SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

Ordinary Council Meeting
17 June 2021

CONFLICTS OF INTEREST

A conflict of interest arises when the Mayor or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Mayor or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Mayor or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Mayor or Chief Executive Officer, or another Council employee to determine whether or not a person may have a conflict of interest.

COUNCIL CODE OF CONDUCT

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Mayor or Chief Executive Officer are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Country

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

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Webcasting

Council meetings are recorded and live streamed to the internet for public viewing. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded and streamed on Council's website www.snowymonaro.nsw.gov.au

ORDINARY COUNCIL MEETING
TO BE HELD IN BOMBALA COMMUNITY CENTRE, 163 MAYBE STREET, BOMBALA NSW 2632

ON THURSDAY 17 JUNE 2021
COMMENCING AT 5:00PM

BUSINESS PAPER

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

Approving Councillors Atttendace By Audio-Visual Link

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

4. CITIZENSHIP CEREMONIES

5. DISCLOSURE OF INTEREST
(Declarations also to be made prior to discussions on each item)

6. MATTERS DEALT WITH BY EXCEPTION

7. CONFIRMATION OF MINUTES
7.1 Ordinary Council Meeting held on 20 May 2021
7.2 Closed Session of the Ordinary Council Meeting held on 20 May 2021
7.3 Extraordinary Council Meeting held on 24 May 2021
7.4 Extraordinary Council Meeting held on 26 May 2021

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS
8.1 Development Application 10.2021.126.1 - Community Club House - Equestrian Centre Berridale 5
8.2 Development Application 10.2020.135.1 Eco-Tourist Facility 31
8.3 Development Application 10.2021.148.1 Temporary Campground and Caravan Park Ancillary to Existing Tourist Facility 87

9. OTHER REPORTS TO COUNCIL

9.1 KEY THEME 1. COMMUNITY
9.1.1 Delegate Water Treatment Plant Reservoir & Pump Station - Acquisition of Part Lot 1 DP 348134 Delegate - Acquisition of Easements - Application for Crown Licence 203
9.1.2 Monthly funds management report - May 2021 209
9.1.3 Draft Minutes - Community Services Advisory Committee - 1 March 2021 and 7

June 2021 217
9.1.4 Recreation Facilities committee minutes - 22 February 2021 237
9.1.5 Draft Memorandum Of Understanding (MOU) Between the Snowy Monaro Regional Library (SMRL) and the Cooma Monaro Historical Society (CMHS). 245

9.2 KEY THEME 2. ECONOMY

Nil

9.3 KEY THEME 3. ENVIRONMENT

9.3.1 Jindabyne Camping 2021 Winter Campaign 249
9.3.2 Adoption of Recommendations from the Local Traffic Committee Meeting Held on 20 May 2021 291
9.3.3 Bumbalong Bridge 309

9.4 KEY THEME 4. LEADERSHIP

9.4.1 Donations and Sponsorship Submissions for FY22 July to December 2021 317
9.4.2 Review of Plantations and Reafforestation Legislation 321
9.4.3 Revenue Recovery Update 359
9.4.4 Request to close part of Mittagang Road Reserve - Boundary Adjustment followed by Land Sale to Owner of Lot 2 DP 815248 365
9.4.5 Leesville Civil Works Progression to Enable Sale of Subdivision Section 3D (4 Lots) - Sale of Industrial Land 369
9.4.6 Highview Estate, Jindabyne - Boundary Adjustment to Community Land Parcel for the Purposes of Future Road Reserve 373
9.4.7 Answers to Questions With Notice 377
9.4.8 Resolution Action Sheet Update 393

10. NOTICE OF MOTION

10.1 Wild Horse Heritage Management Plan 513
10.2 Business Case Criteria 515
10.3 Demolition of decommissioned service station 517

11. MAYORAL MINUTES

12. QUESTIONS WITH NOTICE

13. Confidential matters 518

13.1 Consideration of Work Health and Safety Matters

Item 13.1 *is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and (f) of the Local Government Act because it contains and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

13.2 Legal actions and potential claims against SMRC as at 31 May 2021

Item 13.2 *is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to*

the public interest.

13.3 Contract for the Cooma Festival Swimming Pool

Item 13.3 *is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

8.1 DEVELOPMENT APPLICATION 10.2021.126.1 - COMMUNITY CLUB HOUSE - EQUESTRIAN CENTRE BERRIDALE

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Town Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:	1. DRAFT Conditions of Consent *(Under Separate Cover)* 2. Plans *(Under Separate Cover)* 3. Statement of Environmental Effects *(Under Separate Cover)* 4. Stronger Country Communities Fund - Funding Deed *(Under Separate Cover)* 5. SMRC & Monaro Equestrian Association - Deed of Non-Exclusive Licence *(Under Separate Cover)* 6. AHIMS Search Results *(Under Separate Cover)* 7. Submission 1 *(Under Separate Cover)* 8. Development Application Form *(Under Separate Cover)* 9. Procedure - Council Decision Contrary to Staff Recommendation

Further Operational Plan Actions:

Applicant Number:	10.2021.126.1
Applicant:	Monaro Equestrian Association
Owner:	Snowy Monaro Regional Council
DA Registered:	03/05/2021
Property Description:	35 O'Brien Avenue BERRIDALE NSW 2628 Lot: 35 DP: 701757
Property Number:	40507832
Area:	1.8330 Hectares
Zone:	RU5 - Village
Current Use:	Recreation facilities (outdoor)
Proposed Use:	Recreation facilities (outdoor)
Permitted in Zone:	Yes
Recommendation:	Approval

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the erection of a "*club room with attached storage shed and toilet block"* the Monaro Equestrian Association at 35 O'Brien Street, Berridale.

The application is referred to Council for determination in line with Councils' Policy "Referral of Development Applications to Council" as the application is located on Council owned land.

Upon assessment, the assessing officer is satisfied that the development complies with the provisions of the Snowy River Local Environmental Plan 2013 and Snowy River Development Control Plan 2013 and it is recommended that it be approved with conditions.

If Council decides to make a determination other than as included in the recommendation, it must follow the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendatio*n (attached to this report).

RECOMMENDATION

A. That pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended) C*ouncil grants consent to DA 10.2020.216.1 for the ***Construction of a Community Clubroom with Attached Storage Shed and Toilets*** at 35 O'Brien Avenue Berridale (lot 35 DP701757), with draft conditions of consent attached to this report.

BACKGROUND

The proposal is development is for the erection of a single building which includes the following areas:

1. Club house – with kitchen
2. Bathroom Facilities
3. 3 Bay Storage Shed

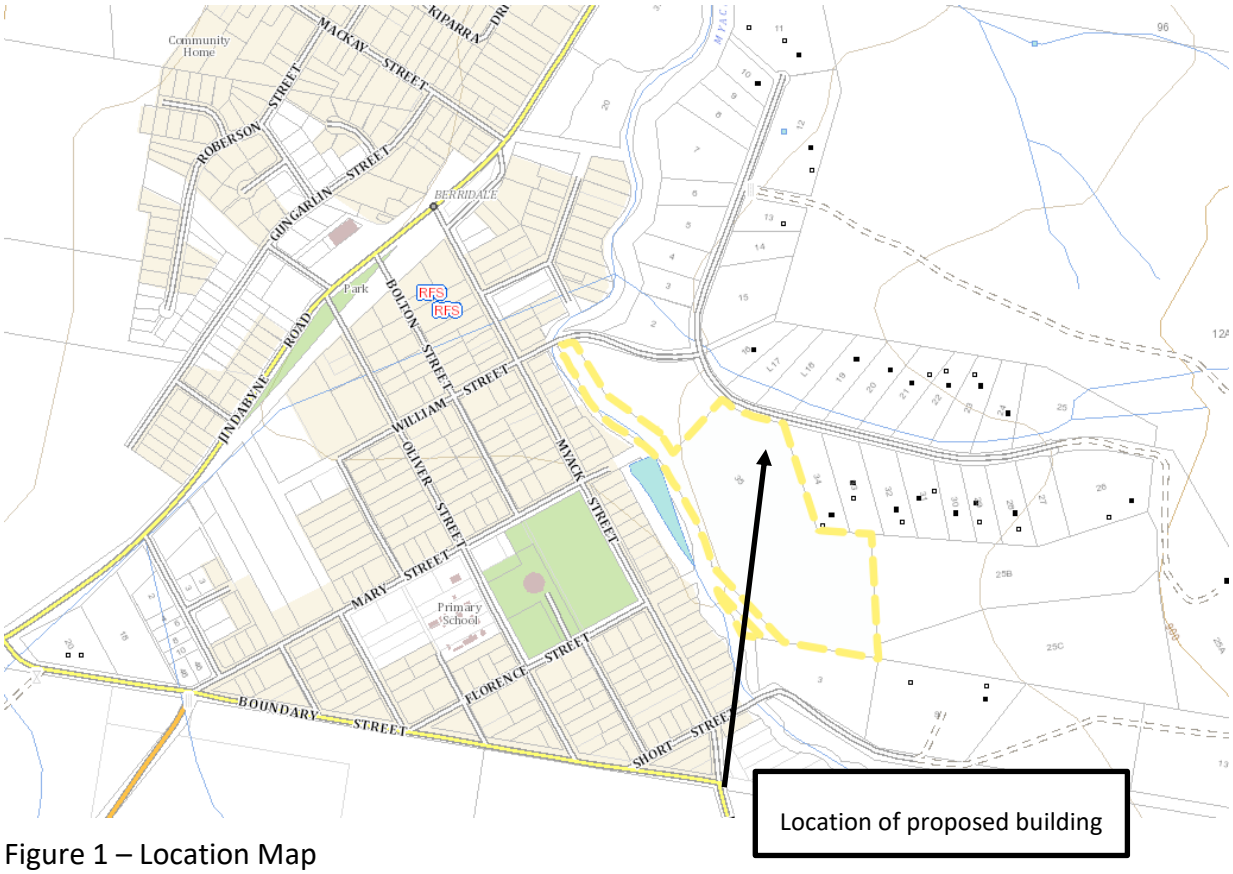


Figure 1 – Location Map

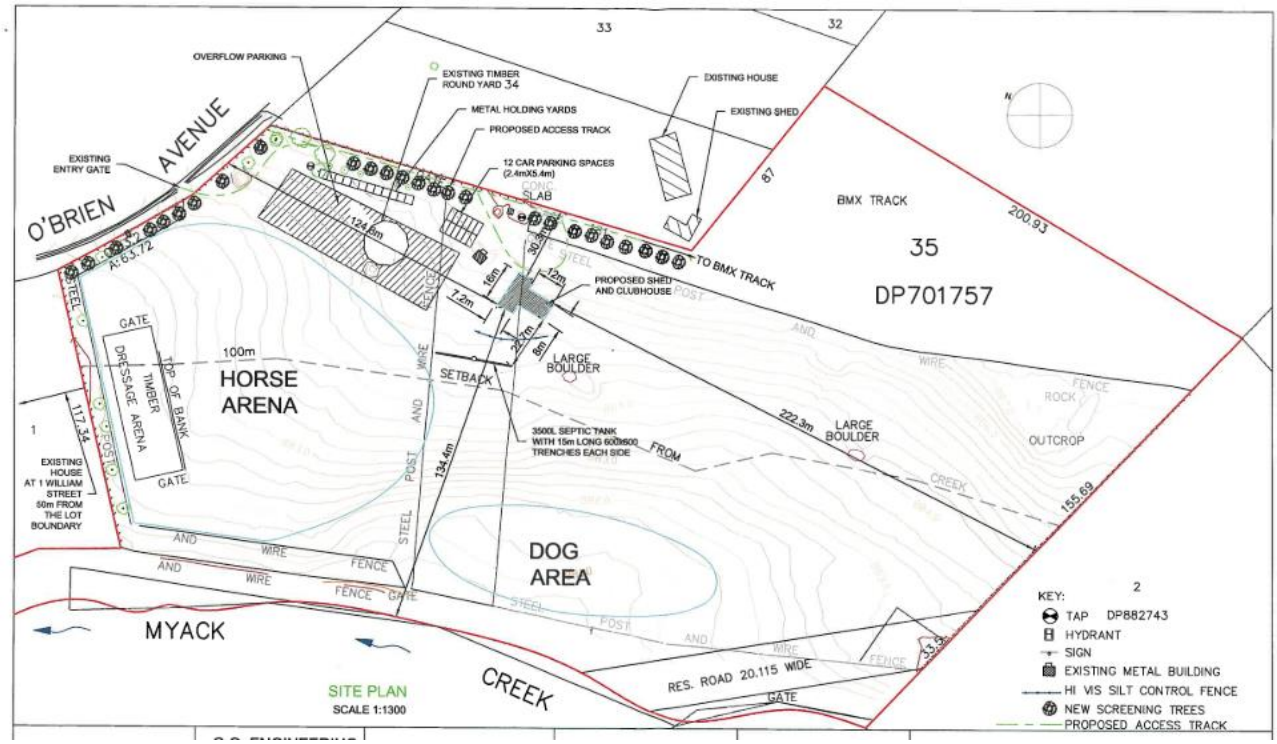


Figure 2 – Site Plan

ASSESSMENT

The application has been assessed against the provisions of the following documents:

State Environment Planning Policies (SEPPs)	There are no SEPP's relevant to this development.
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environment Plan 2013
Development Control Plans	Snowy River Development Control Plan 2013

SECTION 4.15

Section 4.15 and EP&A Act Checklist

The suitability of the site for the development:	The site is generally suitable for development.
The provisions of any environmental planning instrument and draft environmental planning instrument:	The proposal has been assessed against the provisions of all SEPP's and no SEPPs were deemed relevant to this proposal. The proposal has been examined in detail against the provisions of SRLEP 2013 and has been found **to** achieve an acceptable level of compliance.
The provision of any development control plan:	The application generally complies with the provisions of Council's relevant development control plan being the Snowy River Development Control Plan 2013.
Any matters prescribed by the regulations:	The application generally complies with the *EP&A Regulation 2000*.
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:	The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed above.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was notified and advertised under the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019. One (1) submission in support of the application was received the contents of which will be considered below.
The public interest:	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating

	an undesirable precedent.

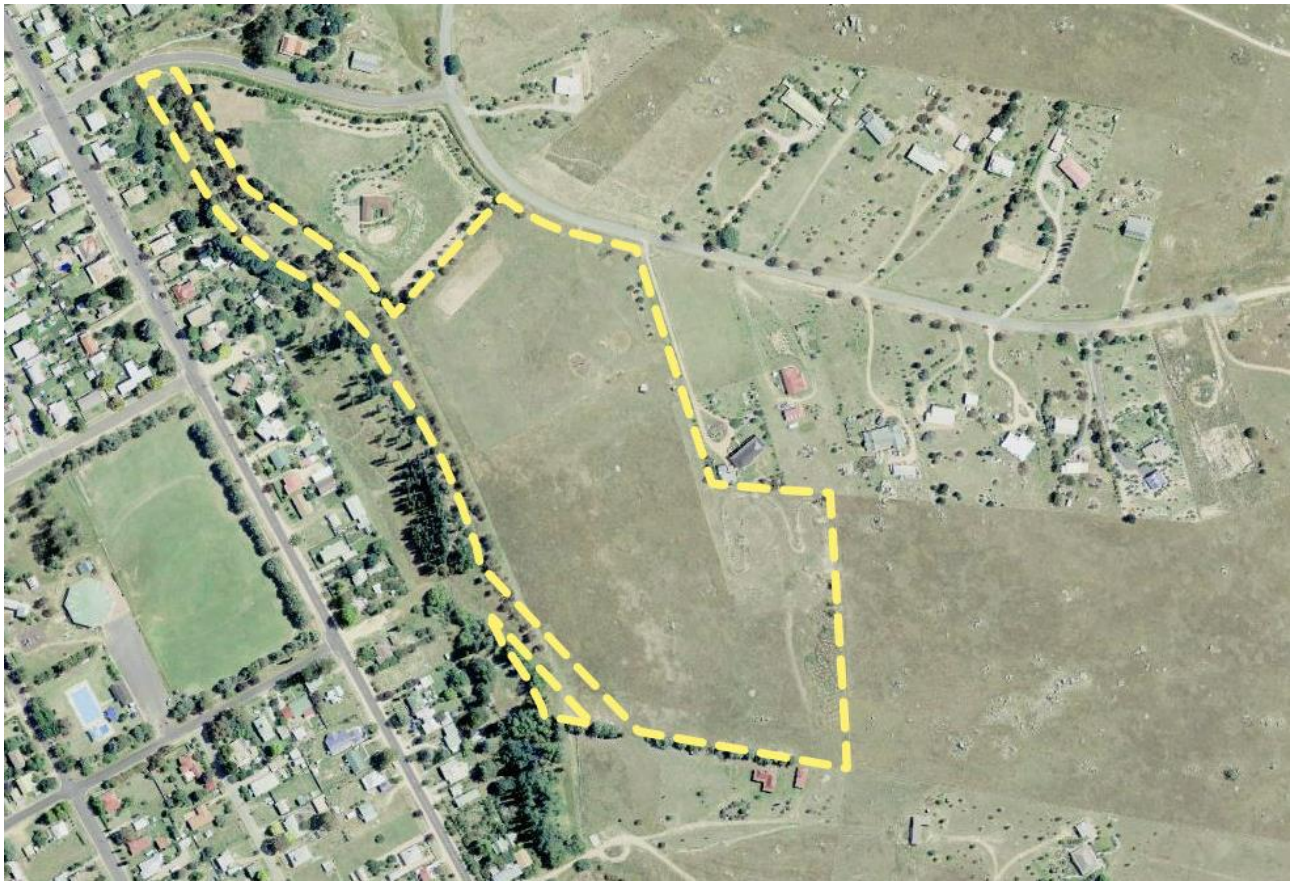


Figure 3 - The Subject Site

1.0 PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for the construction of a Club house with an attached three (3) bay storage shed. The building will include kitchen facilities, bathroom and shower facilities as well as additional storage for the Monaro Equestrian Association.



Figure 4 – Proposed new building 12m x 8m + 16m x 6m colorbond clubhouse and storage shed.

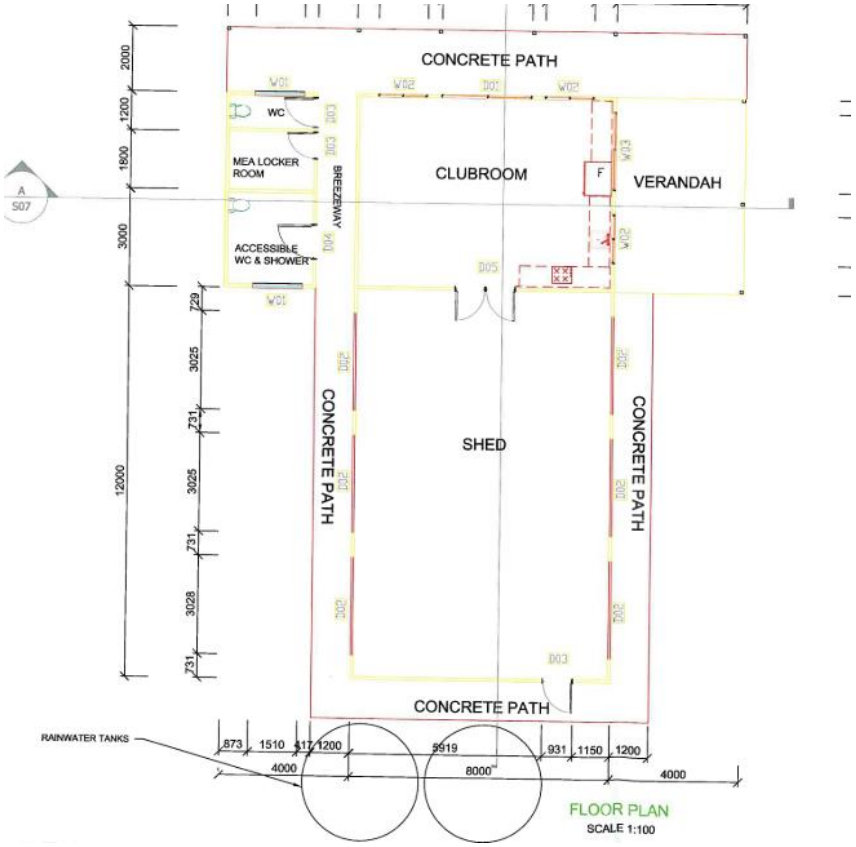


Figure 5 – Proposed new building internal layout

4.0 INTEGRATED DEVELOPMENT

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is was not deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

5.0 REFERRALS

5.1 External Referrals

No external referrals were required for the subject application.

5.2 Internal Referrals

The application was referred to Councils property officer, no objection was received and no specific conditions of consent required. The application was referred to Councils Development Engineer and conditions of consent were provided regarding the upgrade to the existing driveway.

6.0 LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below:

- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Draft environmental planning instruments;
- Development control plans;
- Likely Impacts of the Development - environmental (natural and built), social and economic;
- Any Planning Agreement or Draft Planning Agreement;
- The EP&A Regulations;
- Submissions; and
- Public interest.

6.1 The suitability of the site for the development:

Slope	Gentle slope exists – no impediment to development exists
Significant vegetation	NA
Adjoining development	Similar in nature, scale and design to proposal
Suitability of proposed works / building	Generally acceptable having regard to constraints of the land
Streetscape	The proposal is generally compatible with adjoining development
Stormwater disposal	Into council system
Services	All services existing on-site - electricity / telephone/water
Views	nil impact to and from site
Contamination	nil identified
Bushfire	The site is not mapped as bush fire prone land
Flooding	nil impact
Vehicular access	The site has coinciding legal and practical access
Easements and restriction on use	NA
Aboriginal sites	nil identified on-site
Threatened species	nil identified on-site
Grasslands	nil identified on-site

Rivers/streams	Not applicable
Effluent disposal	Existing on site effluent system to be upgraded
Prevailing winds	nil impact
Easements	nil affected by this proposal
Other matters	nil

Previous Development History

Existing timber Round Yard, Metal holding yards, 4 x 4 shed and metal outhouse.



Figure 6 – View towards Myack Creek and the existing round yard



Figure 7 – Existing toilets – to be retained

6.2 The provisions of any environmental planning instrument

6.2.1 State Environmental Planning Policies

The proposal has been assessed against the provisions of all known SEPP's and the development has been found **to** achieve an acceptable level of compliance. There are no relevant SEPPs.

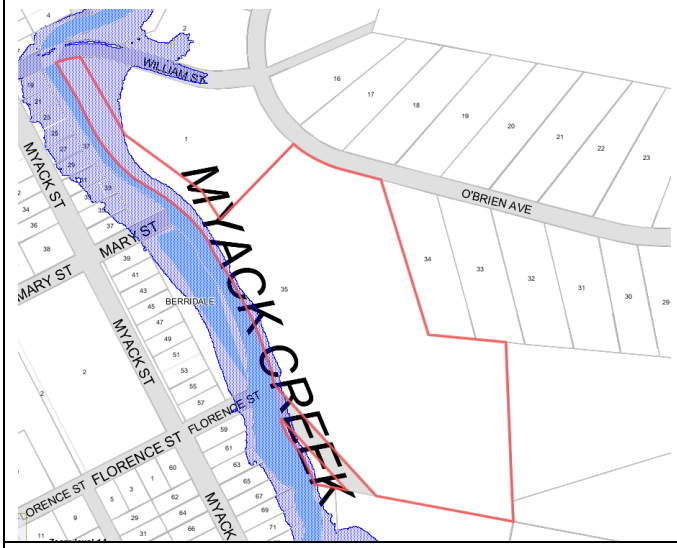
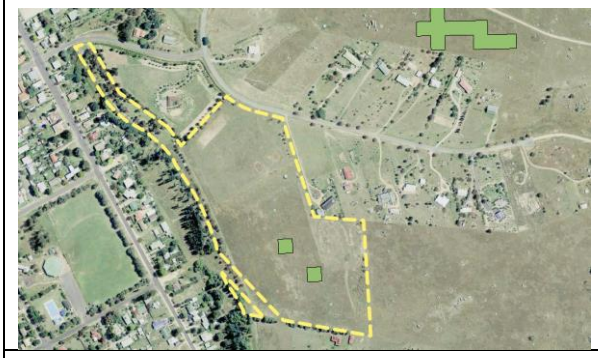
6.2.2 Permissibility of the development under the Snowy River LEP 2013

- The subject land is zoned: RU5 - Village
- Definition of land usage under Snowy River LEP 2013: Recreation Facility (Outdoor)
- The proposal is permissible with development consent from Council pursuant to Zone RU5 of the SRLEP 2013.
- The proposal **is** considered to be consistent with the aims and objectives of the plan

In the assessment of this application, the following special provisions from **Snowy River LEP 2013** are of relevance and have been assessed for compliance:

Provision	**Response/Acceptable Solution**
PART 1 Preliminary	Satisfactory

PART 2 Permitted or prohibited development	Recreation Facilities (Outdoors) is a land use permitted with consent in the zone of RU5.
PART 3 Exempt and Complying Development	*Not Applicable*
PART 4 Principal development standards	
Clause 4.3 Height of building	Complies – 4.154m in height
Clause 4.4 Floor space ratio	Complies
Clause 4.6 Exception to development standards	Not Applicable
PART 5 Miscellaneous provisions	
Clause 5.1 Relevant acquisition authority	Not Applicable
Clause 5.2 Classification and reclassification of public land	Not Applicable
Clause 5.3 Development near zone boundaries	Not Applicable
Clause 5.4 Controls relating to miscellaneous permissible uses	Not Applicable
Clause 5.5 Development within the coastal zone	Not Applicable
Clause 5.6 Architectural roof features	Not Applicable
Clause 5.7 Development below mean high water mark	Not Applicable
Clause 5.8 Conversion of Fire Alarms	Not Applicable
Clause 5.10 Heritage conservation 	No Aboriginal items identified – AHIMS 594047 No European Heritage item listed
Clause 5.11 Bushfire hazard reduction	Not Applicable
Clause 5.12 Infrastructure development and use	Not Applicable

of existing buildings of the crown	
Clause 5.13 Eco-tourism facility	Not Applicable
PART 6 Land release areas	
Clause 6.1 Public utility infrastructure Clause 6.2 Development control plans for land release areas	Not Applicable
PART 7 Additional local provisions	
Clause 7.1 Flood planning 	The property is located in proximity to Myack Creek and is mapped along the western boundary as being flood prone land. The proposed development is located over 100m from the flood prone mapped areas and as such there are no foreseen impacts.
Clause 7.2 Terrestrial biodiversity 	The property is mapped with 2 small areas of indicative Terrestrial Biodiversity. The development is not proposed in these areas and given the current use of the land by the Monaro Equestrian Association for equestrian events there is no foreseen impacts.
Clause 7.3 Riparian land and watercourses	The property is located in proximity to Myack Creek. The proposed development is located over 100m from the Riparian and water course mapped areas and as such there are no foreseen impacts. The proposed onsite sewerage management facility has been assessed to be outside any area where impacts may occur and has been approved.

Clause 7.4 Wetlands	Not Applicable
Clause 7.5 Active street frontages	Not Applicable
Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas	Not Applicable
Clause7.7 Development within the eastern approaches to Kosciuszko National Park	Not Applicable
Clause7.8 Serviced apartments	Not Applicable
Clause7.9 Essential services	The proposal includes the development of kitchen facilities and bathroom facilities. As such the development requires access to water and sewer. There is an existing connection to council water infrastructure. A site and soil assessment has been provided to demonstrate that the site can support an onsite sewer management system. Additionally, Council has approved the installation of an on-site sewer system under 17.2021.34.1. The subject site has direct access on to O'Brien Avenue, however the existing crossover will require upgrading.
SCHEDULE 1 Additional permitted uses	
Clause 1 Uses of certain land at Rushers Bay Av and Old Kosciuszko Rd, East Jindabyne.	Not Applicable
Clause 2 Uses of certain land at The Station Jindabyne	Not Applicable
Clause 3 Use of certain land on the foreshore of Lake Jindabyne	Not Applicable
SCHEDULE 2 Exempt development	Not Applicable
SCHEDULE 3 Complying development	Not Applicable
SCHEDULE 4 Classification and reclassification of public land	Not Applicable

SCHEDULE 5 Environmental heritage	Not Applicable

The proposal has also been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance.

6.3 Provision of any proposed Environmental Planning Instruments

There are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

6.4 Assessment against the relevant provisions of Snowy River Development Control Plan 2013

In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	Response/Acceptable Solution
A1 Introduction	Acceptable
A2 Development application requirements	
1. Background	The Monaro Equestrian Association has received a grant as part of the Stronger Country Community Fund to build the proposed development.
2. Preparing DA Application	Satisfactory
3.Site Analysis	Site Analysis - Myack Creek is located to the west of the property. - The eastern boundary is a large lot residential property. There may be potential privacy issues. However the development is proposed in an area that is currently used for equestrian purposes. - The access is of public sealed road O'Brien Ave. - The site of the proposed structure is free from trees. - Existing structures include:

	○ Existing timber Round Yard ○ Metal holding yards ○ Timber dressage Arena ○ 4 x 4 Shed ○ Iron Outhouse structure & septic tank
4. Site planning & layout	Satisfactory
5. Required information	Not Required
A3 Public Notification	The application was both neighbour notified and publically advertised for a submission period of 14 days in accordance with the Snowy Monaro Planning and Development Community Participation Plan 2019. The notification period was 15/05 - 26/05/2021. 1 submission was received, it is considered below.
B1 Rural localities, Towns & Villages	The development is considered to be complimentary to the key planning response for Berridale.
B2 Town & Village Plans	
2. Berridale Village	The development is considered to be complimentary to the Berridale Village plan.
C General planning considerations	
C1 Subdivision	Not Applicable
C2 Design	The proposed development will present as a large shed. Given the nature of the large residential blocks along O'Brien Ave and there being several other sheds already constructed in the area, it is considered that the erection of the proposed building will be in keeping with the existing character of the area. The proposed siting of the development is set back from the road by over 120m and therefore will not dominate the streetscape. Colour Schedule: Walls: Classic Cream

	Roof: Surfmist
C3 Car-parking, Traffic & Access	There is more than adequate space for parking on the subject site with 12 dedicated car spaces proposed and additional overflow car park area available for when the need arises. The existing cross over will need to be upgraded to meet current council standards.
	
C4 Heritage	No Aboriginal items identified – AHIMS 594047 No European Heritage item listed
C5 Tree preservation & Landscaping	The proposed development will not require the removal of any existing trees. The applicant proposes to plant new screening trees along the northern boundary.
C6 Signage & Advertising	The application proposes temporary signage to acknowledge the sponsor as of the development “Stronger Country Community Fund”, for a 12

	month period. This is not considered to be advertising signage for the purposes of the DCP or SEPP 64 – Advertising and Signage.
C7 Natural Hazard Management	The property is located in proximity to Myack Creek and is mapped along the western boundary as being flood prone land. The proposed development is located over 100m from the flood prove mapped areas and as such there are no foreseen impacts.
C8 Environmental Management	There are no foreseen impacts
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	A site and soil assessment has been provided to demonstrate that the site can support an onsite sewer management system. Additionally, Council has approved the installation of an on-site sewer system under 17.2021.34.1. Water will be provided to the site from both rainwater and councils water mains.
C10 Waste management & Recycling	Councils waste and recycling collection service is available to the site.
D Residential Development	Not Applicable
E Non-residential Development	
E5 Recreation Facility	**1.1 Appropriate Site Selection - Satisfactory** The subject site is currently used for the purposes of a Horse Riding facility and is considered that the scale of the proposed development is suitable for the site. The site is a cleared site with a gentle slope towards the west, and there is no proposed changes to the site. **1.2 Management of Impacts – Satisfactory** The property to the east of the subject site is a developed with a residential dwelling. The dwellings living spaces are orientated towards the east and away from the development. As such, it is considered that the development will have no foreseen unreasonable visual or privacy impacts. Refer to figure 8 below. **1.3 Environmental Impacts – Satisfactory** The subject site is defined by Myack Creek on the western boundary. The proposed development is located over 100m from the

	Riparian and water course mapped areas. The land is currently provided holding yards for up to 14 house and there is no additional holding yards as part of this development. Given the use is established and there is no proposed intensification in regards to the number of horses at the site there are no foreseen environmental impacts. Conditions regarding the management of the associated animal waste will be imposed. **1.4 Car Parking – Satisfactory** It is considered that the site has provided adequate space for car-parking. **1.5 Access for Persons with a Disability – Satisfactory** The proposed development provides an assessable bathroom and as such the development is considered to have made reasonable provisions for persons with a disability. **1.6 Waste Management – Satisfactory** Condition of consent will required the lawful disposal of any waste generate at the site. **1.7 Animal Protection – Satisfactory** No foreseen impacts.
F Controls for specific sites & localities	Not Applicable



Figure 8 – View from the subject site towards 34 O'Brien Ave

6.5 Planning Agreements

No planning agreements have been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.5.

6.6 Any matters prescribed by the regulations

The application generally complies with the *EP&A Regulation 2000*.

6.7 Submissions

The proposed development was required to be notified as per the requirements of the Snowy Monaro Community Participation Plan 2019. There was one (1) submission received and is considered below.

6.8 Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic	Direct from existing driveway access to O'Brien Ave.
Easements/88B Restrictions on Use	Not Applicable
Bushfire Assessment s4.14	Not Applicable

Impacts on supply of utilities	The proposed development is considered unlikely to result in any significant impacts upon the supply of utilities within the locality.
Heritage	Not Applicable
Natural and other land resources	The proposed development is considered unlikely to result in any significant impacts upon natural or other land resources within the locality.
Water supply and potential impacts on surface and ground water	No impact foreseen
Soils	Not Applicable
Air quality, pollution and microclimate impacts (e.g. odour)	The proposed development is unlikely to have any significant impact on the air quality of the site and any surrounding properties due to the nature of the development.
Flora and fauna & Consideration of Threatened Species	Not Applicable
Waste facilities and controls	Not Applicable
Energy efficiency and greenhouse gas emissions	Not applicable
Noise and vibration	Some noise will result from the construction of the proposed development however, such noise would be temporary and have no lasting impact. The use of the site is not proposing to change and as such current noise levels would not be considered to increase with ongoing operation.
Safety, security and crime prevention	Not Applicable
Social impact in locality	The proposed development will result in a positive social impact within the locality of the development.
Economic impact in locality	The proposed development will result in minimal economic impact within the locality of the development.
Site and internal design issues	Satisfactory
Impacts during construction	While it is unlikely that the construction of the proposed shed will result in any impacts.
Cumulative impacts	The proposed development in conjunction with surrounding residential development is considered unlikely to result in any significant cumulative impacts.
Impact on pedestrian movements and safety	Not Applicable

Mineral resources and/or deposits in the vicinity	There are no known mineral resources or deposits in the vicinity.
Impacts on aboriginal heritage	Nil
Health Impacts of High Voltage Power Lines	Not Applicable

6.9 Public Interest

The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent

7.0 OTHER MATTERS

Crown Land	Not Applicable
Approvals under other Acts	Not Applicable
Internal Referrals	Development Engineer – Conditions provided regarding the upgrade to the driveway.

SUBMISSIONS

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019 for a period of 14 days.

The proposed development was amended and those amended plans were placed on public exhibition and adjoining landowners were notified in accordance with the provisions of the Snowy Monaro Community Participation Plan 2019 for a period of *14* days.

Summary of Submissions

Total Number of submissions	1
Number objecting	0
Number supporting	1

Submission – issues raised	**Assessing Officer response**
Support the application so long as the development will not impact on the walking track along Myack Creek	The proposed development is within the property boundary of 35 O'Brien Ave and located over 130m from the property boundary. There will be no impact of the walking trail.

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCPs, Codes and Policies. The key issues arising out of the assessment of this application comprise:

1. The proposal is compliant with the development standards of the Snowy River LEP and DCP 2013.
2. The structure is an addition to an existing Recreation Facility (outdoor) that will foster growth in a well establish community group.

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed below.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The proposed development is considered to have a positive social impact as the site will be better equipped to service the requirements of the Monaro Equestrian Association community members through suitable storage solutions and clubhouse facilities.

2. Environmental

The proposed development is considered to have no negative environmental impacts. Stormwater will be managed onsite and collected into rain water tanks. There will be no impact upon air quality and noise impacts through construction will be managed via appropriate conditions of consent.

3. Economic

The development will have no economic impact on Council resources

4. Civic Leadership

The application is referred to Council for determination rather than being determined by staff under delegation, as the development as the development is proposed on Council owned land. This is in accordance with Councils Policy – *Referral of Development Applications to Council.*

In accordance with section 4.16 (1) of the Environmental Planning and Assessment Act 1979; a consent authority is to determine a development application by—

(a) granting consent to the application, either unconditionally or subject to conditions, or

(b) refusing consent to the application.

If Council decides to make a determination other than as included in the recommendation, it must follow the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendatio*n (attached to this report).

Procedure

SNOWY MONARO REGIONAL COUNCIL

Name of Procedure	**Council Decision Contrary to Staff Recommendation**
Document Register ID	250.2018.439.1 **Date Approved** 08/03/2018
Document Author	Director of Environment & Sustainability
Authorised by	Director of Environment & Sustainability
Applicable to	Environment & Sustainability
Purpose	The purpose of this document is to minimise any potential problems which may arise from this situation and provide a clear framework within which appropriate decisions can be made.
Frequency	When will this procedure be followed As required and in accordance with Policy Referral of Development Applications to Council
Hazard Identification	Nil
Level of risk	Legal Risk

In a situation where a development application is reported to a Council meeting for decision, the staff report includes a commentary of the matters that legally must be considered in the assessment of a development application, and also makes a recommendation to the Council as to a decision.

The Council is entitled to form its own decision and may therefore determine not to adopt the staff recommendation.

The following procedure has been formulated to minimise any potential problems which may arise from this situation and provide a clear framework within which appropriate decisions can be made.

Reference should be made to Cl 100(c) of the Environmental Planning and Assessment Regulation 2000 which states that a notice of determination of an application must include: "If the application has been refused, or granted subject to conditions (other than conditions prescribed under Section 80A (11) of the Act) the consent authority's reasons for the refusal or for the imposition of those conditions".

Reference should also be made to Council's Code of Meeting Practice (Clause 20 (8)) and Council's Policy titled *'Referral of Development Applications for Council Determination'*.

Situation 1: Staff recommend refusal however Council determine to approve

1.1 Process:

1) The staff reasons for refusal should be displayed on the screen in full view of the meeting. The reasons for refusal should display the relevant section (including subsections) of the Environmental Planning and Assessment Act, 1979 or Regulations which they relate to. The reasons for refusal are to state whether there is a non-compliance with a procedural or prescriptive provision of the Act, Regulations or an environmental planning instrument (i.e. SEPPs, REPs or LEPs).

   Note: An example of a prescriptive provision would be a particular minimum lot size. If a development is below a minimum lot size in a Local Environmental Plan (LEP), in the absence of an application under Clause 4.6 of the relevant LEP, the application must be refused.

   An example of a procedural provision might be the need to obtain approval from another government body as part of integrated development. If the other government body refuses to grant their approval the application must be refused.

2) Two possibilities may arise:

   If there is a non-compliance with a prescriptive or procedural requirement → the Council has no alternative. It can either refuse the DA or defer the decision and instruct the applicant to amend their application to comply.

   If there is no non-compliance with a prescriptive or procedural requirement → The Council is free to form its own opinion on the proposed development and the recommended reasons for refusal, providing it is satisfied that it has duly considered the matters prescribed in Section 79C of the Environmental Planning and Assessment Act. The following actions are to be taken:

   (a) Record in the minutes beneath each reason for refusal the reason(s) it does not consider it warranted (refer also to Clause 20(8) of Council's *Code of Meeting Practice*); and

   (b) Resolve to instruct the Director to prepare draft conditions of consent for submission to the next Council meeting. (Note the provisions of S.352 of the *Local Government Act* may apply).

3) Between Council meetings the Director is to prepare draft conditions of consent and include a copy of the full draft consent in the agenda for the next meeting.

4) At the next meeting the Council may resolve to approve the application in accordance with the draft consent supplied by the Director. It may also make changes to any conditions it sees fit provided the changes do not contravene any legal requirements. The Council should consult with the Director at the meeting in this regard.

Situation 2: Staff recommend approval however Council determines to refuse

Process:

1) In forming its determination to refuse the application, Council must be satisfied that it has duly considered the matters prescribed in Section 79C of the Environmental Planning and Assessment Act. The Council should prepare draft reason(s) for refusal of the application and display these on the screen at the meeting (refer also to Clause 20(8) of Council's *Code of Meeting Practice*).

2) The Director is to be consulted at the meeting to advise whether the draft reason(s) for refusal are considered to be legitimate reasons for refusal under the Environmental Planning and Assessment Act, 1979.

3) One of three possibilities may arise:

   a) *If the reasons are considered to be legitimate* → the Council may resolve to refuse the application for those reasons. The reasons must be recorded in the minutes and the relevant section (including subsection) of the EP&A Act attached to them.

   b) *If the reasons are not considered to be legitimate* → the Council must not refuse the application for those reasons. It may refuse it for other legitimate reasons or prepare new reasons and go back through the process.

   c) *If the Director is not in a position to form the view that the draft reasons are legitimate at the meeting* → the Council should defer the decision and request that the Director provide further information (including the obtaining of legal advice if necessary) for consideration at the next meeting of Council.

It should be recognised that by refusing the application, the right of appeal to the Land and Environment Court is available to the applicant.

Important background considerations

(a) Under Section 352 of the Local Government Act 1993, Councillors cannot instruct a staff member on the content of any advice or recommendation, however they can ask that advice or a recommendation be provided. Section 352 reads as follows:

> ***352 Independence of staff for certain purposes***
>
> *(1) A member of staff of a council is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member.*
>
> *(2) This section does not prevent the council or the mayor from directing the general manager of the council to provide advice or a recommendation.*

(b) If Council resolves to determine an application contrary to a staff recommendation, it should recognise that in doing so it may have to employ a planning consultant to defend their decision if an appeal is made to the Land and Environment Court, as a staff member may not be in a position to testify on behalf of the Council for something that is contrary to their own recommendation to the Council.

8.2 DEVELOPMENT APPLICATION 10.2020.135.1 ECO-TOURIST FACILITY

Record No:

Responsible Officer: Chief Operating Officer

Author: Town Planner

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage

Delivery Program Objectives: 8.1.3 Development assessment processes are streamlined to support regional development and growth

Attachments:
1. DRAFT Conditions of Approval *(Under Separate Cover)*
2. Plans *(Under Separate Cover)*
3. Statement of Environmental Effects *(Under Separate Cover)*
4. BASIX Certificate *(Under Separate Cover)*
5. NatHERs 1 *(Under Separate Cover)*
6. NatHERs 2 *(Under Separate Cover)*
7. NatHERs 3 *(Under Separate Cover)*
8. Site and Soil Assessment *(Under Separate Cover)*
9. AHIMS Report *(Under Separate Cover)*
10. Submission 1 *(Under Separate Cover)*
11. Submission 2 *(Under Separate Cover)*
12. Submission 3 *(Under Separate Cover)*
13. Submission 4 *(Under Separate Cover)*
14. Submission 5 *(Under Separate Cover)*
15. Submission 6 *(Under Separate Cover)*
16. Submission 7 *(Under Separate Cover)*
17. Applicant Response to Submissions *(Under Separate Cover)*
18. Renwick Services Deed *(Under Separate Cover)*
19. Development Application Form *(Under Separate Cover)*
20. Procedure - Council Decision Contrary to Staff Recommendation *(Under Separate Cover)*

Further Operational Plan Actions:

Applicant Number:	10.2020.135.1
Applicant:	B M Grenfell
Owner:	J L Grenfell & B M Grenfell
DA Registered:	28/10/2020
Property Description:	Lot 9 DP 861805 Ph Abington
Zone:	Primary Production – RU1
Current Use:	Dwelling
Proposed Use:	Eco-Tourist Facility

Permitted in Zone:	Yes
Recommendation:	Approval

EXECUTIVE SUMMARY

The Ordinary meeting of Council held on 20 May 2021 considered an officer recommendation to approve an Eco-tourist Facility, comprising of three (3) cabins at Charlottes Lane, Jindabyne. The recommendation was not supported. Council did not make an alternative resolution to determine the application.

