



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 21 September 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, 21 September 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 - 17 AUGUST 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 17 August 2023 be received and confirmed as an accurate record.

Attachment 1 - 20230817 - DRAFT Minutes - Ordinary Council



ORDINARY MEETING

MINUTES

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

Mayor

General Manager



Thursday, 17 August 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 Mick Ivill, Cr John Larter, Cr Brent Livermore, Cr Trina Thomson

IN ATTENDANCE: Acting General Manager Duncan Mitchell, Acting Director Infrastructure & Works Quentin Adams, 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 Julia Ham.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Brent Livermore declared a non-significant non-pecuniary interest in relation to report Item 10.3 Snowy Valleys Council Event Sponsorship Program due to membership of the Tumbarumba Campdraft Club and will leave the room during discussion.

Cr Julia Ham declared a pecuniary interest in relation to the Mayoral Minute - Planning Proposal - Centrebased Child Care Facility due to having a pecuniary interest in the Tumbarumba Pre-school and will leave the room during discussion.

Cr John Larter declared a non-significant non-pecuniary interest in relation to report 10.4 Tumut Aerodrome Stage 2 - Flood Impacts & Options due to aircraft ownership and will remain in the room during discussion.

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 20 JULY 2023

M142/23 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 20 July 2023 be received and confirmed as an accurate record, noting that the Urgent Notice of Motion submitted by Cr James Hayes which was subsequently refused and omitted. The minutes are to be amended accordingly.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

5. CORRESPONDENCE/PETITIONS

Nil.

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6. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

Cr Julia Ham left the room at 2.08pm.

7. MAYORAL MINUTE

MAYORAL MINUTE - PLANNING PROPOSAL - CENTRE BASED CHILD CARE FACILITY

M143/23 RESOLVED:

THAT COUNCIL:

1. Support the Planning Proposal to enable an additional permitted use for a 'Centre Based Child Care Facility' under Schedule 1 of the Tumbarumba Local Environment Plan at Lot 17 and Lot 18 of Section 9, Deposited Plan 759003;
2. The Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination under s.3.34 of the Environmental Planning & Assessment Act 1979.

Cr James Hayes/Cr Brent Livermore

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

Against: Nil

CARRIED UNANIMOUSLY

Cr Julia Ham returned to the meeting at 2.10pm.

MAYORAL MINUTE - COUNTRY UNIVERSITIES CENTRE

M144/23 RESOLVED:

THAT COUNCIL:

1. Form a Country Universities Centre Working Party consisting of one councillor being Mayor Chaffey, with Cr Julia Ham nominated as alternate and one staff member being Director Community & Corporate to progress the establishment of a Country Universities Centre in Tumut;
2. The Country Universities Centre Working Party actively seek funding;
3. Receive a report to the November 2023 Ordinary Meeting of Council on the progress of the Country Universities Centre Working Party.

Cr Ian Chaffey

CARRIED UNANIMOUSLY

8. URGENT BUSINESS WITHOUT NOTICE

Nil.

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Mayor

General Manager

9. GOVERNANCE AND FINANCIAL REPORTS

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

THAT COUNCIL:

1. Authorise all available Councillors wishing to attend the LGNSW Annual Conference
2. Nominate the Mayor and Deputy Mayor as 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.

Cr John Larter/Cr Julia Ham

M145/23 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY**M146/23 RESOLVED** to move out of Committee of the Whole.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY**M147/23 RESOLVED:**

THAT COUNCIL:

1. Authorise all available Councillors wishing to attend the LGNSW Annual Conference.
2. Nominate the Mayor and Deputy Mayor as voting delegates for motions before the LGNSW Annual Conference on 12-14 November 2023;
3. Approve the two (2) motions outlined in this report subject to amending motion 1 - in order to speak more directly to the prevention of the closure of banks and support of rural and regional communities;
4. Submit a third motion in relation to the undergrounding of transmission lines;
5. Submit a fourth motion in relation to the State Government's handling of COVID-19 in particular the impact on Ambulance Services;
6. 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.

Cr Mick Ivill/Cr Julia Ham

CARRIED UNANIMOUSLY**M148/23 RESOLVED** to bring forward Item 10.6

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY_____
Mayor_____
General Manager

10.6. DA 2023/0025 - PROPOSED TOURIST AND VISITOR ACCOMMODATION. 404 GOOBARRAGANDRA ROAD, GOOBARRAGANDRA**M149/23 RESOLVED**

To defer Item 10.6 DA 2023/0025 - Proposed Tourist and Visitor Accommodation. 404 Goobarragandra Road, Goobarragandra to the next council meeting in order for councillors along with staff to undertake a site visit on 7 September 2023.

Cr Trina Thomson/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

9.2. FOURTH QUARTER PERFORMANCE UPDATE (DELIVERY PROGRAM/OPERATIONAL PLAN 2022-23)**M150/23 RESOLVED:**

THAT COUNCIL:

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

Cr Brent Livermore/Cr John Larter

CARRIED UNANIMOUSLY

9.3. STATEMENT OF INVESTMENTS - 31 JULY 2023**M151/23 RESOLVED:**

THAT COUNCIL:

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

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Cr Ham left the room at 2.52pm.

10. MANAGEMENT REPORTS**10.1. LIFELONG LEARNERS - REALLOCATION OF RESERVE FUNDS****MOTION:**

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.

Mayor

General Manager

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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.

Cr John Larter/Cr Trina Thomson

Cr Julia Ham returned to the room at 2.54pm.

AMENDMENT:

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.
6. That Council liaise with previous committee members on the money being allocated towards the Country Universities Centre initiative should that meet their approval.

Cr James Hayes/Cr John Larter

The amendment was put and carried.

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

Against: Cr Thomson

8/1

CARRIED

M152/23 RESOLVED:

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.

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Mayor

General Manager

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.
6. That council liaise with previous committee members on the money being allocated towards the Country Universities Centre initiative should that meet their approval.

Cr James Hayes/Cr John Larter

The amendment became the motion and was put and carried.

CARRIED

10.2. DISSOLUTION OF PIONEER WOMENS HUT SUB-COMMITTEE

M153/23 RESOLVED:

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.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Cr Livermore left the room at 2.58pm.

Mayor

General Manager

10.3. SNOWY VALLEYS COUNCIL EVENT SPONSORSHIP PROGRAM 2023-2024**M154/23 RESOLUTION:**

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

Cr Mick Ivill/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Brent Livermore returned to the meeting at 3.00pm.

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Mayor

General Manager

10.4. TUMUT AERODROME STAGE 2 - FLOOD IMPACTS & OPTIONS**MOTION:**

THAT COUNCIL:

1. Proceed with the original planned extension of the runway by 240m north of the existing runway.

Cr John Larter/Cr Mick Ivill

Lapsed

M155/23 RESOLVED to move into Committee of the Whole.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

M156/23 RESOLVED to move out of Committee of the Whole.

Cr Brent Livermore /Cr Mick Ivill

CARRIED UNANIMOUSLY

AMENDMENT:**THAT COUNCIL:**

Defer this item until a presentation on the capability of fixed wing fire-fighting from Rural Fire Service aviation unit is provided to Council.

Cr John Larter/Cr Mick Ivill

The amendment was put and carried.

CARRIED UNANIMOUSLY

M157/23 RESOLVED:

THAT COUNCIL:

Defer this item until a presentation on the capability of fixed wing fire-fighting from Rural Fire Service aviation unit is provided to Council.

Cr John Larter/Cr Mick Ivill

The amendment became the Motion and was put and carried.

CARRIED UNANIMOUSLY

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

M158/23 RESOLVED:

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 into 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.

Cr James Hayes/Cr Julia Ham

CARRIED UNANIMOUSLY

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

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

Mayor

General Manager

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.

MOTION:

THAT COUNCIL:

Defer Item 10.7 to the next Council Meeting in order to obtain more information from the applicant.

Cr James Hayes/Cr John Larter

M159/23 RESOLVED to move into Committee of the Whole.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

M160/23 RESOLVED to move out of Committee of the Whole.

Cr Mick Ivill /Cr James Hayes

CARRIED UNANIMOUSLY

M161/23 RESOLVED:

THAT COUNCIL:

Defer Item 10.7 to the next Council Meeting to consider draft conditions in accordance with the discussion held during the Council meeting.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 13
76 Capper Street Tumut and Via Video Link on Thursday, 17 August 2023

Mayor

General Manager

11. MINUTES OF COMMITTEE MEETINGS

Nil.

12. CONFIDENTIAL

M162/23 RESOLVED:

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

12.1 CONFIDENTIAL - 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.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.58pm.

M163/23 RESOLVED to return to open council.

Cr Ian Chaffey/Cr Trina Thomson.

The meeting was re-opened to the public at 4.29pm.

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

12.1. CONFIDENTIAL - GOOBARRAGANDRA LEGAL MATTERS**M164/23 RESOLVED:****THAT COUNCIL:**

1. Note the report on Goobarragandra legal matters.
2. Authorise the General Manager, the Mayor and the party to enter into mediation on the basis that costs for the mediation are shared equally and that the mediator to be appointed is agreed to be both parties.

Cr Trina Thomson/Cr James Hayes

CARRIED UNANIMOUSLY

13. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 4.31pm.

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 14
76 Capper Street Tumut and Via Video Link on Thursday, 17 August 2023

Mayor

General Manager

5. CORRESPONDENCE/PETITIONS

6. NOTICE OF MOTION/NOTICE OF RESCISSION

6.1. NOTICE OF MOTION - PUBLIC FORUM RECORDINGS

COUNCILLORS: Johanna (Hansie) Armour and Trina Thomson

SUMMARY:

Pursuant to Notice, Councillors Armour and Thomson have submitted the following Motion:

NOTICE OF MOTION:

THAT COUNCIL:

Make audio-recordings of Public Forums that are associated with and held prior to Ordinary or Extraordinary Meetings of Council.

ATTACHMENTS

1. Notice of Motion - Public Forum Recordings

Attachment 1 - Notice of Motion - Public Forum Recordings



NOTICE OF MOTION

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

Day and Date of Ordinary Meeting	21 September 2023
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SUBJECT:	Public Forum Recordings
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Motion -

THAT COUNCIL:

Make audio-recordings of Public Forums that are associated with and held prior to Ordinary or Extraordinary Meetings of Council.

Interim General Manager's Comment:

Councillor Name: Johanna H Armour

Signature *Johanna Armour*

Date: 07 September 2023.....

Councillor Name: ~~Johanna H Armour~~ ^{2HA} Trina Louise Thomas

Signature *Johanna Trina Louise Thomas*

Date: 7 September 2023

6.2. NOTICE OF MOTION - TRANSGRID - UNDERGROUNDING OF HUMELINK TRANSMISSION INFRASTRUCTURE

COUNCILLORS: Johanna (Hansie) Armour and Trina Thomson

SUMMARY:

Pursuant to Notice, Councillors Armour and Thomson have submitted the following Motion:

NOTICE OF MOTION:

THAT COUNCIL:

Collaborate with the National Parks Association to continue to lobby for undergrounding of all/part of the Humelink transmission infrastructure.

ATTACHMENTS

1. Notice of Motion: Transgrid - Undergrounding of Humelink Transmission Infrastructure

Attachment 1 - Notice of Motion - Transgrid - Undergrounding of Humelink Transmission Infrastructure



NOTICE OF MOTION

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

Day and Date of Ordinary Meeting	21 September 2023
----------------------------------	-------------------

SUBJECT:	Transgrid – Undergrounding of Humelink transmission infrastructure
-----------------	---

Motion -

THAT COUNCIL:

Collaborate with the National Parks Association to continue to lobby for undergrounding of all/part of the Humlink transmission infrastructure.

Interim General Manager's Comment

Councillor Name: Johanna H Armour

Signature *Johanna Armour*

Date: 07 September 2023.....

Councillor Name: *Trina Louise Thomson*

Signature *Trina Thomson*

Date: *07-09-2023*

7. MAYORAL MINUTE

8. URGENT BUSINESS WITHOUT NOTICE

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE PERIOD ENDING SEPTEMBER 2024

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to outline the procedures for the election of the positions of mayor and deputy mayor for the period from 21 September 2023 up until September 2024.

The civic offices of mayors and deputy mayors elected by councillors in January 2022 expires on 21 September 2023.

Mayoral elections are conducted in accordance with the Schedule 7 of the Local Government (General) Regulation 2021 (the Regulation). Schedule 7 of the Regulation prescribes three methods of election of mayors (and deputy mayors) being an open ballot (e.g. a show of hands), an ordinary ballot, or a preferential ballot.

Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link. Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be held by way of an ordinary or preferential ballot.

RECOMMENDATION:

THAT COUNCIL:

1. **Receive and Invite nominations for the election of mayor and deputy mayor.**
2. **Proceed with the election of the mayor and deputy mayor, in the event of there being more than one candidate, by using one of the three voting methods:**
 - a. **Ordinary ballot, or**
 - b. **Preferential ballot, or**
 - c. **Open ballot by way of show of hands, noting that an open ballot is required should Council choose to meet virtually and not in person.**
3. **Conduct the election for mayor and deputy mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2021.**
4. **Elect a mayor in accordance with Sections 225, 226, 227 and 230 of the *Local Government Act 1993* for a period ending 14 September 2024.**
5. **Elect a deputy mayor in accordance with Section 231 of the *Local Government Act 1993* for a period ending 14 September 2024.**

BACKGROUND:

Under the *Local Government Act 1993* (the Act) the term of office for a mayor elected by Councillors is normally for a two year period (unless a casual vacancy occurs-s230(1)). Because of the council elections on the 14 September 2024, mayors subsequently elected by councillors will have a shorter term than the usual two years.

“Councils that elect their mayors are required under the s290(1)(b) of the Act to hold mid-term mayoral elections in the month of September. This means that the mid-term mayoral elections will need to be held in September 2023. The mayor elected at the mid-term mayoral election will hold their office until the day of the council’s next ordinary election in September 2024 when their civic office as a councillor

and mayor will expire". (extract – NSW Office of Local Government Post Election Guide for Councils 2021).

Nominations for both mayor and deputy mayor can be made prior to the meeting or from the floor on the day.

REPORT:

Role of Mayor

Section 226 of the Act prescribes the Role of the Mayor:

226 Role of mayor

The role of the mayor is as follows—

- (a) to be the leader of the council and a leader in the local community,*
- (b) to advance community cohesion and promote civic awareness,*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) to preside at meetings of the council,*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*
- (o) to exercise any other functions of the council that the council determines.*

Term of the Mayor

Sections 230(1) and 290(1)(b) of the Act prescribe the term for which a Mayor is elected and when this election is to be held.

Role of Deputy Mayor

Section 231(3)(4) of the Act prescribes the Role of the Deputy Mayor:

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*

- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Term of Deputy Mayor

Section 231(1)(2) of the Act states that Councillors may elect a person to be the deputy mayor, and this may be for the mayoral term or for a shorter term. This report recommends the term of the deputy mayor to be consistent with that of the mayor, however Council may resolve at its discretion a shorter term of one year.

Whilst the deputy mayor has no statutory authority other than that conferred by the mayor, Council has always elected a deputy mayor to undertake civic duties when the mayor is absent and/or to chair various meetings should the mayor not be present at such meetings.

Election of Mayor and Deputy Mayor by Councillors

Both the election of the mayor and deputy mayor is covered by the provisions of Schedule 7 of the Regulation.

If only one nomination for the office of mayor or deputy mayor is received, the Returning Officer (Interim General Manager) will declare the name of the Councillor elected to the office of mayor or deputy mayor for the period determined by Resolution. The declaration will be recorded in the minutes.

If two or more nominations are received, an election is required. The Council must resolve the method to be used for the election.

Nomination forms have been prepared for the election of mayor and deputy mayor. These are available to Councillors via the Clr Portal or if requested can be distributed to Councillors by the Interim General Manager. Councillors were requested to complete nomination papers prior to the meeting and hand them to the Interim General Manager (Returning Officer) no later than 30 minutes prior to the commencement of the Council meeting.

Nominations were made in writing by two or more councillors, (one of whom is the nominee), and is not valid unless the nominee has indicated consent to the nomination in writing (emailing is considered sufficient).

Schedule 7 of the Regulation prescribes three methods of voting:

- open ballot (i.e. a show of hands)
- ordinary ballot, or
- preferential ballot.

Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.

Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

If more than one Councillor is nominated, Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot, or by open voting. Traditionally Council has resolved to vote by ordinary ballot, which is a secret ballot.

