 1979</i> being subject to an evaluation where merits of the application are assessed.
I have not sighted the environmental Impact study.	There was no 'Environmental Impact Assessment' accompanied with the development application. Any supporting information was provided on the New South Wales Planning Portal. A basic statement of environmental effects for class 1 and 10 buildings was provided in support of the application.
The effect on valuations of adjoining residential properties due to the scope of completed works and it's visible form of industrial operation.	Valuations of properties is not a matter of consideration under the <i>Environmental Planning and Assessment Act 1979</i> .
<p>The effects to be anticipated from the use of increased ground pad as identified for facilitating commercial type plants and machinery their ancillary activities.</p> <p>Industrial use</p> <p>Noise pollution</p> <p>Chemical contamination on subject and adjoining properties</p>	<p>A comprehensive assessment of the application has been undertaken under the clause 4.15 of the <i>Environmental Planning & Assessment Act 1979</i> which has taken into account suggested concerns and impacts indicated within the submission.</p> <p>Council has undertaken a property inspection prior to the lodgement of the development application and clearly identified the current operation on the completed earthfilling as an alleged truck depot as defined. This information is comprehensively concluded in the council letter issued to the owner of the property on 17 May 2023 after the completion of property inspection.</p> <p>Council has issued an approval for a residential garage and any commercial or industrial use of the property is a compliance issue. Any increased apron around the building that supports larger plant and machinery utilising the site is contravening the current DA approval.</p>

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 determination of development application 2023/0073.

Option 1

That council Determine the Development Application 2023/0073 which seeks consent for continued use (retrospective approval) of earthworks at Lot 10 DP 703914 known as 131-133 Herbert Street Tumut **by way of refusal** for the following reasons:

- (i) Pursuant to *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is inconsistent with the objectives of the R2 Low density residential zone of the Tumut Local Environment Plan 2012 in the scope of completed earthfilling area that contravenes the development approval (DA 2020/0259) issued for domestic shed and has been and is likely to support commercial plant utilising the site. The landfilling is excessive and unnecessary to support a residential pursuit on the land.
- (ii) Pursuant to *Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory in respect to the matters for consideration under Clause 6.1 (Earthworks), 6.4 (Ground water vulnerability) & 6.8 (Landslide risk) of Tumut Local Environment Plan 2012. The development application was not lodged with adequate information for addressing the requirements of subject clauses of LEP and therefore Council is unable to be satisfied that the development as proposed can satisfy the subject clauses.
- (iii) Pursuant to *Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory in respect to 'Requirements Applying to All Development' in particular 3.2.6 & 3.2.9 of Snowy Valleys Development Control Plan 2019 in its current form.
- (iv) Pursuant to *Section 4.15(1)(b) Environmental Planning and Assessment Act, 1979* the completed earthfilling work is unsatisfactory in respect to the matters identified for likely impacts on the natural and built environment due to the nature of development form.
- (v) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the completed earthfilling work is unsatisfactory as the apron is not consistent with the intended use of the approved domestic shed and sealed driveway due to the predominant land filling area established on the property in which the area will be deemed to be unnecessary for domestic use.
- (vi) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the completed earthfilling work does not provide any certainty with respect to stormwater management on the land and its potential impacts on surrounding properties.
- (vii) Pursuant to *Section 4.15(1)(c) Environmental Planning and Assessment Act 1979*, the application fails to provide any geotechnical information to enable Council to be satisfied of the geotechnical hazards of the site.
- (viii) Pursuant to *Section 4.15(1)(e) Environmental Planning and Assessment Act 1979*, the completed earthfilling work has or is likely to have a visual impact on adjoining and adjacent properties due to the bulk and scale of the earth filling.
- (ix) Pursuant to *Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979*, the development as proposed provides no information with respect to stormwater management as a result of runoff from the earth filling and accordingly Council is unable to assess the impacts of stormwater runoff on surrounding properties.

Option 2

That council determine the Development Application 2023/0073 being lot 10 DP 703914 131-133 Herbert Street Tumut **by way of approval** subject to draft conditions of consent as outlined in ATTACHMENT 3.

Option 3

That council **defer** the Development Application 2023/0073 being lot 10 DP 703914 131-133 Herbert Street Tumut pending additional information.

Option 1 is recommended to council. Councillors must record their votes on the matter.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

1. Locality & Site plan drawing (DO03-01 & DO03-02). (Under separate cover)
2. Statement of Environmental Effects.(Under separate cover)

11. MINUTES OF COMMITTEE MEETINGS

Nil

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:

10.5 CONFIDENTIAL - SUBDIVISION OF LAND - LOT 3 DP 1041444 - SNOWY MOUNTAINS HIGHWAY GILMORE TUMUT - ATTACHMENTS

Item 10.5 attachment 2 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.

10.7 CONFIDENTIAL - DEVELOPMENT APPLICATION 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS LOT 10 DP 703914 - 131-133 HERBERT STREET TUMUT - ATTACHMENTS

Item 10.7 Attachment 3 is confidential under the *Local Government Act 1993* Section 10A 2(e) as it relates to Information that would, if disclosed, prejudice the maintenance of law, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.1 CONFIDENTIAL - GOOBARRAGANDRA LEGAL MATTERS

Item 12.1 is confidential under the *Local Government Act 1993* Section 10A (2) (e) (g) as it relates to information which, if disclosed could prejudice the maintenance of law and contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds 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