In line with the requirements of section 4.16 of the Environmental Planning and Assessment Act 1979 the application is required to be determined as either consent or refusal and therefore is required to return to Council for determination.

The body of the report remains unchanged to that which was presented to Council at its meeting on the 20 May 2021.

The revised recommendations are:

A) That the application, DA 10.2020.135.1 for an Eco-tourist Facility (3 cabins) on Lot 9 DP 861805 Ph Abington be determined pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, by

(1) granting consent to the application unconditionally or

(2) granting consent subject to conditions, or
(2) refusing consent to the application.

B) Should the application be determined as a refusal that reasons for refusal are provided by Council as per the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendatio*n (attached to this report).

RECOMMENDATION

The revised recommendations are:

(A) That the application, DA 10.2020.135.1 for an Eco-tourist Facility (3 cabins) on Lot 9 DP 861805 Ph Abington be determined pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, by

(1) granting consent to the application unconditionally,

(2) granting consent subject to conditions, or

(3) refusing consent to the application.

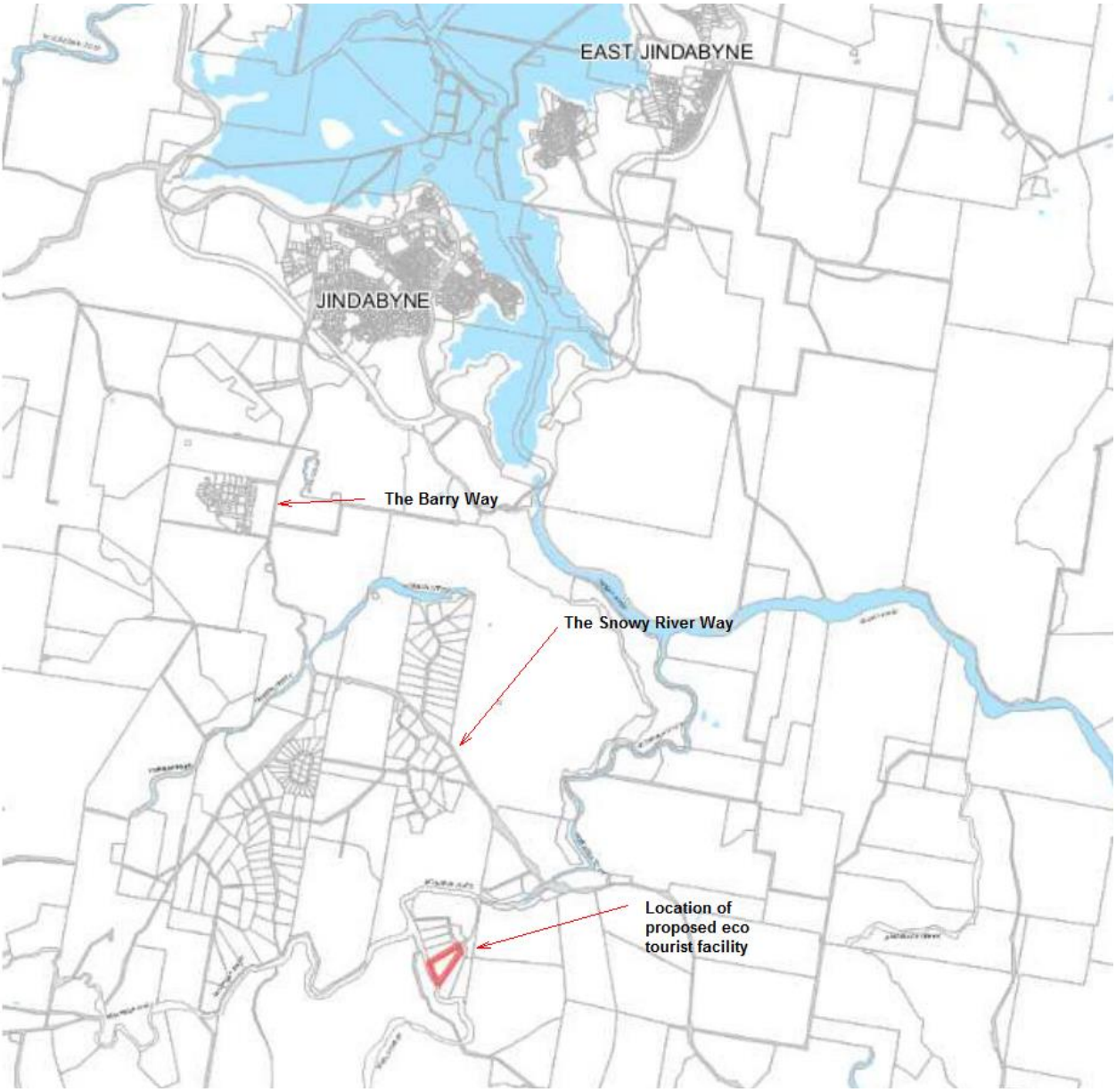
(B) Should the application be determined as a refusal that reasons for refusal are provided by Council as per the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendatio*n (attached to this report).

BACKGROUND

Proposal in Detail:

The proposal is for the construction of an Eco-tourist facility on a four hectare rural lot at Charlottes Lane, south of Jindabyne Township accessed via the Snowy River Way and Carinya Lane.

Figure 1 – Location Map:



The application as originally submitted was for the construction of four (4) studio eco tourist cabins on site. Through the assessment process and in part as a response to neighbour concerns with the application the development has been redesigned to remove one of the cabins and to increase the setback on the southern boundary. The proposal before Council is for an Eco-tourist Facility, three (3) cabins, the cabins proposed are refurbished shipping containers. The containers will accommodate two guests in a self-contained studio.

Figure 2 – Layout as originally submitted of four (4) cabin Eco-tourist Facility

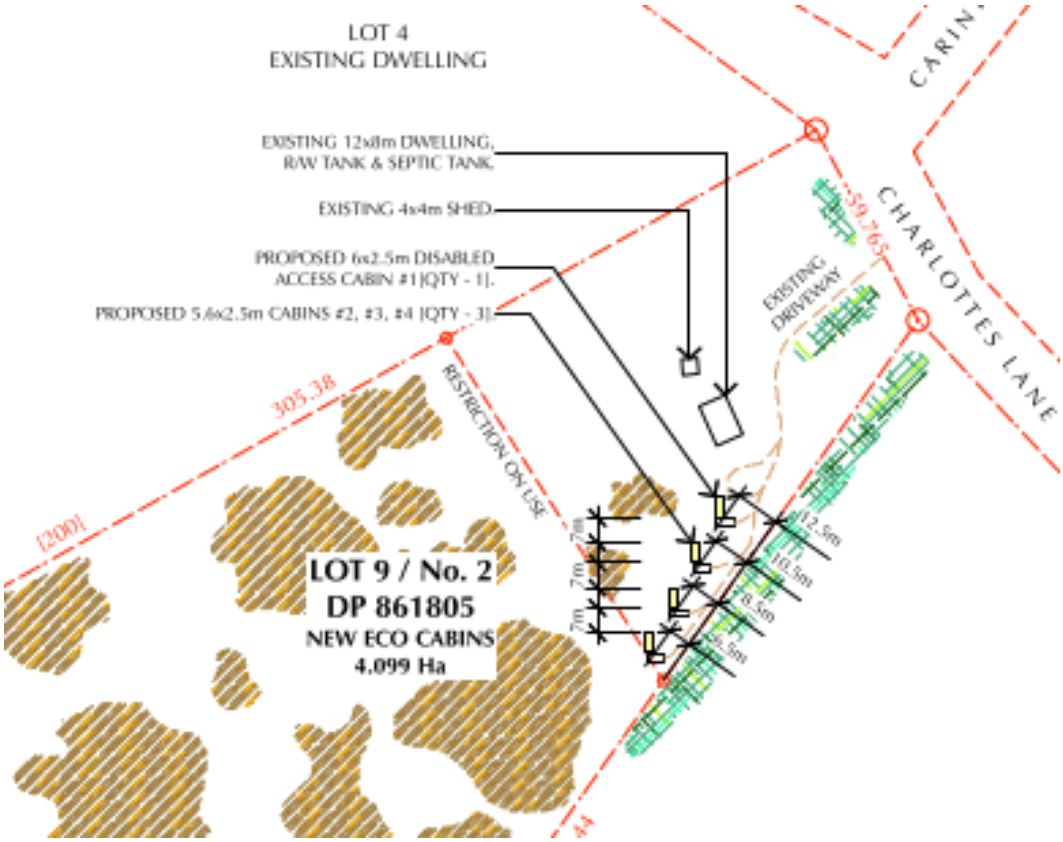


Figure 3 – Layout as amended showing three (3) eco tourist cabins with increased side setbacks

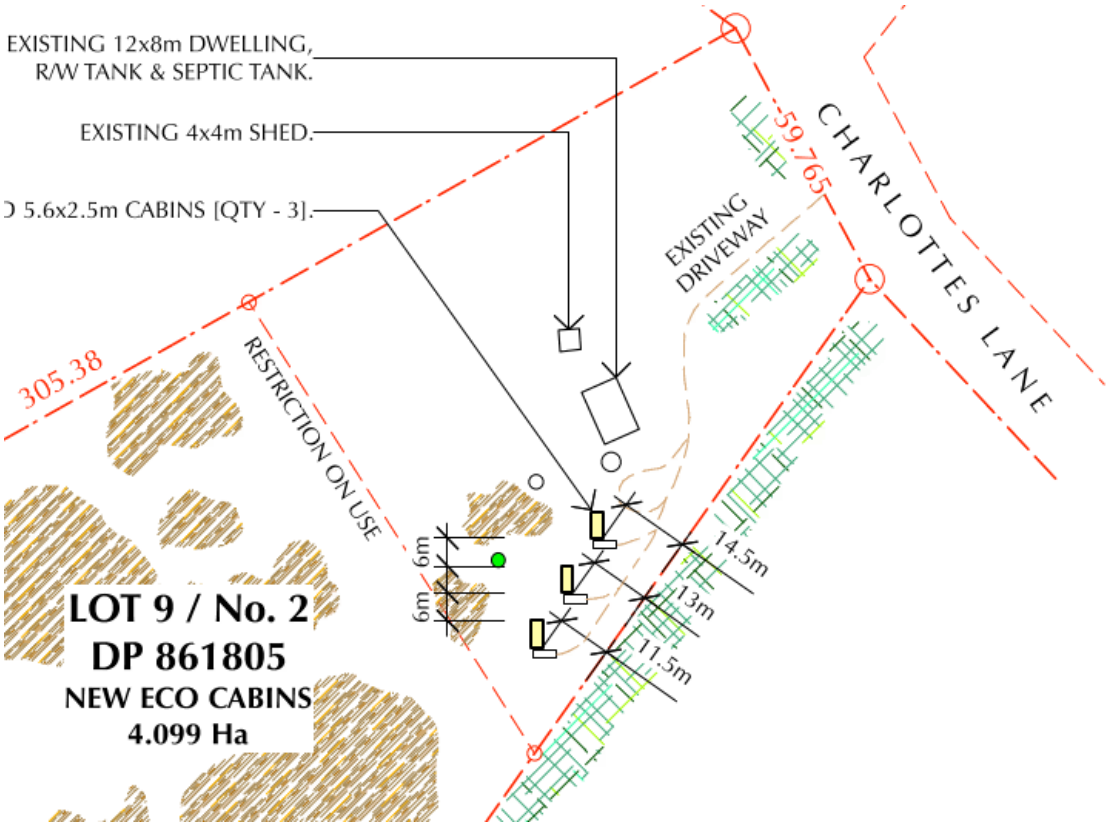


Figure 4 – Cabin Elevations



ASSESSMENT

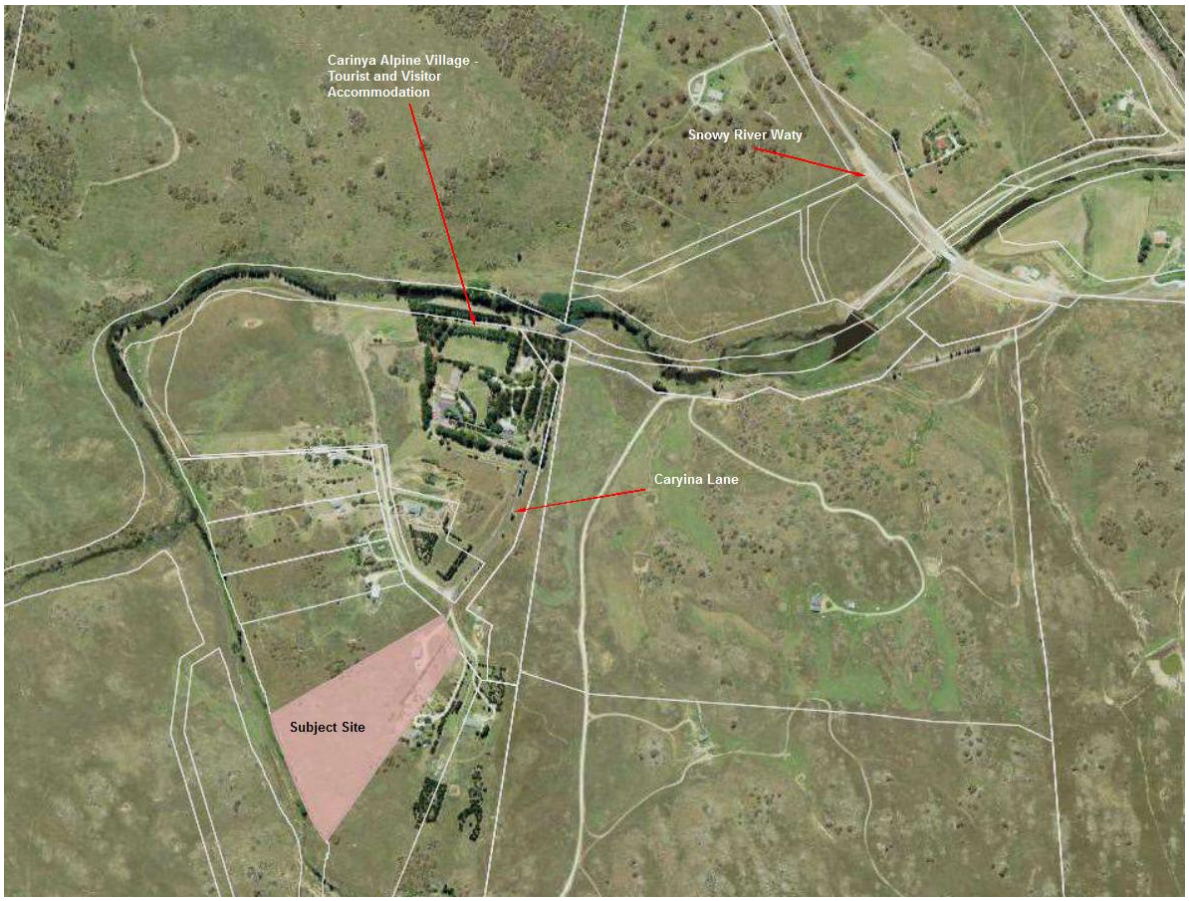
The application has been assessed against the provisions of the following documents:

State Environment Planning Policies (SEPPs)	All relevant SEPPs have been considered
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environment Plan 2013
Development Control Plans	Snowy River Development Control Plan 2013

Section 4.15 and EP&A Act Checklist:

The suitability of the site for the development:	The surrounding land uses are consistent to the proposed development being a mixture of rural residential and tourist and visitor accommodation.
The provisions of any environmental planning instrument and draft environmental planning instrument:	The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found **to** achieve an acceptable level of compliance. The proposal has been examined in detail against the provisions of SRRLEP 2013 and has been found to achieve an acceptable level of compliance. The use proposed are permitted in the zone and consistent with the zone objectives.
The provision of any development control plan:	The application generally complies with the provisions of Council's relevant development control plans.
Any matters prescribed by the regulations:	The application generally complies with the *EP&A Regulation 2000*.
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:	The likely impacts of the development have been appropriately considered as part of this application.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was notified for a period of 14 days in accordance with the provisions of the Snowy Monaro Community Participation Plan. Seven (7) submissions were received, the submissions have been considered below.
The public interest:	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

Figure 5 – The Subject Site



INTEGRATED DEVELOPMENT

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is was not deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

REFERRALS

External Referrals

No external referrals were required.

Internal Referrals

The development application was referred to the following sections of Council for comment:

Section	Comments
GIS Officer	Separate addressing not required

LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below:

- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Draft environmental planning instruments;
- Development control plans;
- Likely Impacts of the Development - environmental (natural and built), social and economic;
- Any Planning Agreement or Draft Planning Agreement;
- The EP&A Regulations;
- Submissions; and
- Public interest.

The suitability of the site for the development:

Slope	Gentle slope exists – no impediment to development
Significant vegetation	The vegetation on site can be classed as grassland
Adjoining development	The proposed development is of a similar nature to the adjoining property of Carinya Alpine Village, the scale and design of the proposal are similar or smaller than neighbouring developments.
Suitability of proposed works / building	Generally acceptable having regard to constraints of the land
Streetscape	The proposal is generally compatible with adjoining development
Stormwater disposal	On-site via detention
Services	electricity / telephone/ rain water
Views	Nil impact to and from site
Contamination	Nil identified
Bushfire	Land not identified as being bushfire prone.
Flooding	Nil impact
Vehicular access	The site has coinciding legal and practical access
Easements and restriction on use	The property is burdened by a restriction on use. The restriction is the prohibition of livestock on the property

	without the lot being fenced.
Aboriginal sites	Nil identified on-site
Threatened species	Nil identified on-site
Grasslands	Nil identified on-site
Rivers/streams	The property is mapped with a watercourse on the south western boundary
Effluent disposal	Onsite
Prevailing winds	Nil impact
Easements	Nil affected by this proposal
Other matters	Nil

The provisions of any environmental planning instrument

State Environmental Planning Policies

The proposal has been assessed against the provisions of all known SEPP's and the development has been found **to** achieve an acceptable level of compliance. The SEPP's examined include (where applicable):

State Environmental Planning Policies	***Compliance/Relevance***
SEPP - Aboriginal Land 2019	Not relevant
SEPP - Activation Precincts 2020	Not relevant
SEPP - Affordable Rental Housing 2009	Not relevant
SEPP - Building Sustainability Index: BASIX 2004	Not relevant
SEPP - Concurrences and Consents 2018	Not relevant
SEPP - Educational Establishments and Child Care Facilities 2017	Not relevant
SEPP - Exempt and Complying Development Codes 2008	Not relevant
SEPP - Housing for Seniors or People with a Disability - 2004	Not relevant
SEPP – Infrastructure 2007	Not relevant
SEPP – Koala Habitat Protection 2020	Not relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant
State Environmental Planning Policy (State and Regional Development) 2011	Not relevant
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Not relevant

Permissibility of the development under the Snowy River Local Environmental Plan 2013

- The subject land is zoned: Primary Production – RU1
- Definition of land usage under SRLEP 2013: Eco-tourist Facility
- The proposal is permissible with development consent from Council pursuant to Zone *RU1* of the SRLEP 2013.
- The proposal **is** considered to be consistent with the aims and objectives of the plan.

In the assessment of this application, the following special provisions from SRLEP 2013 are of relevance and have been assessed for compliance:

Provision	**Response/Acceptable Solution**
PART 1 Preliminary	Snowy River Local Environmental Plan 2013
PART 2 Permitted or prohibited development	The proposal is permitted in the RU1 zone
PART 3 Exempt and Complying Development	The application is not exempt or complying development
PART 4 Principal development standards	The application does not include subdivision or an exemption to development standards
Clause 4.3 Height of building	Complies – 3.4m
PART 5 Miscellaneous provisions	
Definition: ***eco-tourist facility*** *means a building or place that—* *(a) provides temporary or short-term accommodation to visitors on a commercial basis, and* *(b) is located in or adjacent to an area with special ecological or cultural features, and*	(a) The proposed cabins will solely be used for the purposes of short term accommodation to visitors. (b) The subject land is in an area with special ecological features. The land backs directly onto Steels creek which flows into the Mowamba River. Both of these water courses are tributaries of the Snowy River. These watercourses attract aquatic life, bird life and a range of other native wildlife to the subject land. This allows for a variety of nature based activities such as bird watching.

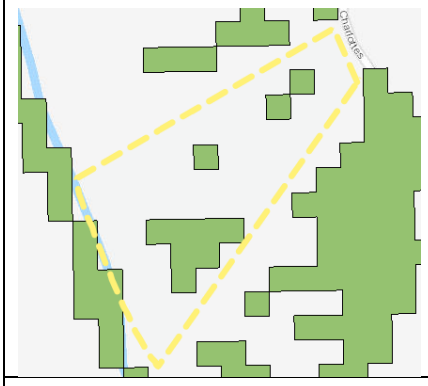
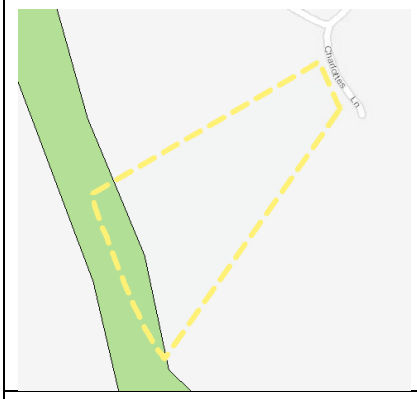
	Additionally the land is adjacent to areas of natural and cultural significance such as Lake Jindabyne (part of the Snowy Mountains Scheme) and the Kosciuszko National Park. When defining the word adjacent, the case of Mayor of Wellington v Mayor of Lower Hutt (1904) AC 773), the judgment stated the following: *"Adjacent is not a word to which a precise and uniform meaning is attached by ordinary usage. It is not confined to places adjoining and it includes places close to or near."* It is reasonably clear then that adjoining requires a connecting boundary, whilst adjacent is not attached but within the vicinity. As such it can be considered that the land is in the vicinity of special ecological and cultural features. The land is also adjoining a special ecological feature being Steels Creek which is part of the catchment of the Snowy River. In March 2010 the catchment of the Snowy River was listed as an ENDANGERED ECOLOGICAL COMMUNITY (EEC). The area included in the Snowy River catchment covers all natural rivers, creeks, streams of the Snowy River including the Mowamba River of which the land is situated on a tributary Steels Creek. As such, it is considered that the subject lands proximity to the Mowamba River and the Snowy River satisfy the requirement of *adjacent to an area with special ecological features.*
(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.	(c) The cabins are located over 200m away from Steels Creek, with no onsite construction proposed which will

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.	result in less impact upon the environment with only footings being required to be installed and overall the development has a small physical foot print (the entire development being less than 41m²). The proposal has not listed specific information or education items to be provided as part of the development. This is not a requirement and it is considered given the small scale of the development that having the managers available to answer any questions is sufficient.
Clause 5.13 Eco-tourism facility **13 Eco-tourist facilities** (1) The objectives of this clause are as follows: (a) - to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out, (b) - to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site. (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan. (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that: (a) - there is a demonstrated connection between the development and the ecological, environmental and cultural values	The environmental and cultural values of the land will not be diminished by the proposed development. The cabins are of an environmentally sustainable design. Being repurposed shipping containers there is no onsite construction resulting in less impact upon the environment with only footings being required to be installed. The use of a repurposed material also achieves a sustainably benefit with new material limited to the fit out of the building and not the overall structure. (2) The property is zoned RU1 and Eco-tourist facilities are a permitted land use with consent from council. (3) The application aims to conserve the natural environment by developing the site with sensitively considered cabins. (a) Being located close to the banks of the Mowamba River will provide a unique eco-tourism opportunity, including the

of the site or area, and	potential for fly fishing and bird watching. Additionally the property is located in close proximity to unique alpine areas and Kosciuszko NP and Lake Jindabyne.
(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and	(b) The selection of the cabins has been sensitively considered. As the repurposed buildings are manufactured off-site it will minimise impacts on the natural environment. The buildings proposed are of a low scale and seek to accommodate only minimal guests (being two guests per cabin).
(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and	(c) The development will allow for appreciation of the environmental and cultural values, as the cabins are orientated to achieve views of the Snowy Mountains and can enjoy the comforts of the emerging "Micro Living" accommodation trend. Those accommodated in the buildings can feel immersed in the natural environment as due to the scale of the development and the number of occupants accommodated by the development.
(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and	(d) Development has been located to ensure positive environmental outcomes by providing accommodation in a form which is low scale and allows guests to explore the natural environment within the site. The buildings have been located to ensure minimal impact of Flora & Fauna as they are within an area of the site that is cleared. The cabins and the associated onsite effluent disposal systems are located a considerable distance from the adjoining water course.
(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and	(e) Satisfactory with appropriate conditions of consent will be required for the ongoing management of the site.

(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and	(f) Due to construction occurring on the cabins off site there will be very little onsite waste generated through construction. During the operations of the cabins with the small number of guests to be accommodated the onsite management will be able to manage the waste removal from the site.
(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and	(g) The development is of a low scale being single storey shipping containers. These are sited in close proximity to the road and the existing residence on the site. They have the form of an outbuilding or shed in the context of the landscape and as such do not constitute a visual intrusion. The buildings are proposed to be located below any ridgelines, and are over 200m from Steels Creek. The choice of colour (Woodland Grey), will reduce any visual intrusion as the colour is designed to be compatible with the surrounding landscape.
(h) any infrastructure services to the site will be provided without significant modification to the environment, and	(h) Self-supporting and sustainable infrastructure is proposed. Being onsite sewerage management facilities and water tanks. These services will not require significant modification of the environment.
(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and	(i) Satisfactory – passive heating & cooling designs proposed, the cabins will be supplied with rain water only.
(j) the development will not adversely affect the agricultural productivity of adjoining land, and	(j) The proposed lot is whilst within a rural zone it does not adjoin any land that is being used for any significant primary production. The land was previously subdivided to initially service the Carinya

(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment: (i) measures to remove any threat of serious or irreversible environmental damage, (ii) The maintenance (or regeneration where necessary) of habitats, (iii) Efficient and minimal energy and water use and waste output, (iv) Mechanisms for monitoring and reviewing the effect of the development on the natural environment, (v) Maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.	Alpine Village (tourist and visitor accommodation) and a large lot residential subdivision. There are no foreseen impacts on agricultural productivity as the subject lot is located away from agricultural areas (k) (i) The development is proposed on already managed land and over 200m away from Steels Creek therefore, there are no foreseen environmental impacts. (ii) Not applicable (iii) The development has complied with the requirement of the BASIX SEPP. Renewable energy is proposed, rainwater and an onsite sewer management system. (iv) The existing dwelling will be utilised as a manager's residence to monitor and review any impacts. (v) The occupation of the dwelling as a manager's residence during the occupation of the cabins will be conditioned accordingly.
PART 6 Land release areas	Not applicable
PART 7 Additional local provisions	
Clause 7.1 Flood planning	Whilst the lot is located within close proximity to a watercourse given the size of the watercourse and the proposed siting of the development there are no foreseen flooding impacts.
Clause 7.2 Terrestrial biodiversity	The property is mapped with Terrestrial Biodiversity. The location of proposed location of the development is located outside the mapped area and it is noted that the property is an established residential lot and therefore not foreseen impacts. The cabins have been positioned in an area of the property which is previously cleared.

	
Clause 7.3 Riparian land and watercourses 	The development complies with the provisions of the clause. Whilst the property adjoins Steels Creek, the cabins are all setbock over 200m from the watercourse as such there is considered to be no impact on the riparian land by the development.
Clause 7.4 Wetlands	Not applicable
Clause 7.5 Active street frontages	Not applicable
Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas	Not applicable
Clause7.7 Development within the eastern approaches to Kosciuszko National Park	Not applicable
Clause7.8 Serviced apartments	Not applicable
Clause7.9 Essential services	Access – Private roads Carinya Lane and Charlottes Lane service the property and afford the property coinciding legal and practical access. Water – The subject land has access to water rights as part of Renwick Pty Ltd. However it is not proposed that the cabins will utilise any of the water allocation for lot 9. The proposed water provision for the cabins is solely rain water being a 30,000lt tank for the entire property and an individual water tank for each cabin. Sewage - The cabins will be connected to a new septic system which is located over

	200m away from the Steels Creek. The location, size and type of system has been recommended by a qualified On-site Sewer Management Specialist (refer to the Site and Soil assessment -Water check Report). A further approval under S68 of the Local Government Act will be required to install the system as well as an ongoing approval to operate the system. Electricity – the proposed energy source for the cabins is from solar panels. The proposed solar panels will be located on the roof of the existing dwelling and then fed to the cabins via batteries.
SCHEDULE 1 Additional permitted uses	Not Applicable
SCHEDULE 2 Exempt development	Not Applicable
SCHEDULE 3 Complying development	Not Applicable
SCHEDULE 4 Classification and reclassification of public land	Not Applicable
SCHEDULE 5 Environmental heritage 	Heritage item - I149 - Carinya Alpine Village Recreational Hall (82 Carinya Lane) is located on an adjoining property. The entry to the subject lot of the proposed development is located over 300m away from the heritage item. As such, there is no foreseen impact from the development to the heritage item. An AHIMS search was carried out revealing zero (0) aboriginal sites or locations within 50m of the subject site. AHIMS: 567120

Provision of any proposed Environmental Planning Instruments

There are no proposed environmental planning instruments applying to this site.

Assessment against the relevant provisions of Snowy River Development Control Plan 2013

In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	**Response/Acceptable Solution**
A1 Introduction	
A2 Development application requirements	Satisfactory
A3 Public Notification (Snowy Monaro Community Participation Plan 2019)	Notification undertaken between 05/11/2020 – 19/11/2020 Extension of period granted until 30/11/2020.
B1 Rural localities, Towns & Villages	Not Applicable
B2 Town & Village Plans	Not Applicable
C General planning considerations	
C1 Subdivision	Not Applicable
C2 Design	The size of the cabins are 2.44m wide x 5.5m long x 3.1m height. The size of the cabins is considered to be a small footprint. The proposed colour is woodland grey. This colour is in keeping with the colour of the existing dwelling. As such, it is considered that the selected colour will allow for the blending of the cabins into the surrounding landscape. In addition, the siting of the cabins are well below the ridgeline lower than the existing dwelling and located as far down the block as possible without entering into the restricted area.  =
C3 Car-parking, Traffic & Access	Complies - In accordance with Table C3. 4-2 each

	cabin require one (1) space and one (1) additional space per two (2) employees. The proposal provides one car space per unit and existing car parking arrangements for the existing dwelling provides more than adequate additional car parking for employees. The owners intend to manage the development from the subject site.
C4 Heritage	Heritage item - I149 - Carinya Alpine Village Recreational Hall (82 Carinya Lane) is located on an adjoining property. The entry to the subject lot of the proposed development is located over 300m away from the heritage item. As such, there is no foreseen impact from the development to the heritage item.
C5 Tree preservation & Landscaping	There are no trees proposed to be removed as part of the development.
C6 Signage & Advertising	No signage is proposed as part of the development. Any future signage will be the subject of a separate development application, unless it meets the development standards of the Exempt and Complying Code SEPP 2008.
C7 Natural Hazard Management	Not Applicable.
C8 Environmental Management	The proposed location of the development is located outside the mapped area and it is noted that the property is an established residential lot and therefore no foreseen impacts.
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	The applicant has provided a BASIX and NatHERs report for the cabin which demonstrates compliance with the principle of efficient building. As discussed in the assessment of cl 7.9 of the SRLEP water is to be provided by rainwater tanks, effluent disposal via an on-site management system and electricity from renewable solar power.
C10 Waste management & Recycling	There is no council waste collection service to the subject site. There is a bank of bins which the existing dwelling

	uses to dispose of their domestic waste and recycling. The proposed waste management of the development is either manual delivery to the Jindabyne landfill or via a private collection service.
D Residential Development	Not Applicable
E Non-residential Development	
E1 Tourist Accommodation	
1. Background	
2. Bed & Breakfast Accommodation	Not Applicable
3. Farm Stay Accommodation	Not Applicable
4. Eco-tourist Accommodation	The original development consisted of four (4) cabins to be used as an Eco-Tourist Facility, however the applicant has reduced the number of proposed cabins to three (3) in response to the submissions received. The cabins have been moved further from the southern boundary so as to be located further from the adjoining neighbour. This in response to concerns raised about impacts on the neighbouring residence. The proposed cabins are in a studio design and will be condition to sleep a maximum of two (2) people each.  1. FLOOR PLAN There is more than adequate provision for parking on the site. one (1) car park is proposed per cabin Complies The application falls within the objectives for eco tourist facilities as defined within the DCP. The

	locality is renowned for its environmental features and the site is suitable for the proposed use. The proposed development has been designed for eco-tourist purposes and demonstrates that there will be significant practical reliance on renewable energy and water use. Conditions relating to the DCP apply to the consent in terms of use of the eco tourist facility. Contributions apply at a rate of 0.29ET per room= 0.29 ET x 3 (3 cabins - 1 bedroom) = 0.87 ET.
F Controls for specific sites & localities	Not Applicable

Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic	Access is via a private road Carinya Lane and with and existing driveway from Charlottes land. Each cabin has dedicated car spaces.
Easements/88B Restrictions on Use	The property is burdened by a restriction on use. The restriction is the prohibition of livestock on the property without the lot being fenced. This does not impact on the subject development.
Bushfire Assessment s4.14	Land not identified as being bushfire prone land.
Impacts on supply of utilities	The cabins have been designed utilizing environmentally sustainable principles and solar panels are proposed.
Heritage	AHIMS Search ID: 547373 – nil results Heritage Item I149 is located on an adjoining property; however there is no foreseen impact as the development is located over 300m away.
Natural and other land resources	The proposed development is considered unlikely to result in any significant impacts upon natural or other land resources within the locality as the proposal will not be drawing on the riparian access rights of the subject lot but proposes rain water to be the sole water supply.
Water supply and potential impacts on surface and ground water	No impact foreseen.
Soils	Not Applicable.

Air quality, pollution and microclimate impacts (e.g. odour)	The proposed development is unlikely to have any significant impact on the air quality of the site and any surrounding properties due to the nature of the development.
Flora and fauna & Consideration of Threatened Species	Not Applicable.
Waste facilities and controls	The proposed development will be utilizing an on-site sewer management system as such no impact to council's infrastructure. Waste will be disposed of manually by the developer to the Jindabyne landfill or via a private waste collect service provider. There are no Council services in the area.
Energy efficiency and greenhouse gas emissions	BAISX and NatHERs certificate provided meeting the requirements for energy efficient building.
Noise and vibration	Some noise will result from the construction of the proposed development however, such noise would be temporary, be restricted to occur within time limits and have no lasting impact. Due to the limited number of guests to be accommodated there will be minimal ongoing noise impacts.
Safety, security and crime prevention	It is likely the safety and security of the area are to benefit with the addition of a new accommodation through increased public surveillance. Due to the limited number of guests being accommodated and the onsite management provided there would be limited impacts from the guests on surrounding properties. Any impacts could be managed by the onsite managers should they occur. Appropriate conditions of consent include a requirement for signage to alert guests of the rural nature of the site and that there are residences in close proximity that need to be considered.

Social impact in locality	Whilst the proposed development will increase the number of tourists to the area, it is of a low scale allowing for only an additional six (6) persons to be accommodated above that which is already onsite in the existing dwelling. The maximum number of tourists permitted at one time will be six (6) – two (2) per cabin, this is significantly less tourists that can be accommodated currently at the Carinya Alpine Village. The existing Carinya Alpine Village tourist and visitor accommodation offers accommodation for up to 140 people. The location of the subject site is at the start of Charlottes Lane which is a dead end road. With appropriate signage, the potential of cars passing other residences on Charlottes Lane is considered minimal. Additionally, there is an active DA on adjoin Lot 12 DP 1067410 for a three (3) unit Rural Tourist facility with a managers residence.
Economic impact in locality	The proposal for additional tourism accommodation is in line with the objectives of the wider area and will be a positive influence on the economy.
Site and internal design issues	Satisfactory.
Impacts during construction	It is unlikely that the construction of the proposed shed will result in any significant impacts due to the containers being fitted out offsite and only minimal construction works for their installation on site.
Cumulative impacts	The proposed development in conjunction with surrounding residential development is considered unlikely to result in any significant cumulative impacts.
Impact on pedestrian movements and safety	Not Applicable.
Mineral resources and/or deposits in the vicinity	There are no known mineral resources or deposits in the vicinity.
Impacts on aboriginal heritage	Nil
Health Impacts of High Voltage Power Lines	Not Applicable.

Public Interest

The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent

OTHER MATTERS

Developer Contributions	*Contributions apply at a rate of 0.29ET per room as per Councils contribution plan. With one room in each building, total contributions will be based on 0.87 of an ET.* *The contributions are to form a condition of consent for payment prior to the release of the construction certificate.*
Internal Referrals	GIS – separate addressing not required.

SUBMISSIONS

Submissions

The proposed development was required to be notified under the Snowy Monaro Community Participation Plan requirements and relevant statutory regulations. As such notification letters were sent out to adjoining landowners and exhibited for a period of 14 days in line with this requirement. Several interested parties contacted Council and requested additional time for the lodgement of submissions. These requested were agreed to and additional time was provided. All submissions below were received either within the original time frame or within the additional time provided as requested.

The application was not required to be publicly advertised.

Seven (7) submissions were received objecting to the development. The submissions are attached to the report and are summarised below with consideration of the issues raised following.

Summary of Issues Raised by Submission 1

1. **Rural residential zone land**
   Concerned that the land cannot be used to support commercial business and the impact on a rural residential community.
2. **Eco-tourism is a Commercial venture , which is supposed to support education, hands on activities and have special ecological or cultural features**
   Concerned that there are no education, hands on activities or special ecological or cultural features on the site or in the surrounding area.

Officers Response to issues raised in Submission 1

Zoning (rural Residential)

The zone of the land is Primary Production (RU1) and not rural residential as suggested in the submission. Eco Tourist facilities are a permitted use in the RU1 zone.

Carinya Alpine Village (adjoining the site) is a well-established commercial business which provides accommodation to tourists and visitors, as well as a single Rural Tourist residence at the commencement of Carinya Lane. Additionally, there is an active DA on adjoin Lot 12 DP 1067410 for a three (3) unit Rural Tourist facility with a managers

residence.

Eco-tourist Facility supposed to be supported by education, hands on activities and have special ecological or cultural features not met.

The provision of education is not a required provision, the key word being 'may include' in the definition of Eco-tourism. It is considered given the small scale of the development that having the managers available to answer any questions is sufficient.

The subject land is in an area with special ecological features. The land backs directly onto Steels creek which flows into the Mowamba River. Both of these water courses are tributaries of the Snowy River. These watercourses attract aquatic life, bird life and a range of other native wildlife to the subject land. This allows for a variety of nature based activities such as bird watching, these are all examples of hands on activities which could take place on the property or within the immediate vicinity.

Summary of Issues Raised by Submission 2

1. **Increased Traffic and Noise Generation**
   Concerned about who will be responsible for the upkeep of the road, the dust, noise and visual impacts generated by the increased traffic
2. **Damage to private or common land**
   Who is liable for the actions of customers which result in damage to either private land or common land? What insurance will the applicant hold?
3. **Zoning (Rural Residential)**
   The listed 'Permitted with consent' land uses are guild lines and not specific to the estate which is zoned Rural Residential
4. **Renwick Deed – only 9 Dwellings**
   Concerned that the proposed development in not in keeping with the Renwick deed and that there are only 9 dwelling permitted in the estate.
5. **Water Supply**
   Concerns regarding the access to the Renwick Water allocation and that a commercial activity would not have access to the system as it is for permanent residence only
6. **Effluent Disposal**
   Concerns regarding where the sewage form the cabins would go and the potential for contamination of Steels creek and Mowamba river.
7. **Waste Management**
   Concerns regarding the availability of suitable waste collection facilities.
8. **Security Issues**
   Concerned that the increased number of people entering the estate creates uncertainty and security risks.

Officers Response to issues raised in Submission 2

Increased traffic and noise generation

The estimated traffic generated by the proposed development is less than an increase of 5% to the current vehicle movements along Carinya and Charlottes Lanes. See full Assessment in section C3 of the DCP.

Private roads Carinya Lane and Charlottes Lane service the property. With respect to the proportion of responsibility the owners have towards the upkeep of the roads, this is outside Councils jurisdiction and is managed by the Renwick Deed of agreement. The deed divides the cost of the construction and any required maintenance of the road into eight (8) equivalent shareholdings. The applicant has acknowledged this in their submission regarding an increased share should be paid by the applicant in their response to the submissions. Although they believe their usage will not be of a great impact, they are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that is agreed on.

As this is outside Council jurisdiction this matter is considered to be a civil matter between the relevant land owners.

Damage to private or common land

Any liability or damage that may occur from the actions of customers associated with damage to private or common property is a civil matter and any actions by customers will need to be monitored by the managers of the development. The development has been assessed as having a low impact in line with site security, safety and crime prevention provisions.

Zoning (rural Residential)

The zone of the land is Primary Production (RU1) and not rural residential as suggested in the submission. Eco Tourist facilities are a permitted use in the RU1 zone.

The objectives of the land use table for RU1, which the submission lists, states an objective to promote tourism living opportunities that are compatible with environmental values of the land.

This development is providing tourism accommodation opportunities on a lot where there is significant environmental values present.

Additionally, Carinya Alpine Village (adjoining the site) is a well-established commercial business which provides accommodation to tourists and visitors, as well as a single Rural Tourist residence at the commencement of Carinya Lane. Additionally, there is an active DA on adjoining Lot 12 DP 1067410 for a three (3) unit Rural Tourist facility with a manager's residence.

Renwick Deed – only nine dwellings

The Renwick Deed does not limit the number of dwellings. The deed divides the cost of the construction and any required maintenance of the road into eight equivalent shareholdings. The deed in question is a document which indicates an individual's contract to do something, in this case financially contribute to the up keep of the road and pay for water usage.

Water Supply

Applicants Response

The water that is pumped from Mowamba River will not be used for anything other than our own personal use in our residence (showers etc.) which we have paid for and are entitled to use. The cabins will be fed water from an extremely large rainwater tank up at our house (greater than 35,000 litres) and each cabin will also have their own rain water tank with roof catchment. None of the water from Mowamba River will be used for any of the cabins or any associated cleaning, washing etc. from the cabins

Assessing Officers comments

The proposal is for the cabins to be solely supplied with water from individual rainwater tanks collected from roof run-off from each cabin. A communal 35,000L water tank is also available if required. The existing dwelling will continue to access the water allocation under the Renwick agreement.