In the event that Council resolves to proceed with an ordinary ballot, then the only disclosure to be made by the Returning Officer will be the name of the elected candidate. If Council wishes individual votes to be known then it should resolve to vote by open voting.

On completion of voting the Returning Officer will declare the result which will be recorded in the Minutes.

The Regulation provides for the Office of Local Government and Local Government NSW to be informed of the results of the election.

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:

Provision has been made in the 2023-24 budget for the mayoral allowance, and any amount payable to the deputy mayor will be deducted from the budget amount for mayor. There is no additional allowance paid to the position of deputy mayor and any arrangements to remunerate the deputy mayor for periods of carrying out acting mayoral duties must be by arrangement between the mayor and deputy mayor.

The fees to be paid to the mayor and deputy mayor are prescribed by s249 of the *Local Government Act 1993*, which is reproduced below:

249 Fixing and payment of annual fees for the mayor

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Section 230 of the Act, prescribes the period for which a mayor is elected. Section 290 of the Act prescribes when an election of a mayor by councillors is held.

In accordance with Section 231 of the Act, councillors may elect a person to be the deputy mayor, and this may be for the mayoral term or for a shorter term.

Elections of Mayor by Councillors must be conducted in accordance with Division 12 Clause 394 and Schedule 7 of the Regulations.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Should Council choose to undertake the voting for the election of mayor and deputy mayor by ordinary or preferential ballot, Council will need to meet in person for the purpose of the election.

In deciding which voting method to use for the mayoral election, councils should consider the personal circumstances of councillors to ensure that all councillors can participate in the mayoral election.

OPTIONS:

The decision to elect a deputy mayor is optional. Council could opt to not have a deputy mayor for the mayoral term.

The term of appointment for the deputy mayor is determined by Council by resolution. Council may determine a shorter term for the deputy mayor of one year.

Council can choose the method of voting for the election.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Circular 23-09 September 2023 Mayoral Elections - OLG (Under separate cover)
2. Fact Sheet - Election of Mayor and Deputy Mayor By Councillors - OLG (Under separate cover)

9.2. DETERMINATION OF THE NUMBER OF COUNCILLORS

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

Section 224 (2) of the *Local Government Act 1993* (The Act) states '*Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office*'.

If Council determines to change the number of councillors, approval from the electors must be gained at a constitutional referendum.

Approval through a constitutional referendum at the September 2023 elections would have the effect of changing the number of councillors for the electoral term commencing September 2028.

This report recommends that Council retain the current number of Councillors being nine, of which one is a councillor elected Mayor.

As such, it is not proposed to take any action in respect of the holding of a constitutional referendum to seek approval for any such change.

RECOMMENDATION:

THAT COUNCIL:

1. **Receive the report on Determination of the Number of Councillors for the term of office following the September 2024 elections from the Interim General Manager; and**
2. **In accordance with Section 224 (2) of the *Local Government Act 1993*, determine the number of Councillors to be unchanged, being nine (one of whom is the Mayor).**

BACKGROUND:

Section 224 of the *Local Government Act 1993* requires that:

- (1) *A council must have at least five and not more than 15 councillors (one of whom is the mayor).*
- (2) *Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.*
- (3) *If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.*

Snowy Valleys Council currently has nine councillors, of which one is the Mayor, and this report recommends no changes to this arrangement.

REPORT:

The NSW Government 'Your Council' website confirms Snowy Valleys Council is classified as 'Large Rural'. A NSW council group is determined firstly by whether they are Urban or Rural in nature, and then by population size and density.

According to Australian Bureau of Statics ERP 2022 data, Snowy Valleys currently has a population of 14,884 people represented by 9 Councillors. The population per Councillor is 1,654 people.

Section 224(2) of the Act requires that not less than 12 months before an ordinary election the council (local government election) must determine the number of its councillors for the following term.

If, as a result of doing so, a council has determined to change the number of its councillors, it must also obtain approval for the change at a constitutional referendum.

Approval would have the effect of changing the number of councillors for the electoral term commencing in September 2028.

In this regard, it should be noted that a decision made at a constitutional referendum binds the Council until changed by a subsequent constitutional referendum.

If Council resolves that a constitutional referendum is to be conducted, it must comply with the notification requirements in Schedule 10 of the Local Government (General) Regulation 2021:

(a) if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commissioner of the resolution within 21 days after the council makes the resolution (if the Electoral Commissioner is to administer the referendum or poll).

It is proposed that the number of Councillors remain the same as the current term.

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:

Should a constitutional referendum be required to support a change in the number of councillors, this cost would need to be met by council either in addition to the costs of administering the 2024 local government elections (if held in conjunction with the council election) or as a stand alone endeavour.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Section 224 (2) of the *Local Government Act 1993* (the Act) states 'Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office'.

Schedule 10 of the Local Government (General) Regulation 2021 – Constitutional Referendums and council polls.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

It is unknown at this stage how the outcomes of the proposed Boundaries Commission Review will impact the future of the local government elections in 2024.

OPTIONS:

Council can determine not to alter the current number of councillors.

Should Council determine to change the number of councillors, Council can opt to undertake a constitutional referendum at its cost as either a stand alone endeavour, or as part of the election of councillors in 2024.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Should Councillors resolve to change the number of councillors, it must under Section 224 of the *Local Government Act 1993* seek approval for the change via a constitutional referendum the outcomes of which would come into effect at the September 2028 local government elections.

ATTACHMENTS

Nil.

9.3. 2023 REGIONS RISING NATIONAL SUMMIT 13-14 SEPTEMBER CANBERRA

REPORT AUTHOR: EXECUTIVE SUPPORT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

Cr Ham has been registered to attend the 2023 Regions Rising National Summit. The Summit is being held on Wednesday 13th and Thursday 14th of September in Canberra at the Hotel Realm.

The purpose of this report is to note the attendance of Cr Ham at the Summit.

RECOMMENDATION:

THAT COUNCIL:

1. **Note the attendance of Cr Ham at the 2023 Regions Rising National Summit on 13-14 September in Canberra.**

BACKGROUND:

The 2023 Regions Rising National Summit will be held on the 13th and 14th of September, in Canberra at the Hotel Realm. At this year's Summit, the Regional Australia Institute (RAI) will lead a conversation with the country's biggest names in thought-leadership, industry, investment and advocacy. The line-up of nation-shaping speakers will inspire and challenge the country to elevate the positioning and profile of regional Australia. The aim of the National Summit is to 'shift the gaze' and rebalance the nation.

REPORT:

The 2023 Regions Rising National Summit theme is 'Shifting Our Gaze' and consists of a variety of panels and Q&A sessions over 2 days. In addition to the Summit, a Summit dinner function will be held on the Wednesday night at the Hotel Realm, Canberra.

The full program can be found in the attachments to this report or on the Regional Australia Institute website by using the following link [National Summit 2023 - Shifting Our Gaze \(regionalaustralia.org.au\)](https://regionalaustralia.org.au)

Under the *Payment of Expenses and the Provision of Facilities to Mayor and Councillors Policy*, approval to attend a conference or seminar is subject to a report submitted to a council meeting as outlined in clause 6.30 for their approval. In the event that conference registration is required before the next scheduled meeting of the Council, approval may be granted by the Mayor and General Manager and a report presented to the next meeting of the Council for ratification of the decision.

Below are the costs to attend.

Registration Details	Cost (incl. GST)
National Summit Registration – Day 1	\$825
National Summit Registration – Day 1 Package	\$935
National Summit Registration – Day 1 & 2	\$1,210
National Summit Registration – Day 1 & 2 & Dinner	\$1,320
National Summit Registration – Day 2	\$825
National Summit Registration – Dinner	\$176
National Summit Registration – Livestream	\$220

Cr Ham is registered for days 1 and 2 and dinner as highlighted above which includes in person attendance.

Costs and Benefits:

Expected Benefits:

- an opportunity to hear from nation-shaping speakers addressing big national issues including:
 - Population movement and migration
 - Inclusivity and diversity
 - Energy transition and a reduced emissions future
 - Skills of the future and a fluid job market
 - Housing and health
 - National productivity growth
- an opportunity to increase knowledge on the above issues
- be inspired to lean into a wholistic strategy when making decisions at a local level.

Expected Cost:

- The direct costs for Cr Ham to attend are included in the financial and resources implications section of this report.

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

Delivery Program Principal Activities

1.1 Provide services that support our community in all stages of life

FINANCIAL AND RESOURCES IMPLICATIONS:

Provision within Council's 2023/24 Operational Budget have 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 Cr Ham and the cost of \$2,130.00 incurred to attend the Summit are detailed below.

Councillor	Opening Balance	Registration Cost - Prepaid	Accommodation & Parking Cost - Prepaid	Estimated Travel & Meal Costs - Can Claim	Closing Balance
Cr Ham	\$3,027	\$1,320	\$350	\$460	\$897

There are adequate funds available for Cr Ham to attend the Summit.

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:

Nil

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. Regions Rising 2023 National Summit Program (Under separate cover)

9.4. RESCHEDULE - ORDINARY COUNCIL MEETING - OCTOBER 2023**REPORT AUTHOR: GOVERNANCE OFFICER****RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER**

EXECUTIVE SUMMARY:

Council meeting dates are determined annually and in advance to support the effective forward planning of council business and reporting processes.

Section 365 of the *Local Government Act 1993* prescribes that council is required to meeting at least 10 times each year, each time a different month.

RECOMMENDATION:**THAT COUNCIL:**

1. **Reschedule the Ordinary Council meeting held on Thursday 19 October 2023 to Tuesday 17 October 2023 commencing at 2pm.**

BACKGROUND:

2023 Schedule of Ordinary Council Meeting Dates and Times Calendar was adopted at the 15 September 2022 council meeting.

REPORT:

It is essential that Council is able to meet with all Councillors to ensure good governance of Council business. Council is required to meet at least 10 times during the course of a year under Section 365 of the *Local Government Act 1993*.

Three (3) councillors, Cr James Hayes, Cr Sam Hughes and Cr Hansie Armour, will be attending the Australian Institute of Company Directors Training & Development Course on the 19 and 20 October and so will be unable to attend the Ordinary Council meeting scheduled to be held on the 19 October 2023. It is recommended that the meeting be rescheduled to Tuesday 17 October 2023.

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:

Nil

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council meetings are governed by the Model Code of Meeting Practice as issued by the Office of Local Government. Council business is governed by the *Local Government Act 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

To address business in an optimal manner, it is important to have as many Councillor representatives as possible at each meeting. This proposal aims to maximise attendance

OPTIONS:

1. Adopt as per recommendation set out in this report - preferred option.
2. Amend the meeting date as per recommendation
3. Decline the recommendation set out in this report and leave the current meeting date as previously adopted.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

Nil.

9.5. LONG TERM FINANCIAL PLAN 2023-2033 & REVENUE POLICY 2023-2024

REPORT AUTHOR: MANAGER FINANCE

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The Long Term Financial Plan (LTFP) provides a strategic framework which includes ten-year forward projections and reflects Council's ability to achieve financial sustainability while delivering on the strategies, initiatives, and works outlined in the Delivery Program, Operational Plans and Budget. Council's previous LTFP was adopted at the June 2023 extraordinary meeting, however Council received notice that the Emergency Service Levy (ESL) was to increase by \$307,000 (compared to 2022/23) and that no offsetting subsidy would be offered to Council. The LTFP has been amended to include this amount going forward. Council's total ESL contribution is \$786,707 in FY 2023/24. The revised plan maintains a base case and two (2) special rate variation scenarios previously presented with the inclusion of the ESL.

Council's Revenue Policy sets out Council's annual rating structure and approach to setting fees which needs to be re-adopted following a correction to the Stormwater Levy. It is recommended that Council adopt the Revenue Policy and adopt the LTFP for public exhibition.

RECOMMENDATION:

THAT COUNCIL:

1. **Adopt the revised Revenue Policy.**
2. **Endorse the revised Long Term Financial Plan to be placed on public exhibition for a minimum period of 28 days.**
3. **Note if submissions are received during the exhibition, a further report will be provided to Council; and**
4. **Adopt the Long Term Financial Plan if no submissions are received on the day after the completion of the public exhibition period.**

BACKGROUND:

Council at its meeting dated the 29 June 2023 resolved:

M116/23 RESOLVED:

THAT COUNCIL:

1. Receive the report on Combined Delivery Program and 2023-2024 Operational Plan, Fees & Charges, Revenue Policy and Long Term Financial Plan for adoption;
2. Adopt the following Integrated Planning & Reporting documents with suggested amendments as per attached feedback summary:
 - a. Combined Delivery Program and 2023-2024 Operational Plan (Attachment 1) including:
 - i. 2023-2024 Operational Budget
 - ii. 2023-2024 Capital Budget
 - b. 2023-2024 Revenue Policy (Attachment 2)
 - c. Long Term Financial Plan (including SRV scenario) (Attachment 3)
 - d. 2023-2024 Fees and Charges (Attachment 4 — amended to include 2023/24 Companion Animal Registration Fees as per Office of Local Government Circular 23/06)
3. Note the submissions received from the community;
4. Respond to community members who provided input into the draft plans and thank them for their input;
5. Notify IPART of its intent to apply for a further SRV during the 2023/24 Financial Year.
6. Prior to any SRV application, a review of council cost structure/expenditures/monthly reporting

mechanisms to council to be conducted in conjunction with council, in order to ensure that council is not reliant on internally restricted reserves to fund councils daily operational activities. The outcomes of the review shall be incorporated in the first quarter budget review.

The Long Term Financial Plan and Revenue Policy are presented for re-adoption following some amendments.

REPORT:

Long Term Financial Plan (LTFP) Amendment

The LTFP includes three (3) scenarios all based on existing levels of service delivery and maintaining the growing Capital base. The impact of the increased ESL contribution increases Council's deficit in Scenario 1 by \$307K each year and delay's surpluses in the General Fund for the two special rate variation scenario's.

Scenario 1 (base case) shows Council's expected financial position with reliance on the rate cap estimated at 3.5% for 2024-25 and 2025-26, reducing to 3% on 2026-27 and thereafter 2.5%. Under Scenario 1, Council would continue to incur deficits before Capital grants and contribution in excess of \$4 million in each year (General Fund). This is not sustainable. Scenario's 2 and 3 introduce further Special Rate Variations that aim to enable Council to maintain current service levels, adequately fund ongoing asset maintenance, reduce Council's reliance on external grant funding for asset renewals and ensure Council's financial sustainability. The increase in ESL levy is forecasted at 4% in FY 2024/2025, 3% in 2025/2026-2026/2027 and 2.5% increase from 2027/28 onwards.

The modelling illustrates that further rate increases are required to address the deficit in the General Fund. Scenario 2 addresses this by introducing 18% increases in each of two consecutive years (39.24% cumulated) while Scenario 3 spreads the increases over three (3) years at 12.5% each year (42.38% cumulated). The LTFP scenarios do not include addressing the General fund deficit through service cuts. Over the past five (5) years Council's asset base has increased with investment in community infrastructure largely funded by external grants. This is accompanied by upward pressure on maintenance and servicing costs and reducing service levels would be counter-productive to the investments in this infrastructure. Furthermore, attempts to identify cost saving alternatives prior to implementation of the current SRV were not successful or palatable.

Revenue Policy Amendment

Clause 125AA of the Local Government (General) Regulation 2021 provides that maximum annual charge for stormwater management services that may be levied in respect of a parcel of rateable land is \$25. This has been corrected in the revised Revenue Policy 2023-2024.

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

5 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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Council received notice that the Emergency Service Levy (ESL) was to increase by \$307k (compared to 2022/23) and that no offsetting subsidy would be offered to Council. This has resulted in a \$307k increase in Council's operating deficit for 2023/24 and beyond.

With the correct stormwater charge being incorporated in the Revenue Policy this has resulted in Council's income being reduced by approx. \$1500.

Incorporating the budget adjustments above, Council's revised operating result before capital grants and contributions is forecasted to be a deficit of \$1,444k for 2023/24 and \$1,394K for 2024/25.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Under the *Local Government Act 1993*, Council is required to develop and publicly exhibit documents in the Integrated and Reporting (IP&R) Framework for a minimum of 28 days and consider submissions made.

All councils in NSW use the IP&R framework to guide their planning and reporting activities. The requirements for IP&R are set out in (the Act) and the Local Government (General) Regulation 2021 (the Regulation). The guidelines are issued under sections 402-406 of the Act and the Regulation.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

There is a risk that the draft plans provided with this report are not understood well by the community and therefore, a detailed communications and engagement approach will be applied as outlined below.

