

29 The Parade,
Tumbarumba, N.S.W. 2653

4th March 2019

The Hon. Gabrielle Upton, MP,
Minister for Local Government,
Level 18, 52 Martin Place,
Sydney 2000

Dear Minister Upton,

PROPOSAL TO CREATE A NEW LOCAL GOVERNMENT AREA

On behalf of the residents of the former Tumbarumba Local Government Area (LGA) we the undersigned handed you a proposal to alter the boundaries of the Snowy Valleys LGA and reinstate the former Tumbarumba Shire LGA and Council under Section 215 of the Local Government Act 1993, dated 5th September 2018.

Accompanying this letter is a further supplementary proposal, along with further signatures to be considered by you along with the previous proposals.

Our count is an additional 1010 signatories with this proposal (contained in the accompanying 391 pages of documents). Those signatories are all persons that have confirmed they are enrolled electors on the electoral roll eligible to vote within the Snowy Valleys local government area (LGA). This takes the total number of signatures submitted to you thus far to 2,122. While there may be some duplication, that is for your office to assess.

We restate and further submit the proposal remains that:

- 1) A new LGA be constituted comprising that area having the boundaries of the former Tumbarumba LGA that existed prior to 12th May 2016, and;
- 2) The boundaries of the Snowy Valleys LGA be altered so that the area that was the former Tumbarumba LGA prior to 12th May 2016 be excised.

We are making this proposal to you as Minister for Local Government on the same grounds as previous proposals and because:

- a) The forced amalgamation of Tumbarumba and Tumut Shires was undemocratic and deeply unwanted by the local community;
- b) Tumbarumba Shire Council provided valued, essential local representation as well as environmental protection for its residents;

- c) Tumbarumba Shire Council was financially robust and very capable of managing its own financial affairs; and
- d) An overwhelming majority of Tumbarumba residents wish to have reinstated their former local council rather than see it swallowed up because of a forced merger with the former Tumut Shire into the Snowy Valley LGA managed by a shire council that is proving increasingly incapable of performing the functions required of it under the Act to an acceptable standard.
- e) The Snowy Valleys Council has failed to deliver the savings promised by the government and has failed to fulfil any of the recommendations made by the Minister's delegate whose key recommendation on the proposed merger was *"That a merger of Tumut Shire and Tumbarumba Shire not proceed unless the strong opposing attitudes of residents, ratepayers and council staff in Tumbarumba Shire are addressed through a combination of advocacy campaigns and protections of service levels within a new council".*

Almost 3 years after the merger, Tumbarumba residents remain totally opposed to it. A plebiscite held during the council elections in September 2017 returned an almost unanimous result: more than 93% of all eligible voters want the former Tumbarumba Shire restored.

The level of concern about the poor, and unsustainable performance of the government's amalgamated Snowy Valleys Council continues to grow as attested by the mood of the community meeting held on 17th December 2018 as set out in the proceedings of that meeting and the performance scorecard reported to you in attachments to our letter to you dated 15th February 2019.

The proposal accompanying this letter contain the names, addresses and signatures of more than 1,000 eligible electors from the Snowy Valleys LGA, including from within the former Tumbarumba Shire who support this proposal to reconstitute the former Tumbarumba Shire LGA. The total number of signatures submitted to you thus far is 2,122 which is more than twice the number necessary under Section 215 of the Local Government Act.

We expect you as the responsible Minister will now support this proposal and proceed with alacrity to hold an open, public, and transparent inquiry into this proposal, including consultation with the residents of Tumbarumba. We also expect that you will refer the proposal for examination and report by the Boundaries Commission as required under the Act, and that you will recommend the Governor make a proclamation to bring this proposal into effect.

We also reiterate that you as the responsible Minister have the power under s215(1) of the Act to make a proposal as described above and to proceed to recommend to the Governor that the proposal be implemented, thereby avoiding unnecessary cost and loss of time. Such a move on your part would be welcomed.

Furthermore the community of the Snowy Valleys LGA require the government to provide such funding as is required to bring this proposal into effect and to fully reinstate the former Tumbarumba LGA without any cost burden on the community.

Should you neither support our proposal as submitted nor use your discretionary powers, we will continue to campaign for the restoration of our Shire.