A condition of consent will reflect that the cabins are to only be serviced by rainwater.

Effluent Disposal

Applicants Response

The cabins would be connected to a new septic system that is over 200 metres from Steels Creek, it is placed outside the exclusion zone which is in place to prevent any run-off. It is no different to any of the residences along the ridge which have a septic system.

Assessing Officers comments

The location of the system has been recommended by a qualified On-site sewer management specialist (refer to the Site and Soil assessment -Water check Repot). The new septic system is located over 200m away from the Steels Creek.

Waste Management

Applicants Response

We are very much aware of the garbage situation at the bank of bins. As a household of two, we are sometimes unable to fit our very minimal amount of rubbish into the bins. There is no way we would have ever considered using these bins for our rubbish disposal. This would be selfish and irresponsible. We would look at having either decent-sized bins on site that we would be able to transport and empty ourselves at the tip or have a rubbish removal service that would empty them. Neighbours have expressed that having a company come and empty them would further increase traffic, however, I do not see how this service is any different to the trucks that are already dropping off people's firewood, online shopping, landscaping supplies etc. We would ensure the bins are large enough that this does not need to be done too frequently.

Assessing Officers comments

There is no council waste collection service to the subject site.

There is a bank of bins which the existing dwelling uses to dispose of their domestic waste and recycling.

The proposed waste management of the development is either manual delivery to

the Jindabyne landfill or via a private collection service.

A condition of consent will be imposed to ensure that the disposal of all waste generated will be carried out in a lawful manner.

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Summary of Issues Raised by Submission 3

- **Impact on Carinya Lane**
  - Concerned that the development will expose the residents to excessive traffic, pollution and noise.
  - That Carinya Land was never designed for a large number of traffic movements per day.
  - Concerned for the welfare of non-vehicle road users.
- **Waste Management**
  Concerns regarding the availability of suitable waste collection facilities.
- **Use of a Shipping Container as Eco-friendly Cabin**
  The use of a shipping container as the base structure of the cabin is unattractive and the proposed verandah will generate noise from southern winds
- **Solar Access and Over Shadowing**
  Concerned that the cabins will over shadow the eastern neighbour.
- **Privacy – Overlooking from rear window into neighbouring properties**
  Concerned about the loss of privacy to the eastern neighbour.
- **Noise**
  Concerned about the potential noise generated by people sitting out the front of the cabins and the noise generated by air-conditioners.
- **Security & Privacy**
  Concerned about unwanted visitors entering their property whilst looking for accommodation.

Officers Response to issues raised in Submission 3

Impact on Carinya Lane

Applicant Response (summarized below)

The dwellings located on Carinya Lane are located 100s of meters back from the road with the exception of the Rural Tourist development on the corner of The Snowy River Way and Carinya Lane. After passing Carinya Alpine Village, our property is the first very first driveway at the top of the hill, there is no need to pass any residential houses on Carinya Lane/Charlottes Lane. The road is sealed all the way from The Snowy River Way until our driveway and as such guests would not use the unsealed parts of the road.

'Carinya lane was never designed to handle large numbers of movements per day' – the development is proposed on the same road that Carinya Alpine Village uses for its premises that is holiday accommodation for over 100 people, encouraging sports clubs, church groups or school groups – all of which generally involve large vehicles such as buses/coaches.

Livestock Grazing – I don't believe that the submitter means they actually graze on the road but within their own property. It is up to the owner of the property to ensure that their fences are safe and secure to ensure that safety of their livestock and road users, as would be the expectation on any country road.
Maintenance of Roads – Residents have indicated we should contribute more to the road usage fees in order to compensate them for the increase usage. Although we believe our usage will not be of a great impact, we are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that we agree on.

Assessing Officers Comments
The estimated traffic generated by the proposed development is an increase of less than 5% to the current vehicle movements along Carinya and Charlottes Lanes. This increase would be similar to that of a second dwelling was to be erected on the subject site. The total average number of movements per day is 9. It is considered that this is not an excessive number of movements and is acceptable.

Waste Management

There is no council waste collection service to the subject site.

There is a bank of bins which the existing dwelling uses to dispose of their domestic waste and recycling.

The proposed waste management of the development is either manual delivery to the Jindabyne landfill or via a private collection service.

A condition of consent will be imposed to ensure that the disposal of all waste generated will be carried out in a lawful manner.

Use of a Shipping Container as Eco-friendly Cabin

Section E1 -4 of the DCP requires that the design promotes the use of recycled materials. The application in the Statement of Environmental Effects states that "The company 'Black Fly Containers' specialize in the sustainable conversion of shipping containers to small bespoke cottages. " The specifications for the containers are either, new build high cube containers or B grade high cube containers. It is the customer who chooses which of the type is to be used the build. The SEE identifies that in this case the type are to be converted containers. It is considered that having a "new build" containers would impact on the "eco credentials" of the build as it is not a requirement that the materials used in an eco-tourist facility be used materials.

The proposed colour is woodland grey. This colour is in keeping with the colour of the existing dwelling. As such, it is considered that the selected colour will allow for the blending of the cabins into the surrounding landscape.

The size of the cabins are 2.44m wide x 5.5m long x 3.1m height. The size of the cabins is considered to be a small footprint.

The cabins will only be visible for a small portion of Carinya Lane (approximately in front of lot 133).

The proposed veranda overhangs the western face of the cabin by 1.7m at a slope of

10˚ and Council has not been provided any evidence that the veranda will create any noise and is of the option that the structure will no create and impact.

Figure 6: Location plan showing visibility from the Carinya Lane.



Figure 7: View from Carinya Lane



Solar Access and Over Shadowing

Applicant Response

There is no impact, given the location of the cabins and the height of the buildings are not high enough on the land to cast a shadow on to the eastern fence line, let alone to their roof. The shed on the neighbouring property and the line of pine trees could contribute to any sun blockage.

Assessing Officers Response

The original proposal setbacks ranging from 6.5m to 12.5m. In response to submissions the applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m.

The buildings are single story with a maximum height of 3.4m and as such there is no foreseen overshadowing impacts on the eastern property and the setbacks proposed will create minimal impact on adjoining properties.

Privacy – Overlooking from rear window into neighbouring properties

Applicant Response (summarised)

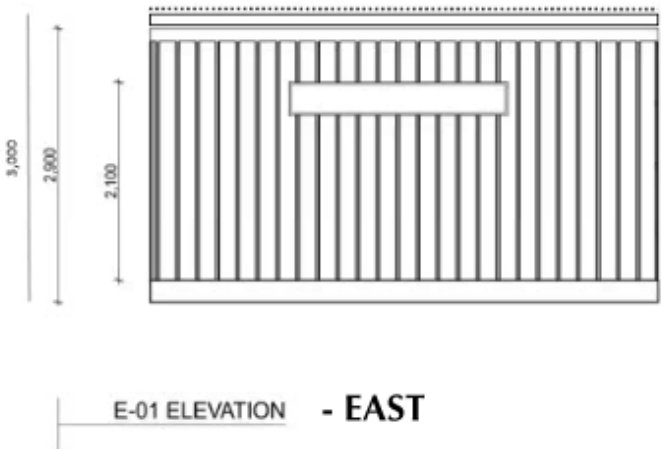
The distance between the dwellings aids visual and acoustic privacy. Additional screening will be provided between the cabins and the fence line.

We are onsite if there are any disturbances, there are no street lights around that area so guests will rely on the vehicle lights to locate their destination. There will be signage on the front gate when entering and signage leading down to the cabins once on the property.

Assessing Officers comments

The applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m, and a reduced number of cabins from four (4) to three (3). These changes were made in response to the submissions received.

The rear window of the cabins is a narrow highlight window, located above the bedroom. It is reasonable to expect that guests will be more interested in lookout out the large sliding door towards the views across the Moonbah Plains than out a narrow window towards a row if large pine trees.



The cabins will be located along the boundary fence shared by 6 Charlottes Lane. The developers have proposed the planting of screening plants along this boundary to reduce any privacy issues. Additionally, along this boundary line there is a well-established line of pine trees inside the property boundary of 6 Charlottes Lane.

It is considered that with the existing pine trees and the additional planting of screening plants the impact on privacy is satisfactory.

A condition of consent will be in place to ensure that the screening plants/landscaping are maintained and managed to ensure successful growth meeting the intent of the landscape design.

Figure 8: View showing location of the cabins in relation to the boundary line of 6 Charlottes Lane.



Noise

Applicant response (summarized)

Modern air conditioners are very quiet and the sound would not travel far enough to impact on adjoining neighbours. We currently have air conditioners on our home and you can barely hear them from just a few meters away.

Security and Privacy

Applicant Response (summarised)

We will provide accurate directions to the property and google maps also has no problem identifying the property and giving correct direction to the property.

We are onsite if there are any disturbances, there are no street lights around that area so guests will rely on the vehicle lights to locate their destination. There will be signage on the front gate when entering and signage leading down to the cabins once on the property.

Assessing Officers Comments

Signage can be erected in compliance with the State Planning State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or with separate development approval.
With adequate signage and the availability of internet guidance systems readily available, it is reasonable to expect that the majority of guests will be able to find there ways to the subject site with little impact to adjoining neighbours.

A condition of consent will reflect that there is no signage approved as part of this development application, however signage can be erected with separate development approval or in compliance with the State Planning State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Summary of Issues Raised by Submission 4

- **Increased Traffic**
  Concerns regarding speeding, lost guests
- **Lack of managers on site**
  Concerns that there will be no manager on-site whist the cabins are occupied
- **Access – Road suitability**
  Concerns that the road was not constructed to accommodate additional accommodation.
- **Commercial enterprise in Rural Residential area**
  Concerned that the land cannot be used to support commercial business and the impact on a rural residential community and the land use changes were not informed to land holders.
- **Is Council going to take on Carinya Lane as public Road to fund ongoing maintenance?**
- **How will Council Police the Conditions of Consent?**

Officers Response to issues raised in Submission 4

Increased Traffic

Applicant Response (summarized below)

The dwellings located on Carinya Lane are located 100s of meters back from the road with the exception of the Rural Tourist development on the corner of The Snowy River Way and Carinya lane. After passing Carinya Alpine Village, our property is the first very first driveway at the top of the hill, there is no need to pass any residential houses on Carinya Lane/Charlottes Lane. The road is sealed all the way from The Snowy River Way until our driveway and as such guests would not use the unsealed parts of the road. The development is proposed on the same road that Carinya Alpine Village uses for its premises that is holiday accommodation for over 100 people, encouraging sports clubs, church groups or school groups – all of which generally involve large vehicles such as buses/coaches.

Assessing Officers Comments

The estimated traffic generated by the proposed development is less than an increase of 5% to the current vehicle movements along Carinya and Charlottes Lane. See full Assessment in section C3 of the DCP.

Lack of Managers on-site

The development does not require onsite management as per the requirements of the DCP as the number of proposed guests is well below 15 people. However, the owners are proposing to reside on site. A condition of consent will be applied requiring the managers be on-site at all time that the cabins are being occupied.

Access – Road suitability

Applicant Response

Residents have indicated we should contribute more to the road usage fees in order to compensate them for the increase usage. Although we believe our usage will not be of a great impact, we are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that we agree on.

Zoning (rural Residential)

Assessing Officers Comments:

The zone of the land is Primary Production (RU1) and not rural residential as suggested in the submission. Eco Tourist facilities are a permitted use in the RU1 zone. There are no recent changes to zoning classification in this area. Under the Snowy River LEP 2007 the property area was zoned Locality 8 Jindabyne in which Rural Tourist Accommodation were a permitted use.

This is the plan under which the active DA on adjoining Lot 12 DP 1067410 for a three (3) unit Rural Tourist facility with a manager's residence was approved. In 2013 the current SR LEP 2013 was gazetted and as such the land was zoned RU1 in accordance with the revised land zones provided by the state government, under which rural

tourist development was no longer an approvable use. In this change of legislation there was an introduced term 'Eco-tourist facility'. At this time that the proposed land use was introduced.

Is Council going to take on Carinya Lane as public Road to fund ongoing maintenance?

The estimated traffic generated by the proposed development is less than an increase of 5% to the current vehicle movements along Carinya and Charlottes Lane. See full Assessment in section C3 of the DCP.

Private roads Carinya Lane and Charlottes Lane service the property. With respect to the proportion of responsibility the owners have towards the upkeep of the roads, this is outside Councils jurisdiction and is managed by the Renwick Deed of agreement. The deed divides the cost of the construction and any required maintenance of the road into eight (8) equivalent shareholdings. The applicant has acknowledged the submission regarding an increased share should be paid by the applicant in their response to the submissions. Although they believe our usage will not be of a great impact, they are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that we agree on.

Council will not be taking Carinya Lane on as a public road and considered this matter to be a civil matter between the relevant land owners.

How will Council Police the Conditions of Consent?

Council is the regulatory authority for compliance with conditions of development consent.

Summary of Issues Raised by Submission 5

1. **Zoning and Development controls for Eco-tourism**
   Concerned that the development does not fit the development standards or the definition of Eco-tourism.
   Concerned about the seemingly lack of controls regarding eco-tourism facility in the SR LEP and DCP.
2. **State Environmental Planning Policy - Short Term Rental Accommodation**
   How will the Code of conduct associated with the STRA be monitored?
3. **Part B of the SR DCP - Rural Localities**
   Concerned that the development is not in keeping with the established character of the area.
4. **Chapter C – Subdivision**
   Consider that the lots are smaller than the minimum lot size.
5. **Flora and Fauna Protection**
   Concerns for the welfare of native flora and fauna.
6. **Provision of Services**
   Concerns regarding mobile network coverage
7. **Access**
   Concerns regarding water access rights.
   Concerned about who will be responsible for the upkeep of the road, the dust and noise

impacts generated by the increased traffic

8. **Tourist Development Subdivision**
   Concerned about the additional demand for council services.

9. **Design Considerations**
   - Views
   - Solar Access
   - Over Shadowing
   - Privacy
   - Vegetation Removal
   - Excavation
   - Storm water disposal
   - Heritage Features of sites and adjoining sites
   - Bushfire hazard potential

10. **Security and Safety**
    Concerned about the increased number of people in the area, increased lighting on the street and people entering their property in search of the accommodation.

11. **Car Parking**
    Concerns about the proximity of the driveway to the property boundary, safety concerns regarding exiting the property and the number of cars associated with the development. No Traffic Assessment provided.

12. **Landscaping**
    No details provided

13. **Signage**
    No details provided

14. **Environmental Management – conflict of land uses**
    Concerned that the proposed development will limit potential land uses on adjoin properties and regarding adequate water supply.

15. **Change of land use - Commercial enterprise in Rural Residential area**
    Concerned that the land cannot be used to support commercial business and the impact on a rural residential community and the land use changes were not informed to land holders.

16. **Eco-tourist Facility Requirement**
    - States that the development unwanted in the area, is not adjacent to an area of special ecological features, the use of shipping containers over locally sourced materials, close to property boundary and no educational facilities proposed.
    - Failure to demonstrate renewable energy and water sources. No information provided regarding energy rating, solar power or heating and cooling equipment.
    - Added impacts on the environment with an OSSM and reducing the scenic value and

vistas of neighbouring properties.

- Lack of consultation and consideration for the residence impacted by the development.

17. Number of Guests on the property
Concerns regarding the number of people to be accommodated in each cabin.

18. Consistency with the provision of the Disability Discrimination Act
Concerned that the proposed Disable accessed cabin will not be built.

19. On-site Management
Concerned that there will be no manager on-site whilst the cabins are occupied and clarification if the dwelling can be used as the managers residence.

20. Waste Management
Concerns regarding the availability of suitable waste collection facilities.

21. Non Compliance with SEPPs
States that the development does not comply with the Rural Housing Code, the Inland Code

22. Current dwelling being used as a self-contained Air B&B
Concerned that the Airbnb will continue to operate after the Cabin are operational and that the current Airbnb operation is not lawful.

23. Proximity to Boundary
Concerned about the size of the proposed setback and non-compliance with SEPP provisions.

24. Renwick Deed service deed
Concerned that the proposed development in not in keeping with the Renwick deed and places an unfair burden on the other shareholders.

9. Effluent Disposal
Concerns regarding where the sewage form the cabins would go and the potential for contamination of Steels creek and Mowamba river.

25. Notification Process
Insufficient time and information to make a submission

Officers Response to issues raised in Submission 5

Zoning and Development controls for Eco-tourism

The zone of the land is Primary Production (RU1) and Eco Tourist facilities are a permitted use. There are no recent changes to zoning classification in this area.

Please refer to the assessment of clause 5.13 of the LEP for the full assessment of how the development meets the requirements of an Eco-tourist Facility

The proposed development has been assessed against the current provisions of the SRLEP and DCP and found to be satisfactory.

State Environmental Planning Policy - Short Term Rental Accommodation

The SEPP STRA is not yet in force and does not form part of the planning instruments relevant to the consideration or assessment of this application.

Part B of the SR DCP - Rural Localities

The development is located in a rural locality and there are many established tourist accommodation development operating within the immediate proximity of the subject lot and within the greater area. Carinya Alpine Village is a large tourist accommodation site on Carinya Lane, adjoining Lot 12 DP 1067410 has an active DA for a three (3) unit Rural Tourist facility with a managers residence, there is a rural tourist accommodation unit operating the beginning of Carinya Lane, there is an approved Glamping facility on Frost Creek Lane and a large Rural Tourist accommodation facility on the corner of the Snowy River Way and The Barry Way. Given the number of existing tourist accommodation operating with in the area it is reasonable to say that the character of the area does include tourist accommodation and as such the development is in keeping with the objectives of PART B.

Chapter C – Subdivision

The size of the development is reflective of the size of the proposed development. In response to the submission received the applicant reduced the number of cabins. The lot could be developed with a second dwelling which in theory could include a 3 or 4 bedroom dwelling which would also require an additional OSSM and would have a greater site coverage and as such a greater impact to the site. As such, given the small scale of the proposed development it is considered that the development is suitable for the lot size.

Flora and Fauna Protection

The property is in close proximity to the Steels Creek. The cabins are all setback over 200m from the creek. The existing dwelling and other established dwellings in the area are in a similar proximity to the creek to the proposed development and therefore, there are no negative foreseen impacts.

The fact that the submission identifies the number of significant native flora and fauna found in the area and within the adjoin creek/river systems is the connection to a significant environmental values to which this Eco-tourism facility is basing their application.

Provision of Services

Applicant Response

We have fine reception for making phone calls (and a landline) if guests need to use it. 000 calls work almost anywhere and there would be no problem making a 000 call in an emergency. We also supply and have working internet for additional communication.

Assessing Officers Comments

The telephone reception for a Telstra mobile phone when used at the site was adequate to undertake a conversation. This however may not apply to other carriers.

Access

The estimated traffic generated by the proposed development is less than an increase of 5% to the current vehicle movements along Carinya and Charlottes Lanes. See full Assessment in section C3 of the DCP.

Private roads Carinya Lane and Charlottes Lane service the property. With respect to the proportion of responsibility the owners have towards the upkeep of the roads, this is outside Councils jurisdiction and is managed by the Renwick Deed of agreement. The deed divides the cost of the construction and any required maintenance of the road into eight (8) equivalent shareholdings. The applicant has acknowledged the submission regarding an increased share should be paid by the applicant in their response to the submissions. Although they believe our usage will not be of a great impact, they are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that we agree on.

Council will not be taking Carinya Lane on as a public road and considered this matter to be a civil matter between the relevant land owners.

Tourist Development Subdivision

The development of an Eco-tourist facility draws in associated Section 7.11 contributions payable in accordance with the Snowy River Contribution Plan 2008. These contributions are outlined in the conditions of consent.

Visual Appearance

The size of the cabins are 2.44m wide x 5.5m long x 3.1m height. The size of the cabins is considered to be a small footprint.

The proposed colour is woodland grey. This colour is in keeping with the colour of the existing dwelling. As such, it is considered that the selected colour will allow for the blending of the cabins into the surrounding landscape. In addition, the siting of the cabins are well below the ridgeline lower than the existing dwelling and located as far down the block as possible without entering into the restricted area.

- **Views**

The cabins will only be visible for a small portion of Carinya Lane (approximately in front of 131 Carinya Lane) and from property 131 Carinya Lane. The orientation of 131 Carinya Lane is towards the west to capture mountain views with a small crest to the east, so it is reasonable to consider that the views to the east of 131 Carinya Lane will not significant impediment to the enjoyment of their land.

Figure 9: View west toward 131 Carinya Lane



The row of existing established Pine trees within the property of 6 Charlottes Lane will provide a visual barrier between the development and the uphill neighbours. The applicant had agreed to provide additional screen planting to further minimise any visual impact. It should also be noted that any views to the west that 6 Charlottes Lane would be obstructed by the pine trees within this property and that the location of the dwelling is up-slope from the proposed development and as such would look over the top of the development and would still be able to enjoy views of the mountains to the west.

Figure 10: View looking east from the proposed site development



Figure 11: Location plan showing visibility from the Carinya Lane.



Figure 12: View from Carinya Lane



- **Solar Access**
  The Cabins are orientated to the west and will receive more than adequate solar access to allow for passive heating.

- **Over Shadowing**

  The original proposal setbacks ranging from 6.5m to 12.5m, in response to submissions the applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m.

  The buildings are single story with a maximum height of 3.4m and as such there is no foreseen overshadowing impacts on the eastern property.

- **Privacy**

  The applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m, and a reduced number of cabins from four (4) to three (3). These changes were made in response to the submissions received.

  The rear window of the cabins is a narrow highlight window, located above the bedroom. It is reasonable to expect that guests will be more interested in lookout out the large sliding door towards the views across the Moonbah Plains than out a narrow window towards a row if large pine trees.

  The cabins will be located along the boundary fence shared by 6 Charlottes Lane. The developers have proposed the planting of screening plants along this boundary to reduce any privacy issues. Additionally, along this boundary line there is a well-established line of pine trees inside the property boundary of 6 Charlottes Lane.

  It is considered that with the existing pine trees and the additional planting of screening plants the impact on privacy is satisfactory.

  A condition of consent will be in place to ensure that the screening

plants/landscaping are maintained and managed to ensure successful growth meeting the intent of the landscape design.

- **Vegetation Removal**
  There are no trees proposed to be removed as a part of this development. There will be some disturbance to an existing managed grassed area. Additionally, in response to the submission the applicant have agreed to provide screening plant along the eastern boundary. The requirement of this will form a condition of consent.
- **Excavation**
  The proposed development site is relatively flat and as such there is minimal excavation required.
- **Storm water disposal**
  Storm water collected on the cabin rooves will be directed to rainwater for collection and used as water supply for the individual cabins.
- **Heritage Features of sites and adjoining sites**
  Heritage item - I149 - Carinya Alpine Village Recreational Hall (82 Carinya Lane) is located on an adjoining property.
  The entry to the subject lot of the proposed development is located over 300m away from the heritage item.
  As such, there is no foreseen impact from the development to the heritage item.
  An AHIMS search was carried out revealing zero (0) aboriginal sites or locations within 50m of the subject site. AHIMS: 567120

- **Bushfire hazard potential**
  The property is not mapped as being bushfire prone land and as such bushfire considerations were not assessed as part of this application.

Security and Safety

Applicant Response (summarised)
We will provide accurate directions to the property and google maps also has no problem identifying the property and giving correct direction to the property.

We are onsite if there are any disturbances, there are no street lights around that area so guests will rely on the vehicle lights to locate their destination. There will be signage on the front gate when entering and signage leading down to the cabins once on the property.

Assessing Officers Comments
Signage can be erected in compliance with the State Planning State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or with separate development approval.
With adequate signage and the availability of internet guidance systems readily available, it is reasonable to expect that the majority of guests will be able to find there ways to the subject site with little impact to adjoining neighbours.

Car Parking

The proposal has provided each cabin with an individual dedicated car parking space. The existing dwelling has existing car parking arrangement to service the requirements of an on-site manager. This in accordance with the requirements for car parking in the SR DCP.

The smallest revised setback is now 11.5m, this is more than adequate space for safe vehicle manoeuvring to occur and for cars to exist the site in a forwards motion.

Section E1 Part 4 (4.1.2) requires a Traffic Assessment report to be prepared for a development at Council discretion. Given the development is expected to only generate less than a 5% increase in traffic the preparation of a traffic report was not deemed necessary.

Landscaping

There are no trees proposed to be removed as a part of this development. There will be some disturbance to an existing managed grassed area. Additionally, in response to the submission the applicant have agreed to provide screening plant along the eastern boundary. The requirement of this will form a condition of consent.

Figure 13: Existing managed Grassed area.



Signage

No signage is proposed as part of the development.

Any future signage will be the subject of a separate development application, unless it meets the development standards of the Exempt and Complying Code SEPP 2008.

Environmental Management – conflict of land uses

The subject land is RU1 were the land use Eco-tourist Facility is permitted with consent.

The property is burdened by a restriction on use. The restriction is the prohibition of livestock on the property without the lot being fenced. The development is located outside the restricted area and therefore there are no foreseen impacts on the adjoining agriculture land.

The neighbouring properties are used for agricultural, residential and tourist and visitor accommodation.

Carinya Alpine village, located directly adjacent to the subject land, offering accommodation for up to 140 people. The village attracts family and friend groups, sports clubs, church clubs, school excursions, and corporate groups.

Given the proximity to established tourist and visitor business providing accommodation of up to 140 people, it is considered that a potential six (6) additional persons is of minimal impact and therefore satisfactory.

Additionally it should be noted that the incoming Short-term Rental Accommodation (STRA) SEPP and associated regulations will allow all residential properties in the area to be used for short term holiday accommodation without a DA. Therefore, there is the potential that the use of dwellings in the area for short term holiday accommodation will increase in the coming years.

Change of land use - Commercial enterprise in Rural Residential area

The zone of the land is Primary Production (RU1). Eco Tourist facilities are a permitted use in a RU1 zone. There are no recent changes to zoning classification in this area. Under the Snowy River LEP 2007 the property area was zoned Locality 8 Jindabyne in which Rural Tourist Accommodation were a permitted use.

This is the plan under which the active DA on adjoin Lot 12 DP 1067410 for a three (3) unit Rural Tourist facility with a managers residence was approved. In 2013 the current SR LEP 2013 was gazetted and as such the land was zoned RU1 in accordance with the revised land zones provided by the state government, under which rural tourist development was no longer an approvable use. In this change of legislation there was an introduced term 'Eco-tourist facility'. At this point of time this proposed land use was introduced.

Eco-tourist Facility Requirement

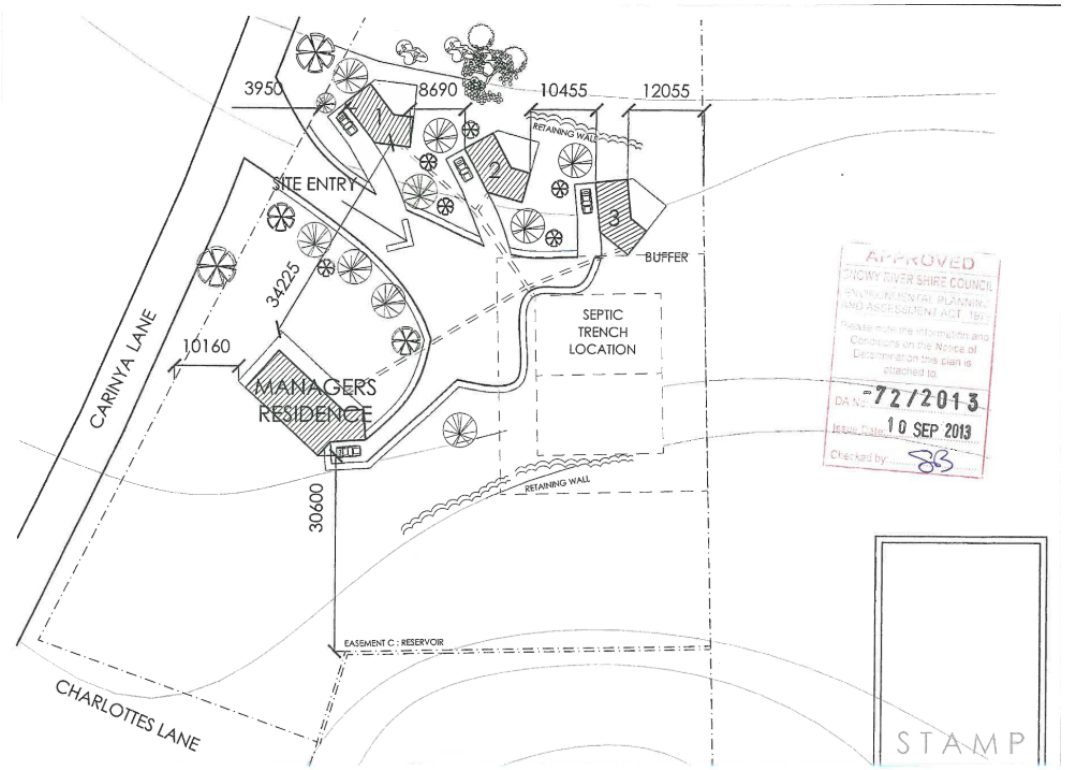
- **States that the development unwanted in the area;**

  There are three (3) other approved tourist facilities on Carinya Lane and that the use is established in the area.

Figure 14: Location of the three approved tourist accommodation approvals on Carinya Lane



Figure 15: site map of approved DA72/2013 (3 Rural Tourist cabins and a Managers Residence)



- **Not adjacent to an area of special ecological features**

The area included in the Snowy River catchment covers all natural rivers, creeks, streams of the Snowy River including the Mowamba River of which the land is situated on a tributary Steels Creek.

As such, it is considered that the subject lands proximity to the Mowamba River and the Snowy River satisfy the requirement of adjacent to an area with special ecological features.

- **Use of shipping containers over locally sourced materials;**

  Section E1 -4 of the DCP requires that the design promotes the use of recycled materials. The purposed cabins meet this requirement as the cabins are re-proposed shipping containers.

  The proposed colour is woodland grey. This colour is in keeping with the colour of the existing dwelling. As such, it is considered that the selected colour will allow for the blending of the cabins into the surrounding landscape.

- **No educational facilities proposed;**

  The provision of education is not a required provision, the key word being 'may include' in the definition of Eco-tourism. It is considered given the small scale of the development that having the managers available to answer any questions is sufficient.

  The subject land is in an area with special ecological features. The land backs directly onto Steels Creek which flows into the Mowamba River. Both of these water courses are tributaries of the Snowy River. These watercourses attract aquatic life, bird life and a range of other native wildlife to the subject land. This allows for a variety of nature based activities such as bird watching and fly fishing. These are examples of hands on activities which could take place on the property or within the immediate vicinity.

- **Close to property boundary;**

  The original proposal consisted of four (4) cabins with setbacks ranging from 6.5m to 12.5m.

  The applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m, and a reduced number of cabins from four (4) to three (3).

  The Snowy River DCP does not have any required setbacks for eco-tourism, as such it is considered that the applicant's revised setbacks have acknowledged the submitters concerns regarding setbacks in a satisfactory manner.

- **Failure to demonstrate renewable energy and water sources. No information provided regarding energy rating, solar power or heating and cooling equipment.**

  The development proposes the installation of 3 pre-manufactured cabins as such the installation of the cabins is covered by the Local Government Act. Under this Act the provision of a BASIX certificate is not required. The applicant has however

provided both a BASIX certificate and NAtHERs certificate, this shows that the cabins are compliant with the requirement of any new dwelling being built in NSW. There is no DCP or LEP requirement that stipulates a specific "star rating" for eco tourist facilities.

The development will be supplied with rainwater and solar power as confirmed in the applicant response to the submissions.

- **Added impacts on the environment with an OSSM and reducing the scenic value and vistas of neighbouring properties.**

  The location of the system has been recommended by a qualified on-site sewer management specialist (refer to the Site and Soil assessment - Water check Repot). The new septic system is located over 200m away from the Steels Creek.

- **Lack of consultation and consideration for the residence impacted by the development.**
  The applicant has advised that they wrote to the Renwick members on the 17/11/2020 regarding any concerns about the development and invited them to contact them regarding their concerns and in direct response to the submission received the applicant has reduced the number of cabins proposed and increased the setback from the eastern boundary.

Number of Guests on the property

The SR DCP 2013 does not pre-define the number of guests permitted in relation to a m² ratio. However a condition of consent will reflect that a maximum of two people will be permitted per cabin. Thus the total number of people for the entire development is six (6).

Consistency with the provision of the Disability Discrimination Act

The Building Code of Australia (BCA) Part D3 state the where the development is for 4 – 10 cabins/units there must be provision for a disabled access unit. Given the submissions received by the submitters the applicant reduced the number of unit. As a result the provision of an accessible cabin is not required by the BCA.

On-site Management

The development does not require onsite management as per the requirements of the DCP as the number of proposed guests is well below 15 people. However, the owners are proposing to reside on site. A condition of consent will be applied requiring the managers be on-site at all time that the cabins are being occupied.

Waste Management

There is no council waste collection service to the subject site.

There is a bank of bins which the existing dwelling uses to dispose of their domestic

waste and recycling.

The proposed waste management of the development is either manual delivery to the Jindabyne landfill or via a private collection service.

A condition of consent will be imposed to ensure that the disposal of all waste generated will be carried out in a lawful manner.

Non Compliance with SEPPs

The relevant planning instruments to this development application is the Snowy River LEP and DCP. Submission 7 alleged noncompliance with the Rural Land Code and the Inland Code. These planning instruments are not applicable to this development as they are codes used for the assessment of Complying Development Application. This application is a Development Application and is assessed under the provisions of the LEP and the DCP.

Current dwelling being used as a self-contained Air B&B

The Air B & B operation which was offered at 2 Charlottes Lane is a separate issue that will need to be dealt with from a compliance point of view. It is acknowledged that this is not the only property where short term holiday accommodation is a being carried out without approval. This is a broader compliance issue for Council and should not be taken into consideration with respect to this development application. The assessment can only assess what has been submitted which is an eco-tourist development with three cabins.

Proximity to Boundary

The original proposal consisted of four (4) cabins with setbacks ranging from 6.5m to 12.5m.

The applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m, and a reduced number of cabins from four (4) to three (3).

The Snowy River DCP does not have any required setbacks for eco-tourism, as such it is considered that the applicant's revised setbacks have acknowledged the submitters concerns regarding setbacks in a satisfactory manner.

Renwick Deed service deed

Applicant Response

Residents have indicated we should contribute more to the road usage fees in order to compensate them for the increase usage. Although we believe our usage will not be of a great impact, we are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that we agree on.

Assessing Officers Comments

The access to the subject lot is benefited by a Right of Way under the current 88B instrument for DP 825288. *P*ermitting the use of "every person authorised by it to go pass and repass to and from the dominant tenement at all times and for all purposes."

Due to the private nature of Carinya Lane, road maintenance and control is not the responsibility of the SMRC. The financial responsibility for this road maintenance is divided proportionately amongst the Renwick Pty Ltd stakeholders.

The private roads Carinya and Charlottes Lanes where constructed and are maintained in accordance with the Renwick Deed.

The Renwick Deed is divided into eight (8) ordinary shares, to be known as 'the user's shareholding'.

Schedule 2 Part B(i) of the Renwick Deed covenant the Users to pay a sum equivalent to eight (8) percentum for the cost of services referred to in Clause 5(ii).

The proportion of the subject lot is currently an ordinary per centum. Should the Renwick Company wish to ament the Deed to reflect a revised user shareholding, this could be executed via a Deed of Variation or by an agreement supported by consideration.

Effluent Disposal

Applicants Response

The cabins would be connected to a new septic system that is over 200 metres from Steels Creek, it is placed outside the exclusion zone which is in place to prevent any run-off. It is no different to any of the residences along the ridge which have a septic system.

Assessing Officers comments

The location of the system has been recommended by a qualified On-site sewer management specialist (refer to the Site and Soil assessment -Water check Repot). The new septic system is located over 200m away from the Steels Creek.

Notification Process

The notification process was carried out in accordance with the Snowy Monaro Community Participation Plan. All adjoining owners were posted letters via mail on the 5th November 2020 with a notification period of 14 days.
Council was contacted by several members of the public to request an extension to the submission time. Council granted an extension for submissions to be lodged for an additional 11 days.
It should also be noted that during this time Councils DA tracker became operational and all documentation was made available on Council Website.

Summary of Issues Raised by Submission 6

1. **Commercial enterprise in Rural Residential area**
   Concerned that the land cannot be used to support commercial business and the impact on a rural residential community and the land use changes were not informed to land holders.
2. **Renwick Deed – no B&B**

Concerned that the proposed development in not in keeping with the Renwick deed and that Bed & Breakfasts and Poultry farms are not permitted.

3. **Setbacks**
   Believes the cabins should be set back 30m from the boundary

Officers Response to issues raised in Submission 6

Zoning (rural Residential)

Assessing Officers Comments

The zone of the land is Primary Production (RU1) and not rural residential as suggested in the submission. Eco Tourist facilities are a permitted use in the RU1 zone. There are no recent changes to zoning classification in this area. Under the Snowy River LEP 2007 the property area was zoned Locality 6 Moonbah/Ingebyra in which Rural Tourist developments were a permitted use.

This is the plan under which the active DA on adjoining Lot 12 DP 1067410 for a three (3) unit Rural Tourist facility with a manager's residence was approved. In 2013 the current SR LEP 2013 was gazetted and as such the land was zoned RU1 in accordance with the revised land zones provided by the state government, under which rural tourist development was no longer an approvable use. In this changes of legislation there was an introduced term 'Eco-tourist facility'. At this time the proposed land use was introduced.

Renwick Deed – no B&B, no Poultry Farms

The Renwick Deed does not preclude the ability of a property to be developed for Bed and Breakfast or Poultry Farms. A deed of agreement is a special form of document which indicates an individual's contact to do something, in this case finically contribute to the up keep of the road and pay for water usage.
Additionally there is no restriction on use outlined in the 88B instrument which would preclude the uses of Bed and Breakfast, Poultry Farms or holiday accommodation.

Current Air B & B operations.

Applicant Response (summarised)

Visitors don't often get lost and comprehensive information is sent via text message day prior to arrival. Google maps also has no problem identifying the property and giving correct direction to the property.

Assessing Officers Reponses

The Air B & B operation which was offered at 2 Charlottes Lane is a separate issue that will need to be dealt with from a compliance point of view. It is acknowledged that this is not the only property where short term holiday accommodation is a being carried out without approval. This is a broader compliance issue for Council and should not be taken into consideration with respect to this development application. The assessment can only assess what has been submitted which is an eco-tourist development with three cabins.

Setbacks – Location

Assessing Officer Comments

The original proposal consisted of four (4) cabins with setbacks ranging from 6.5m to 12.5m.

The applicant has provided a revised site plan with increased setbacks, ranging from 11.5m – 14.5m, and a reduced number of cabins from four (4) to three (3).

The Snowy River DCP does not have any required setbacks for eco-tourism, as such it is considered that the applicant's revised setbacks have acknowledged the submitters concerns regarding setbacks in a satisfactory manner.

Summary of Issues Raised by Submission 7

1. **EURIE EURIE Bed and Breakfast (11 Carinya Lane) - Lost Guests**
   Concerned about unwanted visitors entering their property whilst looking for accommodation.
2. **Access – Private Road**
   Concerned about who will be responsible for the upkeep of the road, the dust, noise and visual impacts generated by the increased traffic
3. **Additional accommodation to that provided in the current dwelling as Air B&B**
   Concerned that the Airbnb will continue to operate after the Cabin are operational

Officers Response to issues raised in Submission 7

EURIE EURIE Bed and Breakfast (11 Carinya Lane) - Lost Guests

Applicant Response (summarised)

EURIE EURIE has had issues and don't believe that as a result we should be tarred with the same brush.
We will provide accurate directions to the property and google maps also has no problem identifying the property and giving correct direction to the property.

We are onsite if there are any disturbances, there are no street lights around that area so guests will rely on the vehicle lights to locate their destination. There will be signage on the front gate when entering and signage leading down to the cabins once on the property.

Assessing Officers Comments

A condition of consent will reflect that there is no signage approved as part of this development application. However signage can be erected with separate development approval or in compliance with the State Planning State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Lack of mobile Coverage

Applicant Response

We have fine reception for making phone calls (and a landline) if guests need to use it.

000 calls work almost anywhere and there would be no problem making a 000 call in an emergency. We also supply and have working internet for additional communication.

Assessing Officers Comments

The telephone reception for a Telstra mobile phone when used at the site was adequate to undertake a conversation. This however may not apply to other carriers.

Road use and maintenance

Applicant Response

Residents have indicated we should contribute more to the road usage fees in order to compensate them for the increase usage. Although we believe our usage will not be of a great impact, we are prepared to pay extra in order to show good faith although this should not be exorbitant or unfair amount and one that we agree on.

Assessing Officers Comments

The access to the subject lot is benefited by a Right of Way under the current 88B instrument for DP 825288. Permitting the use of "every person authorised by it to go pass and repass to and from the dominant tenement at all times and for all purposes."

Due to the private nature of Carinya Lane, road maintenance and control is not the responsibility of the SMRC. The financial responsibility for this road maintenance is divided proportionately amongst the Renwick Pty Ltd stakeholders.

The private roads Carinya and Charlottes Lanes where constructed and are maintained in accordance with the Renwick Deed.

The Renwick Deed is divided into eight (8) ordinary shares, to be known as 'the user's shareholding'.

Schedule 2 Part B (i) of the Renwick Deed covenant the Users to pay a sum equivalent to eight (8) per centum for the cost of services referred to in Clause 5(ii).

The proportion of the subject lot is currently an ordinary per centum. Should the Renwick Company wish to ament the Deed to reflect a revised user shareholding, this could be executed via a Deed of Variation or by an agreement supported by consideration.

Granny Flat – Airbnb

Assessing Officer comments

The Air B & B operation which was offered at 2 Charlottes Lane is a separate issue that will need to be addressed by Council as a separate matter. It is acknowledged that this is not the only property where short term holiday accommodation is a being carried out without approval. This is a broader compliance issue for Council and should not be taken into consideration with respect to this development application. The assessment can only assess what has been submitted which is an eco-tourist development with three cabins.

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, REP, DCPs, Codes and Policies. The key issues arising out of the assessment of this application comprise:

1. The proposed development is a permitted use in the zone of Primary Production – RU1
2. The use of the subject lot as a form of tourist and visitor accommodation is one, which has been previously established in Carinya Lane.
3. The development complies with the standards of the SR LEP and the SR DCP.
4. The amended site plan increases setback and reduces the number of cabins.

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed below.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Type text here

2. Environmental

The environmental impacts of the development have been considered in the assessment of the development application. The onsite waste management systems are proposed that comply with state government requirements and are situated so as not to impact on water courses. There will be minimal excavation associated with the development. There is no expected impact on air quality. There is no tree or significant vegetation removal proposed as part of the development and additional proposed screening landscaping will add to the enhancement of the environment.

3. Economic

The proposed development is considered to have positive economic impacts by providing additional tourist and visitor accommodation which along with increased visitation of tourists to the area contributes positively to the economy of the region. In addition the installation of the containers on site has a positive economic impact on employment.