There is also risk of unanticipated financial shocks and rising cost not budgeted for. Forward estimates in the LTFP particularly exposed to the changing economic conditions over the extended life of the Plan. Cash flow estimates are subject to timing of payments and receipts.

OPTIONS:

1. Council endorses the plans as presented and places them on public exhibition.
2. Council may opt to amend the plans and place them on public exhibition

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

It is required that the Long Term Financial Plan following Council's initial consideration, be placed on public exhibition for a period of no less than twenty-eight (28) days. Following this, Council must consider any public comments submitted before the Plans can be adopted. It is considered not necessary to place the Revenue Policy 2023-24 on exhibition given the correction is of a minor nature.

It is proposed to exhibit the plan in September-October 2023. A report will be prepared for Council's consideration at the November Council Meeting advising of the results of the community consultation and recommending final adoption.

ATTACHMENTS

1. Long-Term Financial Plan 2023-2033-amended (under separate cover)
2. Revenue Policy 2023-2024-amended (under separate cover)

9.6. REVIEW AND APPROVAL OF 2023-24 REVOTES

REPORT AUTHOR: FINANCE MANAGER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

This report outlines all the project carry-overs into the 2023/24 financial year. For the projects which have not commenced during 2022/23 Council can vote to approve/disapprove the carry-overs. The current listing of carry-over projects will increase the 2023/24 capital budget by \$2,340,375. The report also presents the commenced projects that will be carried forward under clause 211 of the Local Government (General) Regulation 2021.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note that there are no carry-over projects for the council re-votes; and**
- 2. Note the projects commenced during 2022/23 and will be carried forward with a cost of \$2,340,375 for expenditure in 2023/24.**

BACKGROUND:

Nil

REPORT:

This report outlines the project carry overs into the 2023/24 financial year for capital projects adopted as part of the 2022/23 budget. Any projects already commenced or contractually committed do not require Council approval in accordance with clause 211 of the Local Government (General) Regulation 2021. These projects are included in this report for Council information for noting as carry-overs. These budget amounts will automatically be transferred to the 2023/24 financial year.

Project values presented in the report are subject to change depending on adjustments yet to be affected in finalising the 2022/23 financial statements and the associated external audit. Unfinished projects externally funded via grants are not presented in this report. Grant-funded projects are reported and audited separately. They are presented in the financial statements within the reserve balances.

The table below outlines the works in progress at 30 June 2023 that have not yet been completed, noting that the unexpended fund will automatically carry forward to 2023/24 without the need for a council resolution under clause 211 Local Government (General) Regulation 2021. These projects have started or are contractually committed and the carry forward will result in a capital budget adjustment of \$2,340,375.

Fund	Project Description	Adjusted Capital Budget as on Q3 (\$)	Expensed as on 30 June 2023 (\$)	Carry Over for 2023/24 (\$)
General	Mannus Lake Vegetation Restoration	350,000	12,218	337,782
Waste	Food Organics and Garden Organics (FOGO)	1,250,000	444,922	805,078
Waste	EPA Bushfire Recovery Program for Council Landfills Phase 2	373,350	160,601	40,091
Waste	Tumba WTS Linemarking	80,000	60,263	56,609
Waste	Batlow RRC Upgrades - EPA Greenwaste Clean-up	700,000	545,853	12,239
Waste	Upgrades - Waste - Gilmore Facility	270,780	151,310	33,550
Waste	Closed Landfill Rehabilitation Works	80,000	13,711	14,758
Water	Renewals - Water Mains	400,000	70,110	329,890
Water	WTP Swipe Card Entry	70,000	893	69,107
Water	Tumba Dam Wall	180,000	60,909	119,091
Water	Minor Water Treatment Plant Projects	140,000	75,954	60,000
Water	SCADA system expansion & renewals	250,000	140,510	109,490
Sewer	Renewals - SPS	145,000	66,741	78,259
Sewer	STP Swipe Card Entry	70,000	9,603	60,397
Sewer	Tumut SPS Murray Glen Emergency Storage Project	130,000	28,512	101,488
Sewer	SCADA system expansion & renewals	250,000	137,455	112,545
				2,340,375

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 projects had an approved budget in 2022/23 financial year.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Local Government (General) Regulation 2021:

Clause 211 Authorisation of expenditure:

(1) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subsection (2) or at a later ordinary meeting -

(a) has approved the expenditure, and
(b) has voted the money necessary to meet the expenditure.

(2) A council must each year hold a meeting for the purpose of approving expenditure and voting money.

(3) All such approvals and votes lapse at the end of a council's financial year. However, this subsection does not apply to approvals and votes relating to -

- (a) works carried out or started, or contracted to be carried out, for the council, or*
- (b) any service provided, or contracted to be provided, for the council, or*
- (c) goods and materials provided, or contracted to be provided, for the council, or*
- (d) facilities provided or started, or contracted to be provided for the council, before the end of year concerned or to the payment of remuneration to members of the council's staff.*

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Capital Works Projects will not proceed unless funding is revoked by Council.

OPTIONS:

1. Adopt as per recommendations set out in this report

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

Nil.

9.7. COUNCILLOR EXPENSES FOR THE SIX MONTHS PERIOD ENDING 30 JUNE 2023**REPORT AUTHOR: MANAGER FINANCE****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

EXECUTIVE SUMMARY:

A six-monthly report on councillor expenses is provided in accordance with Section 15 of Council's Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the report on Councillor Expenses for the six months period ending 30 June 2023.**

BACKGROUND:

Council adopted the current Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy on 22 April 2022 which included the following reporting requirements:

Section 15 Reporting

15.1 Council will report on the provision of expenses and facilities to council as required in the Act and Regulations.

15.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on councils website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

REPORT:

Detailed below are councillor related expenses totalling \$111,281 for the period 1 January 2023 to 30 June 2023.

Recipient	Detail of Expense	Amount \$
General Sustenance	Meetings and Workshops	2,415
General Expense Total		2,415
Mayor I Chaffey	Fees & Allowances	22,863
	Training & Development, Conferences	4,002
Mayor I Chaffey Total		26,865
Deputy Mayor T Thomson	Fees & Allowances	7,400
	Super Annuation payment	1,328
	Training & Development, Conferences	3,354
Deputy Mayor T Thomson Total		12,083
Cr B Livermore	Fees & Allowances	7,379
	Training & Development, Conferences	199
Cr B Livermore Total		7,578
Cr H Armour	Fees & Allowances	7,379
	Training & Development, Conferences	199
Cr H Armour Total		7,578
Cr J Ham	Fees & Allowances	7,379
	Super Annuation payment	1,328
	Training & Development, Conferences	2,266
	Vehicle Allowance & Reimbursements	701
Cr J Ham Total		11,674
Cr J Hayes	Fees & Allowances	7,379
	Super Annuation payment	1,328
	Training & Development, Conferences	1,434
	Vehicle Allowance & Reimbursements	1,671
Cr J Hayes Total		11,813
Cr J Larter	Fees & Allowances	9,488
Cr J Larter Total		9,488
Cr M Ivill	Fees & Allowances	7,379
	Super Annuation payment	1,328
Cr M Ivill Total		8,707
Cr S Hughes	Fees & Allowances	7,379
	Super Annuation payment	1,328
	Training & Development, Conferences	3,502
	Vehicle Allowance & Reimbursements	872
Cr S Hughes Total		13,081

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:

Nil.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

Nil.

9.8. STATEMENT OF INVESTMENTS - 31 AUGUST 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 August 2023.

RECOMMENDATION:**THAT COUNCIL:**

1. Note the report on Statement of Investments - 31 August 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.

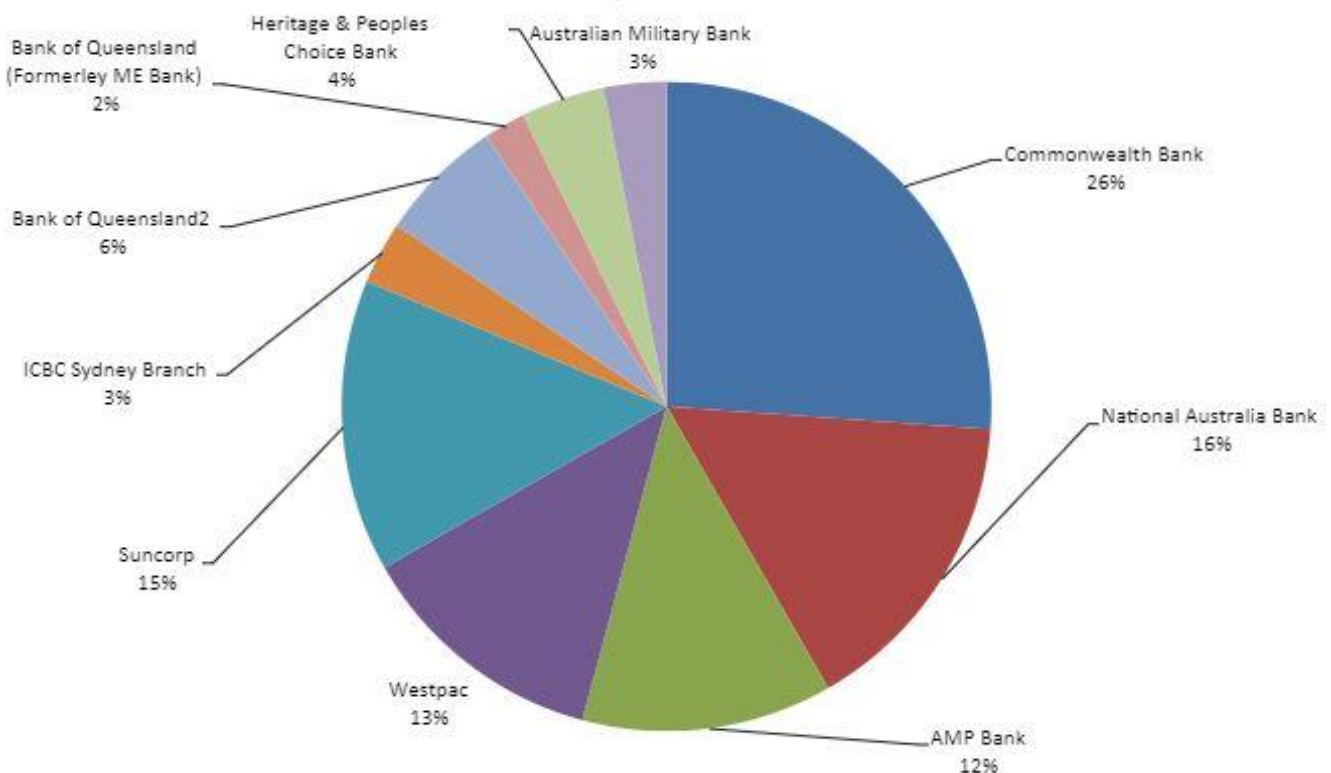
REPORT:

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

Combined Cash & Investments Table		31/08/2023					
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date
Commonwealth Bank	Tumut	\$ 4,860,550	\$ 2,433,737	\$ 2,426,814	W/Acct	4.10%	
Commonwealth Bank	Tumut	\$ 7,699,328	\$ 8,158,190	-\$ 458,863	At Call (BOS)	4.20%	
Commonwealth Bank	Tumut	\$ 5,399	\$ 3,888	\$ 1,511	Gen-Roth	4.10%	
Sub Total Cash & 11 am at Call Accounts		\$ 12,565,277	\$ 10,595,814	\$ 1,969,462		4.16%	
Total Cash & At Call Investments		\$ 12,565,277	\$ 10,595,814	\$ 1,969,462		4.16%	
	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
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	01/08/2023	5.50%	31/07/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024
Australian Military Bank	564	\$ 1,500,000	\$ -	\$ 1,500,000	01/08/2023	5.35%	01/08/2025
Total TD's		\$ 35,500,000	\$ 33,000,000	\$ 2,500,000		4.57%	
Total Cash & Investments		\$ 48,065,277	\$ 43,595,814	\$ 4,469,462		4.46%	

% of Portfolio

Snowy Valleys Council Total Cash and Investments - August 2023



It is hereby certified that the above investments have been made in accordance with section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council's *Investment Policy*. Cash and Investments increased \$4.4M in August 2023.

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

- Department of Industry - Black Summer Bushfire Recovery Grants - Tooma Hall Redevelopment - \$497k
- Statewide Mutual - Insurance Settlement - \$169K
- Transport NSW - Road Maintenance Council Contract - \$120K
- Financial Assistance Grant - Quarter 1 Payment - \$104K
- Rates, Water and debtor payments - \$3.4M

In addition, quarterly rates payments were received during August 2023.

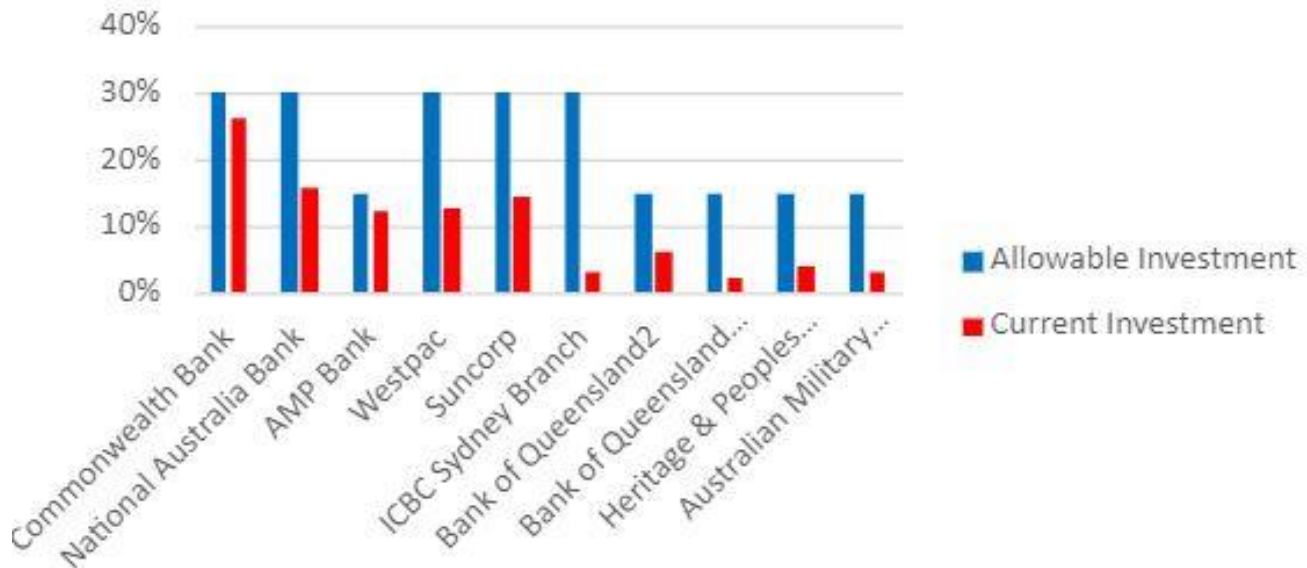
Main **cash disbursements** (excluding employee costs) during the month included:

- Resource Centres - Weigh Bridges - \$315K
- Riverina Regional Library Contribution - 1st Instalment - \$212K
- Food organics and garden organics Program - \$181K

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 counterparty risk. As at the end of August, applying long-term ratings only, all individual banks were within the policy limits. Overall, the portfolio is lightly diversified across the investment grade credit spectrum, with no exposure to unrated institutions.

SVC Investment Policy- Counterparty 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. DA 2023/0025 - PROPOSED TOURIST AND VISITOR ACCOMMODATION. 404 GOOBARRAGANDRA ROAD, GOOBARRAGANDRA

REPORT AUTHOR: MANAGER GROWTH AND ACTIVATION

RESPONSIBLE OFFICER: INTERIM 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 ten (10) submissions and triggers a referral to Council as a 'public interest' matter. 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:

Deferral of the application

Councillors considered the application at the meeting of the 17th August 2023 where Council resolved to defer the application pending a site inspection being undertaken. Councillors conducted a site inspection on the 7th September 2023 and were provided with a detailed briefing by Council staff during the inspection. The application is now being tabled to the September 2023 Council meeting for consideration and determination.