We request that you promptly acknowledge receipt of this further supplementary proposal and the accompanying 1,010 signatures contained in the attached 391 pages of documents. We also require full particulars of any and every signature that you or your delegates determine to be ineligible.

On behalf of the electors of Snowy Valleys Local Government Area and the community of the former Tumbarumba LGA;

Ms Lucy Henderson Dr. Neil T. M. Hamilton Mr Douglas Gee

29 The Parade, Tumbarumba NSW 2653

(Save Tumbarumba Shire Inc.)

Cc (Letter and Proposal text only);

Premier of NSW,

Leader of the NSW Opposition

Shadow Minister for Local Government

PROPOSAL TO CREATE A NEW LOCAL GOVERNMENT AREA

This proposal is made pursuant to Chapter 9, Part 1 of the Local Government Act 1993 (The Act).

This proposal is to be considered in addition, and supplementary to the submissions dated 12th February 2018 hand delivered to your office, and the submission dated 4th September 2018 handed to you the following day.

The attached 1,010 signatories supporting this proposal are persons that are enrolled electors on the electoral roll eligible to vote within the Snowy Valleys local government area (LGA), the majority of whom would be eligible to vote in newly created LGA of Tumbarumba.

The signatories make this proposal on the same grounds as, and supplementary to the previous proposals and in accordance with Sections 215 of the Local Government Act 1993 so as to;

1. constitute a new LGA having the same boundaries as that area that was the former Tumbarumba LGA prior to 12th May 2016, and shown in attachment 1, that area being a single contiguous LGA pursuant to the Act.
2. make consequential alterations to the boundaries of the Snowy Valleys LGA to the extent necessary to excise from the Snowy Valleys LGA the proposed new LGA being the former Tumbarumba LGA.

It is proposed that you as the Minister for Local Government;

1. recommend the Governor of New South Wales make a proclamation that:
 - a. that part of New South Wales constituting the area that was formerly the LGA of Tumbarumba and shown in attachment 1 be proclaimed as a new LGA for the purposes of the Act,
 - b. such area is to be delineated by the same boundaries as delineated the former LGA of Tumbarumba and as described in attachment 1,
 - c. such area to be named Tumbarumba LGA, and
 - d. the Governor's proclamation include such provisions as are necessary or convenient for giving effect to the proclamation, in accordance with Chapter 9, Part 1, Division 1, Section 213, including provisions for or with respect to the full restitution of all things that were held by or were an entitlement of the former Tumbarumba Shire Council immediately prior to its dissolution on 12th May 2016, and which would have been ongoing, save for the abovementioned dissolution.
2. instruct the appropriate law officer to draft a proclamation incorporating the above having due regard for fairness, equity, and the passage of time.

The signatories are making this proposal to you as Minister for Local Government because:

- a. Section 204 of the Local Government Act 1993 (The Act) provides the Governor may, by proclamation, constitute any part of New South Wales as an area, subject to certain requirements;
- b. The forced amalgamation of the former Tumbarumba and Tumut Shires was undemocratic, disregarded the recommendation of the report made by the minister's delegate as required under Section 218 of the Act, and remains deeply unwanted by the Tumbarumba community;
- c. The former Tumbarumba Shire Council provided essential local representation as well as environmental protection for the electors of the Tumbarumba LGA;

- d. The former Tumbarumba Shire Council was financially robust and very capable of managing its own financial affairs; and

- e. As attested by the petitions that forms the proposal now put to you, an overwhelming majority of the electors of the former Tumbarumba LGA wish to have reinstated their former local council rather than see it swallowed up as a result of a forced merger with the former Tumut Shire into the Snowy Valley LGA managed by a shire council that is proving increasingly incapable of performing the functions required of it under the Act to an acceptable standard.

- f. The Snowy Valleys Council has failed to deliver any of the savings promised by the government and has failed to fulfil any of the recommendations made by your delegate. Indeed it is now projecting deficits out until 2027/28, notwithstanding that projection is based on rate increases and likely cuts to services and delivery standards. The level of concern about the poor, and unsustainable performance of the government's amalgamated Snowy Valleys Council continues to grow as attested by the mood of the community meeting and the performance scorecard reported to you in attachments to our letter to you dated 15th February 2019.