4. Civic Leadership

The application is referred to Council for determination rather than being determined by staff under delegation, as the development received seven (7) submissions. This is accordance with Councils Policy - “Referral of Development Applications to Council” any development application that receives more than five (5) objections requires determination by Council and not under delegation.

In accordance with section 4.16 (1) of the Environmental Planning and Assessment Act 1979; a consent authority is to determine a development application by—

(a) granting consent to the application, either unconditionally or subject to conditions, or

(b) refusing consent to the application.

If Council decides to make a determination contrary to the recommendation, it must follow the procedure adopted through resolution 18/18 on February 2018.

8.3 DEVELOPMENT APPLICATION 10.2021.148.1 TEMPORARY CAMPGROUND AND CARAVAN PARK ANCILLARY TO EXISTING TOURIST FACILITY

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Coordinator Development
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	1. Draft Conditions of Consent DA 10.2021.148.1 2. Statement of Environmental Effects and Supporting Documents DA 10.2021.148.1 3. Submissions to DA 10.2021.148.1 4. Development Application Form DA 10.2021.148.1

Application No:	10.2021.148.1
DA Registered**:**	12/05/2021
On land comprising:	Lot 8 DP 1245126 Ph Townsend
Applicant's details:	Jindabyne Equestrian Resort
Owner's details:	Prism Enterprises Pty Ltd
Zoning:	RU1 - Primary Production
Notification:	14 days
Type of development:	Local
Current Use:	Rural Tourist Recreation Facility and associated accommodation – Jindabyne Equestrian Resort
Proposed Use:	Temporary Caravan Park and Camp Ground - Ancillary to existing accommodation
Permitted in Zone:	Yes
Recommendation:	Approval with Conditions

EXECUTIVE SUMMARY

This purpose of this report is to seek approval for a Temporary Caravan Park and Camp Ground - Ancillary to existing accommodation on lot 8 DP1245126, 2 Hilltop Road Hill Top.

The applicant has proposed the use of the existing Jindabyne Equestrian Resort (JER) as a temporary caravan park and camp ground for the 2021 Winter Ski Season (June 12 to October 4

2021). The development is proposed to be used to accommodate seasonal workers and tourists. It is proposed that the temporary use will utilise the existing infrastructure at the JER which is not in use during the winter months. The site will only be used for accommodation and no events or use of the equestrian facilities will be available, this includes the operation of the café which will not be open to outside patrons. The access for the development is proposed to be via the existing driveway into the JER from Hilltop Road. The application as originally submitted to Council was for an initial 75 sites (which could use existing onsite toilet and shower facilities) with an ability to scale up to 400 sites using temporary facilities brought to the site for the duration of the use. There was no limit specified in the development application as to the number of persons to be accommodated on each camp/caravan site or overall in the temporary facility. These sites were proposed to be spread across the existing JER site and onto the adjoining vacant land (lot 12 DP1245126). The sites on lot 12 were proposed to be the sites serviced by temporary toilet and shower facilities.

Due to significant community concerns raised through the notification process and in discussion with the applicant, the numbers of sites proposed has been reduced from 400 to 75. The applicant has also sought to amend the application to remove any sites proposed on the adjoining vacant land (lot 12). The reduction to 75 sites also required the removal of sites from other of the areas in the original proposal.

An assessment was carried out as to the existing capacity in the onsite sewerage management system to determine the number of people that could be accommodated on site. It has been determined that the existing system has a spare capacity (when no other uses are undertaken on site other than accommodation) of an additional 97 persons. As such the 75 sites can only accommodate up to 97 people. The application was notified to adjoining owners for a period of 14 days and the application received 27 submissions. Additional time was provided for submissions to be received when requested and a number of submitters sought to add to their original submissions given the additional time. The submissions raised concerns with the scale of the development and the resultant impacts it would have on surrounding properties. The submissions have been attached to the report and are summarised into issues below with accompanying officer consideration.

It is recommended that the development be approved with the draft conditions of consent attached.

RECOMMENDATION

That pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* DA 10.2021.148.1 for a Temporary Campground/Caravan park at lot 8 DP1245126, 2 Hilltop Road Hill Top be granted subject to the conditions attached.

BACKGROUND

1.0 SITE DESCRIPTION & SITE HISTORY

The subject site is located north east of Jindabyne township between Jindabyne and Berridale. The site is currently approved for use as a Rural Tourist Recreation Facility – the Jindabyne Equestrian Resort. The surrounding land uses are a mixture of rural residential lots and larger rural lifestyle and farming land.

Figure 1 – The subject site in relation to the larger surrounding area.



Figure 2 – Subject site (lot 8 DP1245126, 2 Hilltop Road)



Figure 3 – Landzoning of the subject site and surrouding properties



Previous Relevant Development History

DA4007/2020	Temporary use of land - Caravan Sites and Storage of Caravans (52 days)
DA4023/2018	Snowy Christmas Fair - Sunday 10 December 2017
DA100/2010	Temporary Use – Southern Rodeo Final
DA130/2006	Temporary Use of land - Rodeo
DA209/2003	Advertising signage
DA126/2000	Equestrian Centre (Stage 1) – Arena building, managers residence, fifty five (55) accommodation beds, café, water and effluent disposal facilities and associated horse riding facilities.
DA140/2000	Stages 2 & 3 Equestrian Centre Stage 2 (accommodation buildings) is to comprise • The construction of a 'facility and bunk room building for children and minors' • The construction of 3x three bedroom free standing units the construction of 2 x two bedroom free standing units designed to accommodate persons with disabilities. Stage 3 is to comprise: • The construction of a second stable building (additional 20 stables and associate storage areas)

2.0 PROPOSED DEVELOPMENT IN DETAIL

The proposal is for a temporary caravan park and camp ground for the 2021 Winter Ski Season (June 12 to October 4 2021). The development is proposed to be used for seasonal workers and/or by tourists. The temporary camping and caravan park is to be situated on the existing Jindabyne Equestrian Resort (JER) property utilizing existing infrastructure which is not in use during the winter months.

The application in its original form was for 75 sites with the ability to scale up to a maximum of 400 sites as outlined in the statement of environmental effects. There was no limit specified in the development application as to the number of persons to be accommodated on each camp/caravan site or overall in the temporary facility.

The land proposed to be utilized for the temporary development was lot 8 DP1245126 (the land which is currently developed as the JER) and an adjoining vacant property lot 12 DP 1245126. The plan below was provided by the applicant and has been annotated by the assessing officer to illustrate the number of sites proposed by the applicant on the plans provided. It is noted that the 400 sites described in the SEE are not represented on the plan submitted.

The application as originally submitted included areas listed as 1 -9. Within these 9 nominated areas a total of 190 marked van/camp sites can be seen on the development plans. The plan below and its associated table show the number of individual sites within each area (referred to as a 'site' in the documentation) identified by the applicant.

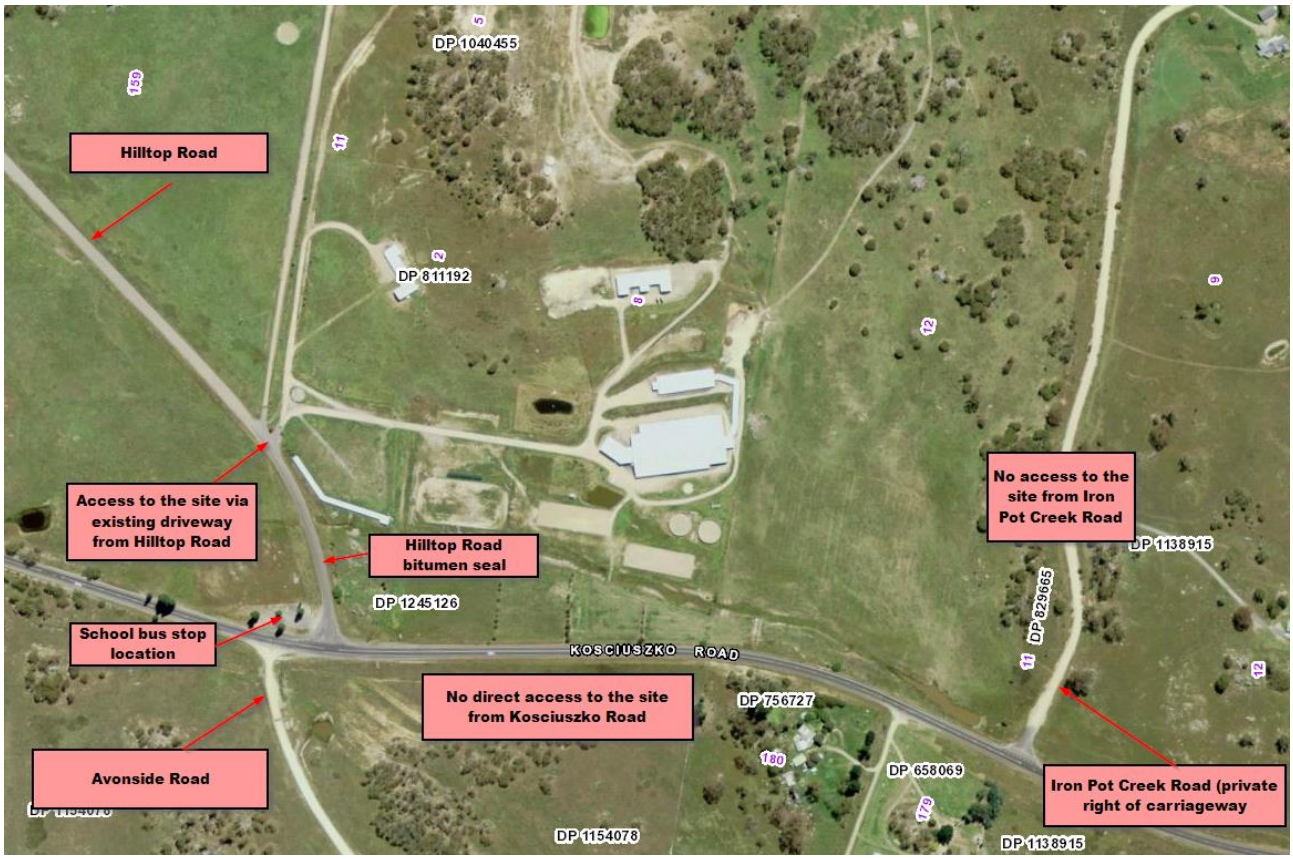
Figure 4 – Location of Camp Sites as proposed by the applicant



Site number	Number of caravan/camping sites proposed
1	20
2	6
3	12
4	20
5	8
6	10
7	6
8	100 (potential for more sites if scaled up)
9	8
Total number of sites proposed	**190**

Access to the site is proposed to be via the existing access to the JER from Hilltop Road. Hilltop Road from the intersection with the Kosciuszko Road to the driveway of the JER is bitumen sealed and was required to be upgraded as part of the approval of the facility. No access is proposed or can be established from Iron Pot Creek Road as this is private right of carriageway of which the subject site is not benefited.

Figure 5 – Access



Due to significant community concerns raised through the notification process and in discussion with the applicant, the numbers of sites proposed was amended by the applicant from 400 sites to 75. This would have the effect of removing any sites from the adjoining vacant land (lot 12) nominated as 'site 8' by the applicant. The development would then only be proposed on lot 8. The reduction to 75 sites also required the removal of sites from other of the areas proposed by the applicant. In this case it was 'site 4' which had been proposed within a crown road reserve. This area was reduced from 20 individual sites to 5. The revised layout is now subject of the assessment carried out below.

Figure 6 – Revised layout proposed



4.0 INTEGRATED DEVELOPMENT

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is was not deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

5.0 REFERRALS

5.1 External Referrals

The development application was not required to be referred to external agencies.

5.2 Internal Referrals

The development application did not require any formal internal referrals.

6.0 LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below:

- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Draft environmental planning instruments;
- Development control plans;

- Likely Impacts of the Development - environmental (natural and built), social and economic;
- Any Planning Agreement or Draft Planning Agreement;
- The EP&A Regulations;
- Submissions; and
- Public interest.

6.1 The suitability of the site for the development:

The temporary nature of the proposed use is in keeping with the existing approved use of the property as a tourist development which includes accommodation. The large arena building is not utilised for events throughout the winter season. As such it would not be considered that there would be conflicts with the proposed temporary camping ground/caravan park and the existing use of the property. The toilet and shower facilities in the existing arena building and the stables building are proposed to be utilised for the temporary use and as such there is no requirement for additional temporary facilities to be provided. The site is a large property enabling it to accommodate the number of camp sites proposed. It has direct access from a public road which was upgraded as part of the development of the existing use on site. Whilst visible from the Kosciuszko Road the camp sites are proposed to be spread across the site in various clusters in an around the existing buildings.

6.2 The provisions of any environmental planning instrument

6.2.1 State Environmental Planning Policies

The proposal has been assessed against the provisions of all known SEPP's and the development has been found **to** achieve an acceptable level of compliance. The SEPP's examined include (where applicable):

SEPP 21 – Caravan Parks ("the SEPP")

Under the provision of the SEPP a ***caravan park*** is defined as:

land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The development complies with the definition of a caravan park under the SEPP.

8 Development consent required for caravan parks

(1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.

(2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—

(a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and

(b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.

(3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.

(4) The holder of an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land—

(a) for a continuous period of more than 3 months, except as provided by paragraph (b), or

(b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Policy commenced.

(4A) Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.

(5) This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to State Environmental Planning Policy No 36—Manufactured Home Estates or dedicated or reserved under the National Parks and Wildlife Act 1974.

Clause 8 of the SEPP stipulates that caravan parks require the development consent of Council. Before granting development consent Council must determine the number of sites suitable for long term residence and short term residence and must specify a maximum number of these types in any condition of consent. In this application there are no long term sites proposed and the condition of consent would be included to limit the development to 75 sites for short term use only. Much of clause 8 does not apply to the subject development due to its temporary nature. A long term site is any site used for more than 150 days in a 12month period. The development proposed is for a temporary use of the site which will be restricted to only the 2021 ski season being June 12 to October 4 2021. The maximum number of days (should the development application be approved) that the temporary caravan park would be available for use would be 109. As such none of the sites could be considered as “long term” sites.

Clause 9 of the SEPP relates to the subdivision of caravan parks and therefore does not apply to this application.

Clause 10 requires that the following maters are considered by Council in the assessment of applications for caravan parks:

(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,

(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,

(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,

(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,

(e) any relevant guidelines issued by the Director, and

(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

It is considered that the subject application for a temporary caravan park complies with the provisions of clause 10 for the following reasons:

a) The site is an existing tourist development which has a sufficient number and types of existing facilities that can be utilised for a temporary caravan park. No permanent residential use of the park will be permitted as part of this development.
b) Not applicable as no long term sites are proposed.
c) Not applicable as the requirements for low cost housing apply to the use of a caravan park for long term residence.
d) Not applicable. Whilst it is proposed as part of the application that the site will be used for accommodation of seasonal workers they cannot be considered permanent under the provisions of the SEPP because they will not be onsite for more than 150 days. The site however is within 15 minutes from Jindabyne and those using the site will be traveling to the site by a vehicle as the vans will not be "onsite permanent" vans of the type that is found at other caravan parks.
e) The development complies with relevant guidelines
f) The development complies with the provisions of the LG Regulation (further consideration of those requirements can be found in this report).

6.2.2 Permissibility of the development under the Snowy River Local Environmental Plan 2013

- The subject land is zoned: *RU1 – Primary Production*

- Definition of land use under SRLEP 2013:

  caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

  camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

- The proposal is permissible with development consent from Council pursuant to Zone *RU1* of the SRLEP 2013.

<u>Zone RU1 Primary Production</u>

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 promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.
- To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; **Camping grounds; Caravan parks**; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Garden centres; Helipads; Home-based child care; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

- The proposal **is** considered to be consistent with the aims of the plan and objectives of the zone.

The proposal has also been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance. In the assessment of this application, the following special provisions from SRLEP 2013 are of relevance and have been assessed for compliance:

Clause 1.2 Aims of the Plan

(aa) to protect and promote the use and development of land for arts and cultural	Not applicable

activity, including music and other performance arts,	
(a) to protect and enhance, for current and future generations, the ecological integrity, natural resources and environmental significance of Snowy River, *(b) to protect agricultural land resources by—* *(i) minimising the fragmentation of rural land, and* *(ii) encouraging agricultural land uses on prime agricultural land, and* *(iii) providing for a range of agricultural activities in locations and at a scale to avoid conflict with settlements and tourist activities,*	The development is temporary in nature and is proposed for an existing developed site. Being within an existing tourist facility which holds large events and has an existing established accommodation premises it is not likely to create significant long term conflict with surrounding land uses. Whilst there may be some short term impacts these can be managed through appropriate conditions of consent and will be only for the period approved by the consent. It will not contribute to fragmentation of rural land nor will it encourage a non-agricultural use on prime agricultural land.
(c) to help reduce the negative effects of an ageing and declining rural population by supporting restructuring and succession through flexible subdivision controls,	Not applicable
(d) to plan and provide for settlement where it provides a diverse range of living opportunities and housing choices without compromising the environmental values of Snowy River, including its natural resources such as water, biodiversity and agricultural land,	Not applicable as this aim relates to permanent accommodation types such as housing and the subject development is a temporary use.
(e) to locate new urban development adjacent to existing urban areas to increase the accessibility and efficient use of infrastructure, facilities and services, public transport and employment opportunities,	Not applicable the development proposed could not be considered urban development.
(f) to strengthen and support a year-round economy by encouraging a range of development and land uses, including tourism and agriculture, that respond to lifestyle choices, emerging markets and changes in technology in a socially and environmentally responsible manner,	As the development is temporary for only the ski season it will not directly meet the aim of strengthening the year round economy. However it is proposing to utilise a facility the majority of which is generally not used during the winter season providing a source of revenue to supplement a year round tourist business. The development also seeks to provide a temporary solution to the housing of seasonal workers.
(g) to provide for small-scale tourism development in areas with access to	The development meets this aim by providing a temporary tourist operation which is small

appropriate tourist activities, services and amenity, such as adjacent to Kosciuszko National Park, Lake Jindabyne and Lake Eucumbene,	scale and has access to services in adjacent towns and villages and the Kosciuszko National Park.
(h) to protect, preserve and enhance areas of high scenic landscape value and the open rural landscape, including maintaining separation between towns and villages,	The development area is not considered to be an area of high scenic landscape value. It is not mapped as scenic protection and is adjacent to an existing facility and a major road corridor. It does not contribute to the reduction in scenic value of rural areas between the towns and villages as it temporary and any impacts will not be lasting. The development is also proposed within an existing tourist facility and the 75 sites will be spread out in clusters through the site.
(i) to value, protect and promote the natural, cultural and archaeological heritage of Snowy River by careful management,	The development is proposed within an existing approved rural tourist recreation facility which on areas which have been approved either for new buildings, car parking or previous stock use. There will be no impact on the cultural heritage.
(j) to ensure good management of public assets and to promote opportunities for social, cultural and community activities,	Not applicable
(k) to retain, and where possible, extend public access to foreshore areas and link existing open space areas for environmental benefits, health benefits and public enjoyment,	Not applicable
(l) to provide safe and healthy public spaces, attractive neighbourhoods and centres and to ensure development embraces the principles of quality urban design.	Not applicable the development is temporary in nature and in a rural setting

Objectives of the RU1 Zone

The objectives of the RU1 zone are to:

- *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 promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.*

• *To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.*

The development meets the objectives of the zone as it promotes tourism that is compatible with the agricultural activities and the environmental, historical and cultural values of the zone, as it is small scale and temporary in nature. Whilst it will be visible it is considered that due to the size of the land on which the development is proposed and the limiting of sites to 75 it is considered to be small scale and will not adversely impact the scenic quality of the landscape in the long term.

Clause 7.2 Terrestrial biodiversity



A portion of the subject site is mapped as "Biodiversity" on the Terrestrial Biodiversity Map. The only area proposed for the temporary camp site within the mapped area is site 7, which proposes 6 camp/van sites. It is also within an area that has been heavily disturbed as part of the original development of the equestrian centre. As such it is not considered the temporary development will have an unreasonable impact on ecological value and significance of the fauna and flora on the land.

The proposal does not have the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land.

The development using disturbed land which is part of an approved rural tourist development has been designed, sited and will be managed to avoid any significant adverse environmental impact.

Clause7.9 Essential services

Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Upon assessment it is considered that the development complies with the provisions of this clause as the proposal has:

(a) Access to water from the existing development, being rainwater collected by onsite rainwater tanks. The tanks are fed from the large roof collection area of the arena building and the associated stable and accommodation buildings. In addition to the vans which may have their own portable water supply the development is serviced by a large (110,000 litre) in ground tank which collects the water from the stable building and the arena building which is then pumped to additional holding tanks and the gravity fed back to the site. This rainwater supply system was part of the original approval for the Rural Tourist Facility. The site may also have access to groundwater resources, this is licensed through Water NSW and outside of this approval process. It is considered the development has appropriate water provision for the use proposed. Due to the site being a tourist development that is supplied by non-reticulated urban water, the proposed temporary development would need to comply with the exiting water quality process required for the existing development. A condition of consent will be proposed for the applicant to have in place a Water Quality Assurance Program as required by NSW Health. This is requirement for any tourist development which is utilising non reticulated town water.

(b) The JER is serviced by mains electricity, some of the proposed temporary sites will be powered however many will be unpowered. It will be the responsibility of the operator to manage the power supply to the temporary use within their current connection capabilities.

(c) The applicant proposes to use the existing onsite sewerage management infrastructure installed as part of the existing rural tourist facility. The calculations for capacity of this system was based on the uses approved as part of the previous development applications. Based on the existing capacity of the system is has been determined that the number of persons able to be accommodated in the temporary campground is 97 persons. As such a condition of consent will be included to limit the number of persons accommodated over the 75 sites at any one time in the temporary camping area/caravan park to 97.

(d) Onsite stormwater disposal is managed through the existing systems with the existing buildings forming the rainwater catchment for the development. Any runoff from the temporary camping sites will be managed through appropriate conditions of consent relating to sediment and erosion control.

(e) The development is proposed to use the existing access into the Equestrian Resort from Hill Top Road. As part of the approval of the development in 2000 the intersection with Hill Top Road and the Kosciuszko Road (MR286) was required to be upgraded. The upgrades were completed as part of Stage 1 of that approval. In addition Hill Top Road to the entrance of the Equestrian Resort and the entrance into the resort were upgraded as part of this Stage

1 approval. These upgrades were required to facilitate the further stages of the development. The equestrian resort has held a number of large events since its completion. These events include large horse carnivals and rodeos with their associated floats and heavy vehicles. The access to the site by such vehicles was considered as part of the original development consent for the resort and the upgrades required for the intersection and driveway assessed access by these vehicles into consideration for these events.

Based on upgrade works previously undertaken it is considered the existing entrance into the site, Hill Top Road and the intersection with the Kosciuszko Road are considered adequate for the temporary development proposed. There will be no access permitted through lot 12 from Iron Pot Creek Road as this is a private right of carriageway that the subject land does not have benefit of. There will also be no direct access permitted to the site from Kosciuszko Road.

6.3 Provision of any proposed Environmental Planning Instruments

There are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

6.4 Assessment against the relevant provisions of Snowy River Development Control Plan 2013

In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	Response/Acceptable Solution
B1 Rural localities, Towns & Villages	
1.8 – Jindabyne	The development is a tourist development which are considered a key planning responses for the locality.
C General planning considerations	
C2 Design	Complies – The development is temporary in nature and does will not have a lasting impact on the surrounding development. Any visual impacts will be temporary in nature. No landscaping will be required for a temporary use of this type. The development is not within a designated view corridor or a scenic protection area. It is temporary in nature as such any impact will not be ongoing. The lighting of the site will be required to be in compliance with the requirements of the regulation however it is of a small scale and temporary in nature as such any lighting impacts will not be ongoing. The development will be required to have a code of conduct for guests to abide by and will be managed through onsite management.

C3 Car-parking, Traffic & Access	Complies - The development complies with the provisions of the C3 it has adequate area for onsite parking base of one space per caravan site. A condition of consent will be imposed to ensure that 75 spaces are provided for the development within the boundaries of the site.
C6 Signage & Advertising	Complies - No additional advertising signage has been proposed and a condition of consent will be imposed to ensure that additional approval will be required for any new signage.
C8 Environmental Management	Complies – the land on which the development is proposed is not considered to be contaminated as it is the location of an approved rural tourist development. In order to mitigate any erosion and sediment impacts potentially generated by the parking of vehicles on the site appropriate condition of consent will be imposed to ensure that erosion and sediment control measures are put in place should souring of the site occur. The ecological impacts of the development are considered to be minimal as the sites are proposed within the existing boundaries of the Equestrian Resort site which was approved for this use under previous development applications. No approval will be issued for the use of the adjoining land lot 12. The temporary use will be confined to areas wholly located to within lot 8.
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	Complies - Access to water will be from the existing development catchment system, being rainwater collected in onsite rainwater tanks. The tanks are fed from the large roof collection area of the arena building and the associated stable and accommodation buildings. A large in ground tank is used to collect the water from the stable building and the arena building which is then pumped to additional holding tanks and the gravity fed back to the site. This rainwater supply system was part of the original approval for the Rural Tourist Facility. The site may have access to access groundwater resources, this is licensed through Water NSW and outside of this approval process. It is considered the development has appropriate water provision for the use proposed. Due to the site being a tourist development that is supplied by non-reticulated urban water, the proposed temporary development would need to comply with the exiting water quality process required for the existing development.

	The applicant proposes to use the existing onsite sewerage management infrastructure installed as part of the existing rural tourist facility. The calculations for capacity of this system was based on the uses approved as part of the previous development applications. Based on the capacity of the system installed it has been assessed that an additional 97 persons can be accommodated as part of the temporary use. A condition of consent will be imposed to ensure compliance with this requirement.
C10 Waste management & Recycling	Complies - The site is already a commercial operation and commercial accommodation provider and as such are already managing waste generated on site by the existing uses. The proposed temporary camping ground/caravan park will be required to have provided to it additional appropriate waste facilities. Any waste generated on site is to be removed to an authorised facility either by the onsite management or through a waste removal contractor. Conditions of consent will be included to ensure compliance with these requirements.
E Non-residential Development	
E1 Tourist Accommodation	Applies only to "tourist and visitor accommodation" Caravan parks and Camping Grounds are not part of this definition.

6.5 Planning Agreements

There are no applicable planning agreements.

6.6 Any matters prescribed by the regulations

The development complies with the matters prescribed by the *EP&A Regulation 2000*.

6.7 Submissions

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019 for a period of 14 days.

There have been a number of objections submitted regarding the subject development application. The submissions raise a number of similar issues and as such the consideration of the submissions below is summarized by issue not individual submission. Copies of all submissions made form an attachment to this report.

Summary of Submissions

Total Number of submissions	**27**
Number objecting	25
Number supporting	2 – Based on a revised application with 75 sites not the original larger proposal.

Insufficient notification/lack of information provided to surrounding residents. Insufficient time given to residents to view/review the DA due to not being notified by SMRC

Concerns with the number of residents formally notified of the application and geographical limits of these notifications. Insufficient information provided to residents. Concerns were raised that there was not adequate time to provide comment on the application. That a public meeting should be held with the community in relation to this development.

Officer Consideration of Issue:

The application was notified in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019. The plan requires that a development application be notified to adjoining owners of the land subject of the application. In this case the development was notified in accordance with these requirements and all documents submitted with the application were uploaded on the Councils Application Tracker available to all members of the public. All submissions irrespective of who submits them will be considered as part of the assessment. All information that was provided to Council was uploaded onto the Application Tracker which is available to all members of the public.

Number of sites proposed and the number of people to be accommodated

Concerns raised over 400 sites which when using a rate of 6 persons to a site the development would be able to accommodate 2400 people which is a larger population than Berridale.

The current ABS Census (2016) demographic data shows a total population for Avonside of 118 people. The JER DA proposal simply dwarfs the current population of the surrounding area. The development will excessively increase the population based on 400 sites when assuming 2.5 people per site could be over 1000 people. Concern that it for 75 campsites in the short term but with an expansion to 400 sites with portable facilities. The modified application shows 90 sites in the plan not 75 total population. The 100 sites within site 8 is of great concern as it will have an unreasonable impact on the properties in Ironpot Creek Road. Any expansion beyond 75 sites would not be appropriate

Officer Consideration of Issue:

In the application as originally submitted to Council the applicant proposed to have up to 400 sites approved to allow for 'sizing up' of the development through the use of temporary toilet and shower facilities. Many of these additional sites were proposed in land adjoining the current Equestrian Centre (being lot 12 DP1245126). Due to community concern the application was revised to remove the sites proposed on lot 12. It is also proposed through the imposition of a condition of consent to restrict the number of sites to 75 and the number of persons to 97 which is

the limit of the existing onsite sewerage management system. Therefore there will not be the possibility to have 2400 people accommodated on the site.

Access to Water and impact on Groundwater

The Jindabyne Equestrian Resort is not connected to reticulated town water and will be required to rely solely on rainwater and bore water. This would be disastrous during times of drought and will have an unreasonable impact on ground water as there is limited water in the area and bores do not have a plentiful supply. Due to the timing of the application there is no enough time to put appropriate systems into place. There is not adequate water available for firefighting purposes. No information as to whether the existing water provision is adequate. The development should be required to connect to town water before the proposal is even considered. Council must ensure that the bore is not utilised for the development and questions as to whether it can be used for a commercial operation or just domestic and stock use.

Officer Consideration of Issue:

The development has large onsite water storage capacity that is fed from the roof catchment of the existing arena building. The use of groundwater resources is managed by Water NSW and any licence is to operate under the conditions related to it specifically. With respect to the concerns raised regarding drought which this is a legitimate concern for camping grounds/caravan parks that are not connected to reticulated water the development proposed is temporary in nature and will only be used during the winter season which on average does have higher rainfall/snowfall. It is quite common to have camping grounds and caravan parks located in areas which do not have reticulated water. The use is permitted in the RU1 zone of which by its nature is not usually connected to town water. Being connected to a town water supply is not required for the establishment of a camping ground/caravan park. The development is not going to service a number of persons over that which was originally approved as part of the equestrian centre. There is an existing firefighting system on site that was approved as part of the original development application.

Sewerage treatment

The existing facilities within Equestrian Resort would not cater for patrons within the existing dwellings as well as an additional 75-200-400 campsites. The grounds of the campground would become polluted. Portable shower blocks are an unacceptable solution leading to sanitation concerns in addition to being an eyesore. No dump point has been nominated. Individual sullage pits for each campsite must be in place before the proposal is considered.

Officer consideration of issue:

The existing onsite treatment system has been considered and 97 persons can be added to the existing approved numbers of people accommodated on site. The existing café and facilities will not be utilised by members of the public during the time of the temporary use and a condition of consent will be include to enforce this. Due to the reduction in the number of sites there will no longer be a need for temporary facilities to be provided. A dump points (holding tank) will be a requirement of the "Approval to Operate" the caravan park/camp ground. There is no requirement for a sullage pit to be provided for each individual campsite in a caravan park and campground

Zoning and Permissibility

The current zoning of the local surrounding area is not commensurate at all, an application of this type changes the local area use impacting on local residents. That the development is not ancillary but a new landuse for the site as it will be larger and more intensive than the current use. An ancillary use is usually less than 10% of the scale/size of the principles use. The development does not comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. No Building Code assessment has been undertaken regarding the existing facilities. Proposed site 4 within crown road reserve.

Officer consideration of issue:

The use of a caravan park and camp ground is permitted in the RU1 zone. Whilst the application states it is ancillary it can be approved as a specific use of the land allowing for a mixed use on the site. In this case the ancillary nature of the development was the timeframe in which it was proposed. It is a temporary use of the land for a permitted purpose and will not operate outside the approved time limits. Ancillary development is not specifically defined as percentage of use of the dominant approved use. Conditions of consent will be imposed to ensure compliance with the requirements of the Local Government Regulation and an approval to operate will be required to be issued. The 'approval' referred to in the LG Regulations is the approval to operate (under s68 of the LG Act) not the development consent. An assessment against the regulation will be undertaken as part the approval to operate process. The development is temporary in nature and it would not trigger an upgrade to the existing approved facilities. No additional facilities are proposed to be constructed for the temporary use. The location of site 4 within a crown road reserve has been addressed earlier in this report with the number of sites in this area reduced to 5 from 20 and a condition on the consent will be imposed to ensure that no development happens within the road reserve. The final plan of the facility which is required for the approval to operate will need to demonstrate that no sites are established within the road reserve.

Environmental impacts and Rubbish Generation and impact on climate change

No studies have been provided to demonstrate that there will be no impact from effluent runoff into Iron Pot Creek. Where would rubbish be kept hygienically to avoid rodents? The venue is prone to venomous snakes which would be attracted if vermin were to increase, particularly in spring and beyond posing a safety risk for the site as it is surrounded by a rural environment. The development will generate areas of bare soil where the vehicles are parked which increases pollutants into waterways. Lack of bushfire report. The development could be subject to flooding with the lower dam area impacting on Iron Pot Creek Road. Climate change: with the predictions of more adverse weather events, we need to ensure water security, firefighting capabilities and flood mitigation. Council must consider submission that raises concerns about climate change and that these concerns be adequately considered. Flooding of the site where development is proposed. Ground contamination by people not using the toilet facilities needs to be considered. Waste/rubbish being blown from the site. Impact on winds on camp sites and caravans. Impact of the development on native wildlife. Domestic pets are not addressed in the proposal.

Officer Consideration of Issue

The development will not exceed the number of persons allowable for the capacity of the approved effluent management system. The impact of the system on the surrounding water courses was assessed at the time of the original development and this development does not seek to exceed the capacity of that system. The development will be required to manage rubbish through an approved contractor and the site is currently a commercial operation these facilities in place. Any rubbish

blown from the site will be required to be collected by the operator of the site and disposed of appropriately. The potential for souring of the site will be managed through conditions of consent relating to sediment and erosion control and rehabilitation of any areas damaged through by the temporary use. The areas proposed to be used for the parking of vehicles are within existing disturbed parking areas and as such it would not be considered that significant impacts would occur in relation to soil degradation. None of the proposed sites are within the areas of the site that suffer from periodic inundation. With respect to wind the campsites/vans will be required to be secured as they are in any areas which are subject to high winds. A condition of consent could be imposed to restrict domestic pets on site, this would become a management issue which is not limited to this type of accommodation.

Traffic impacts

A traffic safety at the intersection of the highway and Hilltop Rd Road the DA proposal sits on the main road to Jindabyne on Kosciusko Road with speeds of 100km. The intersection between Hilltop Road and Kosciuszko Road is single lane in both directions. The road is not wide enough to cater for an additional 75-400+ vehicles slowing down the general traffic and turning off and onto Kosciuszko Road. The line of sight is currently partially obstructed when turning right onto Kosciuszko Road from Hilltop Road. Additional vehicles will lead to an increase in accidents at this intersection. Hilltop Road is a dirt road and the added traffic should any temporary residents take that route will require increased repairs and maintenance to a road that already requires quite a bit now. No traffic analysis has been undertaken of the impact of the development on highway and local roads. Not adequate onsite parking. Concerns with the impact of large vehicles conflicting with the school bus stop. Public transport should be provided for workers to Jindabyne and the resorts. Impact of caravans and campervans on Hilltop Road, upgrade works on Hilltop Road should be undertaken. Concerns that campers will use Iron Pot Creek Road for access to the site which has occurred in the past for people wanting to gain access to the JER.

Officer Consideration of Issue:

The development does not meet the thresholds for traffic generating development and did not require referral to Transport for NSW (TfNSW). With a maximum of 75 campsites and the number of occupants capped at 97 people it does not generate the traffic movements which trigger the threshold of 200 vehicle movements an hour. The site does not have direct access to the Kosciuszko Road but from Hilltop Road which is bitumen sealed from the intersection to the driveway that is more than 90m from Kosciuszko Road. The intersection with Hilltop Road and the Kosciuszko Road was upgraded at the time of the development of the JER under the supervision of the TfNSW. As was Hilltop Road which is bitumen sealed from the intersection to the driveway into the JER. The use of large vehicles with trailers was considered as part of the original application and the intersection and driveway constructed to allow for vehicles of that type. Vehicles towing horse floats and larger horse trailers are similar in size and nature to caravans, campervans and camper trailers. The JER is the site for large events and this was taken into consideration when the development was originally approved, the traffic numbers proposed by this consent would not exceed that which was anticipated when the development was approved. With respect to car parking there is adequate room onsite for parking of ancillary vehicles.

Aesthetic impacts

Due to the location of the JER and the proposed camp sites will be visible from the Kosciuszko Road. Without proper screening the development will significantly detract from the aesthetics of

the region and impact on providing high standards of local tourism providers. It will become a 'tent city' as one of the first impressions on arriving in the Jindabyne gateway area. The local suburb would be transformed and unrecognizable due to this development. It will be an eyesore for both locals and those who pass by. Layout and direction of lighting would be an impact especially kept on at night. The development will be an eyesore when viewed from the road and the surrounding properties.

Officer Consideration of Issue:

The development is temporary in nature and as such any of the visual or aesthetic impacts will be transient. Whilst it is acknowledged that development will be visible from the road the 75 sites will be spread out over a large area and interspersed with existing established buildings. It is not reasonable to require screening of the site for such a short period of time.

Lifestyle and Social Impacts

Including noise, antisocial behaviour. Increased vandalism and graffiti and other domestic issues may happen. The social needs of residents would not be met due to limited infrastructure and number of residents. Hilltop and Avonside properties are predominantly an owner-occupier with dwellings on rural and semi-rural allotments. Jindabyne Equestrian Resort is immediately surrounded by several farming allotments. Noise from people, vehicles generators and campers in open areas carries considerably and will impact upon local properties extending to the livestock and the routines of farmers. Curfews are extremely difficult to enforce and do not align with that of rural communities. People hitchhiking from this location will be a safety hazard and these hitchhikers would be interacting with school children. Likely residents will commute some distance to local facilities in Berridale or Jindabyne to socialise, drink alcohol, but there is no public transport back to the facility. The social-emotional wellbeing, physical and mental health has not been considered for this application and would be a detriment to those residents and a foreseeable health and safety risk. We have a graffiti issue in town at present, would this then expand to out areas with such intensification of inadequate housing?

No information on campfires. No information on hours of access to the site. Need for security personnel to be employed to manage antisocial behaviour. Increase in theft and trespassing in the area from those residing at the camping ground/caravan park. The facility is located a decent distance from the police station which will stretch the limits of the police in the area in winter. Loss of privacy for surrounding residents. Impact on neighbours as they have moved away from town so as not to be impacted by the busy winter period.

The site layout is surrounded by private property it is reasonable to expect that the campers would be looking to move around the area and current fencing \ signage protections of the JE resort is not sufficient to contain campers from wandering on to private property exposing the owners of this properties to dangers of theft, damage to property vehicles. Injury to campers wandering onto property with animals such as snakes roos wallabies echidnas rabbits and wombats all resident of the proposed development site and surrounding properties. The resort is poorly fenced. The behaviour management system proposed may not be sufficient to mitigate impacts on surrounding properties. That the proposed development would be home to people who would otherwise be homeless due to antisocial reasons. That these temporary residents would be full time residents at the site.

Officer Consideration of Issue:

The existing restaurant has an approved capacity of 100 patrons, this will not be used for outside customer use the duration of the operation of the temporary camping ground and a condition will be included to enforce this. Condition of consent will be included for hours of operation and hours of access to the site. Campfires will not be permitted on site and a condition of consent will be imposed to enforce this. The licensee of the JER would be responsible for the service of alcohol in the license premise should this occur. The Office of Liquor Gaming and Racing are the regulatory authority for license premises. A code of conduct for guests will be required to be approved by Council prior to the commencement of operation and this would include restrictions on where guests can congregate and the physical limits of the campsite with respect to property boundaries. The use of generators can again be restricted through a code of conduct as would the use of amplified sound within the facility. Many people who travel with vans generate power with solar system and do not use noisy generators.

There has been no evidence provided that would support the assertion that those who choose to use the facility "would otherwise be homeless due to antisocial reasons" or that they are going to participate in illegal behaviour such as theft and vandalism. The development will be required to cease operation at the end of the ski season on the October long weekend as such it cannot become a permanent home to people.

Suitability of the site, its location and lack of facilities

The JER is a significant distance from Jindabyne and the mountain resorts and does not have attractive facilities for families or seasonal workers. Seasonal workers enjoy the vibrant Jindabyne and snow fields' night life during the evenings. The lack of public transport may encourage guests to either create their own evening activities at the Equestrian Resort or take risks with drink and drug driving from Jindabyne. Existing hot water systems would not cope with the increased demand. What recreation facilities will exist for residents?

The size of the sites are not adequately demonstrated. Parking is not adequate on the site for the development.

No areas for food preparation have been included which are provided in all other short term accommodation venues? No detail has been provided as to the adequacy of electricity for the site and which sites are to be powered and unpowered. No detail on where fuel will be stored for generators. No provision of common area cooking facilities which will force people to cook at the individual campsite. The location of the site will put an unacceptable train on the local community. Drink driving will become a problem due to the location of the development. Noise for the campers from passing vehicles on Kosciuszko Road. The development has unpowered sites and this will be unsuitable for seasonal workers due to the climate.

Proximity of the sites from shower and toilet facilities, need to comply with the requirements of the LG Regulation. Provision of facilities for persons with a disability. Heavy snow fall and the impact this would have on the campground/caravan park. Seasonal staff do not generally have caravans and local businesses would not be willing to provide vans for them. There would not be enough staff that have campervans that would fill the development. No laundry facilities are available on the site

Officer Consideration of Issue:

The use of the site for a temporary campground and caravan park may not as the submitters suggest be suitable or of interest to all tourists and seasonal staff. It is considered that those people who choose to stay at the site will be doing so knowing that it is not walking distance to town amenities. The site has an existing accommodation offering which is used during the winter season and such it has been shown that tourist will stay in this location. Should the seasonal staff that choose to use this facility find that it is not suitable they will be able to move on to another site should they choose. The location of food preparation areas have not been shown on the submitted plans or associated documentation and this will be required to be shown on the plan associated with the 'approval to operate' the park. There is however a large under cover area within the arena that could be utilised for this type of activity as well as for the communal areas referred to in the submissions.

The location of the sites and their proximity to the toilet facilities, and the provision of laundry facilities are all matters for consideration before the issuing of the 'approval to operate' and will be required to be demonstrated by the operator before such an approval is issued. With respect to electricity provision it will be the responsibility of the operator to ensure that the electricity supply is adequate along with the provision of hot water to the development.

Drink driving this is an issue for any camping ground/tourist accommodation provider and residential development, it is the responsibility of the individual to ensure that they do not undertake an activity like drink driving. The applicant has stated that they will have a behaviour management policy that will be clear to the users of the facility to ensure that their behaviour is within appropriate social norms.

With respect to seasonal staff access to campervans/caravans, it would be unlikely that if the staff did not have access to a caravan/campervan or the like that they would choose to locate themselves in this temporary caravan park. Whilst staff with suable vehicles may be limited the proposal provides another option for accommodation for those who do have such a vehicle. The choice of camping in the Snowy Mountains as an accommodation option is quite common with a number of formalised campgrounds in and around Jindabyne and within the national park. The climate in this instance is not a barrier to this accommodation type.