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 2023/0025 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

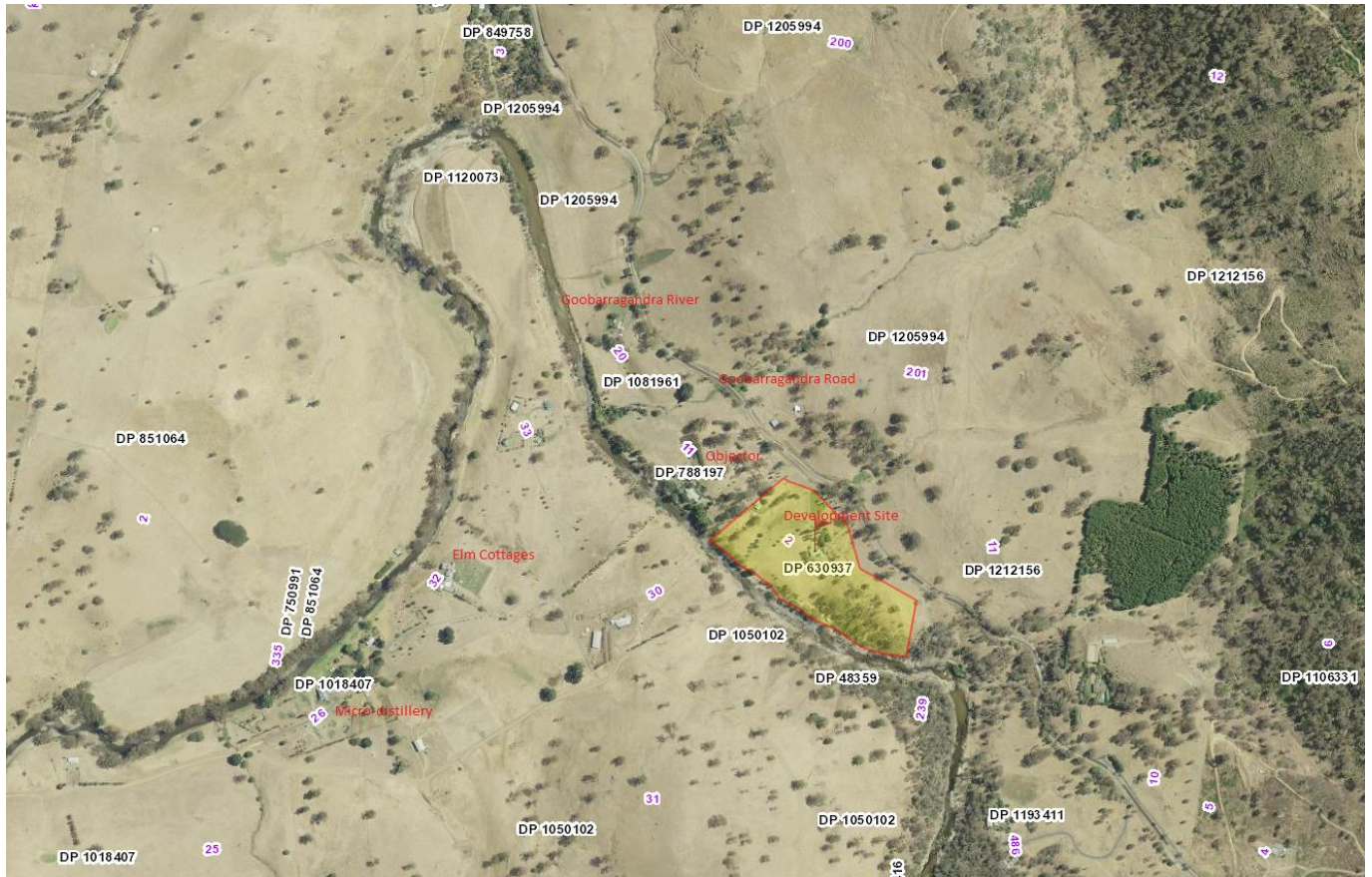


Figure 1: General Location / Context of Development Site.

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</i>	Yes	The site is potential koala habitat, continue assessment (Clause 3.6).

Question	Development	Outcome
<i>the types listed in Schedule 2 of the SEPP (feed tree species) 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 (EPs), which includes Local Environmental Plans (LEPs). The Tumut Local Environmental Plan 2012 (*hereafter the 'LEP'*) applies to the northern part of the Snowy Valleys LGA. An assessment of the development against the relevant sections of the LEP is provided below:

Tumut Local Environmental Plan 2012

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

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

- **Clause 1.4 Definitions:**

The land is zoned as RU1 Primary Production under the *Tumut Local Environmental Plan 2012*. 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 system's 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	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		<p>undertaken and referred to the NSW Rural Fire Service as a 'Special Bushfire Purpose.'</p> <p>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.</p>	
3.2.3	Carparking	<p>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.</p>	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</p>	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		tourist and visitor accommodation use in terms of contamination risk and further assessment is not necessary.	
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
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	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		<p>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.</p>	
3.2.11	Heritage	<p>The land is not identified as either a heritage item under Schedule 5 of the LEP nor in a heritage conservation area.</p> <p>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.</p>	Not Applicable
3.2.12	Landscaping	<p>Minor landscaping is proposed to complement the proposed development however a condition 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.</p>	Complies subject to conditions.
3.2.13	Onsite Waste Water Management	<p>The application has been supported by a report prepared by McMahon Earth Science which concludes that the land is capable of onsite sewer</p>	Complies.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		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.	
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
3.2.17	Stormwater / rood water management	The collection and management of stormwater onsite will be via collection tanks which will have	Complies

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		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.	
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 1995</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> .

Issue	Response:
Boundary between the property and adjoining land	Comments are noted.
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 <i>Local Government Act 1993</i>. 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 McMahan 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. (ATTACHMENT 3)
The development is controlled activity under the <i>Water Management Act 2000</i>	<p>Noted. The application has been referred to the Department of Planning and Environment (DPE) – Water who have issued their General Terms of Approval dated 13th April 2023. (ATTACHMENT 4)</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:
	<p>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. (ATTACHMENT 4)</p>
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. (ATTACHMENT 4)</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. (ATTACHMENT 4)</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 have been subject</p>

Issue	Response:
	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.

Issue	Response:
Poor access to the development from Goobarragandra Road	<p>The entrance and egress has been assessed as part of the development application with a number of upgrades proposed to 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	<p>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.</p>
Speedlimit reductions from 100km/hr to 70km/hr should be considered.	<p>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.</p>
Road is narrow and winding and is dangerous with school buses.	<p>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.</p>
Questions whether a bushfire assessment was completed.	<p>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.</p>
Density of the proposed development should not be more than one cottage per 2 hectares in equivalent zones.	<p>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.</p>
No landscaping or screening plan provided in the application.	<p>Should the application be supported, additional landscaping and screening opportunities have been applied to the conditions of consent as outlined in (ATTACHMENT 2).</p>
Concerns relating to the Tumut Grevillea	<p>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.</p>
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</i></p>

Issue	Response:
	<p><i>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 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.

Issue	Response:
	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

A copy of the Bushfire Safety Authority and also the General Terms of Approval have been included in ATTACHMENT 3 and 4.

Internal Referrals:

Referrals	Advice / Response / Conditions
Development Engineer	The application was referred to Council's Coordinator Design and Survey who has identified that: <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

Referrals	Advice / Response / Conditions
	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. Achitecturals - 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)
3. Bushfire Safety Authority - RFS (Under separate cover)
4. General Terms of Approval - DPE Water (Under separate cover)

10.2. DA 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS LOT 10 DP 703914 - 131-133 HERBERT STREET TUMUT

REPORT AUTHOR: BUILDING SURVEYOR

RESPONSIBLE OFFICER: INTERIM 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:

Deferral of the application

Councillors considered the development application at the ordinary general meeting of the 17th August 2023. Councillors resolved during the meeting to defer any decision pending an onsite inspection. That onsite meeting was held on the 7th September 2023 where the elected Council were provided with a detailed briefing and the opportunity to observe the merits of the application being considered. The application is being presented to the September 2023 meeting for consideration and determination.

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)

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.

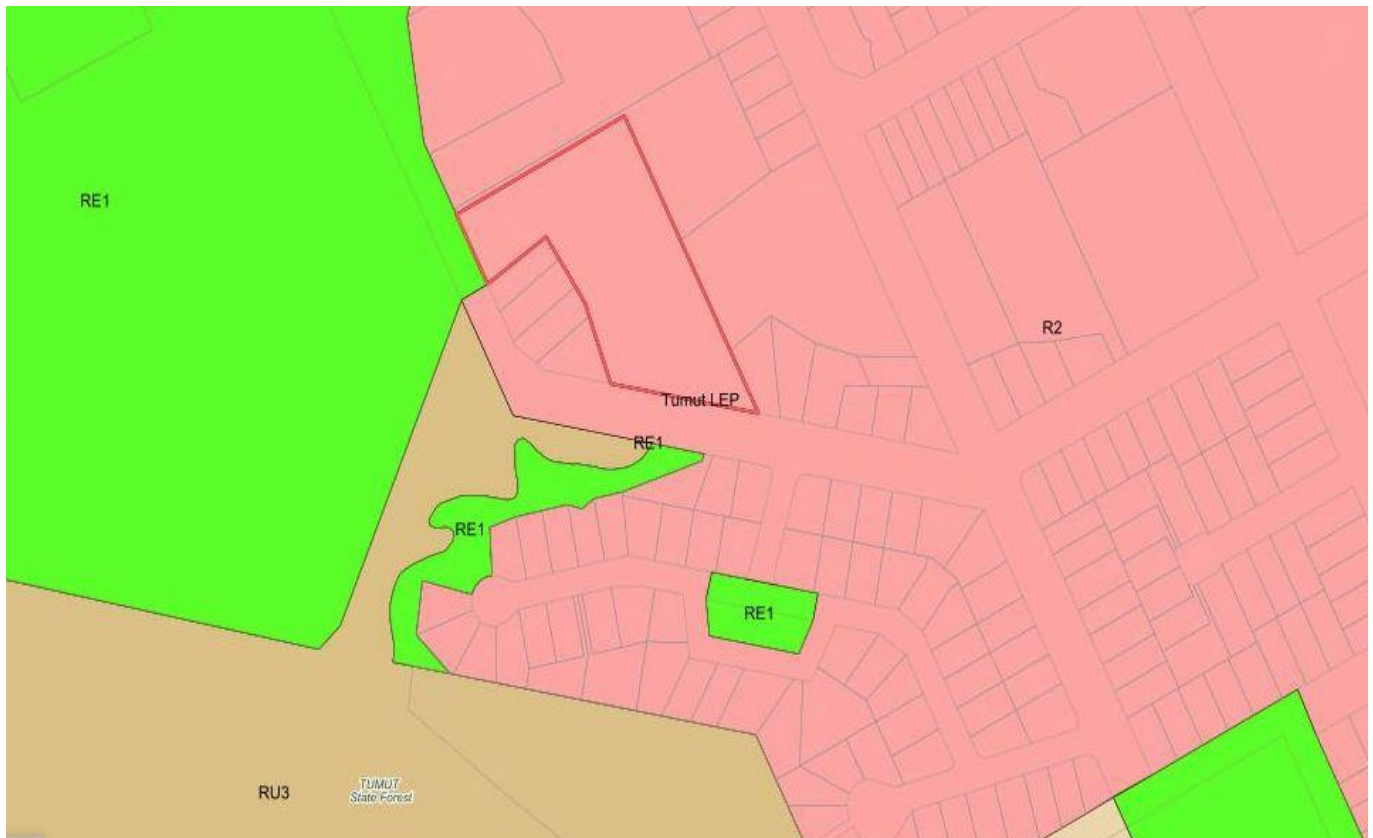


Figure 4 - Zoning map of subject site and locality (Lot 10 DP 703914 known as 131-133 Herbert Street Tumut)

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 "Groundwater vulnerability". The completed earthfilling work is anticipated to be a potential for disturbance of hydrological functions of key groundwater 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 groundwater 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	Cut and fill. Cut and fill not to exceed 1m. 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	The fill on the land has been identified as exceeding 1 metre in height (filling) above natural ground level. No retaining or other	Non compliant

Clause of SVC DCP	Prescriptive control/ Performance standard	Commentary	Compliance
	maximum height of 2 meters. (Figure 2- SVC DCP 2019)	structures have been constructed on the site. 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.	
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

Clause of SVC DCP	Prescriptive control/ Performance standard	Commentary	Compliance
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
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 sought 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 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. Without Prejudice Draft Conditions - 131-133 Herbert Street Tumut Continuous Use of Earthworks (Under separate cover)
2. 131-133 Herbert Street (DA) Plans PAN-340574 (Under separate cover)
3. Confidential - Snowy Valley's Council order letter issued on 17.05.2023 (Under separate cover)
4. Confidential - Compliance Photos relating to 131 Herbert Street Tumut - taken prior to issue of the Council order (Under separate cover)

10.3. COMMUNITY GRANT APPLICATIONS FOR 2023-24

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 Community Grant applications for the 2023-24 financial year. There are two categories for the Community Grants, Community Strengthening Grants and Capital Sports and Recreation Grants.

Council has received 23 Community Strengthening Grants and 10 Capital Sports and Recreation Grants, for a total of 33 applications received for this round of funding as detailed in this report.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the Community Strengthening Grant projects recommended for funding, being:**
 - a. Batlow Community and Cultural Association - \$4,453.00**
 - b. Big Brothers Big Sisters Australia - \$3,000.00**
 - c. Brungle Memorial Hall Committee - \$5,500.00**
 - d. Brungle Tumut Local Aboriginal Land Council - \$2,000.00**
 - e. Christmas in Tumut Inc - \$4,000.00**
 - f. Courabyra Public Hall - \$1,900.00**
 - g. Falling Leaf Festival - \$2,000.00**
 - h. Gilmore Progress Association - \$4,000.00**
 - i. Khancoban Country Club - \$4,500.00**
 - j. Lacmalac Soldiers Memorial Hall - \$2,170.00**
 - k. St Jude's Anglican Church Tumbarumba - \$3,500.00**
 - l. Tumut and District Historical Society Inc - \$2,667.50**
 - m. Tumut Art Society - \$3,018.00**
 - n. Tumut Bridge Club - \$2,782.00**
- 2. Endorse the Capital Sports and Recreation Grant projects recommended for funding, being:**
 - a. Khancoban Tennis Club - \$1,280.00**
 - b. Ngarigo Toomaroombah Kunama Namadgi - \$5,000.00**
 - c. South West Slopes Sporting Field Archers - \$2,433.37**
 - d. Tooma Cricket Club - \$8,000.00**
 - e. Tumbarumba Equine Club - \$3,050.00**
 - f. Tumbarumba Sports Academy Inc - \$4,000.00**
 - g. Tumbarumba Touch Football Association - \$1,500.00**
 - h. Tumut Basketball Association - \$4,700.00**

BACKGROUND:

Each financial year, Council makes funds available under its Community Grants Program for local not-for-profit community groups and organisations. The aim of the program is to support a wide range of activities that supports and enhances community wellbeing.

The Community Strengthening Grants support the needs of the community by providing opportunities for community groups and organisations to identify and respond to local issues and needs. By providing resources, funding, and support in developing new, or building upon existing, projects and activities and to also create opportunities for enriched arts and cultural experience within the community. The Community Strengthening Grant Program support activities such as community development, arts, culture, events, sport and recreation and tourism.

The Capital Sports and Recreation Grants provide funding to sporting organisations for infrastructure improvements to sports grounds and facilities.

Community Grants were opened to the public for applications on Monday 26th June 2023 and closed on Monday 31st July 2023.

REPORT:

Applications for the Community Grants Program 2023-24 have been reviewed by the Place Activation team who have provided recommendations to Council. The team consists of the Events and Grants Officer, Coordinator of Place Activation, Director of Community and Corporate and Third Party Consultant from Future Generation. The recommendations were then presented to Council allowing all Councillors to discuss and provide feedback.

33 applications were received across both Community Strengthening Grants and Capital Sports and Recreation Grants with \$249,536.33 of funds requested. Funds available include \$50,000 for Strengthening Community Grants and \$30,000 for Capital Sports and Recreation Grants.

The Place Activation team have recommended 22 projects to be funded through the Program, totalling \$45,490.50 for Community Strengthening Grants and \$29,963.37 for Capital Sports and Recreation Grants.