Temporary Nature of Development

Concerns that the development will not be temporary and that the owners are intending to expand the development in the future. That the development will create a precedent to allow for a further unsuitable DA to be presented to the Council in future. The period for the DA is not clear. Concerns about whether the temporary nature applies to the development but not the approval. The temporary use will end the approved use of the site as an equestrian centre which would be a loss to the community. Use is being changed from its approved use to a Caravan Park/Campground. Clarification is required as to the dates of operation and when the temporary use will cease.

Officer Consideration of Issue:

The development is temporary in nature for the 2021 ski season only starting in June and ending on the long weekend in October. A condition of consent will be proposed to restrict the use to these dates. With respect to the use of the JER during this period, only the accommodation portion of the development is proposed to be used for this time period with no events or other use of the facility

to be undertaken. A condition of consent will be imposed to restrict the use to only accommodation and the temporary camping for the period. The DA if approved has a limited timeframe and it is not an approval that can be enacted and continued past the dates imposed. The use of the site is not being changed going forward and will revert back to its approved uses once the temporary use has ceased.

Other issues

- That the application has been hastily put together in order to be in place for the winter season. This DA application is grossly lacking detail, future planning, lack sustainability reports, environmental reports and many other aspects that one would expect to support such an application that would drastically change the local community.
- The development will have a negative impact on other short term accommodation facilities. This development would undermine them commercially and stop them from being able to compete given their regulations and standards which far exceed what this DA would represent. There are two other caravan parks in town and this would hurt their business.
- That Council staff approached the JER to lodge the application. That Council staff helped the applicant prepare the application. The Councilors have been involved in the process.
- Speed of processing of application.
- Is no possible way that the JE Resort staff could offer any realistic protection to the businesses and local residents of snowy mountains area from Covid 19 due to the nature of short term nature of the development and the use of shared amenities.

Officer Consideration of Issues:

The information provided has been used to assess the application, further clarification was requested from the applicant which is often the case throughout the assessment of a DA.

It would not be considered that a temporary campsite capped at 75 sites with a maximum of 97 people would have a significant negative impact on other accommodation providers. The applicant will be required through conditions of consent to comply with any legislative requirements of such a use and is not exempted from compliance.

The application was lodged with Council officers for consideration and notified in accordance with Council requirements. Due to the number of submissions received it is not being determined at officer level and instead going to council for a decision. This is a transparent process in which the community is able to take part.

The application has been processed within the timeframes allowable and the speed of its processing is to meet the timeframes both of the Council meeting and the temporary use. This is often the case with applications and they are dealt with on a case by case basis.

The operators will be required to comply with any relevant Covid 19 restrictions imposed by NSW Health under the relevant public health orders in place at time of operation.

6.8 Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic	The development is proposed to use the existing access into the Equestrian Resort from Hilltop Road. As part of the approval of the development in 2000 the intersection with Hill Top Road and the Kosciuszko Road (MR286) was required to be upgraded. The upgrades were completed as part of Stage 1 of the approval. Hill Top Road, to the entrance of the Equestrian Resort and the entrance into the resort were upgraded as part of this stage 1 approval as well. These upgrades were required to facilitate the further stages of the development. As such the existing entrance into the site and the intersection with the Kosciusko road are considered adequate for the temporary development proposed. The equestrian resort has held a number of large events since its completion and these include large horse events with their associated floats and heavy vehicles. The access to the site by such vehicles was considered as part of the original development consent for the resort and the upgrades required for the intersection and driveway were a result of these uses.
Easements/88B Restrictions on Use	No impact on the subject development
Bushfire Assessment s4.14	The development area is not mapped as bushfire prone
Impacts on supply of utilities	The development will not impact on the supply of utilities to the site or to adjoining properties.
Heritage	No impact
Natural and other land resources	The development is not considered to have an adverse impact on natural or other land resources.
Water supply and potential impacts on surface and ground water	The land does have access to groundwater resources through licences with Water NSW, any usage of the water extracted via a bore or spring must be undertaken in accordance with a license. The development is proposing to utilises the existing water resources and the tank sizes on site and the catchment of the existing building is sufficient to provide water for the development. The balance of the existing uses on site will not be undertaken during the temporary use period other than the existing approved accommodation.
Soils	No impact, the development is proposed in existing cleared areas of the site. Appropriate conditions of consent will be imposed to ensure appropriate sediment and erosion control in areas where vehicles will be parking and moving.

Air quality, pollution and microclimate impacts (eg odour)	Minimal impact which would not impede the development progressing. Submissions have raised the issue of campfires that may have an impact on air quality and pollution. A condition of consent will be imposed to ensure that no informal camp fires will be permitted and should the resort allow for campfires to be lit on site that they will be within areas specified by the resort in close proximity to the existing fire safety measures
Flora and fauna & Consideration of Threatened Species	The proposed temporary use will be within the established area of the equestrian resort in the locations that have been part of past development applications. Some on which are in areas that are approved for future buildings. As such no impact on flora and fauna is expected.
Waste facilities and controls	The site is already a commercial operation and commercial accommodation provider and as such are already managing waste generated on site by the existing uses. The proposed temporary camping ground/caravan park will be required to have provided to it additional appropriate waste facilities. Any waste generated on site is to be removed to an authorised facility either by the onsite management or through a waste removal contractor. Conditions of consent will be included to ensure compliance with these requirements.
Energy efficiency and greenhouse gas emissions	Minimal impact – the temporary nature of the development will reduce the impact on greenhouse gas emissions. The development is proposed to use only the existing site facilities. Many of the sites are not proposed to be powered and would be low energy use camp sites.
Noise and vibration	The temporary use will be limited to 97 people at any one time mitigating noise impacts from the site. The site is managed by onsite management which allows for more control over guest behaviour. A code of conduct for guests will be required to be implemented and a copy provided to Council prior to the commencement of the use. Appropriate conditions of consent will be included to require this document and the management of the site in accordance with it.
Safety, security and crime prevention	Impacts will be managed through onsite management and a behaviour management policy and code of conduct for guests. The temporary camp ground/caravan park will be managed with the existing onsite management. The applicant has proposed a three strike system for bad behaviour.

Social impact in locality	More broadly it is considered that the development will have a positive social impact as it will provide additional camping facilities for guests and seasonal workers. There is a current shortage of accommodation for seasonal workers and whilst there will only be a niche market for workers with their own campervans and caravans it will allow for an alternative for these staff rather than informal camping/parking in residential areas or on the lake foreshore. A number of the submissions have raised concerns that the development poses a negative social impact on neighbouring residents of the rural lots surrounding the property. Whilst it is acknowledged that there can be antisocial behaviour associated with some informal camping areas this temporary use is within an existing rural tourist recreation facility with accommodation and on site management to manage these potential impacts.
Economic impact in locality	The development will have minimal negative economic impact on the area. It could be considered to have a positive economic benefit allowing for additional accommodation within close proximity of Jindabyne where the guests will visit. It may also allow for accommodation for seasonal workers who would not otherwise be able to find suitable accommodation. There is a shortage of staff accommodation and local business may benefit from having staff able to stay and work because they have somewhere to locate their vans for the season.
Site and internal design issues	The areas of the proposed sites are within the boundaries of the Equestrian Centre Facility. They are sited adjacent to existing facilities to allow for the use of these facilities during the temporary period of occupation. No new structures are proposed. The sites are proposed to be spread out throughout the Equestrian Resort which will minimise visual impact. The area proposed to house 75 sites is large in scale and dispersed throughout the site.
Impacts during construction	No construction proposed
Cumulative impacts	It is not considered that the temporary use of the land for this purpose will have negative cumulative impacts. Should the applicant wish to establish a permanent camping ground /caravan park a new development application will be required to be approved. Any application for a permanent caravan park/campsite would be required to consider the ongoing impact of such a development.

Impact on pedestrian movements and safety	No impact on pedestrian movements is expected. The subject property is not within an area with established pedestrian linkages and is vehicle dominated.
Mineral resources and/or deposits in the vicinity	No impact
Impacts on aboriginal heritage	No impact – the area to be used for the temporary camp ground/ caravan park is within an established rural tourist recreation facility. The use of the vacant land adjacent to the Equestrian Resort is not to be undertaken as part of this consent. Should the long term use of the area be proposed further investigations into this adjoining property will be required
Health Impacts of High Voltage Power Lines	No impact.

6.9 Public Interest

The proposal is a permissible use in the zone and it is not considered to be contrary to the public interest, it is a temporary use that will have a limit on the number of people to be accommodated and for the length of time it will be allowed to operate and will not contribute to creating an undesirable precedent. A number of submissions have been received regarding the development from surrounding residents. It is considered that with appropriate conditions of consent and the temporary nature of the development that the issues raised can be mitigated and not be considered contrary to the public interest.

7.0 OTHER MATTERS

Assessment of the proposal against the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

The development will be required to have an approval to operate under the provisions of the subject regulation. As such the final design of the temporary camping ground/caravan park will be required to comply with the provisions of clause 72 of the regulation.

A condition of consent will be applied to require an approval to operate a caravan park camping ground under the provision of S68 of the LGA 2000.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The social impacts of the proposed development have been considered in the body of the report under the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979.

2. Environmental

The environmental impacts of the proposed development have been considered in the body of the report under the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979.

3. Economic

It is considered that the development will not have undue negative economic impacts on Council or the region. The development will not require the upgrade of existing infrastructure by Council to support its operation. It is proposed in a location that is not connected to Council water or waste water infrastructure so there are no impacts on the capacity of that system for Council.

4. Civic Leadership

The application is referred to Council for determination rather than being determined by staff under delegation, due to the number of submissions received. This is accordance with Councils Policy - "Referral of Development Applications to Council" any development application that receives more than five (5) objections requires determination by Council and not under delegation.

In accordance with section 4.16 (1) of the Environmental Planning and Assessment Act 1979; a consent authority is to determine a development application by—

(a) granting consent to the application, either unconditionally or subject to conditions, or

(b) refusing consent to the application.

If Council decides to make a determination contrary to the recommendation, it must follow the procedure adopted through resolution 18/18 on February 2018 being:

Council Procedure – Council Decision Contrary to Staff Recommendation

SNOWY MONARO REGIONAL COUNCIL

DRAFT CONDITIONS OF CONSENT

10.2021.148.1

Reason for imposition of conditions: Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

PART A – ADMINISTRATIVE CONDITIONS

ADM_01 Endorsed plans and supporting documentation:

Development must be carried out in accordance with the following plans and documentation, except where amended by Council and/or the conditions of this development consent.

Document Title.	Prepared By.
Statement of Environmental Effects	Applicant
Associated Documentation including Plans	Applicant

In the event of any inconsistency between the approved plans and the supporting documentation, the plans will prevail.

Reason: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

ADM_02 Limits of Consent

The consent is operational only between the following dates:

June 18 2021 to October 4 2021 (inclusive)

Upon ending of this period the temporary use must cease and the operator must ensure that all caravans/campers and associated structures are to be removed from the site and no further advertising is to occur for the temporary use.

Note – notwithstanding the dates above the temporary use can only commence once an approval to Operate a Caravan Park and Campground is issued by Council.

ADM_03 Occupancy Rates

The development is approved for a maximum 75 caravan/camping sites and cannot accommodate more than 97 persons on site for the purpose of the temporary use.

ADM_04 Operation of Equestrian Facilities, Arena and Café/Restaurant

During the period of operation of this consent the facility known as the Jindabyne

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Equestrian Resort shall not be used for a purpose other than a temporary caravan park and camping ground (maximum occupancy 97 persons) and short term accommodation in the approved accommodation building.

ADM_05 Use of the site for Equestrian Events

During the period of operation of this consent the facility known as the Jindabyne Equestrian Resort shall not be used for Equestrian Events or Horse Activities.

ADM_06 Access to the Site

Access to the site is restricted to the existing property access to the Jindabyne Equestrian Report via Hilltop Road. At no time shall access to the site be gained from Iron Pot Creek Road or directly from the Kosciuszko Road.

ADM_07 Location of Camp Sites

Camp sites are to be restricted to areas shown on the approved plans within the boundaries of lot 8 DP1245126 at no time shall any temporary camping occur within lot 12 DP1245126 or within any crown road reserves.

PART B – OTHER APPROVALS

OA_06 Separate Section 68 to Operate a Caravan Park/Camp Ground

Notwithstanding the issue of this development consent, separate approval from Council under Section 68 of the Local Government Act 1993 must be obtained to operate the caravan park/camp ground prior to the commencement of use.

PART C – PRIOR TO COMMENCEMENT OF TEMPORARY USE

POC_31 Code of Conduct for Guest

Prior to the commencement of use the developer is to submit to Council for approval a Code of Conduct for Guests. The document should address (but not be limited to) the following issues:

a) Advise visitors of access points to the site and general circulation patterns;

b) Demand reduction strategies for visitor water and energy usage;

c) Restricted access areas in order to protect neighbouring properties privacy;

d) Advice on visitor etiquette;

e) Bushfire prevention strategies; and

f) Waste management and minimisation.

g) Behaviour that is expected and what behaviour would result in removal from the

site.

Note: This document is to be provided to guests prior to arrival.

POC_33 Water Supply to Tourist Facilities I Commercial Operations

As a facility that will supply drinking water from an independent water supply (not town water) to consumers the operator of the premises will be a private water supplier.

The Private Water Supplier must develop and adhere to a quality assurance management plan (or drinking water management plan) in accordance with the requirements of the Public Health Act 2010 and the Public Health Regulation 2012. Guidance and assistance can be sought from Councils Environmental Health Officers and with reference to:

https://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf

https://www.health.nsw.gov.au/environment/water/Pages/private-supplies.aspx

A copy of your Drinking Water Management Plan must be provided to Council prior to the commencement of use.

The rainwater tanks and rainwater must be used and maintained in accordance with the NSW Health Private Water Supply Guidelines at all times.

PART D – USE OF THE SITE

DC_01 Erosion and drainage management

Erosion and sediment control works must be implemented during the period of temporary use in any areas that sediment runoff is occurring including parking areas and campsites.

If during the operation of the temporary facility the ground within the camp site areas becomes waterlogged, the use of these areas will cease until such time as they are dry and capable of accommodating campers and associated vehicles.

DC_26 Dust Control Measures

Adequate measures will be taken to prevent dust from affecting the amenity of the neighbourhood and campsites during operation of the temporary use. If areas become soured and dust is generated the following measures must be adopted:

a) Physical barriers will be erected at right angles to the prevailing wind direction or will be placed around or over dust sources to prevent wind or activity from

generating dust emissions,

b) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,

OU_01 Approved Plans on Site

A copy of the approved plans and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Councilor Principal Certifying Authority

OU_02 External lighting

At all times for the life of the approved development, all outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with, where relevant, AS1158.3-1999 Pedestrian Area Category Pl Lighting, and AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

OU_04 Securing of Caravans/Campers and Tents

The operator of the temporary caravan park/camping ground shall ensure that all caravans/campers/trailers and tents onsite are to be adequately tied down and secured to ensure they are not a danger in times of high wind.

OU_06 Lighting of Campfires

The operator of the temporary caravan park/camping ground shall ensure that the lighting of campfires is prohibited is prohibited on the site. Signage must be erected to notify those staying at the site of this restriction and occupants are to be informed at registration of this restriction.

OU_15 Parking

The operator of the temporary caravan park/camping ground shall ensure that one car parking space is provided per site in the caravan park/campground.

OU_16 Onsite Management

The temporary use shall operate only when there is onsite management in place. The managers must live on site and supervise the operation of the temporary use.

OU_17 Hours of Operation

The operator of the temporary caravan park/camping shall restrict the access to the site outside of the following times:

10.00pm and 5.00am

OU_24 Provision of Waste Facilities on Site

It is the responsibility of the operator of the temporary caravan park/camp ground to ensure adequate rubbish bins are provided to the caravan park/camp ground for waste generated by the facility.

OU_25 Rubbish Removal

It is the responsibility of the operator of the temporary caravan park/camp ground to ensure that rubbish generated by the use is disposed of at a lawful waste disposal facility.

A copy of the contract for waste removal from the site is to be provided to Council prior to commencement of use.

OU_33 Occupancy Rates – per Site

No individual site within the temporary caravan/camp ground is to accommodate a number of persons exceeding six (6).

Note – the maximum number of persons to be accommodated in the temporary caravan park and campground at any one time is to be limited to 97.

OU_34 Storage of Caravans

a) The developer is to ensure the storage area is to be used for the sole purpose of storage and that no caravan within the storage area is to be occupied. The maximum number of caravans to be stored is 10.

b) The developer is to ensure that the storage area is to be kept neat and tidy and to the satisfaction of Council.

c) The operator shall ensure that appropriate anchor points are provided in the storage area for all caravans.



16 Hilltop Road
Jindabyne NSW 2627
PO Box 844 Jindabyne
NSW 2627
Ph 02 64567333
ABN 51 162 591 737

Introduction

The purpose of this document is to demonstrate JE Resorts ability to manage the increase (both infrastructure and operational) of its accommodation services through the addition of camping and caravan sites on the existing blocks at JE Resort. Our hope is that council will grant us a temporary DA approval for the 2021 snow season, while we prepare full DA's for the future.

Key Issues:

- Need for staff accommodation in the area.

- Be able to offer an alternative for people free camping around the lake.

- Provide addition sites for caravan and camping to the public.

Proposed Solution:

- By adding camping to JE Resorts existing accommodation solutions.

Items to cover:

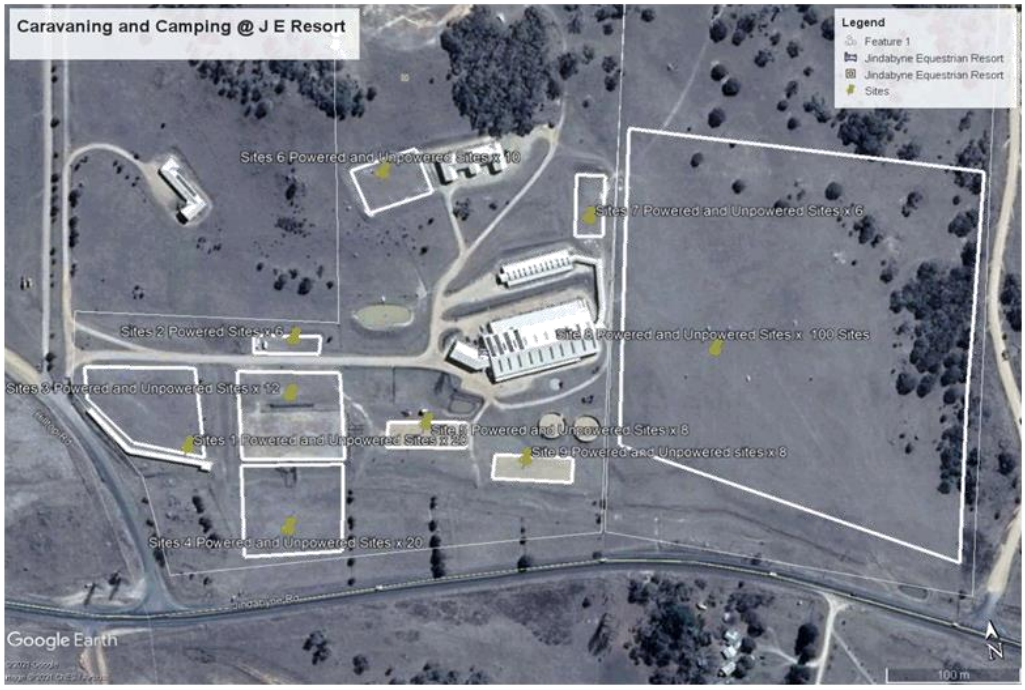
- Covid Safe environment
- Site Layout
- Site access
- Amenities
- Waste Management (both sewerage and general)
- Water (both drinking and for amenities)
- Toilets, Showers and Handbasins (As per NSW legislation)
- Behaviour Management
- Conclusion

Covid Safe environment

JE Resort practices safe covid solutions with sanitisers at every entrance, the encouragement of social distancing, regular cleaning of common areas and QR code for clients while on site.

Site Layout

Our proposal is a multistage approach to achieving the above goals. First, using existing infrastructure to have up to 75 campsites (2 people per site both powered and unpowered) and then if required (through separate DA) expand up to 200 via the addition of portable shower units and then further expansion (in 100 site stages) via the addition of portable toilets and shower blocks to achieve a maximum of 400 sites. This will spread over the two blocks as per the below diagram.



Site Access

All access to campsites will be via existing entrance to J E Resort off Hill Top Road and be managed through the existing reception process.

All sites will be clearly marked out, numbered, and sized to the requirement of NSW Legislation of 65sq/m.

Amenities

JE Resort has excess amenities above and beyond our in-house accommodation (motel rooms and apartments) located in common areas throughout the resort. 19 water closets, 4 Urinals, 8 Showers and 20 handbasins to cater for up to 75 campsites (according to the below table extracted from the NSW Legislation on camp sites) which could be expanded to 199 campsites if the demand arose by the addition of two portable shower blocks (6 showers in each).

If the demand were higher that the 200 Sites, JE Resort would hire additional toilet and shower blocks in 100 site increments to cater for the demand. Stage two three and Four would be achieved through a separated DA.



Waste Management

All waste from any additional showers and toilets will be managed through the existing J E Resorts onsite sewerage system.

All general waste will be increased via the addition of rubbish bins throughout the site as the demand arises and will be removed via waste contractor.

All water will be via J E Resort on site water supply which has a backup bore system if addition water is required.

Ammenities @ J E Resort

	Water closets		Urinals	Showers		Handbasins	
	Female	Male		Female	Male	Female	Male
Stables	2	1	0	0	0	0	3
Conference Room	2	1	1	2	2	1	1
Sauna	1	1	0	0	0	1	1
Arena	3	1	1	0	0	3	2
Centre	3	3	2	2	2	4	3
Disable	1	0	0	0	0	1	0
Total	12	7	4	4	4	10	10

NSW Legislation for Ammenities on Camping Grounds

Sites	Water closets		Urinals	Showers		Handbasins	
	Female	Male		Female	Male	Female	Male
1–25	3	2	1	2	2	2	2
26–50	5	3	2	3	3	3	3
51–75	6	4	2	4	4	3	3
76–100	7	4	2	5	5	4	4
101–125	8	5	3	6	6	4	4
126–150	9	6	3	7	7	5	5
151–175	10	6	4	8	8	5	5
176–199	11	7	4	9	9	6	6

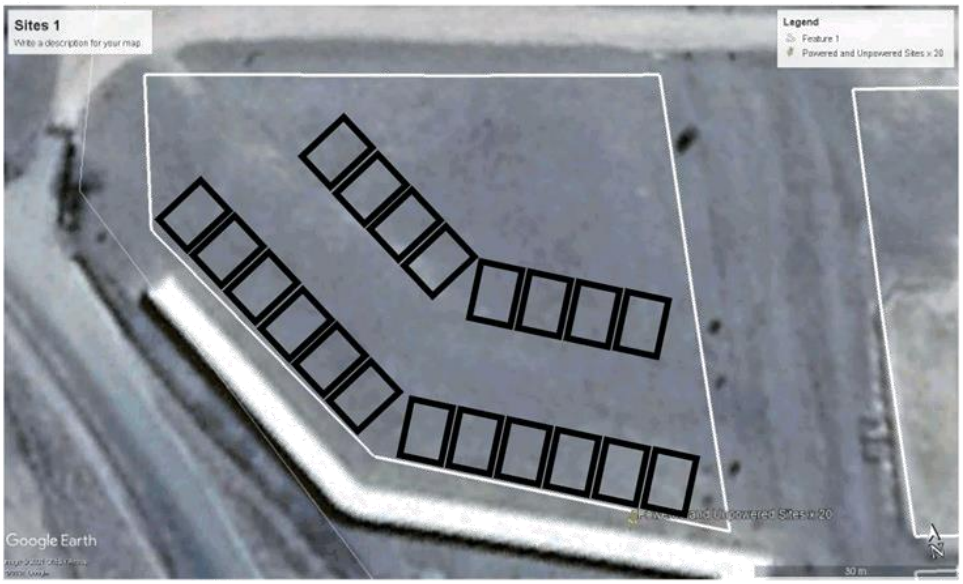
	Using Existing infrastuctsure
	With the Addition of 2 blocks of Showers (6 to a block)
Addition 100 site	With the addition of 3 toilet blocks (12 water closets, 3 Urinals and 12 Handbasins) and two Shower blocks (12 showers) increases capacity in 100 site increments

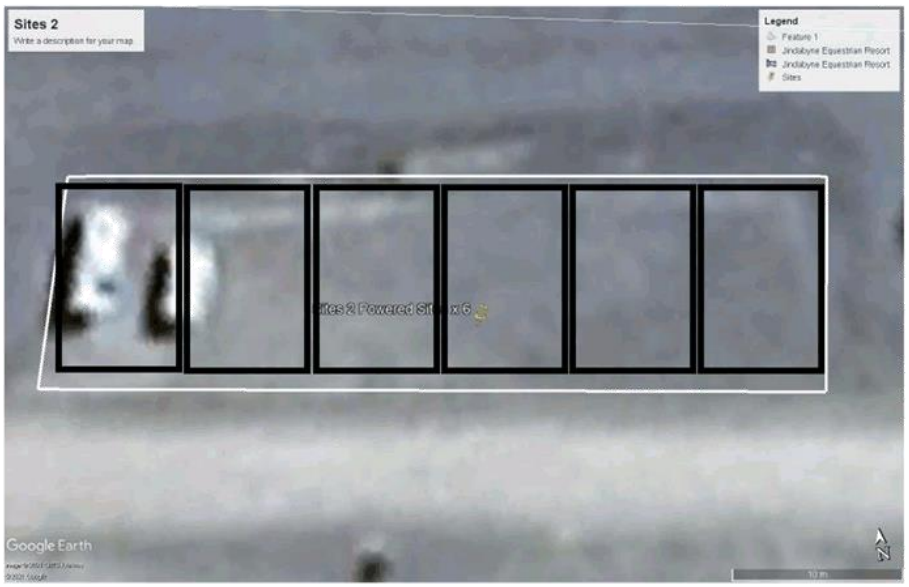
Behaviour Management

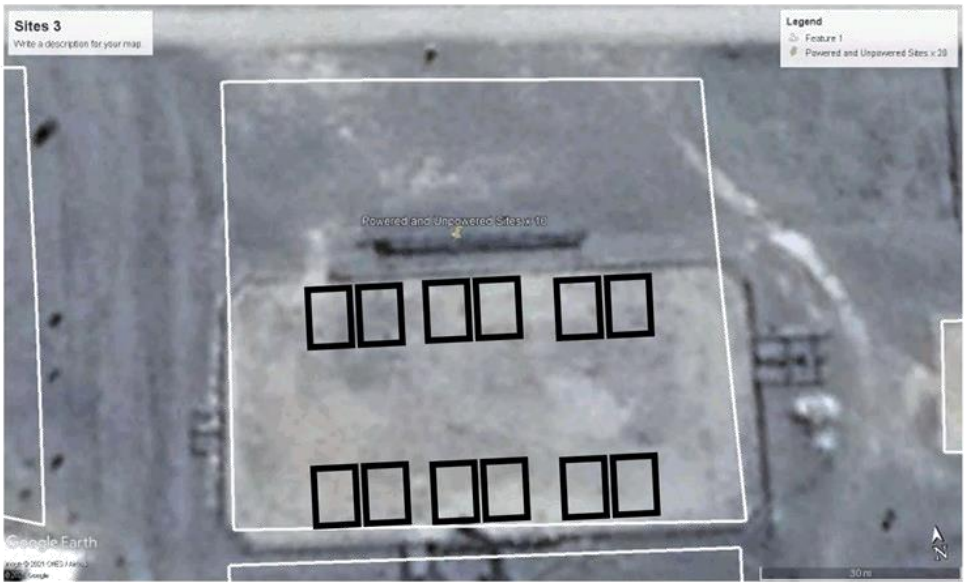
J E Resort will have a three-strike system for any bad behaviour. Curfews will be in place for music, generators etc. All guests will be briefed and sign JE Resort's Camping rules on check in and bond taken to enforce. Any illegal activities will result in the police being called and immediate eviction from the resort.

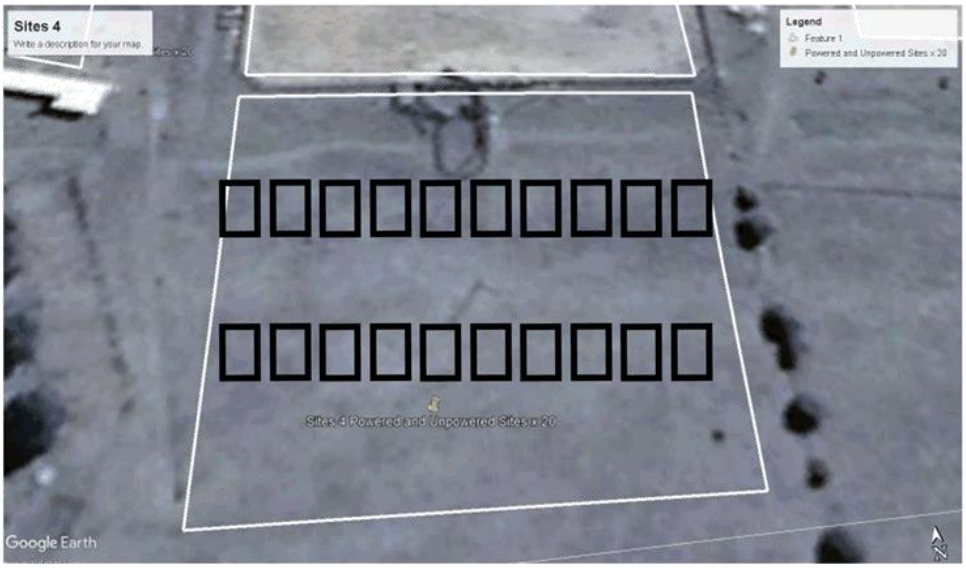
Conclusion

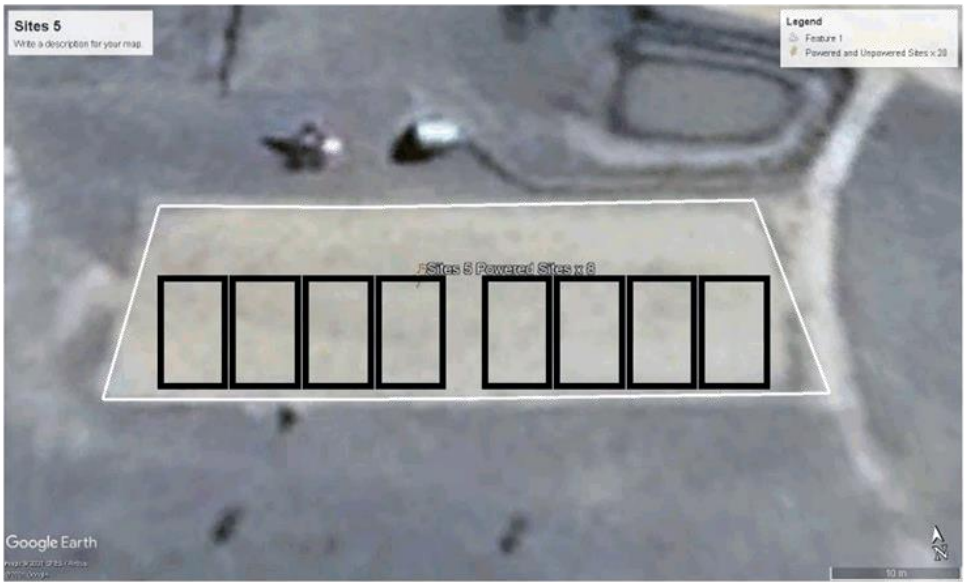
In conclusion, we believe that JE Resort has the ability and infrastructure to manage and orchestrate the above for the 2021 and 2022 Ski seasons and hope to demonstrate to Council our ability to provide accommodation through our current infrastructure, along with the addition of camping.

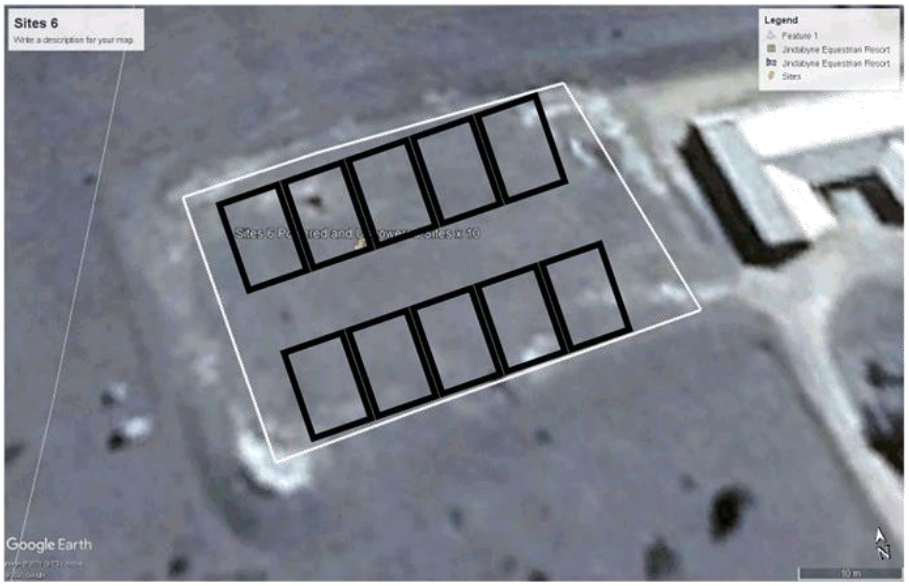

Sites 1
Write a description for your map
Legend
Feature 1
Powered and Unpowered Sites x 20
Google Earth

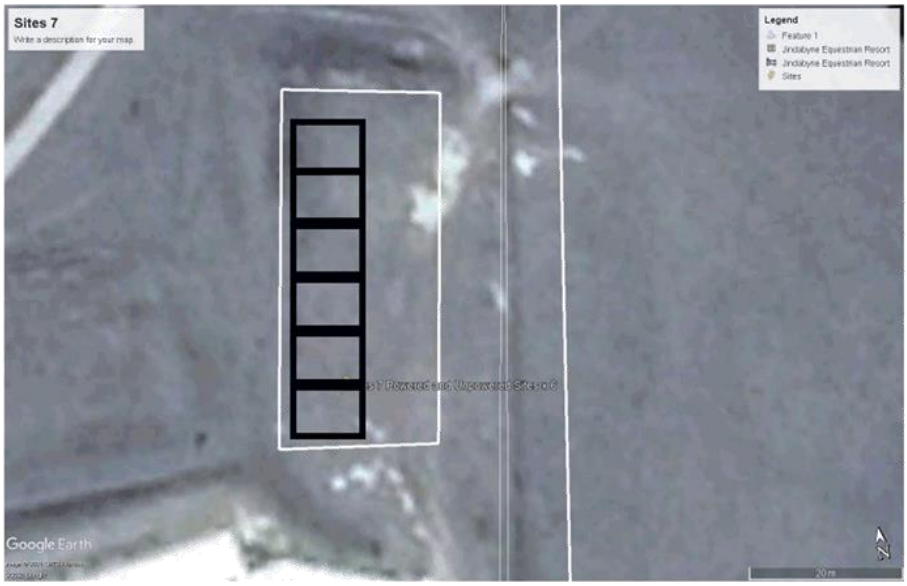

Sites 2
Write a description for your map
Legend
Feature 1
Jindabyne Equestrian Resort
Jindabyne Equestrian Resort
Sites
Google Earth

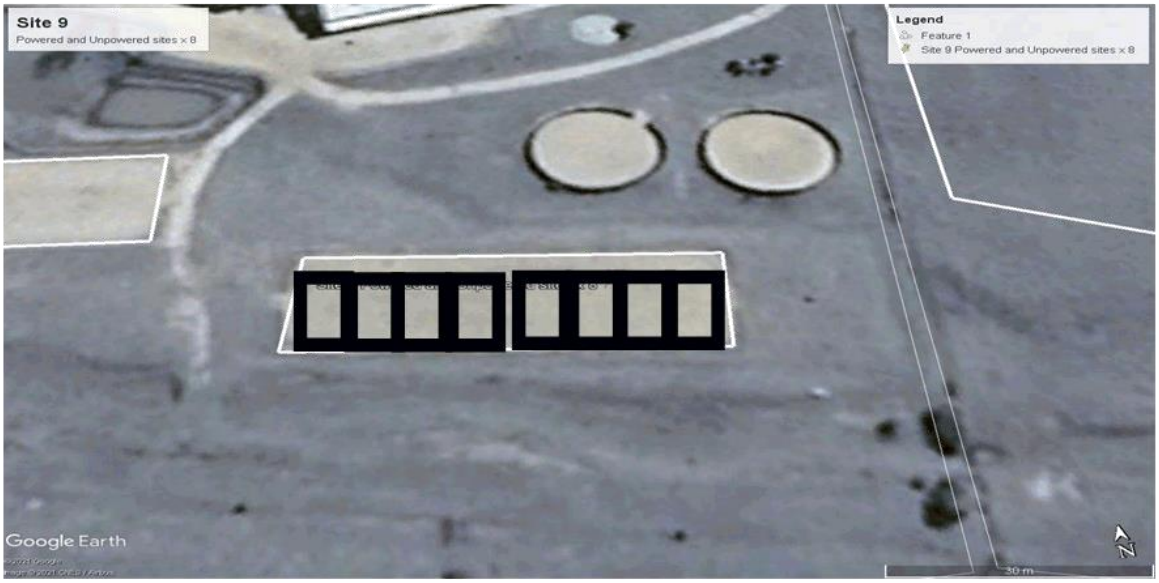

Sites 3
Write a description for your map
Legend
Feature 1
Powered and Unpowered Sites x 20
Powered and Unpowered Sites x 10
Google Earth
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Sites 4
Write a description for your map
Legend
Feature 1
Powered and Unpowered Sites x 20
Sites 4 Powered and Unpowered Sites x 20
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Sites 5
Write a description for your map
Legend
Feature 1
Powered and Unpowered Sites x 20
Sites 5 Powered Sites x 8
Google Earth


Sites 6
Write a description for your map
Legend
Feature 1
Jindabyne Equestrian Resort
Jindabyne Equestrian Resort
Sites
Google Earth


Sites 7
Write a description for your map
Legend
Feature 1
Jindabyne Equestrian Resort
Jindabyne Equestrian Resort
Sites
Google Earth
20 m


Site 9
Powered and Unpowered sites x 8
Legend
Feature 1
Site 9 Powered and Unpowered sites x 8
Google Earth
30 m

Commercial & Industrial Development

SNOWY MONARO REGIONAL COUNCIL

Statement of Environmental Effects

A Statement of Environmental Effects must be submitted with all Development Applications in accordance with Schedule 1 of the *Environmental Planning & Assessment Regulations 2000*.
If an answer requires additional details to be provided on likely impact(s) and the proposed means of mitigating or reducing such impact(s), additional space is provided on the last page. This Statement of Environmental Effects is not exhaustive and should be expanded where appropriate. *If more space is required, attach additional sheets.* In accordance with Section 148B of the *Environmental Planning and Assessment Act*, it is an offence to provide information that is false or misleading.

1 Author

Name: PETER MARCHANT

Company (if applicable): PRISM ENTERPRISES PTY LTD

2 Proposal

Describe Proposal: (Shop, Office, Hardware/Landscape, Food & Drink Premises, Industrial Activity etc.)	CARAVAN + CAMPING.						
Machinery involved in activity:	/						
Type of items sold from site directly to public:	CARAVAN + CAMPING FEES						
Proposed seating:	/						
Describe any signage/advertisement proposed:	/						
Opening hours:	Monday - Friday				Saturday - Sunday		
	00.00	am	12.00	pm	00.00	am	12.00	pm
Proposed parking arrangements:	EXISTING.						
Type and extent of landscaping proposed:	NONE						

If New Building Proposed

Number of buildings proposed:	NONE
Area of proposed building (m^2):	/
Proposed number of rooms:	/
Proposed number of storeys:	/

Statement of Environmental Effects

Proposed materials:	External wall finishes
	Roof finishes
	Internal driveways/parking
	Fences/privacy screens
	Other

3 Site & Surrounding Area

3.1 Site Analysis

Property Address:	2 + 14 HILLTOP ROAD ALONSIDE EAST TINDABYNE
Lot/DP/SP:	8 + 12 DP 1245126
Site area (m^2/ha)	30 ha.
Existing vegetation cover	grass paddock.
Existing structures	3 ACCOMMODATION BUILDING + STABLE BLOCK.
Existing access arrangements	VIA HILLTOP ROAD.
Describe how water is supplied to the site	VIA RAIN COLLECTION + BACK UP BORE.
Describe how effluent is currently managed	VIA ON SITE TREATMENT PLANT
Describe how stormwater is currently managed	VIA DIVERSION CHANNELS + CREEK.
Describe how electricity and/or gas is supplied to the site	VIA GRID CONNECTION + SOLAR + LPG (BOTTLED)

Note: This information is also to be shown the submitted plans

3.2 Surrounding Area Analysis

Describe the types of development within the surrounding area:	FARMLAND + SMALL ACREAGE
Outline the distances to neighbouring dwellings/structures	1 KM.
Describe any Heritage items within the surrounding area	NONE
Describe the existing streetscape (ie landscaping, fences and building facades)	FARM FENCING.
If applicable outline the predominant Heritage style within any conservation areas.	/

Note: This information is also to be shown the submitted plans

4 Environmental Impacts

4.1 Traffic & Utility Services

Describe the type/number of vehicles expected to be parked on site	Employees: 10 Customers/Visitors: 200
Describe how the development will gain legal vehicular access	VIA HILLTOP ROAD MAIN ENTRANCE.
Describe the number and size of deliveries excepted per day	3 SMALL TRUCKS.
Describe how water will be supplied to the development	VIA EXISTING INFRASTRUCTURE
Describe how effluent associated with the development will be managed	VIA EXISTING INFRASTRUCTURE.
Describe how stormwater associated with the development will be managed	VIA EXISTING INFRASTRUCTUR.
Describe how electricity and/or gas will be supplied to the development	VIA EXISTING INFRASTRUCTURE

Note: This information is also to be shown the submitted plans

4.2 Local Amenity

Describe proposed measures to minimise any conflicts between nearby residential development. (ie fencing/privacy screens, landscaping etc)	
If applicable describe how items for sale will be displayed to public areas	
Describe proposed measures to ensure any signage will not result in safety issues for public roads (light glare, traffic distraction etc)	
Describe any proposed measures to minimise any impacts on footpaths (ie outdoor dining, signage, goods displayed etc)	
Describe any proposed measures to minimise any emissions (gases, odours, noise etc) associated with the development	
Describe how the proposed development will address the existing streetscape (ie front fences, landscaping, building facade etc)	
If applicable describe how development will complement the existing Heritage items or conservation area	

Note: This information is also to be shown the submitted plans

4.3 Natural Environment

Outline proposed measures to minimise any impacts on natural waterways (ie diversion banks, separation etc)	
Outline proposed measures to minimise any potential contamination (ie storage of chemicals, bunded areas etc)	
If applicable outline the levels of excavation/fill associated with the development	
If applicable/appropriate describe how the development will manage flood waters (levy banks, construction etc)	
If applicable/appropriate describe how the development will manage bushfire events (asset protection zones, construction etc)	

Note: This information is also to be shown the submitted plans

4.4 Construction Issues (If applicable)

Describe erosion and sediment control proposed measures (ie silt fences, hay bales etc)					
Outline the expected duration of construction	Total Days:				
	Hours:	Monday - Friday		Saturday - Sunday	
		am	pm	am	pm
Outline how the site will be secured during the construction process					
Outline any proposed demolition as part of the development (including the removal of any asbestos materials)					
Outline how building materials will be stored on the site during construction (ie storage sheds/containers etc)					
Describe how waste generated during construction will be managed	**Waste Management Plan** Complete a Waste Disposal Plan for all developments that include construction and/or demolition works. You may attach a Plan or use the table below. Waste includes, but is not limited to vegetation, trees, soil, construction waste, demolition waste, timber, asbestos, metals				

Note: This information is also to be shown the submitted plans

4.5 Waste Management Plan

Type of waste	Estimated Amount/Volume	Where/how it will be stored on site	Where it will be disposed	Method of transportation/disposal

PRIVACY INFORMATION: The information you provide in this Statement will enable your application to be assessed by Council and any relevant state agency. If the information is NOT provided, your application may not be accepted. Your application will be publicly notified in accordance with Clause 8 of Snowy Monaro Regional Council's Development Control Plan 2013. The application details will also be kept by Council in a register that may be viewed by the public at any time. The Act provides that for the purposes of public notification, specific internal layouts of a dwelling maybe excluded from a plan prepared for such exhibition.