Community Strengthening Grant Applications:

ORGANISATION/ APPLICANT NAME	PROJECT TITLE	FUNDS REQUESTED	FUNDS RECOMMENDED	FUNDS TO GO TOWARDS
Batlow Community and Cultural Association	Batlow Literary Institute Technology Upgrade and Family Film Night	\$10,000.00	\$4,453.00	Technicians, office update and lock.
Big Brothers Big Sisters Australia	Big Brothers Big Sisters Tumut	\$10,000.00	\$3,000.00	Supporting 1x mentor and child.
Brungle Memorial Hall Committee	Replacement of windows in Memorial Hall	\$10,000.00	\$5,500.00	Replacement of windows in Memorial Hall
Brungle Tumut Local Aboriginal Land Council	Marang Dhangaang (Good Food)	\$3,200.00	\$2,000.00	Equipment purchases.
Christmas in Tumut Inc	Christmas in Tumut	\$10,000.00	\$4,000.00	Christmas decorations
Courabyra Public Hall	Adult Art Workshop	\$1,905.00	\$0	-

ORGANISATION/ APPLICANT NAME	PROJECT TITLE	FUNDS REQUESTED	FUNDS RECOMMENDED	FUNDS TO GO TOWARDS
Courabyra Public Hall	Kids Art Workshop	\$1,905.00	\$0	-
Courabyra Public Hall	Courabyra Kids Entertainment Package	\$4,740.00	\$1,900.00	Projector, screen and DVD player.
Falling Leaf Festival	Falling Leaf Festival Arts and Cultural Program	\$8,059.00	\$2,000.00	Cultural inclusion workshops.
Gilmore Progress Association	Advanced First Aid Training	\$10,000.00	\$4,000.00	Equipment.
Khancoban Country Club	Children's Indoor Play Area	\$9,767.99	\$4,500.00	Equipment.
Khancoban Tennis Club	Pickleball Competition	\$1,883.00	\$0	-
Lacmalac Soldiers Memorial Hall	Fence and All Ability Access	\$6,130.00	\$2,170.00	Fence supplies and construction.
Rock the Turf	Blues, Brews and BBQ's	\$10,000.00	\$0	-
Rosewood Golf Club	Upgrading Heating and Cooling at the Rosewood Golf Club	\$24,500.00	\$0	-
Snowy Valleys Resilience Hub (SVRH)	SVRH Community Welfare and Preparedness Workshops	\$10,000.00	\$0	-
St Jude's Anglican Church Tumbarumba	Harvest Haven Community Gardens Greenhouse	\$9,544.00	\$3,500.00	Equipment.
Tumbarumba Golf Club	Clubhouse Lounge - Bar Dividing Wall	\$9,000.00	\$0	-
Tumut and District Historical Society Inc	Upgrade Museum Lighting	\$2,667.50	\$2,667.50	Fully funded.
Tumut Art Society	Health Matters	\$4,107.00	\$3,018.00	Equipment.
Tumut Bridge Club	Building a Bridge to the Future	\$2,782.00	\$2,782.00	Fully funded.
Tumut Racecourse Land Managers	Installation of Solar Panels	\$10,000.00	\$0	-
Tumut Reined Cow Horse Association	Tumut Reined Cow Horse Clinic and Inaugural Show	\$13,285.00	\$0	-
	TOTALS	\$183,475.49	\$45,490.50	-

Capital Sports and Recreation Grant Applications:

ORGANISATION/ APPLICANT NAME	PROJECT TITLE & FUND USAGE	FUNDS REQUESTED	FUNDS RECOMMENDED
Khancoban Country Club	New Gym	\$9,732.47	\$0
Khancoban Tennis Club	Tennis Nets	\$1,280.00	\$1,280.00
Ngarigo Toomaroombah Kunama Namadgi	Walking Track Construction	\$10,000.00	\$5,000.00
Rosewood Golf Club	Equine Cross Country Course	\$9,550.00	\$0
South West Slopes Sporting Field Archers	Replace Targets	\$2,433.37	\$2,433.37
Tooma Cricket Club	Lawn Mower	\$9,000.00	\$8,000.00
Tumbarumba Equine Club	Plough for Sand Arena	\$3,050.00	\$3,050.00
Tumbarumba Sports Academy Inc	Breakout Room Games and Equipment	\$9,515.00	\$4,000.00
Tumbarumba Touch Football Association	Mixed Touch Football Summer Competition	\$1,500.00	\$1,500.00
Tumut Basketball Association	New Cabinets	\$10,000.00	\$4,700.00
	TOTALS	\$66,060.84	\$29,963.37

Applicants will be notified of the outcome of their submission, after the report has been processed through the September 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 project will be funded, any conditions required and the confirmed amount of funding based on the quotes supplied in their application. Some applicants may be required to present additional information and documents to clarify their project submission prior to receiving funds. Once Council has all required information, then the funds will be released to the applicant, with the funds needing to be utilised on the items and project specified. Unsuccessful applicants will receive a letter stating the reason why their application was not successful.

Successful applicants must submit an acquittal and evidence of project completion by the 31st May 2024. 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

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

1.1 Provide services that support our community in all stages of life

FINANCIAL AND RESOURCES IMPLICATIONS:

The Community Grants have allocated funds within the 2023/24 financial year budget.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Funding to enable community groups to identify and respond to local needs and issues. Funding for projects which may never be able to be undertaken without external funds.

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:

Applications were invited to apply for the Community Grants through advertising in traditional and digital media and on Council's website and Facebook page.

ATTACHMENTS

Nil

10.4. COMMITTEE MEMBERSHIP RECRUITMENT - APPLICATION APPROVAL - YOUTH COUNCIL COMMITTEE

REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

Council recently advertised to recruit new members to the Youth Council Committee in order to re-instate the Committee after being inactive since 2020. Nominations were open between June-July 2023 with six (6) nominations being received.

All nominees are suitably qualified, and it is recommended that they be appointed to the Committee. The current Terms of Reference allows for the appointment of up to eight (8) community representatives.

RECOMMENDATION:

THAT COUNCIL:

- 1. Receive and Note the report.**
- 2. Endorse five (5) new members as community representatives on the Youth Council Committee these being Jack Moxey, Atticus Blenkins, Thomas Miranda, Cameron Foley and Anna Stuart (Youth members) and one (1) adult facilitator/volunteer Brook Penfold.**

BACKGROUND:

Council had two (2) established Youth Council's in Tumut and Tumbarumba up until 2020. The Youth Council has not been active since 2020 due to a number of factors including the Black Summer bush fires and Covid-19 health restrictions. The purpose of the committee is to be an advisory committee to Council to provide appropriate advice and recommendations on matters relevant to youth in the Local Government Area and to provide a forum for discussion of youth issues.

REPORT:

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 Youth Council as an advisory committee of Council.

In January 2022 Council resolved (M15/2022) that Cr Hughes be appointed Councillor delegate and the Community Development Officer staff delegate of the Youth Council Committee.

Council recently undertook a recruitment campaign to re-establish a Youth Council Committee. During 2023, staff have been actively engaging with youth in the area, external organisations (including schools), community groups/committees through youth events and initiatives held within the region. Council also actively promoted the nomination process on its website and social media.

During August 2023, Council received five (5) Committee member applications and one (1) Adult Facilitator/ Volunteer application. This report seeks approval of applications to be appointed to the Youth Council Committee. Upon approval, Youth Council will meet in October 2023 on a day and time suitable to the members. Online and face to face meetings will be available.

The following six (6) applications were received:

Name	Town	Position	Qualifications	Reasons for Joining
Atticus Blenkins	Tumbarumba	Voting member	School Captain Community Youth Leader	Help with community events Gain experience from the position
Jack Moxey	Tumbarumba	Voting member	School Captain Student Representative Council and Volunteering leadership positions	I would like to join youth council to lead and assist the committee on issues in the region that youth could be experiencing. Areas I would like to assist with are awareness and education around Vaping, drugs and alcohol. Youth in the region are commonly using and/or subject to these substances and should not be permitted. I believe opening new activities and entertainment throughout the region could be beneficial and fun for all.
Thomas Miranda	Khancoban	Voting member	School leader	I would like to help out the community and help make Khancoban and surrounding area even better places to live.
Cameron Foley	Tumbarumba	Voting Member	Student Representative Council - High School and Interact.	To be involved.
Anna Stuart	Tumut	Voting member	Student Representative Council and School Prefect Community Theatre Volunteer	To gain leadership skills and be a bigger part of the community.
Brook Penfold	Tumut	Adult Facilitator/ Volunteer	Community Theatre Volunteer Community Committee Member	To assist youth of the community.

All applicants are considered to be able to add value to the committee and it is recommended that all nominations be accepted.

The Youth Council Committee Charters states that the Committee should be made of up to 8 citizen/community representatives.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Cost associated with the Youth Council will be allocated to the youth development.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The Youth Council Committee is an Advisory Committee of Council and operates under an adopted Terms of Reference (TOR).

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Consultation:

Community Development has undertaken internal consultation for advice and input within Council organisations. Consultations undertaken includes Councillors, Communications, Governance, Assets and Place Activation.

External Consultation:

Council engaged in a number of external consultation platforms during the recruitment drive and included the following:

1. March 2023 Careers Expo - Councillors spoke and engaged with 250 students from the Local Government Area.
2. 2022 - 2023 School Holiday program - Community Development, feedback received.
3. April 2023 Youth Week - Community Development, feedback received.

4. June 2023 - Youth Forum - Councillors and Community Development engaged through a series of workshops, 50 community members attended including 20 Youth participants.
5. 2022/2023 Local High Schools - Community Development, emails, and Parents and Citizens meetings attended.
6. 2023 Community Groups/Committees - Community Development, feedback received.

ATTACHMENTS

Nil.

10.5. SALE OF PROPERTY - SNOW VIEW ESTATE TUMBARUMBA - STAGE 3**REPORT AUTHOR: PROPERTY AND ROADS PARTNER****RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE AND WORKS**

EXECUTIVE SUMMARY:

This report seeks the approval from Council to sell Council owned freehold land known as the Snow View Estate Stage 3 (SVE3) , which is located in Tumbarumba through the process of Private Treaty and Public Auction.

RECOMMENDATION:**THAT COUNCIL:**

1. Authorise the sale of Snow View Estate Stage 3 lots as a staged release via public auction through Council's authorised Real Estate Agent;
2. Authorise the sale of the dwelling located at Snow View Estate Stage 2 - Lot 34 DP 1182360 by public auction;
3. Authorise that the funds from the sale of the dwelling located at Snow View Estate Stage 2, Lot 34 DP1182360 be allocated towards the construction of a display home on Lot 54 DP 1182360;
4. Retain a single lot, currently identified as Lot 61 DP 1182360 to construct dual occupancy dwellings for Councils purposes;
5. Delegate authority to the General Manager to set the reserve price for the sale of the properties at public auction;
6. Delegate authority to the General Manager to negotiate and finalise the sale by private treaty should the property not sell at public auction;
7. Authorise the affixing of the of the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution; and
8. Approve the revised project budget of an additional \$130,000.00 to facilitate an asphalt road finish to the internal roads in Snow View Estate Stage 3.

BACKGROUND:

Council Meeting on 13 June 2019 and resolved the following:

**10.2 SNOW VIEW ESTATE STAGE 3 DEVELOPMENT
M157/19 RESOLVED:**

that Council:

1. Receives the report on Snow View Stage 3 development.
2. Proceed with the development of Snow View Estate Stage 3 to complete final design, subdivision plans and relevant Development Applications and Construction Certificates in 2019/2020, and endorse the allocation of \$30,000 funded from the Real Estate Asset Management Reserve for these works.
3. Defer commencement of civil construction works for Stage 3 for consideration in the 2020/2021 budget, allowing time to monitor growth

Minutes of the Meeting of the Snowy Valleys Council held in the Tumut Room 76 Capper Street Tumut on Thursday 13 June 2019

Mayor

General Manager

and demand, unless an unforeseen spike in demand requires this to be brought forward into the 2019/2020 budget.

4. Endorse a funding allocation of \$5,000, funded from the Project Development Reserve, for a marketing campaign that promotes the regional/rural lifestyle of the Snowy Valleys for the sale of the remaining blocks in Stage 1 and 2 in 2019/2020.
5. Investigate raffling off one of the Snow View Estate blocks outside of the local government area and money raised be donated back to a local Tumbarumba charity.

Cr J Larter/Cr C Smit

CARRIED UNANIMOUSLY

Snow View Estate was developed around the following objectives:

- Create executive housing to attract new professionals and their families to the area.
- Support population growth in the local area
- Support increased economic activity in the local area.
- Increase housing options and supply to respond to the current shortage of housing and accommodation in the area.

Stage 1 of Snow View Estate was complete in 2007 and stage 2 completed in 2015. The two stages provided 45 Lots for development of which 44 have been sold. Of the 45 Lots, Lot 34 DP 1182360 is currently leased until 2 November 2023.

REPORT:**Snow View Estate:**

Council is in the final stages of the construction of Snow View Estate stage 3 (SVE3). The housing lots are planned to go to auction as part of a staged release during the month of October 2023 after a marketing campaign by Councils authorised Real Estate Agents. Council Staff have met with the authorised Real Estate Agent and discussed the development of the most appropriate Sales Strategy for Snow View Estate - Stage 3 which will ensure the best outcome for Council and the Community.

Discussions in the formulation of the Sales Strategy included:

- Identifying the best marketing campaign to be utilised and reach of the campaign
- Identifying the target market
- Identifying the best time for sales and the time frames between public auctions and release of the lots
- Developing an overall Sales Staging plan
- Identifying the best Sales Methodology (It is being recommended Public Auction) to use
- Identifying what are the best online public platforms relating to sales information about the lots that are open and transparent while at the same time maximise market interest and sales potential.
- Identifying what lots should be retained by Council for the uses identified in this report.

The Sales Strategy developed by Ray White is to be supported with evidence of success with previous sales campaigns in the area for like for like lots along with an up-to-date financial analysis on what the overall net return Council can expect from all the lots to be sold in Snow View Estate - Stage 3.

Sale of (SVE2), Lot 34 - DP 1182360 for the purpose of constructing a display home on Lot 54 - DP 1182360 in (SVE3) (Stage 3)

Council currently owns a dwelling in Snow View Estate Stage 2 (SVE2), Lot 34 DP 1182360, which is tenanted and leased until 2 November 2023. This dwelling was constructed in 2015. Council has received valuations indicating what the property is worth. It is recommended in this report that Council now sell this property via a public auction and retain the funds received from the sale to construct a display home in Stage 3 Snow View Estate (SVE3).

Previous lot sales experience in Stage 2 (SVE2) has demonstrated that the construction of a display home not only demonstrates to the market what Council and the communities' expectations are in terms of the quality of building standard that can be achieved but also demonstrates to the market and potential buyers the opportunity that can be realised in terms of investing and living in the area.

The construction on a display home on Lot 54 - DP 1182360 in Stage 3 (SVE3) will be funded from the sale of Lot 34 DP 1182360 - Stage 2 (SVE2).

Housing Shortage - Retention of a single lot in SVE3 in Council ownership for temporary accommodation or another Council purpose:

There is a significant shortage of suitable homes and accommodation in the current market within the Tumbarumba area. This has been demonstrated by the volume of recent housing sales and registered potential buyers at auctions and before auction sales that have been achieved in the area. It is also demonstrated through the high occupancy rate of temporary accommodation in the area (House rentals, Motels, Hotels, Caravan Parks - Cabins and the like). In addition, Snowy Valleys Council has experienced significant issues in finding accommodation for staff which is a key employment attractor for Council.

In Snow View Estate Stage 3 (SVE3), it is recommended that Council retain a single lot, currently identified as Lot 61 DP 1182360 for the purposes of constructing a dual occupancy dwelling that Council could utilise as temporary accommodation or another Council purpose in the future.

The construction of a dual occupancy dwelling on a single lot retained by Council for the purposes of temporary accommodation, or another Council use will be funded from the total sale proceeds of all the lots once they are sold in SVE3. Any construction works on the lot would not commence until after the

sale of all the lots in SVE3. The construction of dual occupancy dwellings on Lot 61 DP 1182360 in Snow View Estate - Stage 3 (SVE3) is permissible under Councils Local Environment Plan (LEP) and is also feasible due to the size of the Lot.

Contract for Sale Documents

The contract for sale documents for Stage 3 Snow View Estate (SVE3) have been developed by Solicitors engaged by Council to ensure all statutory compliance is met. The final draft contract for sale is currently being reviewed by Councils Director of Works and Infrastructure.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 2 - Our Economy

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

2.4 Attract and support local business and industry

FINANCIAL AND RESOURCES IMPLICATIONS:

The project budget for Snow View Estate - Stage 3 (SVE 3) as approved by Council is \$1,550,000. The forecast budget is expected to exceed current allocation of funds by \$130,000.00 as it is deemed necessary to improve the saleability of Lots in SVE3 to have the roads properly surfaced with asphalt. The additional \$130,000 to surface the roads in asphalt will significantly improve the presentation of the lots and also reduce Council's Road maintenance costs in the future. This additional cost will be recovered from the sales of the lots in SVE3.

The contract for sale documents for Stage 3 Snow View Estate (SVE3) have been developed by Solicitors engaged by Council to ensure all statutory compliance is met. This cost is \$10,000 and will be recovered from the sale of the lots in SVE3.

Council will be responsible for its own conveyancing costs for the land sale, which are estimated at approximately \$10,000. This would be absorbed from the proceeds of the lot sales. The sale of the lots through Councils Authorised Real Estate Agent will be undertaken in accordance with the agreement Council has with the Real Estate Agent and is based on an agreed percentage % of the sale of each lot as well as a commission for sales above an agreed threshold with Council.

The Real Estate Agent Agreement and strategy for the sales of Lots in SVE3 is attached to this report as a confidential attachment.

Council's Disposal of Assets Policy in relation to property will be followed through the resolution of Council and the requirement that Council undertakes the sale of these lots through a Public Auction or Private Treaty.

Processing of the Sales Contracts for the lots will be undertaken by Council Solicitors and fees are to be covered by the sale of the lots as outlined above.

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The sale of freehold property is governed by *the Conveyancing Act 1919*.

A suitably qualified solicitor has been engaged by Council to oversee the process of the lot sale in Snow View Estate - Stage 3 (SVE3) to ensure all statutory compliance is met.

Council's Disposal of Assets Policy in relation to property will be followed through the resolution of Council and the requirement that Council undertakes the sale of these lots through a Public Auction.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	<p>Councils Sales Contracts expose Council to future financial and legal liabilities with property owners when they come to develop or on sell the land they have purchased from Council.</p> <p>Property owners who have bought lots from Council in Snow View Estate Stage 3 - cannot develop the land in the manner they thought they could.</p> <p>Snow View Estate - Stage 3 lot subdivision and sale are permissible under Councils DCP and LEP</p> <p>Future development of the lots in Stage 3 - Snow View Estate once sold for residential housing will be subject to individual Development Applications (DAs) that will be assessed on their merits by Council planners under the requirements of Councils LEP and DCP development controls.</p> <p>Council is accused of not realising the full potential of the sale of the lots in Snow View Estate Stage 3 and or the lots are sold below market value to people in the local community who have a connection to Council.</p>	<p>The contract for sale documents for Stage 3 Snow View Estate (SVE3) have been developed by Solicitors engaged by Council to ensure all statutory compliance is met.</p> <p>Processing of the Sales Contracts for the lots will be undertaken by Council Solicitors.</p> <p>Councils adopted Development Control Plan (DCP) and Local Environment Plan (LEP) control all forms of development at Snow View Estate - Stage 3.</p> <p>The sale of freehold property is governed by the <i>Conveyancing Act 1919</i>, specifically Part 4 Division 8</p> <p>Council has passed previous resolutions on the sale of this property and completed Stage 1 and Stage 2 of Snow View Estate over the last 5 years.</p> <p>Council has engaged an experienced - independent local Real Estate Agent to manage all aspects of the Sale of the lots in Snow View Estate - Stage 3 including the development of a detailed Sales Strategy and methodology. The sale of the lots is to be through a Public Auction and is to be undertaken in a transparent, open and fully accountable way by Councils authorised Real Estate Agent. Council staff and Officers apart from the General Manager who has delegated Authority by</p>	<p>Council has engaged independent legal and property experts to oversee the sales of Lots in Snow View Estate - Stage 3.</p> <p>Councils General Manager is the only Council Officer who has delegated Authority by Council resolution to be involved with the sale of the properties in Snow View Estate - Stage 3.</p>

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
		Council resolution will have no involvement with the sale of the properties in Snow View Estate - Stage 3.	
Environmental & Public Health	<p>No foreseen impact</p> <p>The development and subdivision of the Lots for Snow View Estate - Stage 3 is permissible under Councils Local Environment Plan (LEP) and has been undertaken in accordance with all of Council Environmental, Building and Health development regulations.</p>	<p>Councils adopted Development Control Plan (DCP) and Local Environment Plan (LEP)</p> <p>Snow View Estate - Stage 3 lot subdivision and sale is permissible under Councils DCP and LEP</p> <p>Future development of the lots in Stage 3 - Snow View Estate once sold for residential housing will be subject to individual Development Applications (DAs) that will be assessed on their merits by Council planners under the requirements of Councils LEP and DCP development controls. These controls have well developed guidelines and controls around Environment, Building, Public Health and amenity.</p>	<p>No significant issues.</p> <p>Development is regulated through Councils Planning and Development Controls.</p>
Financial	<p>The development of Snow View Estate Stage 3 addresses the current shortage of housing and residential development opportunities in the area. The development will bring significant economic benefit to the area through a more appropriate use of the land. This benefit includes construction and trades employment opportunities which supports local building supply industries and associated businesses.</p> <p>Disposal of surplus assets is governed by Council's Disposal of</p>	<p>A risk is present that the market appraisal has overpriced the value of the properties, and the parcels do not gain interest during the advertising process. If the lot sales are successful, these costs will be recovered from the proceeds of sale.</p> <p>If the sale of the lots is below the costs that Council has outlaid for the overall development of Snow View Estate Stage 3 then Council will need to fund these costs from another funding source.</p> <p>Council has engaged an experienced - local Real Estate agent to manage all</p>	<p>Potential to promote further development and attract more people and businesses in the area.</p> <p>Potential for rating revenue for the land.</p>

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	<p>Assets Policy in relation to property.</p> <p>There is no foreseen risk to Council with the recommendation in relation to the Sales Strategy or methodology for sale of the lots proposed by Council Authorised Real Estate Agent.</p>	<p>aspects of the Sale of the lots in Snow View Estate - Stage 3 including the development of a detailed Sales Strategy and methodology.</p>	
People	<p>Snow View Estate - Stage 3 will address the current housing and accommodation shortage in the area as well as improve opportunities for a broader range of demographic to move into the area.</p>	<p>The pricing of Snow View Estate Stage 3 is driven by the housing market which will determine they type of demographic that will move and or invest in the area.</p>	<p>Snow View Estate - Stage 3 will address the current housing and accommodation shortage in the area.</p>
Technology	No foreseen impact	No foreseen impact	No foreseen impact
Stakeholder	<p>Council has already completed Snow View Estate Stage 1 and Stage 2. Stakeholders who occupy these first two stages of the development and the broader community of Tumbarumba already have a good idea of what to expect in terms of development and the residents who will for become part of the community when they move into Snow View Estate - Stage 3.</p>	<p>The lots at Snow View Estate - Stage 3 remain unsold and undeveloped for a long period of time. This would deny the immediate stakeholders, Council and broader community the social, economic and cultural benefits that the development would bring if fully utilised and developed.</p>	<p>Council and broader community will benefit greatly from the social, economic and cultural opportunities that the development will bring when fully utilised and developed.</p>
Service Delivery	<p>Council is required to provide and maintain all Services to Snow View Estate - Stage 3 including waste collection services, infrastructure maintenance (Roads, Footpaths, Lighting Verge maintenance), provision of utility services such as Sewer and Water as well as ancillary social and community services to the residents and visitors</p>	<p>Council does not have the resources to provide the maintenance and community-based services to the residents that will move into Snow View Estate - Stage 3. This risk is low, and Council has already demonstrated that it can provide all required maintenance and community services to the area through the development and</p>	No foreseen impact

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	that will come to Snow View Estate - Stage 3.	occupation of Snow View Estate - Stages 1 and 2.	

OPTIONS:

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

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The sale of Council freehold land will be subject to a Public Auction, which will be publicly advertised. A suitably qualified Real Estate Agent will be authorised to act on Council's behalf for the marketing, advertising and sale process of the lots in Snow View Estate - Stage 3.

ATTACHMENTS

1. Confidential Attachment - 20230830 - Market Appraisal - 9 McEwan Court - Tumbarumba (Under separate cover)
2. 20230913 - Draft Subdivision Plan-SVE3 - (Under separate Cover)
3. Confidential attachment - Sales Strategy and Fees - Snow View Estate - Stage 3 (SVE3) (Under separate cover)
4. Confidential attachment - Real Estate Agent Agreement (Under separate cover)

10.6. CLASSIFY LAND ACQUIRED - Lot 7027 DP94611 - LAMBIE ST RESERVOIR TUMUT**REPORT AUTHOR: MANAGER UTILITIES AND WASTE BUSINESS****RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE AND WORKS**

EXECUTIVE SUMMARY:

The purpose of this report is to seek a Council resolution to proceed with the classification of Lot 7027 DP94611 as "operational" land.

RECOMMENDATION:**THAT COUNCIL:**

1. **Classify Land Acquired at Lambie Street Reservoir, Tumut being Lot 7027 DP 94611 as "Operational Land".**

BACKGROUND:

Council is responsible for managing a substantial portfolio of land across the Local Government Area. This responsibility includes ensuring land is appropriately classified as either community or operational land. Chapter 6 Part 2 Division 1 Subsection 31 of the *Local Government Act 1993* No. 30 states that Council may resolve that land be classified as community or operational before acquiring, or within 3 months after it acquires land. If the land remains unclassified after 3 months it is taken to have been classified as community land.

At the Council meeting held on 16 March 2023, Council resolved to apply to Crown Lands to add the property known as the Lambie Street Reservoir, Tumut (Lot 7027 DP94611) to Council Managed Crown Reserve Plans of Management. Refer to Council Resolution below.

10.2. APPLICATION TO ACQUIRE CROWN LAND FOR INFRASTRUCTURE PURPOSES - LOT 7026 AND LOT 7027 DP94611 TUMUT**M31/23 RESOLVED:****THAT COUNCIL:**

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

Cr Sam Hughes/Cr Mick Ivill

CARRIED UNANIMOUSLY

Community land is owned by Council and is used by the general public for purposes such as public parks, natural areas, passive recreation activities and cultural or heritage sites. Community land is intended for public access and use due to special features being of significance to the community. Community land is subject to restrictions, including that the land cannot be leased, licenced or used for any other estate granted purpose for a period greater than 21 years. In addition, the sale of community land is prohibited.

Operational land has no special restrictions other than those that may apply to any piece of land under Councils Local Environment Plan (LEP). Operational land held by Council would ordinarily comprise of land held for the purposes of a Council facility, Council operations and or as an investment property. Operational Land is land used for the day-to-day functions of a Council and may not be open to the

general public. These functions may include a Council Works Depots or a Water Supply facility such as a treatment plant or reservoir.

By law the Council must prepare a Plan of Management that sets out how the public land will be used.

Council was formally appointed as Crown Land manager for the property known as the Lambie Street Reservoir, Tumut (Lot 7027 DP94611) on 14th July 2023 by Government Gazette number 307. To ensure the land is classified as operational, a resolution of Council is required.

REPORT:

Council operates, maintains and plans for the future needs of Tumut's drinking water system. This includes managing a number of reservoirs at strategic locations around Tumut.

One critical location is the reservoir on Lambie Street adjacent to Tumut Hospital. This reservoir supplies drinking water to a significant part of the Tumut township and is also a transfer point for all other reservoirs in Tumut, it also supplies water to Adelong and Cloverdale and supports the Tumut water treatment plant operations.

To assist Council in maintaining its network of water treatment plants and reservoirs, Council made an application to Crown Lands to include Lot 7027 in Council Managed Crown Reserve Plans of Management. This was approved and finalised on 14 July 2023 by Government Gazette number 307.

Council intends to continue to utilise this land for the primary purpose of a Water Supply reservoir and associated Water supply Infrastructure. Subsequently, it is in Council's interest to resolve to classify the land as Operational land to ensure that this activity and or any future use of the land is not restricted in the same way community land is restricted.



Figure 1. Aerial photo of the Lambie Street Water Reservoir - Tumut - Lot 7027 DP94611 to be classified as Operational Land.

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

Theme 3 - Our Environment

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

3.2 Deliver best practice water and wastewater services

FINANCIAL AND RESOURCES IMPLICATIONS:

There is no change in any operational funding as the property is currently managed and operated within the water fund and budget adopted by Council.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council is required to have a Drinking Water Management System (DWMS) under the *Public Health Act*. This requires Council to manage the risks associated with drinking water supply. Ownership of land helps to ensure that the land is available now and into the future and also provides the ability to manage risk by controlling activity, access and security of the site.

Local Government Act 1993

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Legal ownership or management of land.	Legal complications around access and use of the land into the future.	Land is secured for the required use.
Environmental & Public Health	Provision of adequate, safe and healthy water supply is provided to the community.	Not all areas of the community are able to be serviced by water supply systems.	A healthy community that supports the local economy.
Financial	Costs associated with the land.	Without ownership or management of the land, there could be significant costs to Council if new land is required for reservoirs.	Limited impact with transfer of land management to Council.
People	Provision of adequate, safe and healthy water supply is provided to the community.	Not all areas of the community are able to be serviced by water supply systems.	A healthy community that supports the local economy.
Technology	Up to date systems and information.	Further land acquisitions are not included in plans of management.	All Council managed land is included in plans of management and systems are clear and up to date.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Stakeholder	A healthy community that supports the local economy.	Limited risk, the land was originally reserved for Reservoir.	Land use is clearly visible as used for reservoir.
Service Delivery	Maintenance and operation of water supply facilities.	Complications to the ongoing maintenance and operation of the facility. Potential issues with new reservoir construction and renewal of existing. Difficulties with maintaining suitable level of service.	Maintenance and operation is easier to manage. Service levels can be maintained.

OPTIONS:

The options available to Council regarding this land are shown below:

1. Classify the land as operational. **This is the preferred option.**
2. Classify the land as community noting special restrictions will apply and limiting available use of the land.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

As per *Local Government Act 1993* No. 30, public exhibition is not required unless the land is re-classified and the LEP amended.

ATTACHMENTS

Nil.

10.7. KHANCOBAN VACANT LAND - 14 TYRELL STREET, KHANCOBAN LOT 3 DP 1239992 REQUEST TO REPEAL RESOLUTION**REPORT AUTHOR: PROPERTY AND ROADS PARTNER****RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE AND WORKS**

EXECUTIVE SUMMARY:

The purpose of this report is to seek a resolution of Council to repeal resolutions 2 and 3 from the 16 June 2022 Council Meeting - Item 11.1 in relation to the sale of vacant land at 14 Tyrell Street, Khancoban which Council resolved to sell via a public auction at the same meeting. The key reasons for repealing resolutions 2 and 3 are to improve the future sale prospects of this land.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Repeal Resolution Item No. 2 of item 11.1 resolved on at Council Meeting dated 16 June 2022 for an easement for access over Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992.**
- 2. Repeal Resolution Item No. 3 of item 11.1 resolved on at Council Meeting dated 16 June 2022 for development requirement to occur within 2 years;**
- 3. Council place Lot 3 DP 1239992 on its property disposal register for sale at a future time via a public auction process;**
- 4. Delegate authority to the General Manager to set the price for the future sale of this property;**
- 5. Council officers enter into negotiations with surrounding property owners of Lot 2 DP 108837 and Lot 1 and Lot 2 of DP 1239992 in relation to the easement of access track if this resolution is adopted by Council; and**
- 6. Authorise the affixing of the Common Seal of Council to the transfer documents and any other documentation to give effect to this resolution.**

BACKGROUND:

At the Council meeting held on 26 April 2018 a confidential report was submitted to Council for the purchase of Lot 3 DP 1239992 on Tyrell Street in Khancoban. Lot 3 DP 1239992 formed part of the Khancoban Country Club (Golf course).

Resolution M113/18, item 3 of the report Council resolved to purchase the land from the Country Club (Golf Course) re-advertise Lot 3 at market price for sale.