5 Additional Notes

Submission: 1

Sophie Ballinger

From: [redacted]
Sent: Monday, 24 May 2021 5:18 PM
To: Records Snowy Monaro Regional Council; Peter Beer; Lynley Miners; John Castellari; Rogan Corbett; James Ewart; Sue Haslingden; John Last; Anne Maslin; Brian Old; John Rooney; Bob Stewart; Snowy Monaro Regional Council Planning; john.barilaro@nationals.org.au; John Barilaro; bronnie.taylor@parliament.nsw.gov.au
Subject: OBJECTION TO DA FOR JE RESORT PROPOSED CARAVAN PARK AND REQUEST FOR EXTENSION FOR PROPER COMMUNITY CONSULTATION APPLICATION NUMBER: 10.2021.148.1 https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

[redacted]

Subject: : OBJECTION TO DA FOR JE RESORT PROPOSED CARAVAN PARK AND REQUEST FOR EXTENSION FOR PROPER COMMUNITY CONSULTATION APPLICATION NUMBER: 10.2021.148.1
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

To the CEO Snowy Monaro Regional Council

We would like to make a formal objection and request an extension beyond 27th May 2021, to allow for more extensive and proper community consultation with regards to the DA for the Jindabyne Equestrian Resort proposed caravan park
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

[redacted] live less than 1 kilometre from the boundary fence with Jindabyne Equestrian Resort, we were not notified of this development application nor were many other neighbours.

We would like to request an immediate halt to this DA proposal to ensure thorough community consultation is undertaken.

We would like to object on the following grounds:

- Insufficient notification/lack of information provided to surrounding residents
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC
- Up to 400 proposed sites (400 sites with up to 6 people per site = 2,400 people - larger than the population of Berridale!!)
- Jindabyne Equestrian Resort is not hooked up to town water and will rely on rainwater and bore water which has the potential to be disastrous during times of drought - we have seen many underwater tables pumped dry in this region...
- Effects on groundwater
- Environmental impacts
- Noise impacts
- Traffic impacts
- Lifestyle impacts

We look forward to your reply.

Submission: 2

Sophie Ballinger

From: [redacted]
Sent: Monday, 24 May 2021 1:57 PM
To: Records Snowy Monaro Regional Council; Peter Beer; Lynley Miners; John Castellari; Rogan Corbett; James Ewart; Sue Haslingden; John Last; Anne Maslin; Brian Old; John Rooney; Bob Stewart; Snowy Monaro Regional Council Planning; john.barilaro@nationals.org.au; John Barilaro; bronnie.taylor@parliament.nsw.gov.au
Subject: OBJECTION TO DA FOR JE RESORT PROPOSED CARAVAN PARK AND REQUEST FOR EXTENSION FOR PROPER COMMUNITY CONSULTATION APPLICATION NUMBER: 10.2021.148.1 https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/
Attachments: council.pdf

To the CEO Snowy Monaro Regional Council

I would like to make a formal objection and request an extension beyond 27th May 2021, to allow for more extensive and proper community consultation with regards to the DA for the Jindabyne Equestrian Resort proposed caravan park
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

As a resident of Iron Pot Creek Road who live less than 1 kilometre from the boundary fence with Jindabyne Equestrian Resort, I was not notified of this development application nor were many other neighbours.

I would like to request an immediate halt to this DA proposal to ensure thorough community consultation is undertaken.

I would like to object on the following grounds:

- Insufficient notification/lack of information provided to surrounding residents
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC
- Up to 400 proposed sites (400 sites with up to 6 people per site = 2,400 people - larger than the population of Berridale!!)
- Jindabyne Equestrian Resort is not hooked up to town water and will rely on rainwater and bore water which has the potential to be disastrous during times of drought - we have seen many underwater tables pumped dry in this region...
- Effects on groundwater
- Environmental impacts
- Noise impacts
- Traffic impacts
- Lifestyle impacts

[redacted]1

Submission: 3

Sophie Ballinger

[redacted]

Sent: Wednesday, 26 May 2021 3:30 PM
To: Records Snowy Monaro Regional Council
Subject: Development application #10.2021.148.1 - objection

To the CEO Snowy Monaro Regional Council,

I would like to make a formal objection to Development Application Number. 10.2021.148.1 and request an extension beyond 27th May 2021, to allow for more extensive and proper community consultation with regards to the DA for the Jindabyne Equestrian Resort proposed caravan park.

https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

[redacted] who lives within 1 kilometre of the boundary fence with Jindabyne Equestrian Resort, I was not notified of this development application nor were many other neighbours, which I believe we should have been under the legislation.

I would like to request an immediate halt to this DA proposal to ensure thorough community consultation is undertaken.

I would like to object on the following grounds:

- Insufficient notification/lack of information provided to surrounding residents;
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC;
- The number of proposed sites (up to 400) will significantly effect:
  - groundwater levels;
  - traffic saftey at the intersection of the highway and Hilltop Rd;
  - environment in and around JER;
- JER relies on rainwater and bore water which has the potential to be disastrous during times of drought;
- Sewerage treatment has not been address appropriately for such a large increase in occupation of the site;
- Noise and rubbish pollution has not been appropirately addressed.

[redacted]

Submission: 4

25 May 2021

Sophie Ballinger
Planning Department
Snowy Monaro Regional Council
Shop 2 Razorback Plaza, Gippsland Street
JINDABYNE NSW 2627
planning@snowymonaro.nsw.gov.au

Dear Sophie

Please accept the following written submission as an **objection to Development Application Number 10.2021.148.001** with the following description:

Proposed Development	Temporary Caravan Park and Camp Ground Ancillary to Existing Accommodation.
Property Description	Jindabyne Equestrian Centre 2 Hilltop Road, Hilltop 2628 Lot 8 DP 1245126 Ph Townsend 8 Hilltop Road, Hilltop 2628 Lot 8 DP 1245126 Ph Townsend
Applicant's Name	Jindabyne Equestrian Resort
Application Number	10.2021.148.001

The purpose of this development application objection is to express concerns regarding the suitability of the Jindabyne Equestrian Resort to provide a 'Temporary Caravan Park and Camp Ground' given the potential environmental and aesthetic impact, the land use of the area, and the ability of the Jindabyne Equestrian Resort's infrastructure to cater for an additional 75 - 200 campsites in the immediate future progressing up to 400 campsites. Given each campsite could house multiple people, the total number of additional residents would notionally climb to be in the hundreds, even exceed a thousand individuals. The current ABS Census (2016) demographic data shows a total population for Avonside of 118 people. The JER DA proposal simply dwarfs the current total population. The adverse impact on the current living standard of local residents would be substantial. These concerns are detailed below.

1. **Road infrastructure.** The DA proposal sits on the main road to Jindabyne on Kosciusko Road with speeds of 100km. The intersection between Hilltop Road and Kosciuszko Road is single lane in both directions. The road is not wide enough to cater for an additional 75-400+ vehicles slowing down the general traffic and turning off and onto Kosciuszko Road. The line of sight is currently partially obstructed when turning right onto Kosciuszko Road from Hilltop Road. Additional vehicles will lead to an increase in accidents at this intersection. Hilltop Road is a dirt road and the added traffic should any temporary residents take that route will require increased repairs and maintenance to a road that already requires quite a bit now.
2. **Zoning.** The current zoning of the local surrounding area is not commensurate at all with such an application of this type and changes the local area use impacting on local residents.
3. **Environmental impact.** The position of Jindabyne Equestrian Resort in relation to existing water courses would mean that waste and effluent runoff will flow into the Iron Pot Creek fragile aquatic ecosystem.

4. **Aesthetic Impact.** Jindabyne Equestrian Resort is located immediately adjacent to Kosciuszko Road, the main gateway to the Snowy Mountains region. Without proper infrastructure or screening from the road, a campground will significantly detract from the aesthetics of the region and impact upon maintaining high standards of our local tourism providers in the region. This will effectively be 'tent city' and one of the first impressions upon arriving to the Jindabyne gateway area.
5. **Social Impact.** Both Hilltop and Avonside properties are predominantly an owner-occupier postcode with dwellings on rural and semi-rural allotments. Jindabyne Equestrian Resort is immediately surrounded by several farming allotments. Noise from people, vehicles, generators and campers in open plain areas carries considerably and will impact upon local properties extending to the livestock and the routines of farmers. Curfews are extremely difficult to enforce and do not align with that of rural communities. How will this be enforced?
6. **Water Infrastructure.** Hilltop is not able to access town water and is an area of low rainfall (averaging 520mm rainfall per annum). Bores in the region do not have a plentiful supply of water able to cater for an additional 75-200-400 campsites. With less than 4 weeks till the opening of the ski season there is insufficient time to install the appropriate systems to cater for the water demands of such magnitude.
7. **Waste management.** The number of existing bathrooms (19 water closets, 4 urinals, 8 showers and 20 handbasins) within the existing Equestrian Resort would not cater for patrons within the existing dwellings as well as an additional 75-200-400 campsites. The grounds of the campground would become polluted. Portable shower blocks are an unacceptable solution leading to sanitation concerns in addition to being an eyesore. Question existing sewage system and waste disposal system's capacity to cope with additional 75 campsites.
8. Distance. Jindabyne Equestrian Resort is located 16.5km from Jindabyne, 49.3km from Perisher, and 52.6km from Thredbo. This is not an enticing option for families or seasonal workers. Seasonal workers enjoy the vibrant Jindabyne and snow fields' night life during the evenings. The lack of public transport may encourage guests to either create their own evening activities at the Equestrian Resort or take risks with drink and drug driving from Jindabyne.
9. Lack of facilities. Jindabyne Equestrian Resort is a considerable distance from any tourist attractions or facilities and would therefore not be attractive to tourists outside of the ski season.
10. 'Temporary'. The use of the term 'temporary' refers to the site usage, not the facility, as we interpret. There is clear evidence in the DA that the owners plan for future expansion up to 400 sites. This facility is not set up for this use, the local area doesn't at all align with its use and this is something local residents have to live with daily, and those coming/going into the Jindabyne community will need to drive past which will be a blight on the standards of our community.

We object to this DA in its intended extended use as being grossly unsuitable for its location and is not an extension of the site's current accommodation offerings in any way at all – in type, standard, number or hygiene. It changes the local suburb of Hilltop and Avonside very considerably. We ask this to not be approved please.

Thank you for your consideration.

[redacted]

Submission: 5

Sophie Ballinger
Planning Department
Snowy Monaro Regional Council
JINDABYNE NSW 2627
planning@snowymonaro.nsw.gov.au

Objection to DA 10.2021.148.001

Ms Ballinger,

Please accept the following as an **objection** to Development Application Number 10.2021.148.001.

My concerns are:

1. **Population.** Has a massive population increase study been conducted? This proposal would increase the population up to something in the order of 1000+ if 400 sites were to be approved, assuming 2.5 persons per site. According to the ABS Census (2016), 118 people reside in this area presently consisting of 50 private dwellings. A 10xfold increase is not an acceptable one for any suburb to sustain.

2. **Safety. Traffic. Parking**. Has a traffic analysis been conducted by this commercial enterprise which impacts on the main highway and local roads? I have concerns around traffic increase in/out of the intersection of a large number of people daily which was never the intention of this development. Parking onsite, visitor parking numbers are concerning.

3. **Sustainability**. The proposal lacks any sense of sustainability in various areas including standard of living hygienically or meeting the social needs of individuals.

4. **Aesthetics.** Our local suburb would be transformed and unrecognisable due solely to this development. Property prices could decrease and it would be an eyesore for locals and all that pass by on this main road.

5. **Environmental impact.** What studies have been done on this including impacts on Iron Pot Creek or surrounding areas?

6. **Sanitation and Water.** Serious concerns exist for residents as these facilities are lacking and proposed solutions are not adequate at all.

7. **Social Implications.** Noise pollution, increased risk of vandalism, graffiti, and other domestic issues may be realistic to anticipate. The social needs of residents would not be met with zero infrastructure which is an issue of this number of residents.

8. **Location.** Such a facility with this population density in minimalist facilities, should be located closer to established resources including transport, shopping, medical, recreation and so on, and closer to employment prospects.

9. **Precedent.** If approved, this would set a precarious precedent for unsuitable further DA to council in the future which would contribute to the degradation of the local reputation as a quality destination for tourism and also impact on local residents elsewhere too.

10. **Impact on legitimate businesses specialising in temporary accommodation.** This development would impact negatively on highly suitable and appropriate short term accommodation businesses with appropriate facilities and resources which are grossly

lacking in this DA. They would be undermined commercially and not able to compete given their regulations and standards which far exceed what this DA would represent.

11. **Site area.** The DA did not adequately demonstrate the size and location of the sites.

12. **Period.** It wasn't clear what period this DA was for. Is it just winter, or ongoing into Summer and future years?

I object to this DA and request this not be approved for many reasons as stated.

I ask that this application be rejected.

Thank you.

Yours faithfully,

[redacted]

Submission: 6

Sophie Ballinger
Assigned Planning Officer
Planning Department
Snowy Monaro Regional Council
JINDABYNE NSW 2627
planning@snowymonaro.nsw.gov.au

Objection to DA 10.2021.148.001

Ms Ballinger,

[redacted] where an application exists to develop the Equestrian Centre, please accept the following as an **objection** to Development Application Number 10.2021.148.001.

I have great concerns around this proposed development which is not in the best interests of the local community at Hilltop, Avonside, or the wider Jindabyne area.

My concerns are:

- **Massive change to the local resident demographic and population.** According to the ABS Census (2016), 118 people reside in this area presently consisting of 50 private dwellings. This proposal would catapult the population up to something in the order of 1000+ if 400 sites were to be approved, assuming 2.5 persons per site. Even the proposed initial sites of 75-200 would increase the local population by 150%-420% respectively. This is simply not tenable whatsoever, in my view and would be unprecedented growth in a most unsustainable manner.

- **Sustainability**. The description of 'temporary' refers, as I understand, to the nature of the accommodation, not the approval of the business development. Temporary accommodation would clearly be targeted to be seasonal workers, campers, and the like, of which some would be staying 4 months consecutively in very substandard conditions. This DA application is grossly lacking detail, future planning, lacks sustainability reports, environmental reports and many other aspects that one would expect to support such an application that would drastically change the local community.

- **Aesthetics.** The visual aesthetics of this DA would result in a very poor presentation and certainly not in keeping with the standards of development this community expects. The site is extremely visual and among the first impressions upon arriving to Jindabyne as the gateway to the lake soon after this position, located on Kosciusko Road. There is no screening, which would take many years even if commencing immediately by vegetation means. This should NOT be what represents Jindabyne as the standard of our community accommodation and will do damage to our area reputationally.

- **Safety. Traffic. Parking**. Has a road and traffic management impact study occurred? Currently, turning off Hilltop Rd to Kosciusko Rd caters for around 20 properties or so. Suddenly, we would have hundreds of vehicles turning onto this main road which is not structured for this much traffic flow, and has visibility restrictions when vegetation grows, and overall presents a safety hazard. Will people be hitchhiking from these locations? Almost certainly. This will cause further traffic flow issues on a 100km road section. Further, school children catch buses here twice a day – will they be interacting with these temporary residents if hitchhiking to get to areas of employment? Where will that many cars park in the facility? Where would visitors park? Also, Hilltop Rd is a dirt road requiring considerable upkeep, what will be the impact of this DA with massive increases in numbers of vehicles, should they choose to use this route for any reason.

- **Equestrian facility.** This facility is an equestrian facility and this will end its purpose and make it an accommodation facility only. The community will lose its purpose-built facility which would be a loss. Other sites could house temporary accommodation but it is unlikely this facility will be rebuilt elsewhere.

- **Environmental impact.** What studies have been done on this including impacts on Iron Pot Creek. What other areas are impacted? There was nil in the application.

- **Sanitation and Water.** A serious issue is the proposed sanitation and water provisions for such numbers which is grossly underestimated and inadequate. For a future permanent solution to be portable showers and toilets to solve the issue is not appropriate or acceptable to the health of those or surrounding residents. This has 3rd world associations. Where would clean food preparation areas be located? None were mentioned, which are provided in all other short term accommodation venues? Where would rubbish be kept hygienically to avoid rodents? The venue is prone to venomous snakes which would be attracted if vermin were to increase, particularly in spring and beyond posing a safety risk for the site as it is surrounded by a rural environment.

- **Social Implications.** What recreation facilities will exist for residents? Who will control use of alcohol and noise issues? How reliable will these propositions be? Likely residents will commute some distance to local facilities in Berridale or Jindabyne to socialise, drink alcohol, but there is no public transport back to the facility at all, placing pressure on controlling this critical social impact on the community. The social-emotional wellbeing, physical and mental health has not been considered for this application and would be a detriment to those residents and a foreseeable health and safety risk. We have a graffiti issue in town at present, would this then expand to out areas with such intensification of inadequate housing? Vandalism increase in a very safe local rural family area – how will residents be protected from this risk?

- **Location.** This proposed DA location is not conducive to its purpose. Local workers and campers want to be located in town close to facilities, closer to their work, close to transport options, recreational facilities, the lake, resorts and other offerings, not located this distance away. A better solution is to identify more suitably located land.

- **Precedent.** If approved, this would set a dangerous precedent for other DA of this kind throughout Jindabyne and not what is in the best interests of the community. I

am not opposed to the need to cater to seasonal workers but this is not the solution and grossly falls short in many different areas. This is not the way to set a precedent that risks further inappropriate development.

- **Impact on legitimate businesses specialising in temporary accommodation.** This development would impact negatively on highly suitable and appropriate short term accommodation businesses with appropriate facilities and resources which are grossly lacking in this DA. They would be undermined commercially and not able to compete given their regulations and standards which far exceed what this DA would represent.

- **Site area.** The DA did not adequately demonstrate the size and location of the sites. Specifically how would it be placed? What is the size of each site?

- **Period.** It wasn't clear what period this DA was for. Is it just winter, or beyond? If beyond, a whole greater layer of diligence is required for a more permanent facility.

I object to this DA and request this not be approved. Such a facility should be located closer to the snow resorts and Jindabyne which are the target areas for winter access, work and socialisation. The existing local short-term and temporary accommodation facilities and businesses should be protected from this unsatisfactory DA undermining their standards and commercial investment. This application is rushed, lacks required commercial detail, lacks foresight, lacks the best interests of the community in mind, and appears to be geared at financial profit at the expense of social interests of community members.

I ask that this application be rejected.

Thank you for your consideration.

Yours faithfully,

[redacted]

Submission: 7

Sophie Ballinger

[redacted]

Sent: Thursday, 27 May 2021 10:13 AM
To: Records Snowy Monaro Regional Council
Subject: Objection to DA 10.2021.148.1
Attachments: Political Donations and Gifts Disclosure Statement.pdf

To the CEO Snowy Monaro Regional Council

We would like to make a formal objection and request an extension beyond 27th May 2021, to allow for more extensive and proper community consultation with regards to the DA for the Jindabyne Equestrian Resort proposed caravan park
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

[redacted] who live 1.5 kilometres from the boundary fence with Jindabyne Equestrian Resort, we were not notified of this development application nor were many other neighbours.

We would like to request an immediate halt to this DA proposal to ensure thorough community consultation is undertaken.

We would like to object on the following grounds:

- Insufficient notification/lack of information provided to surrounding residents
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC
- Up to 400 proposed sites (400 sites with up to 6 people per site = 2,400 people - larger than the population of Berridale!!)
- Jindabyne Equestrian Resort is not hooked up to town water and will rely on rainwater and bore water which has the potential to be disastrous during times of drought - we have seen many underwater tables pumped dry in this region...
- Effects on groundwater
- Environmental impacts
- Noise impacts
- Traffic impacts
- Lifestyle impacts

[redacted]

Submission: 8

Sophie Ballinger

[redacted]

Sent: Tuesday, 25 May 2021 11:19 AM
To: Records Snowy Monaro Regional Council; sophieballinger@snowyriver.nsw.gov.au
Subject: DA for JE Resort - Extension and more relevant information

Dear Sophie/SMRC

I would like to make a formal objection to the DA for the JE Resort proposed caravan park https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmasterview.snowymonaro.nsw.gov.au%2FApplication%2FApplicationDetails%2F010.2021.00000148.001%2F&data=04%7C01%7C%7Cf7ffa445c80f4d5827a608d91e6aa0a2%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637574266108236073%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=0jUdH7QTn7y4w%2B7qZzWSoLyFVuvaiBWGikp1ddyitMU%3D&reserved=0>

[redacted] we were not notified of this development application nor were many other neighbours.

I would like to voice my concerns regarding and require further information on the following:

* Insufficient notification/information provided to surrounding residents
* Insufficient time given to residents to view/review the DA due to not being notified by SMRC
* Environmental impacts
* How many proposed sites (400 sites with up to 6 people per site = 2,400 people)
* Effects on groundwater (surrounding neighbours rely on bore water as our primary water source)
* Noise impacts
* Traffic impacts
* Lifestyle impacts
* Lighting within resort, the layout and direction of any proposed flood lighting and timing of these, will they remain on all night
* Is this to be a permanent park for caravans, vans and campers or is this a seasonal park
* Opening and closing times
* Will there be security onsite
* Who will be responsible for rubbish that ends up roadside
* Who will be responsible for policing noise levels

Sophie, please advise ASAP if this will suffice as an official objection or please send appropriate links/paperwork for me to complete and return to you as a matter of priority as I believe objections close on Wednesday this week 26/05/2021

I look forward to your reply.

Submission: 9

Sophie Ballinger

Coordinator Development

Snowy Monaro Regional Council

By Email: planning@snowymonaro.nsw.gov.au

[redacted]

Re DA reference 21/43388-Temporary Caravan Park and Campground - Ancillary to existing accommodation. – Objection Submission

[redacted]

I refer to the above DA that is on exhibition and **I object** to the proposed development.

I have major concerns with the proposed development which whilst seeks approval for 75 camp sites in the short term but with the expectation to expand the facility to 400 sites with the use of portable facilities.

The submission by the proponent is deficient in describing the impact of the development not only on the proposed occupants, but also the surrounding community and infrastructure.

The proponent advises the key issues are as follows:

- Need for staff accommodation in the area.
- Be able to offer an alternative for people free camping around the lake.
- Provide addition sites for caravan and camping to the public.

The targeted proposed additional occupants are tourists and seasonal workers.

The ABS Census data for Avonside from 2016 data demographic is 118 people, 37 families, 50 private dwellings etc. Link below

https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC10117

The application seeks the mass intensification of land use in a predominantly rural residential area with very poor access to services for occupants.

The proposal does not promote the social and economic welfare of the community and will have a significant impact on the local community which has not been adequately addressed in the proponent's submission. The application should be **rejected**.

Notwithstanding the proponent is looking for a short-term approval for **75 sites** for this winter, and further DA's for up to **400 sites**, the following maters should be considered by council for all aspects of the proposal i.e., short term and long term.

Planning Issues

The DA has been notified as a temporary caravan park, ancillary to the existing tourist accommodation. The proposed 75 site caravan park is a separate land use (separately defined under the LEP) that is not ancillary or subservient to the dominant use being the established accommodation on site. In fact, it would be a larger or more intensive use than the current permanent accommodation and must be assessed and approved as a separate land use. An ancillary use is usually less than 10% in scale/size of the principal use.

Granting consent for a temporary approval would set a precedent (pathway) for future DA's, based on inadequate information and deficient assessment of all key issues.

The proposal does not provide any distinction between providing sites for staff accommodation and sites for general tourist use. There is nothing preventing this being exclusively for tourism use, whilst being promoted as an **answer to the staff accommodation shortage**.

The proposal was publicly notified to surrounding 14 properties and listed on Council's DA tracker, however it was not publicly advertised. Under Councils DCP 2013 (Chapter A3), "any development *which in the opinion of the Council may have adverse impacts on the general amenity of a locality including views to or from an adjoining property or other perceived impacts' is required to be publicly advertised for 21 days*"

Surely a development of this scale requires public exhibition and advertising.

The proposal undermines the two established caravan parks in town that are required to operate to the high levels required under the Local Govt (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 as follows:

Local Govt (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005:

https://legislation.nsw.gov.au/view/html/inforce/current/sl-2005-0486

Under these Regulations, Council must not grant an approval to operate a caravan park or camping ground unless it is satisfied that it will be designed, constructed, maintained, and operated in accordance with the relevant requirements of Subdivisions 1–8 of Division 3.

The key Issues/matters to be addressed are as follows:

- 10% of the land area of a caravan park must be reserved for recreation or other communal activities.
- Short-term sites must be 65m2 in size, plans provide no dimensions.
- Sites must be numbered.
- Community buildings require specific setbacks.
- Roads must be 7m wide, with the sealed portion being 5m wide
- Forecourt of 4m x 20m to be provided.
- 1 visitor parking space per 20 short-term sites, with a min number of 4, with 1 for disabled persons
- All access roads, inc parking and parking bays must have an all-weather sealed or other surface finish with adequate drainage.
- All access roads must be adequately lit.
- Caravan park must be connected to mains water supply or alternative water supply.
- Camping ground must have a water supply connection of 1 per 4 camp sites with min 30m to each connection.
- Water supply to comply with legislation.
- Caravan park must be connected to a main sewer or alternative sewer disposal system.
- One common dump point for disposal of closet waste to be provided.
- Short-term caravan sites must be provided with a disposal point for disposal of sullage (domestic waste from baths, basins, showers, kitchens)

- Caravan park must be provided with a stormwater drainage system.
- Shower blocks and toilets blocks must be constructed of concrete masonry block.
- Short term sites mist be no more than 100m from a shower block or toilet block.
- Laundry facilities required, inc 1 washing machine per 15 short-term sites; 1 tub per 60 sites
- Laundry facilities to be constructed of brick or concrete masonry block
- Fire hydrant coverage is required.
- Any caravan that is installed on a long-term site for more than 150 days and any holiday van or park van that is installed on a dwelling site must be restrained in accordance with the specifications of a practising structural engineer to withstand the wind forces applicable to the terrain category in which the dwelling site is located.

The key Site Plan to be lodged with a Caravan Park is a Community Map. This map needs to provide the information covered by the Regulations.

Furthermore, approval to operate the facility is required under the Local Govt Act. Therefore, separate to the planning approval, Council must be satisfied it can operate in accordance with the LG Regulations on Caravan Parks, which with the information provided, it clearly could not.

Furthermore, approval under SEPP 21 – Caravan Parks is required. This provides a list of matters for consideration for Council which have not been addressed.

I have attached a fact sheet from the Dept on these types of developments.

The plans and documents do not satisfy the minimum requirements set out under Schedule 1 of the Planning Regulations, the Local Govt Regs or Councils DCP 2013 (Chapter A2).

I have outlined below other matters key issues.

General Location, Use and Operation

- The location of this facility should be located closer to Jindabyne where access to services etc is more appropriate. One of the key reasons seasonal workers come to the area is for access to the alpine resorts but also access to entertainment facilities e.g., pubs etc. Avonside is remote to the facilities and the proposal does not outline any on site facilities to cater for this demand.
- It's not clear that use of this facility is to be restricted for the winter period i.e., June to October and not to be used for other periods or to cater for full time occupancy.
- The proposed additional population numbers have not been stated or how enforcement of the population cap will be managed.
- The application has advised that **no** expenditure is proposed as part of this DA. This is unrealistic based on regulatory requirements and the potential scale and upgrade requirements of existing and new facilities.
- No information of the social impacts of the location of the facility being 15 to 20 mins to Jindabyne and with no access to entertainment facilities other than that housed on site which are very minimal has been provided. This could set up a position whereby workers stay in town after a day's work to visit pubs etc. This would mean that guests could be arriving at the facility late at night. Without any public transport or viable taxi service could mean an increase in drink driving offences and or road incidents during the period of operation.

- The potential for additional social issues e.g., vandalism, theft, anti-social behaviour etc along with reduced police and emergency services response times due the remote location has not been considered.
- The proposal is located within a gateway area to the wider Jindabyne locality and would detract both scenically and visually along this key transport corridor. No assessment of visual or scenic impacts have been provided.
- It is understood that the worker accommodation concept was supported by the Chamber of Commerce on the notion it would be facilitated by the employer and not the employee plus and was to be a dry site. i.e., no alcohol allowed. The submission does not provide any information in this regard.
- No information was provided regarding the use of the existing restaurant and bar and the sale and consumption of alcohol on site and how this is to be managed and policed by the authorities.

Water/ Waste Infrastructure Considerations

- The amenities to be allocated to the 75 campsites are already subscribed by the approval of the restaurant, equestrian facilities and accommodation already provided on site. In other words, the 19 WCs, 4 urinals, 8 showers, etc were installed to service the current development, not for an additional 75 – 400 campsites.
- My understanding is that the existing facilities are pumped to sewerage solar filtration ponds at top of the hill. No information regarding the ability for the current facility to cope with the additional load has been provided.
- The closest toilet and shower facility for sites 1 to 5 (a total of 74 sites) would located in the Centre/Arena building. This is located 100 to 300m away from sites with no lighting or paths provided. This is not safe at night.
- There is no information regarding whether the existing disability facilities are adequate and compliant with the latest NCC/BCA. The existing facilities should be augmented and upgraded to the latest NCC requirements.
- There are water storage water tanks located on the top of the hill. The facility would be using most water from bore that is fed by aquifer that runs along Kosciusko road that could affect ground water levels for other surrounding properties. There is no supporting evidence that the existing potable water supplies are adequate and or the need for any additional required firefighting facilities. Additional water storage including the requirements for firefighting and reticulation should be included.
- The use of the water and sewer infrastructure would be mainly used during the early morning and or evenings and not spread out during the day due the seasonal worker hours. This will place a huge strain on the infrastructure over a short period of time. The concept of people queuing in the evening in winter conditions does not seem reasonable or safe.
- My understanding is that hot water is provided by 2 x diesel boilers in either centre or lodge buildings. The capacity to cope with the additional load has not been stated. It is likely that the existing hot water systems will need to be augmented and upgraded.

Other Infrastructure/ Facility Considerations

- There are no details concerning the installation of additional external lighting to create a safe environment.
- There is no information concerning visual impact of additional lighting and noise on incoming and outgoing traffic on Kosciuszko road.
- The DA does not stipulate if the existing electrical supply capacity and distribution board network needs upgrading to cater for the additional loads or how the electrical infrastructure will be reticulated safely to each site.
- The proposal states that there will be a combination of powered and unpowered sites, however no detail has been provided of the proposed split. There is no information regarding the requirements the safe use and safe storage of fuel for generators, hours of operation etc.
- It is not clear if the existing restaurant will be used to cater for the additional guests. If this is contemplated, then the restaurant facilities need to be able to cope with the additional population and compliant with the latest NCC requirements and liquor licencing requirements.

Traffic / Transport Considerations

- The development is considered a Traffic Generating Development by virtue of its scale and proximity to an Arterial Road and requires concurrence of TfNSW.
- A slip lane and reduction of the 100 km / hr speed limit off Kosciusko road into Hilltop road should be included to allow for caravans and campervans to safely turn into and out of Hill Top road.
- There has been no information provided regarding the impact of the additional traffic on the school bus stops at Avonside rd and on Kosciuszko road. A report should be prepared that considers the potential conflicts between large vehicles turning in and out of Hill Top road and children waiting for the bus etc.
- There has been no information provided regarding the impact of Kosciusko road noise on occupants. The road is very busy with a range of large and small vehicles particularly during winter travelling at high speed.
- Public transport should be provided for workers to travel to Jindabyne and the resorts.
- No analysis for parking on site has been provided for both the existing facilities and the proposed additional occupancy.
- The additional traffic to be generated on Hill Top road should be considered along with the potential impact or large heavy vehicles i.e., campervans and caravans. Upgrade works to Hill Top road should be undertaken.

Safety Considerations

- The DA does not confirm if it is proposed that campers will be allowed to light campfires at or near their camp site. If fires are being considered, a study and management plan should be prepared to mitigate the risk of fire impacts and the provision of firefighting equipment.
- No NCC/BCA assessment report was provided to ensure that the existing facilities are compliant to cater for the expected increase in use and population. This includes fire and life safety, access, and egress etc.
- There is no information concerning after hours entry access. It is not safe to allow late arrivals to drive around to find a site without reception and staff direction.
- Additional management and security personnel needed to be employed by the proponent to deal with the additional population and any antisocial behaviour.
- A proper and well considered covid management plan should be required prior to commencement.
- There is no allowance for the provision of common area cooking facilities for the campers. This will force individuals to undertake their own cooking at their individual site which will generate waste and potential fire risk issues i.e., campfires, portable cooking facilities etc.

The location of this facility should be considered closer to Jindabyne where access to services etc is available.

The application has been hastily prepared and is substantially deficient in detail and substance and seems to take advantage of Councils desire to create urgent winter worker accommodation for this season. The proposal does not appropriately consider the significant impacts of the proposed development or the impact on the local community and the **application should be rejected**.



Submission: 11

Sophie Ballinger

Coordinator Development

Snowy Monaro Regional Council

[redacted]

By Email: planning@snowymonaro.nsw.gov.au

Re DA reference 21/43388-Temporary Caravan Park and Campground - Ancillary to existing accommodation. – Objection Submission

[redacted]

I refer to the above DA that is on exhibition and **I object** to the proposed development.

I am writing to you extremely concerned about the proposed development at Jindabyne Equestrian resort.

I am concerned this proposal has been put together to quickly mitigate the problem of illegal campers both seasonal workers and holiday makers from the Jindabyne township area. It seems to me the towns objection from last winter season of "a van lift hub" has been heard and the solution is to move the problem to a more rural setting which is completely unacceptable, putting strain on the local (more rural) communities of the area.

The current application from Jindabyne Equestrian Resort (JER) is for 75 sites this winter for short term approval with the possibility of 400 sites into the future. 75 – 400 sites in my opinion does not reflect the true number of occupants who may dwell in the proposed area of JER. Considering on average most people travel in pairs this would put the total occupancy count more towards 150 – 800 people residing in a 30Ha area which seems extremely unreasonable, especially due to the amount of facilities already provided (19 WCs, 4 urinals, 8 showers, etc) which were installed to service the current development not all the additional "campers". I would think lighting, disabled and safe access would also be an issue for these campers which council should address.

As a nearby resident I am worried about the potential increase in theft in the area. Each year during winter, Jindabyne town sees an increase in theft and trespass and I do not want that to happen in my local area as my home is situated close to (50m) from Avonside rd. As I don't see any proposal or consultation with RMS or TfNSW I am concerned for my own and my families safety when driving to and from my place of work and at other times. As a young person in the area I do believe a major draw card for seasonal workers and tourists to the area is the "party atmosphere "of the Snowy Mountains. I am concerned public transport has not been addressed as an issue, local seasonal staff, in my opinion, will want to travel to and from Jindabyne town, 15 – 20 mins by car due to an unreliable and inadequate texi service to visit local establishment's and without the option of public transport I am worried this will increase the risk of drink driving and accidents in the local area.

Some other things I think Council should consider are:

- Noise from passing cars, impacting on campers. Koscuiszko Rd is a very busy road especially during the winter period with both light and heavy vehicles.
- How waste (effluent) and (grey water) will be disposed of from "self-sufficient" campers and caravans. No "dump point" has been identified in the plan or any sort of environmental management plan has been provided.
- The increased fire risk. Will each campsite be allowed to have their own camp fire for cooking / warmth etc? Is there adequate water and firefighting resources available?
- There is no information concerning visual impact of additional lighting and noise on incoming and outgoing traffic on Kosciuszko road.
- Additional management and security will need to be employed by JER to deal with the additional population and any antisocial behaviour.

I feel this application has been prepared too quickly without any real thought and is deficient in substance and detail, it seems JER wants to take advantage of councils need and want to provide a short term "quick fix" to the housing and rental shortage in the area and I believe **the application should be rejected.**

[redacted]

Submission: 12

[redacted]

Sophie Ballinger

Coordinator Development

Snowy Monaro Regional Council

By Email: planning@snowymonaro.nsw.gov.au

Re DA reference 21/43388-Temporary Caravan Park and Campground - Ancillary to existing accommodation. – Objection Submission

[redacted]

I refer to the above DA that is on exhibition and **I object** to the proposed development.

I am writing to you extremely concerned about the proposed development at Jindabyne Equestrian resort.

I am concerned this proposal has been put together to quickly mitigate the problem of illegal campers both seasonal workers and holiday makers from the Jindabyne township area. It seems to me the towns objection from last winter season of "a van lift hub" has been heard and the solution is to move the problem to a more rural setting which is completely unacceptable, putting strain on the local (more rural) communities of the area.

The current application from Jindabyne Equestrian Resort (JER) is for 75 sites this winter for short term approval with the possibility of 400 sites into the future. 75 – 400 sites in my opinion does not reflect the true number of occupants who may dwell in the proposed area of JER. Considering on average most people travel in pairs this would put the total occupancy count more towards 150 – 800 people residing in a 30Ha area which seems extremely unreasonable, especially due to the amount of facilities already provided (19 WCs, 4 urinals, 8 showers, etc) which were installed to service the current development not all the additional "campers". I would think lighting, disabled and safe access would also be an issue for these campers which council should address.

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Some other things I think Council should consider are:

- Noise from passing cars, impacting on campers. Kosciuszko Rd is a very busy road especially during the winter period with both light and heavy vehicles.
- How waste (effluent) and (grey water) will be disposed of from "self-sufficient" campers and caravans. No "dump point" has been identified in the plan or any sort of environmental management plan has been provided.
- The increased fire risk. Will each campsite be allowed to have their own camp fire for cooking / warmth etc? Is there adequate water and firefighting resources available?
- There is no information concerning visual impact of additional lighting and noise on incoming and outgoing traffic on Kosciuszko road.
- Additional management and security will need to be employed by JER to deal with the additional population and any antisocial behaviour.

I feel this application has been prepared too quickly without any real thought and is deficient in substance and detail, it seems JER wants to take advantage of councils need and want to provide a short term "quick fix" to the housing and rental shortage in the area and I believe **the application should be rejected.**



Submission: 13

28 May 2021

[redacted]

To Sophie Ballinger and Councillors

With reference to: DA 21/43388 Temporary Caravan Park and Campground – Ancillary to existing accommodation – Submission to Object DA 010.2021.00000148.001

[redacted]

[redacted] The first we knew of this proposal was when we arrived home on Thursday 27 May 2021 from a trip to Central Australia where we have had no range for a number of weeks. Therefore we would like and extension of the submission period so as to lodge an objection to this proposed application.

We strongly oppose the DA based on the following concerns.

Environmental Impact – With the number of proposed sites the amount of waste (grey water, sewerage and household waste), traffic movements and site access this will create has not been addressed in the DA.

Water Supply – The DA states that the adequate water supply will be rain water tank and bore water. More detail should be studied to estimate the water needs based on the number of people camping, accommodated in house, caravans and free campers.

Behavior Management – The DA states that there would be a 3 strike system in place for bad behaviour, that curfews would be in place for music, generators and that illegal activities would result in the police being called. Every year the region is stretched to its limits having to call in police from outside areas to assist with the increase of visitors to Jindabyne. By having a large number of seasonal workers congregated in a location which is a decent distance from the police station it stretches the limits of the police force even further as they now have a larger area to police and control.

Please see the attached Political Donations & Gifts Disclosure Statement.

[redacted]

Submission: 14

Sophie Ballinger
Coordinator Development
Snowy Monaro Regional Council
By Email: planning@snowymonaro.nsw.gov.au

26 May 2021

Re: Development Application 10.2021.148.001 -Temporary Caravan Park and Campground - Ancillary to existing accommodation.

[redacted] are **strongly objecting** to the proposed development at the Jindabyne Equestrian Resort to set up between 75 to 400 campsites with an unknown population.

The submission is deficient in a number of areas including:

- the impact of the development on the surrounding community.
- the ability of the site to sustain the number of camp sites proposed with suitable amenities including lighting, paths, water, sewage and power - (the impact on the tenants).
- the impact to the surrounding environment.
- the impact on traffic and road infrastructure.
- the social and economic value the proposal will deliver to the community.

Furthermore, the proposal does not include any details of what experience the owners have to maintain an influx of visitors and their ability to develop the site to comply with all safety and environmental regulations – especially given the incredibly short time frame.

We are also very concerned there is a high likelihood that the Avonside community will be subject to increased theft, unruly behaviour, littering and property damage. The Avonside community are a close and trusting bunch of people and given the well documented increase in theft and vandalism the Jindabyne township is subjected to, the remote location and lack of amenities to properly sustain a large 'temporary' population makes the Avonside community especially vulnerable.

We also object to the process Council has taken with little consultation or advertising of the proposal and broken website links that make it difficult to find out about the proposal and the lack of planning and regular checks and balances that we and the community would normally expect to occur.

In essence, the proposed site, with its lacking amenities, inexperienced management, likely traffic congestion, remoteness, distance from support services and insufficient time to establish the site to any required standards makes it unsuitable and the application should be rejected.

The lack of detail and hurried planning process is a dangerous precedent for a rapidly growing community desperate for long-term, sustainable solutions to enhance amenities. Instead, it is obvious the poorly prepared proposal and lack of proper consultation could deliver a well-meaning but ultimately poorly executed solution that may end up destroying the very essence that makes our township and surrounding areas so special that attracts visitors in the first place.

We already have barbed wire and meshed fencing greeting visitors along Kosciuszko Road as they approach our town, please reject this poorly conceived proposal so that the Equestrian Centre doesn't become another sub-standard, visual blight - ultimately failing its stated purpose and our community.

We look forward to your quick reply.

[redacted]

Sophie Ballinger
Coordinator Development
Snowy Monaro Regional Council

Submission: 15

26-05-2021

Re DA reference 21/43388-Temporary Caravan Park and Campground - Ancillary to existing accommodation. – Submission to Object the DA 010.2021.00000148.001

To Sophie Ballinger & Fellow Councillors

[redacted] and for a number of reasons, I feel this type of accommodation is better suited closer to Jindabyne town as it has the infrastructure to support it.

I am making this submission to strongly oppose the Development Application Record Number 21/43388 on the following grounds

- The lack of information & insufficient time provided to local residents to review the DA. It seems this was all done so quickly & we didn't have a lot of time to review the DA & make our submissions
- If the application of 75 is approved, it opens the door for more camp sites to go ahead which would be detrimental to the area, environment & local residents

- The impact this would have on traffic in the area
  - The proposed site is on a stretch of road which is a 100km/hr zone with no safe slipways for people to turn off Kosciuszko Road into Hilltop Road to access the camp grounds.
  - Taking into account the location and lack of public transport, campers would need to drive to and from Jindabyne daily to go to work or to seek entertainment. The increased number of vehicles in the area at peak times would not only affect residents but also visitors to the region.
  - With the increased number of vehicles on the road added to the existing hazards of icy roads, wildlife & drink/drug affected drivers, this can & will cause major issues which could prove deadly.

- The impact it would have on the lifestyle of local residents
  - Increased noise from campers - arrivals & departures at all times of the day or night, parties, etc
  - Increased traffic on the roads (as mentioned in above points)
  - Increased potential for vandalism, theft & anti-social behaviour - having a large number of seasonal workers in the one area, with not much to do in the form of entertainment and the added issue of not having law enforcement close by opens the door for anti social behaviour
  - Increased Water usage - the site would be using tank water & then the bore as a backup to support its drinking & waste water requirement. This is the same bore that local residents use & rely on for daily use & in times of drought / fire season.

- Environmental Impacts - high use areas such as campsites lead to erosion, ruining vegetation and resulting in large areas of bare soils which increase pollutants in waterways.

I feel the location of this facility should be closer to Jindabyne where access to services are more readily available. It seems that this application has been prepared in a hurry without fully considering the impacts it would have to the environment & local community.

Please also find attached the signed Political Donations & Gifts Disclosure Statement. I look forward to your reply.

[redacted]

Submission: 16

To the CEO of the Snowy Monaro Regional Council,

Proposed Development: **Temporary Caravan Park and Camp Ground**
Property Description: **Jindabyne Equestrian Centre**
Application Number: **DA: 10.2021.148.1**

[redacted] we live less than 1km from the boundary fence of the Jindabyne Equestrian Resort and directly opposite the largest proposed stage (just over 100 metres), we have serious concerns with this development.

We would like to object to the DA and request an extension to respond to this DA proposal to ensure thorough community consultation is taken.

We object this DA on the following grounds:

- The total number of proposed campsites of 400, with each site having the capacity up to 6 people, the total capacity of the development would be 2400 people. This is two thirds the population of Jindabyne.
- The effects of this development on the Ground Water. Jindabyne Equestrian Resort is not connected to town water, therefore all campsites will be relying on the existing infrastructure of rain water tanks and bore water. This will be detrimental to us and many other local properties who rely on ground water.
- Environmental effects of the development.
- Water runoff and stormwater management plan is non-existent and concerning as most of the site is subjected to flooding.
- Traffic impact particularly the intersection of Hill Top road and Kosciusko road which is also the school bus stop for the local schools - Jindabyne, Berridale and Cooma.
- The development will affect character and purpose of existing neighbourhood as adjacent and surrounding properties are small to large rural acreages.
- Noise and acoustic effects.
- Lack of Bushfire report.
- Loss of privacy.

Please find attached a copy of our Political Donations and Gifts Disclosure Statement.

Please respond with all correspondence via email.

We look forward to your reply.

Regards,

[redacted]

Submission: 17

[redacted]

25.5 2021

Re. DA submission for JE Resort Hill Top.

We have recently been informed by concerned neighbours about a submission to Council from JE Resort for a temporary DA to supply 100 campsites over the coming 2021 Winter season with a view to increasing this number to approximately 400 sites in the future.

We have been unable to find any information about this submission on Councils website but understand that any objections to this DA need to be in by Wednesday 25th May 2021. As this has only given us two days to look at how this will affect the local community we are asking for an extension so that any concerns can be addressed.

It is disappointing that Council has not informed local residents as this will have a huge impact on us regarding traffic congestion and waste disposal not to mention noise and the visual disturbance to the rural environment.

JE Resort was built to be an Equestrian Centre and we understand that Government grants were given to assist this so it is upsetting to think that it can be changed on a whim to a caravan park.

We tried to contact the planning department yesterday regarding this issue but so far we have not received a return call. We wish to know the criteria Council uses when assessing submissions like this and how we make an objection.

[redacted]

Submission: 18

Sophie Ballinger

[redacted]

Sent: Monday, 24 May 2021 12:06 PM

[redacted]

Subject: Re: OBJECTION TO DA FOR JE RESORT PROPOSED CARAVAN PARK AND REQUEST FOR EXTENSION FOR PROPER COMMUNITY CONSULTATION APPLICATION NUMBER: 10.2021.148.1 https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

Attachments: 2021_05_12 Working File Public 10.2021.148.1.PDF; SMRC PUBLIC NOTIFICATION JINDABYNE EQUESTRIAN RESORT CARAVAN PARK PROPOSAL.pdf

Categories: responded need but to acknowlege submission

To the CEO Snowy Monaro Regional Council

We would like to make a formal objection and request an extension beyond 27th May 2021, to allow for more extensive and proper community consultation with regards to the DA for the Jindabyne Equestrian Resort proposed caravan park
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

As residents of Iron Pot Creek Road who live less than 1 kilometre from the boundary fence with Jindabyne Equestrian Resort, we were not notified of this development application nor were many other neighbours.

We would like to request an immediate halt to this DA proposal to ensure thorough community consultation is undertaken.

We would like to object on the following grounds:

- Insufficient notification/lack of information provided to surrounding residents
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC
- Up to 400 proposed sites (400 sites with up to 6 people per site = 2,400 people - larger than the population of Berridale!!)
- Jindabyne Equestrian Resort is not hooked up to town water and will rely on rainwater and bore water which has the potential to be disastrous during times of drought - we have seen many underwater tables pumped dry in this region...
- Effects on groundwater

- Environmental impacts
- Noise impacts
- Traffic impacts
- Lifestyle impacts

We look forward to your reply.

Please reply to all correspondence via e-mail.

[redacted]

;

[redacted]

To the CEO Snowy Monaro Regional Council

We would like add the following further points of consideration to our current, accepted objection/submission to the Jindabyne Equestrian Resort Caravan Park proposal and look forward to your council meeting on: **Thursday 17 June:** Bombala Community Centre, 163 Maybe Street, Bombala (from SMRC website 3.6.21 8am)
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

HEALTH AND SAFETY

- Traffic impact study needed
- Kosciuszko Road is the main road in and out of the ski fields on a 100klm per hour stretch of road that is in a 'black spot' zone. Multiple caravans/camper trailers etc coming from Sydney/Canberra direction turning across Kosciuszko Road into Hilltop Road across this already busy intersection has the very real potential for serious accidents/fatalities. Traffic lights and/or a turning lane need to be installed to accommodate extra proposed traffic before this DA should be considered.
- Fire risk: It has been brought to our attention that many of the proposed powered sites are only 10 amp – this poses a serious potential fire risk. A fire that has the potential to travel across dry, open grasslands and impact on surrounding properties. If staff/free campers on unpowered sites are trying to keep warm in this harsh climate above 1100m where huge frosts/extreme winds and snow/sleet are not uncommon, will they try and light open fires or use dangerous gas burners in their vans to try and keep warm – again – massive fire hazard. (Note: Council run and private caravan parks in Jindabyne run off 15amps.)
- Safety of campers: If many of the proposed sites are unpowered how will the seasonal staff keep warm in a safe manner – many may have come from out of area and are not used to such an extreme climate. This will make them more vulnerable to making poor decisions in their desire to keep warm without thinking through the potential danger and consequences to surrounding guests and residents.
- Flooding: There have often been issues with flooding at JE Resort and overflowing of the lower dam area washing over the bottom of Iron Pot Creek Road.
- Individual sullage pits for each campsite must be in place before proposal considered.
- Right to quiet enjoyment: In the effort to keep warm will campers have generators running all night? This will have the potential to affect the sleep of surrounding residents which has a direct impact on mental health and well-being.

ENVIRONMENT

- Water and sewage impact study needed
- Water Security: This is of critical importance in this time of climate change and prediction of more adverse weather events into the future. We are all on bore/tank water and adding a huge increase in people and usage has the very real potential to affect water security of our area. General rule of thumb when assessing developments is that you allow 200 litres of water per day per person. JE Resort can accommodate up to 100 people across three buildings that vary in style and budget (sourced from JE website). With the proposed increase of 75 sites with 2 people per site that would take their capacity to 250 people per day, not including onsite staff and management. 250 people x 200 litres of water = 50,000 litres of water per day. 50,000 litres of water per day x 7 days = 350,000 litres of water per week which equates to over 1.4 million litres of water per month. JE Resort should connect to town water before this proposal is even considered or SMRC must make a ruling that JE resort cannot use their bore to ensure water security and supply for all surrounding residents. Please see attached letter from former resident of Kosciuszko Road, Jacques Fabian, who along with his wife and five children had to leave the area after their water source was pumped dry by Jindabyne Equestrian Resort. When I spoke with Mrs Fabian this week, she described the event as 'traumatic' for their family. She spoke of the complete upheaval of their life, having to pull their children out of local schools and sell their animals including their beloved horses making the heart-breaking choice to move back to South Australia. I believe this was akin to making them a 'water-refugee' in their own country. Most people do not have the time, money, or resources to fight such cases in the land and environment court. Snowy Monaro Regional Council have a duty of care to ensure this does not happen to any more residents into the future. This is why we need a thorough and transparent study done into our groundwater supplies, bores and underwater aquifers before this proposal is even considered.

TRUTH/HONESTY/TRANPARENCY/DUE PROCESS

- Conflict of interest SMRC: We were advised by Jindabyne Equestrian Resort that it was SMRC and the Jindabyne Chamber of Commerce that approached the JE Resort to put in a DA and that SMRC assisted JE Resort in completing their DA. If this is correct, then wouldn't it be deemed a conflict of interest for SMRC to assess this DA?
- Conflict of interest Councillors: We have been advised that Jindabyne councillor/s have been involved in this process also. Will these councillors need to remove themselves from the voting process when this goes to a vote of councillors on 17th June?

- I have been contacted by several people who have stated that they have had DAs in council for several months and questioned how this proposed JE resort could go through in such a short time frame with little to no community consultation with residents who will be directly impacted and no advertisement or 21-day period for public viewing. This process needs to be reviewed to ensure fairness and equity for all.
- As JE Resorts caravan park DA for 150 people now overshadows the current 100 in existing accommodation, this caravan park DA proposal should now be assessed as the dominant use and adhere to all rules, regulations and due process as required.

CLIMATE CHANGE/ DUTY OF CARE

- Climate change: with the predictions of more adverse weather events, we need to ensure water security, fire fighting capabilities and flood mitigation.

- *In a report titled: 'Local Council Risk of Liability in the Face of Climate Change – Resolving Uncertainties A Report for the Australian Local Government Association' in part it states:*

We have already seen actions brought against Councils and State governments with respect to decisions taken in light of potential climate change impacts, including: claims by third parties against decisions to approve development in circumstances where it was argued that submissions which raised concerns about climate change had not been adequately considered.

- In assessing this DA and all submissions/objections carefully both SMRC and all Councillors have a duty of care to all existing residents to ensure we are not negatively impacted by this proposal.

We look forward the council meeting on 17th June.

Please reply to all correspondence via e-mail.



Hi Sophie

Thank you for your attached letter.

Could you please clarify the following:

1. Your letter states this will be for 2021 ski season only yet in the DA conclusions it states *'In conclusion, we believe that JE Resort has the ability and infrastructure to manage and orchestrate the above for the 2021 and 2022 Ski seasons...'* Is said DA for 2021 ski season only or 2021 and 2022 ski season?
2. Your letter states 75 campsites two to a site yet the above letter you sent with modified DA has 90 campsites when you count the number of sites on the site maps 1-7 and 9. Please confirm which is correct?
3. We were under the impression the JE Resort were withdrawing their intention to expand this proposal beyond the 75 sites, yet this is still on the DA - is the 400 sites still the end game? DA states: *Site Layout*
   Our proposal is a multistage approach to achieving the above goals. First, using existing infrastructure to have up to 75 campsites (2 people per site both powered and unpowered) and then if required (through separate DA) expand up to 200 via the addition of portable shower units and then further expansion (in 100 site stages) via the addition of portable toilets and shower blocks to achieve a maximum of 400 sites.

   This will spread over the two blocks as per the below diagram.

4. The statement of environmental effects on the DA is incomplete - see attached. We are particularly concerned about section 4.3 Natural environment being left blank especially considering one neighbour had their shared water source pumped completely dry by JE Resort. Council would have a record of this. A full environmental impact study and water management plan needs to be in place before any increase in capacity can be considered in our opinion. Will council ensure these studies are undertaken prior to any approvals to protect our natural environment and precious water resources?

Thank you for your consideration and we look forward to your reply to our above questions.



[redacted]

31/05/2021

[redacted]

To Whom it May Concern,

Re: Lorren Dale, Kosicuszko Road Berriedale NSW

My family and I resided at the property known as Lorren Dale full time from November 2002 to October 2007. Prior to this we used the property as a holiday house.

Our water was sourced directly from our well which was fed by local underground water systems. We also had a low-capacity tank however there was never a lack of well water so the tank was not utilised.

This was until the Equestrian centre that was built across the road decided to fill their underground and above water tanks from the underground water source.

Our well was run dry within the 12 hours of their commencement of pumping. We know this because we went over there to find out if they still had water and they confirmed that they did and that they were 'Filling the tanks.'

We contacted the local council and they put us in touch with the relevant government persons who over the next week or so attended our property and tested the water and looked at the water's flow and confirmed several things:

- The water was indeed being diverted from our well
- Our water source was directly impacted by the Equestrian centres' actions
- The water was of a high quality and 'was better than bottled water'

The Equestrian centre was obligated to make amendment and they purchased a water tanker to come and deliver water to us a few times and then the water deliveries stopped.

We were not in a position to take the then owner to court over this breach of obligation. We did invest in more water tanks for the property however, the costs associated were burdensome.

This action of water theft was a direct contributor to our decision to sell our beloved home and relocate to South Australia.

The Equestrian Centre believes itself above the community. It has never shown any genuine respect of local farmers and families and their water needs. It had no environmental sustainability inclination at the time of our residence. It is a direct attack on the environment – any environment to drain a water source for the sole benefit of one entity.

[redacted]

[redacted]

[redacted]

Submission: 19

Application: Development Application (10.2021.148.001)

Details	
Description:	Temporary Caravan Park and Camp Ground - Ancillary to existing accomodation
Submitted Date:	12/05/2021
Application Type:	Development Application

Properties

2 Hilltop Rd, Hill Top 2628 NSW (Lot 8 DP 1245126 Ph Townsend)
8 Hilltop Rd, Hill Top 2628 NSW (Lot 12 DP 1245126 Ph Townsend)

We wish to submit an objection to the above planned development. We appreciate there is a great need for housing in the area for staff but we feel great consideration must be taken to do it correctly

We have requested an extension till the 31st May 2021 to fully consider all documentation but still wish to submit a summary of our concerns

Our main objection is to the scale of the proposed caravan park and camp ground.
We do not agree a rural property can support a 400 site park.
The NSW legislation for caravan parks and camp grounds states no more than 12 people can occupy a site.
That will mean a total of 4800 people.
I will note Council have said in a phone call they are able to limit this number to 2 or 4 people per site but that is still 800 – 1600 people living on a rural property with only tank water as main water supply and a back up bore that not only services JE Resort but many surrounding neighbours including ourselves.

The following thing we are concerned about are:

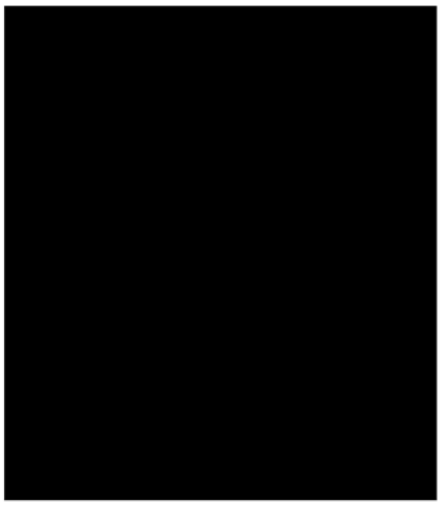
- Increased noise
- Management unable to control such a large amount of people. Will there be security to control ?
- High chance of increased crime in area especially if long periods of unemployment due to covid out break or slow start to season
- No current screens to minimise impacts of light glare and traffic distraction on busy highway from campers.
- Increased traffic on main road from caravan park. This part of Kosciusko road is a black spot in winter from Varneys Range to Geikle Creek there are several accidents each winter. This will be majorly impacted
- Risk of flooding in areas to be camped in
- Ground contamination from campers not using facilities

- Rubbish from campers not using the facilities provided
- Bush fire risk from camp fires.
- Firefighting capability is not mentioned in current paperwork

- On site sewerage facilities not capable to keep up with demand of 400 sites. Even with the extra portable facilities stated. Will the climate have an impact on that.

We are concerned the current development application stated distance to neighbours is 1km . this is incorrect. The paperwork does not seem to be filled in with many sections left blank.

Thank you for considering our concerns



[redacted]

Sophie Ballinger

Snowy Monaro Regional Council

Planning Department

Email planning@snowymonaro.nsw.gov.au

Re: Development Application 10.2021.148.001

Temporary Caravan park and camp ground- Ancillary to existing

Accommodation

2 Hilltop Rd Hill Top 2628(lot 8 DP 1245126 Ph Townsend)

8 Hilltop Rd Hill Top 2628(lot 12 DP 145126 Ph Townsend)

Jindabyne Equestrian Resort

OBJECTION SUBMISSION

[redacted]

We refer to the above Development application that is proposed and we **strongly object to it.**

Our major concern is the scale of the proposed development. Up to 400 sites on a rural property with only a temporary water supply. This will be a **disaster.** The aim is to house staff and supply alternative accommodation to tourists.

Jindabyne township has 2 caravan parks of generous size on town water and close to facilities and services and their capacity is approximately only 100 camp sites each. JER are proposing **4 times** this **with portable facilities**.

This is not acceptable and **must not proceed**.

The proposed development is being called a **temporary** caravan park and is **ancillary** to existing accommodation. Our understanding is the current accommodation capability is for 120 people so the proposed population of 150 people in the caravan park will be higher than current accommodation. Would this not mean the caravan park will be the **main use.?**

Despite receiving a letter from council dated 1/6/21 (see extract below) advising the applicant has reduced available sites to 75 sites and limited to 2021 ski season. The supporting documents from JER tell a different story

In response to the issues raised in the submissions, the applicant has sought to amend the subject application and reduce the number of camping/caravan sites available. The proposal is now for 75 sites and will be limited to the 2021 ski season only. The recommendation to Council will also be for a maximum of 150 persons to be accommodated in the 75 sites at any one time. Due to a reduction the scale of the development these changes are not required to be renotified.

Council has advised their recommendation will be a limit of 2 person per site and maximum 150 people on site . How will this be policed? Will council be in charge of this?

The documentation provided by JER shows **90 sites** and concludes they are **proposing 2021** and **2022 ski seasons**(see conclusion below)

It is not clear that the approval if granted will **expire on Monday 4th October 2021.**

Council must clarify this?

Conclusion

In conclusion, we believe that JE Resort has the ability and infrastructure to manage and orchestrate the above for the 2021 and 2022 Ski seasons and hope to demonstrate to Council our ability to provide accommodation through our current infrastructure, along with the addition of camping.

Water

We know the JER have rain water tanks to supply their accommodation and huge roof space to fill these tanks **when** it rains but that will not always be the case as in times of drought. With an extra 150 occupants the tank water will be used very quickly. The **back up** bore will be in constant use and not only will that affect the water table it has potential to dry up neighbouring properties water supplies with devastating consequences. This has happened on previous occasions to at least one neighbour.

Is the bore water allowed to be used for commercial use or is it only to be used for domestic and stock use?

Taking into account water saving measures average person uses 150 litres per day of water. If this is calculated out to the proposed development of just the caravan park of 150 people 22,500 litres per day. This cannot be sustained on tank water.

The need for water will not be spread out through the day evenly like a normal household it will be greater morning and nights. This will also impact the waste water system currently in place.

The provision for fire fighting water supply has not been addressed either. For the required hydrants and fire hoses to be affective and have adequate pressure they will need to be on **town water**.Council **must** address the need for a **permanent water supply** to be supplied to the site before any development is considered.

The JER site has a natural water course running through the site. Please find below photos of the impact of heavy rain in 2003 and 2012. This will show how the camp sites will be impacted if we get heavy rain.



November 2003



March 2012

Sites 1,3,4,5 and 9 appear to be within 40m of this water course .Please see below the blue line indicates this. This will require referral and approval from Office of Water as part of an integrated development.



Crown Road Reserve

On the plan of proposed development site 4 is located on a crown road reserve. Has permission been sought from the land owners – The Crown? to allow this to be able to go ahead. Please see aerial map below.



Amenities

The proposed development has listed the amount of amenities they are able to provide according to **Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 [NSW]** that will service the proposed 75 sites. The legislation also requires facilities for people with disabilities . Only 1 toilet and hand basin are listed under disable facilities **No shower**.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 [NSW]

108 Facilities for people with disabilities

(1) A caravan park or camping ground must be provided with shower, toilet and associated facilities, designed in accordance with AS 1428.1—2001, Design for access and mobility Part 1: General requirements for access—New building work, as in force on 1 September 2005.

(2) A caravan park or camping ground with fewer than 100 dwelling sites must be provided with—

(a) one of each facility for each sex, or (b) one of each facility for use by both sexes.

Another issue is the proximity of shower and toilet blocks to proposed camp sites. Will all the camp sites be within 100metres of both shower and toilet facilities? There is no lighting or paths provided either.

Ground contamination from people not using provided amenities is a real issue to be addressed.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 [NSW]

111 Proximity of dwelling sites to shower blocks and toilet blocks

(2) A short-term site or camp site must not be situated more than 100 metres (measured in a straight line) from a shower block or toilet block.

Statement of Environmental effects form

This paperwork was submitted with the development application. Majority of this form was left blank.

Does that mean JER do not plan to address any environmental effects?.

Surely this has to be addressed as JER is situated on the main highway to Snow fields

Our local wildlife has not been considered.

No screens are being considered to avoid driver distraction

Risk to life

The additional traffic from this development will have a severe impact on an already busy and dangerous road. It is only a matter of time before a life is lost. During winter every year this stretch of road sees several road incidents. The need for at least a slip lane onto Hill Top Road must be addressed in Councils consideration.

Use of Caravan park and camp ground

According to Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 [NSW]

124 Use of caravan parks and camping grounds

(1) A caravan park or camping ground must not be used—

(a) for any commercial purpose other than a caravan park or camping ground or an associated purpose,

Will this mean JER will no longer be using this facility as an Equestrian centre?

Can council or JER clarify this?

Social Issues

A caravan park will not answer the staff housing crisis in our area. It is not acceptable to have people living in tents or caravans in our climate. In the proposal we can see no provision for recreation for campers or if a camp kitchen will be provided. Will campers be able to light camp fires to stay warm? If they are allowed what measures have JER in place. Have the RFS been consulted regarding this matter .

Another concern is the abuse of alcohol as JER is a licenced venue.

JER is just above 1100 metres and is susceptible to extreme alpine conditions, Heavy snow falls and strong winds much more often than in the township of Jindabyne.

In conclusion

This proposal seems very rushed and not well thought out. A proposal of such size needs much more consultation with other relevant government departments and the community. It cannot be rushed through and certainly cannot be serviced with no extra infrastructure . The legislation must be adhered to.

The location should be closer to Jindabyne township where there will be access to services and facilities. Surely the aim is to make the experience of being a staff member and or tourists to be a great experience and hope they will come back year after year or better still make this special place their home as we did.

We have lived on our property for 23 years and have enjoyed a quiet, clean lifestyle. This is all under jeopardy by this proposal. We live less than 1km away.

We will have extra traffic, possible escalation of crime, rubbish and a threat to our water supply and quality. This is just **not acceptable**

The application should be rejected

[redacted]

Submission: 20

Sophie Ballinger

[redacted]

Sent: Tuesday, 25 May 2021 4:53 PM
To: Snowy Monaro Regional Council Planning
Subject: Objection to proposed Temporary Caravan Park at JRE Resort
Attachments: 20210525_164535.jpg

Categories: responded need but to acknowlege submission

I would like to make a formal objection to the DA for the JE Resort proposed caravan park https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

As a resident of Iron Pot Creek Road who is less than 1 kilometre from the boundary fence with JE resort, I was not notified of this development application nor were many other neighbours.

I would like to object on the following grounds:

- Insufficient notification/information provided to surrounding residents
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC
- Environmental impacts
- Up to 400 proposed sites (400 sites with up to 6 people per site = 2,400 people!!)
- Effects on groundwater (surrounding neighbours rely on bore water as our primary water source)
- Noise impacts (Generators as many sites will be unpowered and general noise from large amount of people)
- Traffic impacts (Intersection of Hilltop road and Kosciousko Rd which is already a hazardous junction to come out onto due to the bend it sits on. Also increased traffic up hilltop road as people look for another way out and seeing as this is a dirt road i am sure it will not hold up to the extra amount of traffic.)
- Lifestyle impacts (We choose to live away from town so we are not impacted by the busy winter period.)
- Security of surrounding properties.

Please reply by email.

[redacted]

Submission: 21

Sophie Ballinger

[redacted]

Sent: Thursday, 27 May 2021 2:38 PM

[redacted]

Subject: Formal submission to proposed DA 10.2021.148.1
Attachments: IMG_3383.HEIC

App No: 10.2021.148.1
Proposed Development: Temporary Caravan Park and Camp Ground ancillary to existing
accommodation.
Property Description: Jindabyne Equestrian Resert - 2 Hilltop rd Hill Top

Please acknowledge that our submission has been recieved.

We are writing in response to the proposal described above and our objection to said proposal.

The following submission is a list of concerns about the above proposal submitted by:

[redacted]

Please find enclosed signed photo copy of political donations and gifts disclosure statement

AMENITY OF THE AREA

Avonside/Hilltop are rural areas of typical Snowy Mountain undulating grazing land with open plained sparsly populated area of varying sized rural properties. (Approx 200 population combined in both areas).
It is noted that the proposed development with eventually 400 sites added to the existing amenities would be situated along the main road and Iron Pot Creek Road without coverage. It has the potential to be a complete eye sore completely against the natural rural appeal of the immediate area affecting the entire community in and around Jindabyne. All tourists, travellers and dwellers in the area drive past the JER

as Kosciuszko Road is obviously the gateway to the much loved region. Seeing a campsite/caravan park on the approach to Jindabyne would severely compromise the beautiful vistas.

The proposal is at odds with the current natural beauty of the area that we purchased the property on and would destroy our current ambient rural experience on various levels including via noise and visual pollution, environmental ability to safely cater for such over development and it has the capacity to lead to the area being uninhabitable by current local families due to the possible overuse of and possible damage to the natural local water access for and at odds with the amenities available to the site.

We have concerns about the increased risk of fires/bush fires in the area due to having a caravan park/campsite at JER, particularly when water is such a scarce resource. This is a particular concern of ours as we are not always at our property to protect it.

With a campsite put immediately next to our property we have deep concerns that our serene rural experience of our home would be severely compromised. We purchased our property specifically for its isolated and quiet location. If we were to sell the property, we would be extremely concerned what the location of a campsite next door would have to the subsequent property prices.

COVID SAFE Environment

The Snowy Mountains area relies heavily on the service and transient population industry. The proposal recommends a site to contain unto 400 camp sites (up to 1600 people on site) there is no possible way that the JE Resort staff could offer any realistic protection to the businesses and local residents of snowy mountains area from Covid 19 due to the nature of short term around the clock and calendqr needs and usage of shared amenities accommodation and ablutions area.

SITE LAYOUT

Up to 400 sites with ablution blocks and shower blocks and other amenities to accommodate up to 1600 individuals. It is our understanding that the site is not serviced by town water and identifies local bore water as part of its water access. it must be noted that there is no subterranean lake system. what is locally available is a fragile sequence of underground trapped water sources that are reliant on rain water to replenish the supply it must be noted that several local families share the available water source that is minimal in its availability and very susceptible to contamination from foreign inputs caused by pollution from accidental spillage run off and contaminants associated with human habitation. Has council identified the amount of subterranean water and will local residents be affected by the drainage of local subterranean water. Also, has council considered what the waste water created in this area would do to the local subterranean water bodies.

Such usage of the land cannot guarantee safe usage and contamination of the local water sources.

Further, if the JER was reliant on rain water collection/underground tanks, this would be problematic in times of drought.

The site layout is surrounded by private property it is reasonable to expect that the campers would be looking to move around the area and current fencing \ signage protections of the JE resort is not sufficient to contain campers from wandering on to private property exposing the owners of this properties to dangers of theft, damage to property vehicles, Injury to campers wandering onto property with animals such as snakes roos wallabies echidnas rabbits and wombats all resident of the proposed development site and surrounding properties. These are of grave concern to our family in particular as we are not at the property all year round to protect it.

SITE ACCESS

Access to Hilltop rd is via Kosciuszko rd, Kosciuszko is single lane dual directional rd. with a 100km speed limit the potential for rear end collisions and possible fatalities due to the nature of the road and the added risk factor of caravans is a personal concern. Also, if the campers are unable to walk to their sites from town, we would be concerned about the increased of drink drivers on the road into and from town.

AMENITIES

Our biggest concern is the access to water to facilitate the operation cleaning and sanitation of Ablution blocks /proposed ablution blocks to cater for up 1600 people on top of existing accommodation. T**his proposal does not** identify where it or how it intends to access to sufficient water for the cleaning sanitising and servicing showers toilets urinals and basins nor does it identify the considerable need and amount of water the proposal would require to service the cooking drinking and ancillary use of water to searches unto 400 sites / 1600 people.

Has a water survey of the property been completed to identify what will be the impact on the surrounding families that live in the local area?

What are the dangers of polluting the fragile water service of the area and delicate ecosystem.

WASTE MANAGEMENT

As a local resident I know that the is area is subjected regularly to winds in access of 100 KMH in his proposed area there is no wind protection. the safety of campers from flying pieces of camping equipment must be considered.

I am concerned of the impact on the environment of the danger of camping parts and equipment that would be caused to local area and animals from flying rubbish and and camping equipment

Human waste: I am concerned that the existing sewage system has the capacity to deal with an extra initially 75 to 100 (a possible 400 people) and concerned the

damage that may be caused to local water supplies of as the waste water returned to the ground of initial 100 sites to a possible 400 people and what the water will do to local water supplies as the earth doesn't have the ability to filter such capacity of pollutants.

The rubbish and unwanted equipment left behind\ blown to and exposed to the local environment due to to high winds and lack of fencing which cannot be planned for.will expose the local current local area to pollution.

BEHAVIOUR MANAGEMENT

With the addition of the proposed 400 sites this potentially would mean upto 1600 people put into an area with little protection for the extreme weather conditions cold wind and sun it is not unreasonable to assume campers would be interested in exploring the local area. As the JER is surrounded by private property and the fact the resort is very poorly fenced. This proposal identifies no measures to keep the campers within the bounds of the resort and away from private property.

Noise pollution cannot be managed sufficiently to maintain the current noise levels enjoyed by local residents and will impact us adversely with campers coming and going at irregular time and noises created by vehicle and chatter of people in open areas as well as music and chatter would adversely impact on our environment.

The very short time afforded to us has not yet allowed us to discuss these plans with the Land and Environment council but we intend to do so.

The introduction of up to 1600 people to such an area would have impacts on our experience and enjoyment of the area such as noise disturbance as well as other undesirable elements as expected with the development by the identified need for the 3 strike system for troublemakers. We would be deeply concerned that even one or two strikes might be enough to cause us significant stress. One strike would be one strike too many for us if our home were broken into while we were away from it - or even in it. We would expect the camp population would be largely made up of young more transient people from further afield who may not behave as responsibly as older residents or families with children. We worry that other longer term caravan sites would be made up of people who would otherwise be homeless because of anti-social reasons without resources such as police nearby. We have significant concerns that a seasonal campsite to cater for populations in Winter would quickly/easily become an all-year round situation.

For what it's worth, when we discussed the DA with our two primary school children, they could immediately identify many of the concerns listed above without us even having to prime them. They were both immediately quite distressed at the proposal. They added that they were concerned their enjoyment of star gazing and enjoying the extraordinary night skies visible from our paddock would be compromised by light pollution from a campsite/caravan park.

IN CONCLUSION:

We fervently do NOT believe that the JE Resort has the ability and infrastructure to safely and environmentally manage and orchestrate the proposed DA for the up and coming ski season - or beyond - and that this proposal would **significantly** negatively impact all the local residents as well as the wider Jindabyne community.

Submission: 22

Sophie Ballinger

[redacted]

Sent: Wednesday, 26 May 2021 12:06 PM
To: Snowy Monaro Regional Council Planning
Subject: DA Reference 2143388 Temporary Caravan Park and Campground - URGENT OBJECTION

Sophie Ballinger
Coordinator Development
Snowy Monaro Regional Council

DA Reference 2143388 Temporary Caravan Park and Campground – OBJECTION

[redacted]

I refer to the above DA on exhibition and I **OBJECT** to the proposal development.

I have major concerns on so many levels. The proposal neglects to describe the impact on existing guests of the business, the environment, lack of infrastructure and impact to our community.

My information comes first hand as I have previously managed JE Resort and know what infrastructure they have in place and now am a licenced real estate property manager who has dealt with winter seasonal rentals for the last 4 years.

I am in contact with staff and others who require 16 week seasonal rental on a daily basis and know who is looking for accommodation, types of accommodation available and reasons why some are not successful at gaining accommodation in the area. I do not believe council has taken in all information into account before trying to find a solution to lack of staff accommodation. Being a property manager I want to be able to help as many persons find accommodation at all times as well as helping the owners of rental properties find suitable tenants. Every visitor to our area has the right to feel safe when they visit and have a positive experience in the Snowy Mountains area.

I do not want to see local businesses suffer because of the lack of staff accommodation. I believe this submission is not in the best interest for the community, visitors, staff or businesses and will only be of benefit to JE Resort in increasing their revenue without being able to service guests or staff.

I do hope that you find the time to look at each of the below points when considering the application.

This DA application should be rejected.

Please consider the following when assessing this application:

1. LOCATION – JE Resort is located at an elevation of 1200m and can regularly get snow falls and very high winds across the sites proposed for camping or vans. I have witnessed horse floats being literally blown away at times. At least sites in town are approximately at 800m and offer some protection from the elements. The visual impact of this camping would not be advantageous to the surroundings.
2. STAFF ACCOMODATION – Staff looking for accommodation are usually between the ages of 18 and 25 years. They do not own caravans, vans and from what I have learnt local businesses who want staff accommodation are not willing to put their hands up to hire vans for them. Last year I received a lot of applications for accommodation from persons without jobs on the mountain that were living on 'job seeker' or 'job keeper' payments and just wanted to ride in the mountains – I would think that a lot of these type of people were the persons camping at the 'clay pits' and only a small amount of persons were actually staff – certainly not enough for 75 sites (let alone 400 sites). JE Resort would not be offering 'free camping' as an alternative – they would be charging each individual I sure.

3. ADDITIONAL CAMPING FOR THE PUBLIC – what about the 2 caravan parks in the area already – would this hurt their businesses that have been running for many years.
4. INFRASTRUCTURE AT THE RESORT – The infrastructure and its location within the JE Resort is already stretched for their guests in room and lodge style accommodation and will not be able to cope with the number of campers proposed (75 or 400!!!!).

WATER – there are only 2 storage tanks at the top of the hill and current business uses most of this. These tanks are then additionally filled from a bore which is from an aquafir that runs along Kosciusko Road. 75 to 400 campers would affect the level of the water of this aquafir and therefore affect the availability of water to neighbouring properties.
SEWAGE – the majority of sewage goes to solar ponds at the top of the hill – don't know how many years its been since this system has been upgraded or looked at – another environmental worry. This water is also used for fire fighting in the case of an emergency.
ACTUAL FACILITIES to be used by Campers and Current Business – I have looked at the proposed sites for initial 75 sites – these sites are located between 100m and 300m to the closest building with toilet and shower facilities (the centre building) – This building only has 6 male and 6 female toilets and 4 showers for approx. min of 150 persons and would be used mostly in the evening when persons come home from a day up the mountain – too many for a small space of time.
HOT WATER – Hot water is provided by 2 boilers (one in the Lodge building and one in the Centre Building). From my experience this does not sufficiently service existing guests at the resort – campers will be without hot water the majority of the time.
WASTE – There is no provision for waste removal. The Resort uses a couple of industrial bins and have these emptied occasionally. Normal garbage bins blow away in the wind and all neighbours will have all sorts of rubbish blowing their way.
POWER – Are powered sites to code – sites currently use one box with different powerpoints in them near the dam or along stable stalls as per Site 1. – no subboards or such.
LAUNDRY – there is no laundry available at JE Resort – if occupants are staff for local businesses they need to be able to wash uniforms etc.
COVID MANAGEMENT – Close contact between campers and use of facilities are a huge risk to the whole local and national population.
MANAGEMENT OF SITES – The Resort does not have 24 hour checkin or defined areas where sites are or to be booked – anyone could rock up and camp anywhere.

5. SAFETY – Safety of all visitors to our area should be important to council. JE Resort has insufficient lighting – campers would be trekking a minimum of 100 or so metres to use a toilet in the dark – not safe on so many levels! My guess is that they will squat outside their van etc and there will be human waste all over the place. The same as occurred at the claypits despite public toilets being nearby. Possible fire risk from campfires in windy conditions etc. Covid management would not be able to be inforced. The fact that the premises has a licence for alcohol worries me with the bad behaviour and possible violence that comes along with it, persons drink driving and increased.

Please do not hesitate to contact me if you need to clarify any information or wish to discuss possible solutions to the accommodation issues.



26-05-2021

Submission: 23

Sophie Ballinger
Coordinator Development
Snowy Monaro Regional Council

Re DA reference 21/43388-Temporary Caravan Park and Campground - Ancillary to existing accommodation. – Submission to Object the DA 010.2021.00000148.001

To Sophie Ballinger & Fellow Councillors

[redacted] we are making this submission to strongly oppose the Development Application Record Number 21/43388 on the following grounds

Firstly we would like to request that an extension be granted past 27th May 2021 to allow for a proper community consultation. We were not notified of this DA, and as far as we are aware, nor were other neighbors on Avonside Road. I believe more time should be allowed for the residents of the area to be given time to respond to this development seeing they will be impacted by it.

We both have big concerns with the proposed development and **strongly oppose** the short term approval of 75 sites for this winter & further DA for up to 400 sites.

If the 75 is allowed to go ahead, it opens the door for expansion which would largely impact local residents, traffic, wildlife, and safety of visitors to the Snowy Mountains.

It also has to be noted that there is nothing on the DA to advise how many people are allowed per site.

- **Location & Roads** - The location of the proposed site is remote & over 20km away from facilities such as shops, entertainment (pubs and clubs) emergency personnel (police & ambulance), medical facilities etc. Seasonal workers are attracted to the area for the snow & the entertainment and as there is no public transport available, all campers will be travelling to & from the site daily to go to work or seek entertainment. Keeping in mind that the area around the proposed site is a 100km/hr zone & there are no slip lanes for cars/caravans to turn into Hilltop Road safely. Add all of that to the road hazards which come with the area (wildlife, icy roads, increased traffic etc) it can & will result in an increase of accidents on the roads. This all poses a massive risk to residents & visitors alike.
  In addition to the road safety, the site is located along a main road which is the gateway to the Snowy Mountains Region. Having this campsite right along the main road would be an eye sore for every visitor that comes here.

  Water Requirements - There is no town water available to the property, so (as stated ont eh DA) they would be relying on water tanks & then the bore as their backup water supply for drinking & waste management. The bore they will be using would be taking water from the same water tablelands which local residents rely on. If its pumped dry due to the increased demand, this will be detrimental to the local residents for both everyday use as well as in times of drought.

- **Behaviour Management** - The DA states that there would be a 3 strike system in place for bad behaviour, that curfews would be in place for music / generators and that illegal activities would result in the police being called. Every year the region is stretched to its limits having to call in police from outside areas to assist with the increase of visitors to Jindabyne. By having a large number of seasonal workers congregated in a location which is a decent distance from the police station it stretches the limits of the police force even further as they now have a larger area to police & control

- **Environmental Impacts** - The Jindabyne Equestrian Centre was not set up to be a camp ground. If this goes ahead, it will affect the vegetation and surrounds.

Most people in this area have chosen to live here due to its remote location & being away from the noise & commotion of town.

Having this camp site at the Equestrian centre would result in increased noise & traffic to the area. Plus, having a large number of seasonal workers congregated in one area with no entertainment available to them & far from police presence has the potential for vandalism, theft & anti social behaviour & will most certainly cause unrest among local residents.

It not only disrupts the lifestyle we have chosen but also affects essential things like road safety, water supply and accessibility to our homes.

The whole DA process seems to have been prepared quickly & without much thought or consultation as to how it would impact local residents & the environment. We understand that housing is an issue, we just think something like this is better suited closer to town where there are facilities to accommodate it all.

I trust you will take this submission into account when deciding on the outcome of this DA & look forward to hearing from you

As per the Guidelines we have also attached the Political Donations & Gifts Disclosure Statement (one for each of us).

[redacted]

03-06-2021

Sophie Ballinger
Coordinator Development
Snowy Monaro Regional Council

Re DA reference 21/43388-Temporary Caravan Park and Campground - Ancillary to existing accommodation. – Submission to Object the DA 010.2021.00000148.001

To Sophie Ballinger & Fellow Councillors

Thank you for responding to our submission which we submitted last week.

We acknowledge that the applicant has amended the application to reduce the number of sites to 75 with 2 people per site & be limited to the 2021 ski season only. To respond to the amended application, we would like to extend our original submission accordingly.

We would like it to be known that we **strongly oppose** the DA even with their amended application. For us, it's not about the number of sites or if it's just for one season. So whether it be 75 sites, 400 or even 2, we oppose.

Please refer to our previous submission (which we have attached for reference) , where we stated the below points

- There will be increased traffic in an already dangerous part of the road (ice, wildlife etc)
- They will be using water from the bore as backup - water that residents rely on
- The site is too far out of town - away from all amenities such as shops, pubs, restaurants, medical facilities
- The police force will have a larger area to patrol.
- It poses an increased risk of anti social behaviour to the area due to the site being remote & away from police presence
- The environmental impact.

As an addendum to the previous submission (this is not to replace the original one, more so to add to it), we would like to add that Key Issues within the application is not feasible.

The need for staff accommodation - Staff have accommodation available, it's just that they would much prefer to stay IN Jindabyne so they are closer to the entertainment, work & facilities etc.

Staff have been known to reject properties in East Jindabyne due to it being too far from town. So what we don't understand, is if a staff member rejects accommodation at East Jindabyne, why would they choose to camp further out of town? How do we know this??? Because we have worked with staff who did exactly that. Their complaints were lack of accommodation IN Jindabyne where they want to stay so they are close to the pub, not about lack of accommodation within the Snowy Mountains.