12.3 PURCHASE OF LAND FROM KHANCOBAN COUNTRY CLUB**M113/18 RESOLVED:**

That Council:

1. The purchase of Lot 3 of 2.104 hectares for a purchase price of \$70,000

Minutes of the Meeting of the Snowy Valleys Council held in the Snowy Valleys Council Chambers, Bridge Street, Tumbarumba on Thursday 26 April 2018

 Mayor

 General Manager

Snowy Valleys Council Minutes

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to be funded from Capital Project Reserve, subject to the Khancoban Country Club utilising the credit remaining for the services of Johnson MME to establish a strategy with the intention of the Club recommencing trading.

2. Authorise the General Manager and Mayor to execute and affix the Council Seal to sale documentation relating to the purchase.
3. Re-advertise Lot 3 at market price.

Cr J Ham/Cr B Wright

At the Council meeting dated 21 October 2021 Council resolved to classify Lot 3 DP 1239992 at 14 Tyrell Street, Khancoban as operational land.

11.2 CLASSIFY LAND PURCHASED - 14 TYRELL STREET, KHANCOBAN (LOT 3)**M231/21 RESOLVED:**

THAT COUNCIL:

1. Receive this report on the classification of land purchased at 14 Tyrell Street, Khancoban – Khancoban Country Club;
2. Approve the subject land for Operational Classification;
3. Delegate to the Mayor and CEO to proceed under the procurement process of Council for the sale of the land.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

 Minutes of the Meeting of the Snowy Valleys Council Via Video Link on Thursday 21 October 2021

 Mayor

 Chief Executive Officer

A report was submitted to Council Meeting dated 16 June 2022 for the sale of Council freehold (Operational) land at 14 Tyrell Street, Khancoban (Lot 3 DP 1239992). This report seeks to repeal part of that Resolution (Items No. 2 and No 3) to improve the future sale prospects of this land.

11.1. KHANCOBAN VACANT LAND – 14 TYRELL STREET, KHANCOBAN (LOT 3 DP 1239992) – REQUEST FOR SALE

M181/22 RESOLVED:

THAT COUNCIL:

1. Receive the report Khancoban Vacant Land – 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) – Request for Sale;
2. Register with an easement for access over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992;
3. Proceed with the sale of Lot 3 DP 1239992 with a requirement for development to occur within 2 years;
4. Proceed with the sale of Lot 3 DP 1239992 at a public auction at a time and place to be determined;
5. Delegate authority to the Chief Executive Officer & Mayor to set reserve prices for sale of the properties at public auction;
6. Negotiate by private treaty and accept offers for sale of any property that fails to sell at public auction;
7. Authorise the application of the Council seal of the sale of land.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 16 June 2022

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Mayor


Chief Executive Officer

REPORT:

Lot 3 DP 1239992 has been before Council on several occasions, notably 26 April 2018, 21 October 2021 and 16 June 2022. This report seeks to repeal Item No 2 and No.3 of Resolution M181/22 dated 16 June 2022.

Resolutions 2 and 3 from the from the Council meeting held on 16 June 2022.

THAT COUNCIL:

2. Register with an easement for access over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992;
3. Proceed with the sale of Lot 3 DP 1239992 with a requirement for development to occur within 2 years;

The property has been on the market since 16 August 2022 with the Auction for Lot 3 DP 1239992 conducted on 3 November 2022 with a total of five (5) registered bidders and five (5) other parties that could not bid under auction conditions. The end result of the auction was that no bids reached Council's set reserve. Post auction, there have been two (2) accepted offers which then failed to complete due to the clause in the planning certificate which required building to begin within a two (2) year period and the easements on the property.

Note: For Council to be able to remove the easement for access *over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992*; requires negotiation and agreement from the adjoining landowners.

Feedback received from the real estate agent engaged by Council suggests other registered parties had the same concern after their solicitors advised them to not continue under auction terms but to have the sale of contract changed before entering a negotiation. This was not possible due to the standing resolution of Council from the 16 August 2022 meeting.

It is recommended that Council place this property on Councils Property Disposal Register for future sale.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 2 - Our Economy

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

2.2 Promote our towns, villages and region

FINANCIAL AND RESOURCES IMPLICATIONS:

The processing of any future sale of land will be undertaken by Council Solicitors and the fees will be paid from Council's Property Administration Budget which are in the order of \$4000. The Legal fees will then be recovered through the future sale of the land.

Council will be responsible for its own conveyancing costs for any future land sale and removal of easements which are estimated at \$9000 in property administration costs. These costs will initially come from Council's Property Administration Budget and would be recovered from any future sale of the land.

Council's Costs in relation to the Auction and associated advertising and Real Estate Agent fees that were expended in 2022 are in the order of \$4,000.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The sale of freehold property is governed by The *Conveyancing Act 1919*, specifically Part 4 Division 8. A suitably qualified solicitor has been engaged to oversee the process of the lot sale to ensure all statutory compliance is met.

Council's Disposal of Assets Policy for property disposal, will be followed if a buyer is secured for the land.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

There are no foreseen significant risks to Council with the recommendation in relation to the rescission of items 2 and 3 from the 16 June 2022 Council meeting - Item 11.1 and sale of the land by Public Auction.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Councils Sales Contract for this property exposes Council to future financial and	The Contract for Sale documents for 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) has	Council has engaged independent legal and property experts to oversee the sales of 14

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	<p>legal liabilities with property owners when they come to develop or on-sell the land they have purchased from Council.</p> <p>Property owners who have bought this land at 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) from Council cannot develop the land in the manner they thought they could.</p> <p>Development of the land for residential purposes is permissible under Councils DCP and LEP. Any future development of the land once sold will be subject to Councils Development Applications (DA) process that will be assessed on its merits by Council planners under the requirements of Councils LEP and DCP development controls.</p> <p>Council is accused of not realising the full potential of the sale of the land and or the land is sold below market value to people in the local community who have a connection to Council. Conflict of Interest.</p> <p>Note: For Council to be able to remove the easement for access <i>over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992,</i> requires negotiation and agreement from the adjoining landowners.</p>	<p>been developed by Solicitors engaged by Council to ensure all statutory compliance is met and Council's risk exposure is minimised.</p> <p>Processing of the Sales Contract for this property will be undertaken by Council Solicitors.</p> <p>Councils adopted Development Control Plan (DCP) and Local Environment Plan (LEP) control all forms of development at 14 Tyrell Street, Khancoban (Lot 3 DP 1239992).</p> <p>Council has passed previous resolutions on the sale of this property at 14 Tyrell Street, Khancoban (Lot 3 DP 1239992).</p> <p>The landowners who benefit from the easement access over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992 do not agree to its removal.</p> <p>Council has engaged an experienced independent local Real Estate Agent to manage all aspects of the sale of 14 Tyrell Street, Khancoban (Lot 3 DP 1239992). The sale of the property is to be through a Public Auction and is to be undertaken in a transparent, open and fully accountable way by Councils authorised Real Estate Agent.</p>	<p>Tyrell Street, Khancoban (Lot 3 DP 1239992).</p> <p>Councils General Manager is the only Council Officer who has delegated Authority by Council resolution to be involved with the sale of 14 Tyrell Street, Khancoban (Lot 3 DP 1239992).</p> <p>If Council can successfully negotiate with adjoining property owners for the removal of the easement access over Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992 then the potential future sale of the land for market value is more likely.</p>

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
		<p>Council staff and Officers apart from the General Manager who has delegated Authority by Council resolution will have no involvement with the sale of this property at 14 Tyrell Street, Khancoban (Lot 3 DP 1239992).</p> <p>The sale of freehold property is governed by the Conveyancing Act 1919, specifically Part 4 Division 8.</p>	
Environmental & Public Health	<p>No foreseen impact</p> <p>The development of 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) is permissible under Councils Local Environment Plan (LEP). All development must be undertaken in accordance with Councils Environmental, Building and Health development regulations.</p>	<p>Councils adopted Development Control Plan (DCP) and Local Environment Plan (LEP)</p> <p>The sale and development of land at 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) is permissible under Councils DCP and LEP.</p> <p>Future development of the land once sold will be subject to Council's Development Application (DA) process. All future Development Applications on the property will be assessed on their merits by Council planners under the requirements of Councils LEP and DCP development controls.</p>	<p>No significant issues.</p> <p>Development is regulated through Councils Planning and Development Controls.</p>
Financial	<p>There is no foreseen risk to Council with the recommendation in relation to the Sales Strategy or methodology for sale of 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) by Council</p>	<p>A risk is present that the market appraisal has underpriced the value of the property.</p> <p>If the sale of the property is below the costs that Council has outlaid to date, then</p>	<p>The sale of the propriety will provide income to Council to deliver Community Services, Programs and Projects.</p> <p>Potential to promote further development</p>

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	<p>authorised Real Estate Agent.</p> <p>Disposal of surplus Council assets provides a means of reducing risk, asset maintenance costs and provides income to Council.</p> <p>The only foreseen risk to Council with the recommendation in relation to the repeal of items 2 and 3 from the 16 June 2022 Council meeting - Item 11.1 and sale of the land via Public Auction is that the adjoining property owners do not agree to the removal of the easement.</p> <p>Note: For Council to be able to remove the easement for access over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992; requires negotiation and agreement from the adjoining landowners.</p> <p>The future development of 14 Tyrell Street, Khancoban (Lot 3 DP 1239992) will address the current shortage of housing and residential development opportunities in the area.</p> <p>The development of this property will bring economic benefit to the area through a more appropriate use of the land. This benefit includes construction and trades employment opportunities which supports local building</p>	<p>Council will need to fund these costs from another funding source.</p> <p>Council has engaged an experienced - local Real Estate Agent to manage all aspects of the Sale of this property.</p> <p>Council staff will consult with the property owners who benefit from the easement for access over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992.</p>	<p>and attract more people to the area.</p> <p>Potential for rating revenue for the land</p>

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	supply industries and associated businesses. Disposal of surplus assets is governed by Council's Disposal of Assets Policy in relation to property.		
People	No foreseen impact The sale of this property can contribute towards addressing the current housing and accommodation shortage in the area as well as improve opportunities for a broader range of demographic to move into the area.	No foreseen impact The pricing of this land is driven by the housing and property market which will determine they type of demographic that will move in and or invest in the area.	No foreseen impact
Technology	No foreseen impact	No foreseen impact	No foreseen impact
Stakeholder	Surrounding property owners and interested parties do not support the repealing of items 2 and 3 from the 16 June 2022 Council meeting - Item 11.1 Conflicts of Interest	Potential risk is that Council cannot remove the easement and the sale of the land remains encumbered by this constraint. Council's reputation as a manager of Public (Ratepayer) money is damaged.	The sale of the propriety will provide income to Council to deliver future Community Services, Programs and Projects.
Service Delivery	No foreseen impact Council is required to provide and maintain all services to the property once developed and occupied, including future waste collection services, infrastructure maintenance (Roads, Footpaths, Public Lighting, provision of utility services such as Sewer and Water), as well as ancillary social and community services to the residents that will potentially reside at the property.	The sale of the propriety will provide income to Council to deliver future Community Services, Programs and Projects in the area.	No foreseen impact

OPTIONS:

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

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The sale of the property will be subject to a future sale process, which will be publicly advertised and held via a public auction process. The owners of the surrounding land - Lot 2 DP 1088037 and Lot 2 DP 1239992 will be formally notified of the intention of Council to remove the easements and repeal the previous resolution of Council items No 2 and 3 from the 16 June 2022 Council meeting - Report Item 11.1.

Council staff will consult with the property owners who benefit from the easement for access over the Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992 and seek their concurrence and agreement for the removal of the easement.

ATTACHMENTS

1. 20230825 - Lot 3 DP 1239992 - NSW Plan & Image - Deposited Plan 1239992 - (Under separate cover)
2. 20230904 - Lot 3 DP 1239992 - Aerial View (Under separate cover)

10.8. COMMUNITY FACILITIES SHARED USE AND RENTAL SUBSIDIES POLICY - PUBLIC EXHIBITION

REPORT AUTHOR: DIRECTOR INFRASTRUCTURE & WORKS

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

The Community Facilities Shared Use and Rental Subsidies Policy, and its attachments will be submitted to council late and under separate cover.

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 23 AUGUST 2023

REPORT AUTHOR: RISK MANAGEMENT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Minutes of the Audit Risk and Improvement Committee held on 23 August 2023.**
- 2. Note the following recommendation/s from the minutes:**
 - a. That the Audit Risk and Improvement Committee request detailed reports on the whole-of-life plans for waste facilities and quarries;**
 - b. That Council formally approach the Rural Fire Service to request asset information required to satisfy financial reporting requirements of Council; and**
 - c. That the Audit Risk and Improvement Committee request a report to go to the extra-ordinary meeting to discuss risk appetite of overdue audit recommendation actions.**

BACKGROUND:

The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and advice to Council on risk management, control, governance, and external accountability responsibilities.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference. This advice aims to facilitate the decision making of Council in relation to the discharge of its responsibilities.

In discharging its responsibilities, the Committee reviews and considers:

- The integrity of external financial reporting, including accounting policies
- The scope of work, objectivity, performance and independence of the external and internal auditors
- The establishment, effectiveness and maintenance of controls and systems to safeguard the Council's financial and physical resources.

REPORT:

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

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The approved budget for the operation of the ARIC for 2023/24 is \$40,000 and includes member remuneration, training and the engagement of the internal auditor.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

Council is transitioning to the Draft Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW, full compliance is expected by 01 July 2024.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The Committee is charged with the responsibility of:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

No

ATTACHMENTS

1. Minutes - Audit Risk and Improvement Committee - 23 August 2023 (under separate cover)

11.2. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP COMMITTEE - 24 AUGUST 2023

REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The Disability Inclusion Access Reference Group (DIARG) is an advisory committee and report to Council following each meeting.

This report seeks the adoption of the DIARG Minutes of 24 August 2023.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the minutes of the Disability Inclusion Access Reference Group committee meeting held on 24 August 2023.**

BACKGROUND:

DIARG was formed through the Snowy Valleys Council Disability Inclusion Action Plan (DIAP). The DIAP is a legislated plan for Public Authorities under the *Disabilities Act 2014*. DIARG advise and support the achievement of the actions in the DIAP.

REPORT:

At the DIARG meeting held on the 24 August 2023, key agenda items were discussed and details are included in the attached minutes. A summary of the agenda items and discussion points is as follows:

1. Pathway between Currawong Road to the Bull Paddock Tumut
2. Accessible and inclusive events
3. Accessible toilet between Tumut and Wagga
4. Disability Inclusion Action Plan (DIAP) - Year 1 Actions - Progress report
5. Disability Sports Australia Event - Community Development. Active Inclusion Sports Day
6. Response to Committee from Council, following Committees recommendation to open the toilets at the Tumut Swimming Pool

The next DIARG meeting will be held on Thursday 26 October at 11.30am, online.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Theme 4 - Our Infrastructure

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

CSP4 Our local infrastructure is sustainable and facilitates our way of life.

CSP5 Our civic leadership and organisational governance foster open and transparent partnership with our community.

Delivery Program Principal Activities

1.1 Provide services that support our community in all stages of life

1.2 Provide and maintain community spaces that encourage activity and wellbeing

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The financial and resources implications of DIARG Committee are intangible and contribute to enhancing the welfare and social inclusion of people with disability in the Snowy Valleys Council Local Government Area.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

In accordance with the *Disability Inclusion Act 2014*, Division 3 Disability Inclusion Action Plans, 12 Requirement for Disability Inclusion Action Plans. Council, a public authority must have a plan that sets out specific measures to include people with a disability.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil

OPTIONS:

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

2. Amend.

3. Decline the recommendations set out in this report

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

1. Minutes - Disability Inclusion Access Reference Group - 24 August 2023 (Under separate cover)

11.3. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 16 AUGUST 2023

REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

THAT COUNCIL:

- 1. Receive and note the minutes of the First Nations Liaison Committee held on 16 August 2023;**
- 2. Extend the delivery date of the Reflect Reconciliation Action Plan 2022-2023 to the 30th of June 2024; and**
- 3. Appoint Olivia Williams as a voting member of the First Nations Liaison Committee and notify applicant of the outcome.**

BACKGROUND:

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

The First Nations Liaison Committee currently has eight (8) voting members and three (3) non-voting members. In line with Council's Committee Operation Manual, Committees can elect a minimum of three (3) and maximum of twelve (12) voting members.

REPORT:

At the First Nations Liaison Committee meeting held on the 16 August 2023, key agenda items were discussed, details are included in the attached minutes.

A summary of the agenda items and discussion points is as follows:

Reconciliation Action Plan (RAP) progress

In June 2023 Council M105/23 Resolved and endorsed the minutes of the First Nations Liaison Committee meeting which detailed advice from Reconciliation Australia that the Reflect RAP can be extended for a further six months to allow Council more time to complete the actions. This would bring the completion timeframe to December 2023.

It was now presented to the First Nations Liaison Committee that the Reflect RAP be further extended another six months to align with the end of the 2023-24 operational year and allow time for Council to develop the next Reconciliation Action Plan.

The committee recommend Council extend the delivery date of the Reflect Reconciliation Action Plan 2022-2023 (RAP) to the 30 June 2024.

Clements and Noble 1927 Brungle to Canberra walk
GIS & Asset Systems Coordinator
Property & Roads Partner
Community Services Coordinator
Hume and Hovell Track Strategic Plan - First Nations consultation
Cultural Awareness Training

Committee membership review

The committee accepted a committee member nomination from Olivia Williams. The Committee recommend Council appoint Olivia Williams as a voting member and notify the applicant of the outcome.

Dam at Ecology block in Brungle

Disability access to the phone box at Cooe Cottage

The next meeting of the First Nations Liaison Committee is scheduled for Wednesday, 15 November 2023. This meeting will be held in Tumbarumba.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

CSP5 Our civic leadership and organisational governance foster open and transparent partnership with our community

Delivery Program Principal Activities

1.3 Provide services and support to enhance local arts and culture

1.5 Value our heritage and promote civic pride

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

FINANCIAL AND RESOURCES IMPLICATIONS:

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

Council will utilise the Community Development budget for its commitment to celebrate First Nations ceremonies and events, including NAIDOC Week, Reconciliation Week and events identified in the RAP

and providing remuneration to Elders performing 'Welcome to Country' stated in the First Nations Cultural Protocols.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

1. Minutes - First Nations Liaison Committee - 16 August 2023 (under separate cover)

11.4. MINUTES - LOCAL TRAFFIC COMMITTEE - 23 AUGUST 2023**REPORT AUTHOR: ROAD SAFETY OFFICER****RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE AND WORKS**

EXECUTIVE SUMMARY:

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

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

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

RECOMMENDATION:**THAT COUNCIL:**

- 1. Note the Minutes of the Local Traffic Committee held on Wednesday, 23 August 2023.**
- 2. Adopt the following recommendations from the minutes:**
 - a. SCHOOL CROSSING TUMBARUMBA HIGH SCHOOL**
 - 1. Respond in writing indicating that driver and school education programs will be run to inform relevant users.**
 - b. SPECIAL EVENT APPLICATION - ZONE 20 PONY CLUB**
 - 1. Support the Special Event Application for the Zone 20 Pony Club event, subject to Councils' standard conditions including the requirement for nomination of Council, Police and TfNSW as Interested Parties on the Certificate of Currency.**
 - c. SPECIAL EVENT APPLICATION - TUMUT XMAS FAMILY FUN NIGHT**
 - 1. Support the Special Event Application for the Tumut Xmas Family Fun Night event, subject to councils' standard conditions and the supply of signed forms for notification and updated Certificate of Currency**
 - d. SPECIAL EVENT APPLICATION - TUMUT CYCLE CLASSIC**
 - 1. Support the special event application for the Tumut Cycle Classic event, subject to councils standard conditions including updated Certificate of Currency 2. Council engage with TfNSW to ensure compliance with the TGS and ROL requirements.**
 - e. SPECIAL EVENT APPLICATION - TUMBAFEST**
 - 1. Support the Special Event Application for the Tumbafest event, subject to councils' standard conditions and updated Certificate of Currency.**
 - f. SPECIAL EVENTS APPLICATION - INWARD BOUND**
 - 1. Support the Special Event Application for the Inward Bound event, subject to councils' standard conditions**

BACKGROUND:

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

REPORT:

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

The next meeting of the Local Traffic Committee is scheduled for Wednesday, 23 November 2023. This meeting will be held in Tumut Meeting Room.

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

Theme 4 - Our Infrastructure

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

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

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Risk Management Assessments are provided with Special Event applications.

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

OPTIONS:

Council may choose to:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The traffic management for events that occupy road reserves requires consultation with NSW Police, Transport for NSW, Snowy Valleys Council, road managers, event organisers and other stakeholders. Changes to the road environment require communication with the community.

ATTACHMENTS

1. Minutes - Local Traffic Committee - 23 August 2023 (Under separate cover)

11.5. MINUTES - GLENROY HERITAGE RESERVE COMMITTEE - VARIOUS**REPORT AUTHOR: COORDINATOR PLACE ACTIVATION****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

EXECUTIVE SUMMARY:

The Glenroy Heritage Reserve Committee is a Section 355 Committee of Council and meets on a quarterly basis.

This report seeks adoption of the Glenroy Heritage Reserve Annual General Meeting Minutes from the 5 November 2022 and the Ordinary Committee Meeting Minutes from the 5 November 2022, 4 February 2023 and 6 May 2023.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the Minutes of the Glenroy Heritage Reserve Annual General Committee Meeting held on 5 November 2022;**
2. **Endorse the nominations of the following committee members:**
 - a. **President: Neil Christie,**
 - b. **President Elect: Bruce Wright**
 - c. **Treasurer: Stephen Weeks**
 - d. **Secretary Colleen McAuliffe**
 - e. **Committee Members: Anne Thoroughgood, Jamie Metcalf, Brenda Wigget;**
3. **Note the Minutes of the Glenroy Heritage Reserve Ordinary Meeting held on 5 November 2022;**
4. **Adopt the following recommendation/s from the minutes:**
 - a. **Glenroy Heritage Reserve Terms of Reference as endorsed by the committee;**
5. **Note the Minutes of the Glenroy Heritage Reserve held on 4 February 2023; and**
6. **Note the Minutes of the Glenroy Heritage Reserve held on 6 May 2023.**

BACKGROUND:

The Glenroy Heritage Reserve Committee is a Section 355 Committee 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 shop and purchasing of furniture and fittings for the museum.

REPORT:

Minutes have been presented in the below format as they have not been created in the DXP format. As these minutes are from meetings held in the past 12 months they have been outlined below and the collection of documents were simplified into this outline so they can be easily read and recorded. Moving forward these minutes will be presented in the appropriate format for Council.

Annual General Meeting held at Glenroy Heritage Reserve on 5 November 2022, commencing at 1.30pm.

Meeting opened by Chairperson Neil Christie and welcomed visitors.

Attendance:

Present at meeting: Neil Christie, Anne Thoroughgood, Brenda Wigget, Colleen McAuliffe and Julia Ham (Councillor Delegate)

Apologies: Stephen Weeks, Jamie Metcalf, Bruce Wright

Reading of minutes of previous meeting held 25 July 2021

Moved: Colleen McAuliffe, Second: Anne Thoroughgood

Presidents Report: presented by Neil Christie.

Treasure's Report: prepared by Stephen Weeks.

Opening Balance 1/7/2021 \$9,239.90

Closing Balance 30/06/2022 \$5548.27

Income and Expenditure from July 2020 to June 2021 reports attached.

Moved: Anne Thoroughgood, Second: Brenda Wigget.

Pioneer Women's Hut Report: presented by Anne Thoroughgood.

Moved: Anne Thoroughgood, Second: Neil Christie.

Bus Report presented by Anne Thoroughgood.

Moved: Anne Thoroughgood, Second: Julia Ham

NOMINATION/ELECTION of Committee

- President nomination Neil Christie nominated by Anne Thoroughgood, second Colleen McAuliffe
- President Elect nomination Bruce Wright nominated by Julia Ham, second Neil Christie
- Treasurer nomination: Stephen Weeks nominated by Anne Thoroughgood, second Brenda Wiggett
- Secretary nomination: Colleen McAuliffe nominated by Julia Ham, second Brenda Wiggett
- Committee members are Neil Christie, Anne Thoroughgood, Brenda Wigget, Stephen Weeks, Bruce Wright, Jamie Metcalf and Colleen McAuliffe.

Meeting Closed: 2.00pm

Glenroy Heritage Reserve Ordinary Meeting held on 5 November 2022

Ordinary Meeting held at Glenroy Heritage Reserve 5 November 2022

Attendance:

Present at meeting: Neil Christie, Anne Thoroughgood, Brenda Wigget, Colleen McAuliffe and Julia Ham (Councillor Delegate)

Apologies: Stephen Weeks, Jamie Metcalf, Bruce Wright

Reading of minutes of previous meeting held 15 May 2022

Moved: Colleen McAuliffe, Second: Brenda Wiggett

Business Arising:

- Booster from Telstra is working well
- Septic tank problem has been fixed
- Water tank has been cleaned and feeding from Machinery Shed tank

Treasurer's Report for Glenroy Heritage Reserve

Balance on the 30/06/2022 \$5548.27

Pioneer Womens Hut report read by Anne Thoroughgood.

- Waiting on Council to complete Pioneer Womens Hut Incorporation
- Thanks to Council for the new roof on the Pioneer Womens Hut and prompt action to repair animal damage experienced

GENERAL BUSINESS

- Committee passed the Terms of Reference

- A new Council Delegate is required to replace the Tourism Officer
- The large tree near the statue of "George" to be removed due to falling limbs
- A suggestion for a sign depicting history of the reserve be placed in the area - committee agreed
- Investigate the cost to cover the floor in the Pioneer Womens Hut with a vinyl weatherboard to reduce heating costs
- Suggestion to extend the machinery shed
- Report to be supplied for a grant application to link Glenroy HR to the Rail Trail
- Damage to Pioneer Womens Hut has been repaired

Next Meeting 4 February 2023

Glenroy Heritage Reserve Ordinary Meeting held on 4 February 2023

Ordinary Meeting held at Glenroy Heritage Reserve 4 February 2023 commencing at 1.30pm

Attendance:

Present at meeting: Neil Christie, Anne Thoroughgood, Stephen Weeks, Jamie Metcalf, Brenda Wigget, Colleen McAuliffe and Bruce Wright

Apologies: Julia Ham. (Councillor Delegate)

Reading of minutes of previous meeting held 5 November 2023

Moved: Colleen McAuliffe, Second: Anne Thoroughgood

Business Arising:

- Julia to investigate a new Council Delegate
- The large tree near the statue of "George" has been removed
- A sign depicting history of the reserve is being done
- A quote of \$11,933.75 was presented to install a floor covering in the Pioneer Womens Hut - moved and accepted unanimously
- Grant application to link Glenroy HR to the Rail Trail - unsuccessful

Treasurer's Report for Glenroy Heritage Reserve

Balance on the 4/02/2023 \$6410.07 currently in the account. As Attached.

Moved: Stephen Weeks, second: Bruce Wright

Pioneer Womens Hut report read by Anne Thoroughgood.

- Pioneer Womens Hut will cover the cost of the floor installation
- Some work needed on the windows of the Pioneer Womens Hut - putty and painting
 - Jamie Metcalf, Bruce Wright and Neil Christie volunteered to do this job.
 - Supplies to be purchased. Moved: Neil Christie, Second: Bruce Wright

GENERAL BUSINESS

- Correspondence received for hire of the kitchen by the 'Resilient Towns Initiative' to host a 'Food Handling' course. Agreed, and a letter will be written in response.
 - Moved: Bruce Wright, second: Brenda Wigget
- Machinery Shed discussion - impossible to move machinery
 - Moved: Bruce Wright, second: Colleen McAuliffe

- Letter to be written to the General Manager of Snowy Valleys Council to get assistance to undertake pruning and gardening work. Alternatively, write to Mannus Correctional Centre to request help.
 - Moved: Anne Thoroughgood, Second: Neil Christie

Next Meeting 6 May 2023, Closed at 2.30pm

Glenroy Heritage Reserve Ordinary Meeting held on 6 May 2023

Ordinary Meeting held at Glenroy Heritage Reserve 6 May 2023 commencing at 1.30pm

Attendance:

Present at meeting: Neil Christie, Anne Thoroughgood, Stephen Weeks, Jamie Metcalf, Brenda Wigget, Colleen McAuliffe and Julia Ham. (Councillor Delegate)

Apologies: Bruce Wright

Reading of minutes of previous meeting held 4 February 2023

Moved: Colleen McAuliffe, Second: Jamie Metcalf

Business Arising:

- Letter to the General Manager of Snowy Valleys Council to get assistance - sent
- Windows of the Pioneer Womens Hut - work complete
- Pioneer Womens Hut floor installation - letter to Snowy Valleys Council for GST
- A new Council Delegate has not yet been organised

Correspondence:

- IN:
 - Email from Cheryl Evans regarding hire of the kitchen
- OUT:
 - Letter to Snowy Valleys Council for GST on floor covering for Pioneer Womens Hut
 - Letter to Chris Blake regarding use of the room for Food Handling Course

Treasurer's Report for Glenroy Heritage Reserve prepared by Stephen Weeks
Balance on the 4/02/2023 \$6477.51 currently in the account. As Attached.

Pioneer Womens Hut report read by Anne Thoroughgood.

- A number of museum donations received
- Thank you for the volunteers for the Pioneer Womens Hut repairs
- Displays dismantled and cleaned facility in readiness for the new flooring

Bus Report Read by Anne Thoroughgood

- Visitors are returning and taking leaflets away with them
- New information sign is reaping benefits
- Thank you to volunteers at Glenroy as a whole

GENERAL BUSINESS

- Snowy Valleys Council have paid half of the GST payment as required and will pay remainder when due - Stephen Weeks will notify Council when needed
- No response received from Council regarding assistance to undertake pruning and gardening work or assistance with Mannus Correctional Centre
- Correspondence received for hire of the kitchen by Cheryl Evans - vote resulted in 5 against, 1 for. Julia Ham declined to vote

- Secretary to write a letter to applicant to inform of the outcome
- Craft Shop would like to put up a sign outside of the fence to show opening hours
 - Julia Ham to check compliance with Council

Next Meeting 3 November 2023

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The committee raises funds through the craft shop sales, museum visits donations and tour bus catering that allow the committee to continue operations and contribute to maintenance jobs at the Museum and the Reserve.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

NIL.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Benefits of the Glenroy Heritage Reserve committee and sub committees includes but are not limited to the opportunity for socialisation of the volunteer group while providing an educational Historical facility to bring visitors to the area.

Risk Management - All volunteers are registered in council volunteer management framework and have completed current volunteer inductions.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Minutes - Glenroy Heritage Reserve - Annual General Meeting - 5 November 2022 (Under separate cover)
2. Minutes - Glenroy Heritage Reserve Report - 5 November 2022 (Under separate cover)
3. Minutes - Glenroy Heritage Reserve Report - 4 February 2023 (Under separate cover)
4. Minutes - Glenroy Heritage Reserve Report - 6 May 2023 (Under separate cover)
5. Draft Glenroy Heritage Reserve Committee Terms of Reference (ID2005893) (Under separate cover)

12. CONFIDENTIAL

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

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

RECOMMENDATION:

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

10.2 CONFIDENTIAL - DEVELOPMENT APPLICATION 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS LOT 10 DP 703914 - 131-133 HERBERT STREET TUMUT - ATTACHMENTS 3 & 4

Item 10.2 Attachments 3 & 4 are 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.

10.5 CONFIDENTIAL - SALE OF PROPERTY - SNOW VIEW ESTATE TUMBARUMBA - STAGE 3 - ATTACHMENTS 1, 3 & 4

Item 10.5 is confidential under the *Local Government Act 1993* Section 10A 2(c) as it relates to a commercial advantage on a person with whom the council is conducting (or proposes to conduct), business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.1 CONFIDENTIAL - RFT 2023-04 - BRUNGLE CREEK BRIDGE No 3 REPLACEMENT

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

12.2 CONFIDENTIAL – RFT 2023-05 - PANEL OF PREFERRED SUPPLIERS – SPECIALIST CONTRACTORS – TRAFFIC MANAGEMENT, GUARDRAIL, LINEMARKING, TREE AND CONCRETE SERVICES

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

12.3 CONFIDENTIAL – RFT 2023-06 - PANEL OF PREFERRED SUPPLIERS – PLANT AND EQUIPMENT HIRE

Item 12.3 is confidential under the *Local Government Act 1993* Section 10A (2) (d)(i) as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.4 CONFIDENTIAL – RFT 2023-07 - SPRAYED BITUMINOUS SURFACING-RESEALS

Item 12.4 is confidential under the *Local Government Act 1993* Section 10A (2) (d)(i) as it relates to as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13. MEETING CLOSURE