Be able to offer an alternative for people free camping around the lake

People camp around the lake (as well as other areas in town) because it is FREE and close to Jindabyne Town. Not because there isn't enough accommodation for them. Everyone wants to go to the snow, to ski, board & have fun. But it's not cheap. Lift prices, park passes, ski tube, food, etc.

If you visit the NSW Snowy Mountains there are a few things that you MUST have.

- Lift passes to ski
- Park pass or ski tube to get to the snow fields
- Food / drink

All of which you don't have a lot of control when it comes to the cost /expense.

But when it comes to accommodation, you can do that on the cheap! We have known of many people over the years who would come to the region & sleep in the back of their station wagon because they didn't want to miss out on the snow, but also couldn't afford the holiday rental prices.

Provide addition sites for caravan & camping to the public

Refer back to the reasons stated in our original objection.

If JE Resorts are looking at ways to boost business and/or make some money, why don't they look into hosting farmers markets once a month or the rodeo or sheep dog trials, Easter fairs etc? Something that wont impact the residents, water, environment so much, but at the same time provide an area where we can welcome visitors to the region.

How good would it be, that as you drive to Jindy for your holiday, you see sheep dog trials on your way in , or a farmers market with stalls of local produce. If you ask us, we would much rather see that, then some caravan park/camping ground on the side of a main road.

I trust you will take our initial submission as well as this one into account when deciding on the outcome of this DA & look forward to hearing from you



Submission: 24

Sophie Ballinger

[redacted]

Sent: Wednesday, 26 May 2021 1:57 PM
To: Records Snowy Monaro Regional Council
Subject: Written submission of objection to DA no. 10.2021.148.1

To: Sophie Ballinger
Co-ordinator Development

Re: Temporary Caravan Park and Camp Ground Ancillary to Existing Accommodation
Jindabyne Equestrian Resort / 2 Hilltop Rd, HILL TOP 2628
DA no. 10.2021.148.1

[redacted]

We hereby wish to formally object to the above proposed development on the following grounds:

- SITE LAYOUT: Whilst we understand that the existing DA for Jindabyne Equestrian Resort (JER) allows for in-house accommodation and up to 75 campsites in and around existing buildings and infrastructure, we most strongly oppose the proposed development of a 100 site (Site 8) campground in the paddock adjacent to Iron Pot Creek Rd (IPCR) and the suggestion that this could be increased in "100 site stages if required". This would negatively impact on the residents of IPCR in a number of ways, as what is now a private access road for residents would be overlooking the said campgrounds for up to half its length. We also note that the proponent intends to place portable shower blocks on Site 8 (and on any further sites) and we would be most concerned about the very real possibility of odours emanating from these shower blocks, and from the common soil waste dump that we assume would be on-site, affecting IPCR residents – no-one can guarantee that this won't happen.
- SITE ACCESS: Whilst we understand that the proponent has stated that all access will be off the existing entrance to JER, we would be worried about an increase in traffic on IPCR when campers inadvertently take the wrong access off Kosciusko Rd, which has already happened a number of times over the 14 years of our residency, when people have tried to access JER from IPCR.
- AMENITIES and WASTE MANAGEMENT : We seriously doubt that the ability of the existing amenities at JER has ever been tested to capacity (ie. All in-house accommodation plus 75 campsites) – in the last 14 years we have never seen that many people at JER at one time, and never for a sustained period of time – can Council guarantee that the existing JER onsite sewerage system will cope? If it doesn't, then the consequences to Kara Creek, which runs through the resort, would be dire. Whilst the proponent has covered the storage and removal of waste in the proposal, we would be most concerned about dispersal of rubbish and litter on to IPCR, especially when the Winter winds (up to 100kmh) blow.
- BEHAVIOUR MANAGEMENT: We note that the proponent has measures in place to manage bad behaviour and that noise curfews would be in place, however there is no guarantee that the privacy of IPCR residents, several of whom have boundaries adjoin JER, will be respected by all campers. The proponent fails to address the potential for campers to wander the grounds of JER and to trespass on to neighbouring properties. Nor does the proponent indicate the time at which the noise curfew will come into place – there can be no doubt that IPCR residents will be affected by noise in contrast to the tranquillity that they now enjoy.
- ENVIRONMENTAL IMPACTS: This proposal suggests a use of the JER land that is in complete contrast to the existing land use – what has been viewed for years as rural pasture land surrounding the resort buildings, occasionally used for rural events, will instead become a very crowded and busy campground, not screened from passing traffic or adjoining residents. The visual impacts of this proposal can only be described as appalling – a veritable eyesore. We notice that the proponent does not address the impact of the development on native wildlife, which currently frequent JER and use it as a wildlife corridor. Nor is the

issue of domestic pets addressed in the proposal and the impact that would have on native wildlife and on neighbouring residents.

- TRAFFIC IMPACT: There is no mention in the proposal of the effect of the significant increase in traffic at the intersection of Hilltop Rd and Kosciusko Rd that will result from 100 or more vehicles exiting JER every day, well above the existing volume of traffic from residents, and how that is to be managed.
- LACK OF CONSULTATION: We are appalled by the lack of proper consultation surrounding this proposed development and wonder why Council and the proponent did not call a public meeting with adjoining landowners to discuss the proposal – both Council and the proponent have been extremely disrespectful to those who are neighbours of JER and who have, over the years, been very supportive of the activities of JER.

CONCLUSION:

- Call a halt to this proposed development and convene a public meeting to address the impact of this proposal on landowners whose properties adjoin JER, or who may be affected by the proposal;
- Do not, under any circumstances, countenance the idea of development of Site 8 into a camping ground or further 100 site increments.

[redacted]

Submission: 25

Sophie Ballinger

[redacted]

Sent: Wednesday, 26 May 2021 2:20 PM
To: Records Snowy Monaro Regional Council
Subject: RE: Development Application Number. 10.2021.148.1
Attachments: DisclosureStatementwSignature.pdf

To the CEO Snowy Monaro Regional Council

We would like to make a formal objection and request an extension beyond 27th May 2021, to allow for more extensive and proper community consultation with regards to the DA for the Jindabyne Equestrian Resort proposed caravan park.
Development Application Number. 10.2021.148.1
https://masterview.snowymonaro.nsw.gov.au/Application/ApplicationDetails/010.2021.00000148.001/

[redacted] who live less than 1 kilometre from the boundary fence with Jindabyne Equestrian Resort, I were not notified of this development application nor were many other neighbours.

I would like to request an immediate halt to this DA proposal to ensure thorough community consultation is undertaken.

I would like to object on the following grounds: -

- Insufficient notification/lack of information provided to surrounding residents.
- Insufficient time given to residents to view/review the DA due to not being notified by SMRC.
- Up to 400 proposed sites (400 sites with up to 12 people per 65sqm site = 4800 people -over 35% larger than the population of Jindabyne!!).
- Jindabyne Equestrian Resort is not hooked up to town water and will rely on rainwater and bore water which has the potential to be disastrous during times of drought - we have seen many underwater tables pumped dry in this region...
- Effects on groundwater.
- Environmental impacts.
- Noise impacts.
- Traffic impacts.
- Lifestyle impacts.
- Highway safety.
- Negative/adverse visual impact.

We look forward to your reply.

[redacted]

Submission: 26

Sophie Ballinger

[redacted]

Sent: Thursday, 27 May 2021 7:05 AM
To: Snowy Monaro Regional Council Planning; Records Snowy Monaro Regional Council
Subject: Submission to DA 10.2021.148.001

Hello

Thank you for the opportunity to comment on DA 10.2021.148.001 for 2 & 8 Hilltop Road for a Temporary Caravan Park & Campground at JE Resort.

I have a property on Avonside Road. Avonside Road comes out onto Kosciuszko Road directly opposite the resort.

I fully recognise the shortage of accommodation in the area for this coming winter, in particular for staff working in the Jindabyne area and the ski areas. I thus agree that steps to ease this shortage are welcome.

It appears this DA has been hastily put together in order to be in place for a season only weeks away. I would be happy for a maximum of 75 sites to be offered for this season as the DA initially requests and which matches facilities already available on site. I believe any expansion beyond this would require much more detailed consideration including issues around facilities, impact on surrounding residents, sewage, traffic and safety, the environment.

I note the application is for Temporary Caravan & Camping Ground and in no way asks for the facility to be permanent. There is no indication on the application as to for what period the application is for. I assume Council will set a time limit on any approval?

The market will of course decide as to whether staff will wish to camp/stay at JE Resort given its location some distance from Jindabyne/ski areas and whatever charges JE Resort makes for accommodation.

Best regards

[redacted]

Submission: 27

Sophie Ballinger

[redacted]

Sent: Thursday, 27 May 2021 7:13 AM
To: Snowy Monaro Regional Council Planning
Subject: 10.2021.148.001 - Equestrian Center

Good Morning Planning,

I'd like my submission in support of the 75 site proposal for the equestrian center to be accepted.

While I support the project in its initial phase I do not support the expansion of an addition 400 sites without great in-depth community (Avonside included) consultation.

[redacted]

SNOWY MONARO REGIONAL COUNCIL

Development Application

made under the *Environmental Planning and Assessment Act 1979* Section 78A

Office Use Only	
DA Number	10.

PLEASE COMPLETE ALL SECTIONS

APPLICANT

Name/Company: JINDABYNE EQUESTRIAN CENTRE			Phone:
Contact Name (if Company): PETER MARCHANT			Fax:
Postal Address: PO BOX 1442 FYSHWICK			Mobile: 0414632285
Town: CANBERRA ACT	State: ACT	Postcode: 2609	Email: peter@monaropark.com.au

OWNER

Name/Company: PRISM ENTERPRISES PTY LTD			Phone:
Contact Name (if Company): PETER MARCHANT			Fax:
Postal Address: PO BOX 1442 FYSHWICK			Mobile: 0414632285
Town: ACT CANBERRA	State: ACT	Postcode: 2609	Email: peter@monaropark.com.a

Is the subject land Crown Land **NO** ☑ **YES** ☐ → Please attach Authority

OFFICE USE ONLY **NAR Numbers**

LAND TO BE DEVELOPED (Please attach additional sheet if inadequate space provided)

No: 2+14	Street: HILLTOP ROAD AVONSIDE			Town JINDABYNE EAST	
Lot: 8	Section:	DP/SP: 1245126	Lot:	Section:	DP/SP:
Lot: 12	Section:	DP/SP: 1245126	Lot:	Section:	DP/SP:

OFFICE USE ONLY **Parcel Numbers**

PROPOSED DEVELOPMENT

Description of development:
ADDING TO EXISTING ACCOMMODATION { CARAVANING + CAMPING; CARAVAN STORAGE; ADDITION OF TEMPORARY TOILET + SHOWER BLOCK

- ☐ Erect, alter or add to a building or structure
- ☐ Change the use of land or building (or classification under the BCA)
- ☐ Carry out a work
- ☐ Subdivide land or building
- ☐ Demolition
- ☐ Signage/Advertising
- ☐ Other (specify):

TYPE OF DEVELOPMENT (tick all that apply)

☐ Single dwelling	☐ Storage Shed	☑ Tourist
☐ Residential alterations/additions	☐ Garage	☐ Subdivision
☐ Multi-Unit	☐ Industrial	☐ Infrastructure
☐ Second Occupancy	☐ Commercial/Business	☐ Community/Education Facilities
☐ Seniors Living	☐ Retail	☐ Education Facility
☐ Other residential	☐ Office	☐ Event
☐ Mixed	☐ Food Premises	☐ Other

COST (including materials and labour)

This is the estimated total cost of any construction, internal fit-out and demolition, including GST and labour. Council checks your estimate against current building cost indices. Developments with no construction work such as subdivisions or change of uses have a separate standard fee and no estimated cost is required.

COST (including materials and labour) : $

STAGED DEVELOPMENT	
Are you lodging a Staged Development Application?	☐ YES ☐ NO
Section 83B of the *Environmental Planning and Assessment Act 1979* defines a staged Development Application (DA) as one which sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent DAs. The application may set out detailed proposals for the first stage of development.	

INTEGRATED DEVELOPMENT (Approvals from State Agencies)		
Is this application for Integrated Development? ☐ YES ☐ NO Please tick which other approvals are required. If yes Council requires an additional set of plans, a Statement of Environmental Effects (SEE) and a fee for each relevant government agency. Please check with Council for current applicable fee.		
Roads Act 1993 ☐ s138	*Heritage Act 1977* ☐ s58	*National Parks and Wildlife Act 1974* ☐ s90
Rural Fires Act 1997 ☐ s100B	*Protection of the Environment Operations Act 1997* ☐ s43(a) ☐ s43(b) ☐ s43(d) ☐ s47 ☐ s48 ☐ s55 ☐ s122	
Petroleum (on shore) Act 1991 ☐ s9		
Fisheries Management Act 1994 ☐ s144 ☐ s201 ☐ s205 ☐ s219	*Water Management Act 2000* ☐ s89 ☐ s90 ☐ s91	
Mine Subsidence Compensation Act 1961 ☐ s15	*Mining Act 1992* ☐ s63 ☐ s64	
Integrated Development is defined by the Environmental Planning and Assessment Act 1979 as development which needs a Development Consent and one or more additional approvals under the Acts mentioned above in order to be legally carried out. Further explanatory notes are available from Council on request.		

IS/DOES THE PROPOSED DEVELOPMENT:	YES	NO
Designated Development ⅄?	☐	☑
Likely to significantly affect a threatened species, population or ecological community, or it's habitat?	☐	☑
Involve the use of or work on a Crown Road Reserve or other land owned by the Crown?	☐	☑
Development by the Crown? (Part 5A of the Act applies to development by the Crown)	☐	☑
On land which is also subject to a Property Vegetation Plan under the *Native Vegetation Act 2003*?	☐	☑
Development which requires a Site Compatibility Certificate from the Department of Planning prior to lodgement in accordance with *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy (Housing for seniors or people with a disability) 2004*, or any other State Environmental Planning Policy?	☐	☑
Development which requires a BASIX Certificate?	☐	☑
Involve land which has easements or restrictions on the Title? (If yes, please specify the nature of these easements or restrictions in your Statement of Environmental Effects)	☐	☑
Likely to affect a threatened species, population or ecological community protected under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*?	☐	☑
Require an approval under Section 68 of the *Local Government Act 1993* for any of the activities listed on the next page?	☐	☑
Biodiversity compliant development❖? If yes, please specify the reason in your Statement of Environmental Effects	☐	☑
Require *Concurrence* ✧ from any authorities?		✓
Is the proposal *State significant development*? If *yes*, please provide (a) a list of authorisations and the applicable Act, (b) the capital investment value of the development.	☐	☑
Is the land the subject of this application critical habitat?	☐	☑

APPROVALS UNDER SECTION 68 – LOCAL GOVERNMENT ACT, 1993

Do you wish to carry out any S68 activities (listed below) ☐ NO ☐ YES – Complete details below

If you wish to carry out one of the following activities, you need the approval of Council. Identify the activities you propose to carry out, and the relevant documents you need to include in your Application, by placing a cross in the appropriate boxes. Please include the relevant documents as detailed in the Section 68 Checklist with your Application. Note: Alternatively these can be applied for separately using 'Section 68 Application' form.

Under Section 78A of the *Environmental Planning and Assessment Act 1979* a person can apply to Council for both a development consent and a S68 Approval in the one Development Application. In determining the Development Application, Council may apply any of the provisions under the Local Government Act 1993 that it could apply if the Development Application were an application under that Act for the relevant approval. In particular, if the Development Consent is granted, Council may impose a condition that is authorised under that Act to be imposed as a condition of consent.

In granting a Development Consent in which a Section 68 approval is also contained, Council may, (without limiting any other condition in the Consent) impose in relation to the approval taken to have been granted under Section 68, either or both of the following conditions:

(a) A condition that the approval is granted only to the applicant and does not attach to or run with the land to which it applies.

(b) A condition that the approval is granted for specific time.

A Structures

☐ A1 Installing a manufactured home, moveable dwelling or associated structure on land.

B Water supply, wastewater and stormwater drainage work

☐ B1 Carrying out water supply work.
Please choose:
☐ Install/alter private⅄ water system
☐ Install/alter public infrastructure
☐ Other: _____

☐ B2 Draw water from a Council water supply or a standpipe or sell water so drawn.

☐ B3 Install, alter, disconnect or remove a meter connected to a service pipe.
☐ Establish new water service/meter connection
☐ Other: _____

☐ B4 Carry out wastewater drainage work.
☐ Establish new wastewater consumer service
☐ Install/alter internal wastewater drainage
☐ Other: _____

☐ B5 Carry out stormwater drainage work.

☐ B6 Connect a private drain or wastewater drain with a public drain or wastewater drain under the control of a Council or with a drain or sewer which connects with such a public drain or wastewater drain.

C Management of waste

☐ C1 For fee or reward, transport waste over or under a public place.

☐ C2 Place waste in a public place.

☐ C3 Place a waste storage container in a public place.

☐ C4 Dispose of waste into a wastewater drain of the council.

☐ C5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility. (eg Install Septic System, AWTS etc)
Please choose:
☐ Aerated Waste Treatment System (AWTS)
☐ Dry Composting System
☐ Septic Tank
☐ Wet Composting System
☐ Other: _____

☐ C6 Operate a system of wastewater management (within the meaning of Section 68A).

D Community Land

☐ D1 Engage in a trade or business.

☐ D2 Direct or procure a theatrical, musical or other entertainment for the public.

☐ D3 Construct a temporary enclosure for the purpose of entertainment.

☐ D4 For fee or reward, play a musical instrument or sing.

☐ D5 Set up, operate or use loudspeaker or sound amplifying device.

☐ D6 Deliver a public address or hold a religious service or public meeting.

E Public roads

☐ E1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.

☐ E2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

F Other activities

☐ F1 Operate a public car park. ✧

☐ F2 Operate a caravan park or camping ground.

☐ F3 Operate a manufactured home estate.

☐ F4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance.

☐ F5 Install or operate amusement devices (within the mean of the Construction Safety Act 1912).

☐ F6 Use a standing vehicle or any article for the purpose of selling any article in a public place.

☐ F7 Carry out an activity prescribed by the regulations or an activity of a class or description by the regulations.

Note:

⅄ *Private* means work/infrastructure that will be the responsibility of landowners, usually all development from the water meter or sewer tapping point, back to the dwelling/building.

✧ *Public* means work/infrastructure that will be handed over for the responsibility of Council, eg, Council mains work/extensions etc.

REQUIRED ATTACHMENTS

- ☐ 1 copy of the relevant Council checklist/s applying to the proposed development.
- ☐ All plans/reports/documentation required by the above checklist.
- ☐ 1 copy of directional map/details to the site for remote rural properties.

POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT [Sec 147(4) EP&A Act]

Have you or any person with a financial interest in this development application made a political donation or gift within the last 2 years?

☑ No ☐ Yes – please complete and attach a Political Donations and Gifts Disclosure Statement (available from Council's website).

Please sign below for both Yes & No responses

Applicants Signature	Name	Date
[redacted]	PETER MARCHAM	10/MAY/21

CONSENT OF ALL OWNERS

All owners must sign this application form or provide written authority for the lodgement of the application.

Note: Company Ownership

In the case of a company ownership, in accordance in s127 of the *Corporations Act 2001*, please state in the signature/name area the authority of each signatory (Director/Secretary etc) (eg *as Director of ABC Holdings Pty Ltd)* OR attach further documentation as required.

☐ Owners consent attached OR ↓

As the owner/s of the above property described in this application I/we consent to its lodgement. I/we hereby permit any duly authorised officer of Snowy Monaro Regional Council to enter the land or premises to carry out inspections and surveys or take measurements or photographs as required for the administration the Act(s), Regulations, or Planning Instruments. We advise that as landowners we are not aware of any known hazards that may be of harm to officers visiting the site.

Signature	Name	Date
[redacted]	PETER MARCHAM	10/5/21
Signature	Name	Date

DECLARATION AND SIGNATURE OF APPLICANT

I/we the undersigned hereby apply for approval of the development proposal as described and as per the plans and specifications and documents accompanying the Application. I/we undertake to develop in accordance with any approval granted by Council and conform with the provisions of the relevant Act(s), Regulations, codes and the Local Environmental Plan. I/we further undertake to pay any fee or charge assessed by Council in connection with development and indemnify Snowy Monaro Regional Council against all claims arising from negligence (or otherwise) resulting from work carried out in connection with the development within the road reserve.

Signature	Name	Date
[redacted]	PETER MARCHAM	10/5/21
Signature	Name	Date

SITE WORKS MUST NOT COMMENCE WITHOUT COUNCIL APPROVAL
Construction materials purchased/work done/arrangements made prior to consent are at the owner/applicants' risk.

▲ Designated Developments are listed in Schedule 3 of the *Environmental Planning and Assessment Regulations 2000*. Special procedures apply to the notification and assessment of Designated Development under the Act)

✧ Development that requires *Concurrence* is listed in 79B of the Environmental Planning and Assessment Act 1979.

❖ ***biodiversity compliant development*** *means:*

(a) *development proposed to be carried out on biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995, or*

(b) *development in respect of which a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995, or*

(c) *development to which the biodiversity certification conferred by Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 applies, or*

(d) *development for which development consent is required under a biodiversity certified EPI (within the meaning of Part 8 of Schedule 7 to the Threatened Species Conservation Act 1995).*

9.1.1 DELEGATE WATER TREATMENT PLANT RESERVOIR & PUMP STATION - ACQUISITION OF PART LOT 1 DP 348134 DELEGATE - ACQUISITION OF EASEMENTS - APPLICATION FOR CROWN LICENCE

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Property Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.1 Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations
Delivery Program Objectives:	1.1.2 Water and Sewer Services meet legislative and quality requirements
Attachments:	1. Map of Area at Delegate for Part Acquisition and Easements 2. Map Showing Area Required for Acquisition
Cost Centre	WO 347 – Delegate & Bombala Water Treatment Plant Upgrade

EXECUTIVE SUMMARY

This report seeks Council approval to formalise the relevant raw water pipeline easement over and within Lot 2 DP 1015012 and Lot 8 DP 1167423 from the raw water intake pump station situated on the Delegate River to the existing raw water reservoir. Along with securing ownership of the relevant land for the Delegate water treatment plant, and two reservoirs (one existing), being part of Lot 1 DP 348134. The report also encompasses a request for a Crown Licence for the raw water intake pump station located on Crown land at Delegate River.

The raw water intake pump station is set for future upgrades and these upgrades are in the planning stage with community consultation to take place. It was during this process that Council staff established that the parcel of land the infrastructure is located on is not under Council care and control. It is therefore necessary to subdivide and acquire part of this parcel of land (currently known as Lot 1 DP 348134) within Delegate. Discussions have been initiated with the current owners of the lot in question, Hume Forests, and they appear agreeable to this process in principle.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

A. Authorise the CEO to:
    i. Negotiate the purchase under private treaty of part of Lot 1 DP 348134 Delegate or, if required;
    ii. Proceed with the Compulsory Acquisition of the land described as part of Lot 1 DP

348134 Delegate and having an area of approximately 507m² for the purpose of water treatment plant, two reservoirs (one existing) in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.

   a. Make an application to the Minister and the Governor for approval to acquire part of Lot 1 DP 348134 Delegate, having an area of approximately 507m², by compulsory process under section 186(1) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act;

B. That the land being acquired within Lot 1 DP 348134, having an area of approximately 507m², is to be classified as operational land;
C. Application be made to the Minister for Local Government and the Governor to acquire easements for raw water pipeline purposes being 3 metres wide within (or over) Lot 2 DP 1015012 and Lot 8 DP 1167423 at Delegate by compulsory acquisition process in accordance with Council's power under Section 186(1) of the Local Government Act 1993 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
D. Application be made for a Licence from Department of Planning, Industry & Environment, Crown Lands for purpose of town water supply infrastructure on the Delegate River adjacent to Lot 8 DP 1167423;
E. Authorise the CEO to sign any documentation required for the acquisition processes defined.

BACKGROUND

Snowy Mountains Forests (Hume Forests) have been liaising with Council's Property Officer with regard to Council's intentions to acquire part of the land (Lot 1 DP 348134). Hume Forests have advised they have no objection to Council acquiring the required part of the area for the essential infrastructure. Council are preparing a Licence for the current infrastructure area with Hume Forest in order to ensure the upgrade can progress whilst the acquisition of the required land area proceeds.

The sites have been in operation for over 30 years and an upgrade will take place in the near future. The investigations for this upgrade revealed that there are no easements for the water pipeline established, along with the requirement for a Crown Licence for the pump station located on Delegate River.

In NSW, all levels of government can acquire privately owned land and some Crown land for public purposes. They may acquire the whole property, part of a property or an interest in the property including easements for power lines, sewer or water. The acquisition of land will be undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Just Terms is a statutory process for empowered authorities to acquire any interest in land for a public purpose.

Section 186 of the Local Government Act 1993 provides that council may acquire land (including an interest in land) for the purpose of exercising any of its functions. Section 187 of the Local Government Act 1993 states that if a council is using its powers under that Act to acquire land, the acquisition must occur in accordance with the Land Acquisition (Just Terms Compensation) Act

1991 (Just Terms). This Act is a statutory process for empowered authorities to acquire any interest in land for a public purpose.

Due to the complexity of this process and the positive outcomes delivered by Public Works Advisory Compulsory Acquisition (PWA) Team in the past, it would be proposed that PWA complete this process.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Upgrade of the current infrastructure is essential for the ongoing sustainability for the community. Council has recognised that community engagement is a high priority for projects taking place, the team will ensure that community engagement is implemented.

The water acquisition is critical to ensure that Council has legal ownership of the parcel of land for the town water supply and the upgrades, ongoing infrastructure maintenance and access.

2. Environmental

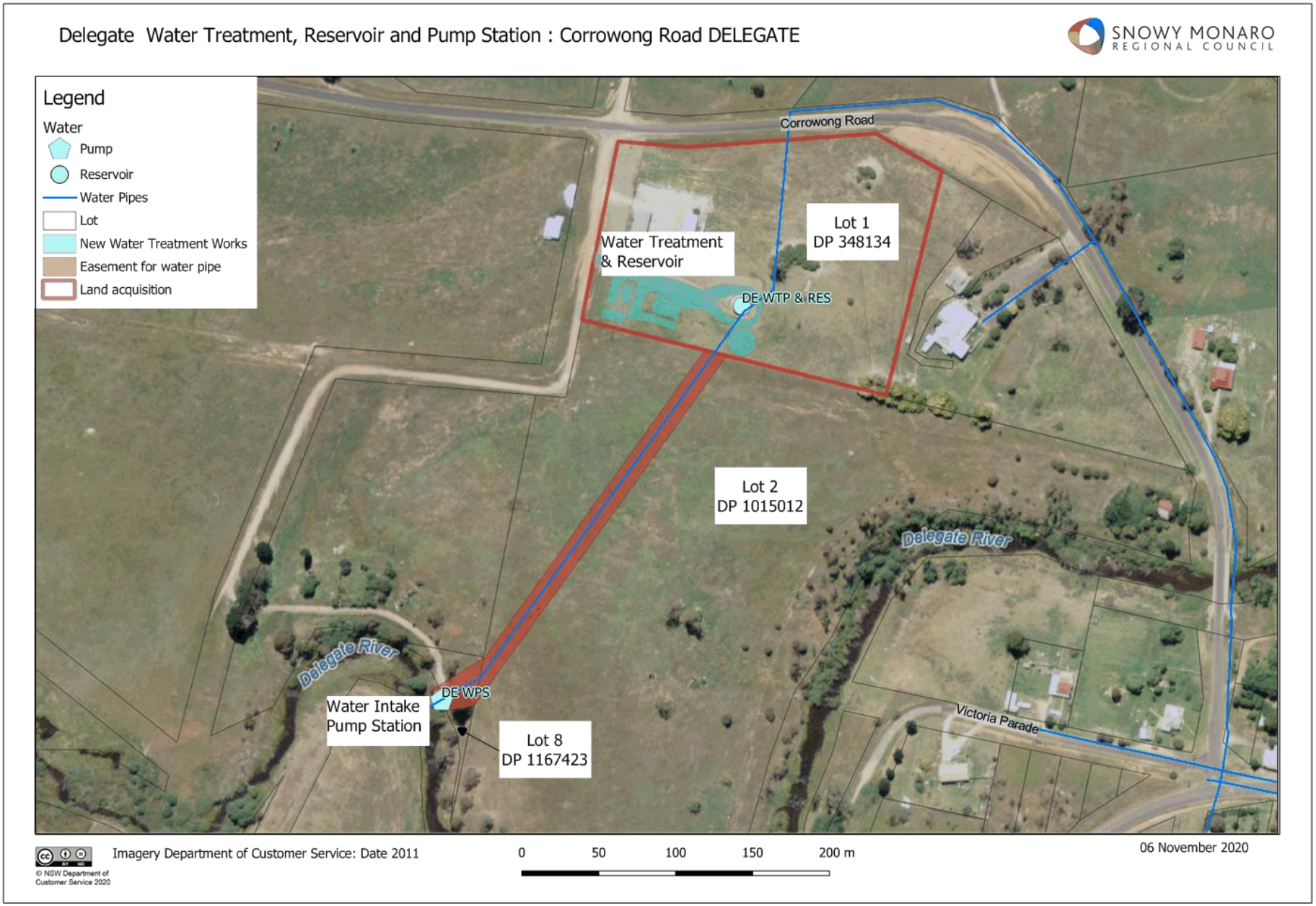
Any construction will entail a full Review of Environmental Factors (REF) and this undertaking will form part of the critical steps in the process.

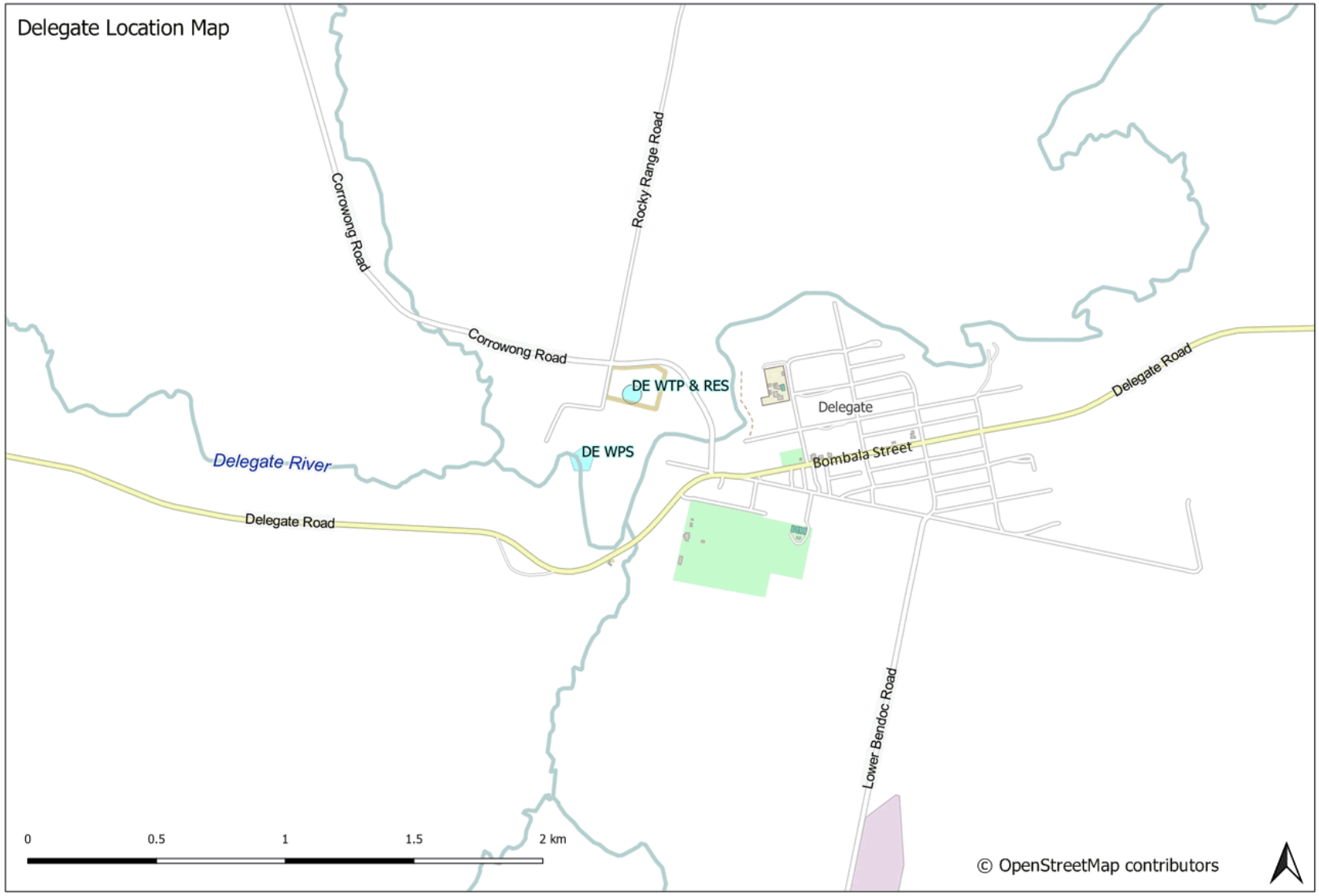
3. Economic

Costs will be incurred due to the acquisition process; fees and compensation will be required for the land. The amount of compensation shall be assessed by the Valuer General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. The full cost of the required acquisitions will not be known until the process is well progressed for the referenced site.

4. Civic Leadership

Delivery of this upgrade project, and the required acquisition, will facilitate Council's aim of delivering efficient, sustainable and high quality infrastructure and services for the community.


Delegate Water Treatment, Reservoir and Pump Station : Corrowong Road DELEGATE
SNOWY MONARO REGIONAL COUNCIL
Legend
Water
Pump
Reservoir
Water Pipes
Lot
New Water Treatment Works
Easement for water pipe
Land acquisition
Corrowong Road
Water Treatment & Reservoir
Lot 1 DP 348134
DE WTP & RES
Lot 2 DP 1015012
Delegate River
Delegate River
DE WPS
Water Intake Pump Station
Lot 8 DP 1167423
Victoria Parade
Imagery Department of Customer Service: Date 2011
© NSW Department of Customer Service 2020
0 50 100 150 200 m
06 November 2020


Delegate Location Map
Corrowong Road
Rocky Range Road
Corrowong Road
DE WTP & RES
Delegate
Delegate Road
DE WPS
Bombala Street
Delegate River
Delegate Road
Lower Bendoc Road
0
0.5
1
1.5
2 km
© OpenStreetMap contributors

Map showing outline of are required for acquisition of Lot 1 DP 3481347



9.1.2 MONTHLY FUNDS MANAGEMENT REPORT - MAY 2021

Record No:

Responsible Officer:	Chief Financial Officer
Author:	Finance Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action:	OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments:	
Cost Centre	Financial Services
Project	Funds Management
Further Operational Plan Actions:	OP7.2 Completion of reporting requirements in accordance with legislation.

EXECUTIVE SUMMARY

The following report details the funds management position for the reporting period ending 31 May 2021.

Cash and Investments are $75,327,341.

Certification

I, Nicholas Byrne, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2005, that investments as detailed in this report have been invested in accordance with Section 625 of the *Local Government Act 1993*, the Regulations and Council's Investment Policy.

OFFICER'S RECOMMENDATION

That Council:

A. Receive the report indicating Council's cash and investments position as at 31 May 2021; and

B. Receive the Certificate of the Responsible Accounting Officer.

BACKGROUND

Council's Cash and Investments 31 May 2021:

Cash at Bank	**$2,540,084**
Investments	**$72,787,257**

Total	**$75,327,341**

The cash at bank figure is not an indication of the long term available cash to fund the Council's operations, instead only what was held at that point in time to manage the short term cash flows. This report provides information on how the overall cash held is being managed.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Total Cash and Investments are available to provide services and infrastructure to the community in accordance with the 2021 budget, Council resolutions and other external restrictions.

2. Environmental

It is considered the recommendations contained herein will not have any environmental impacts.

3. Economic

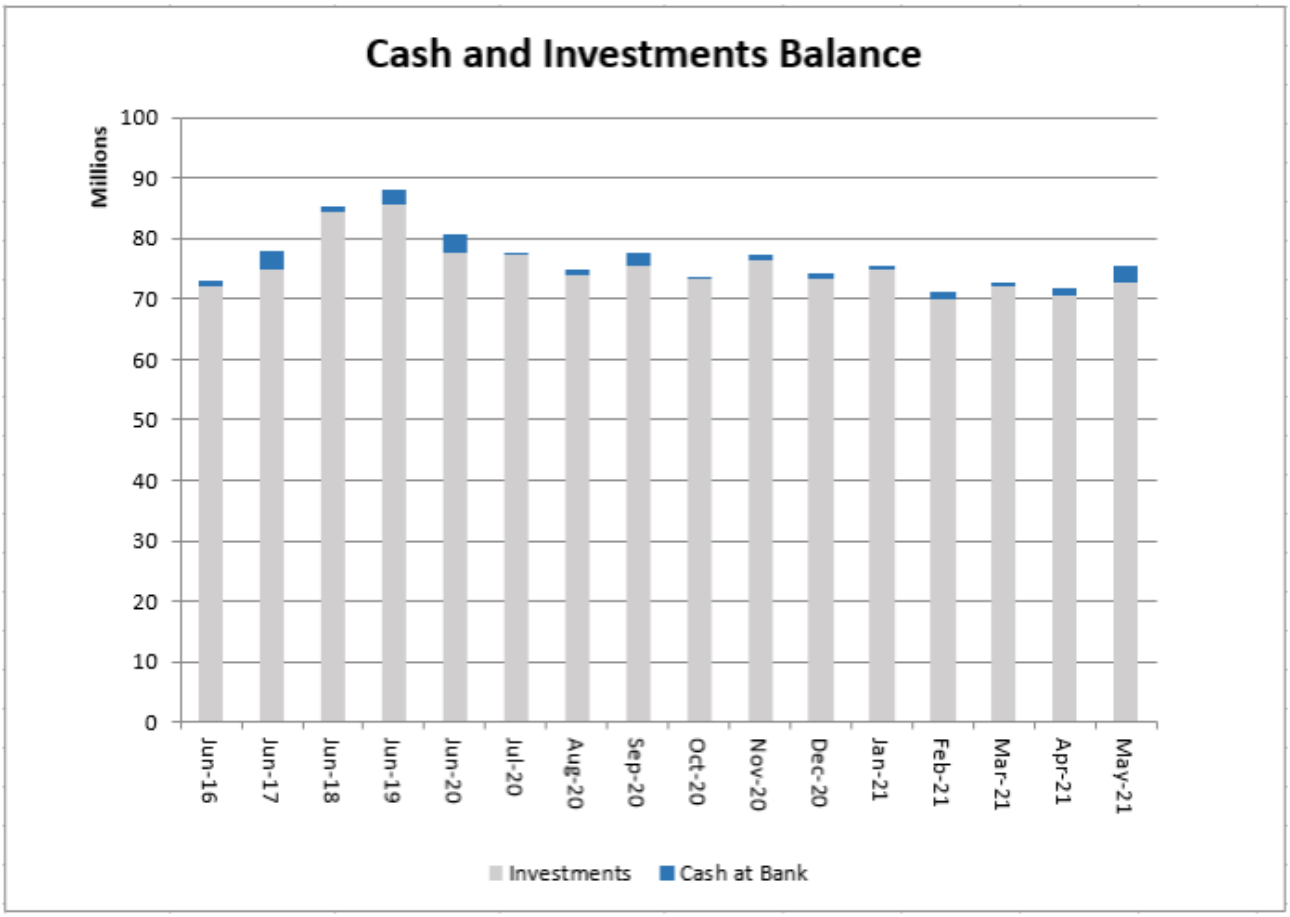
Total investments for Snowy Monaro Regional Council were $72,787,257 on 31 May 2021.

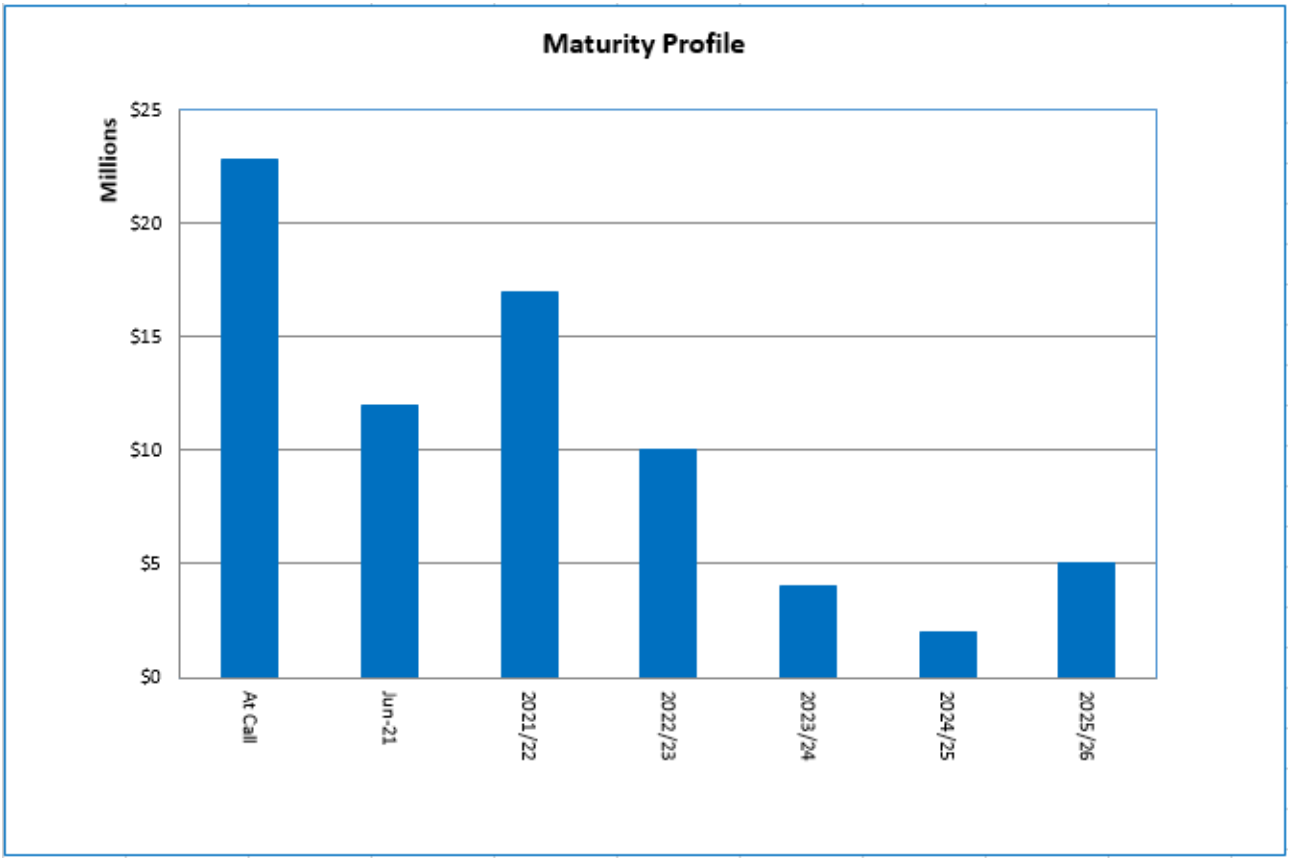
Investment Register – 31 May 2021:

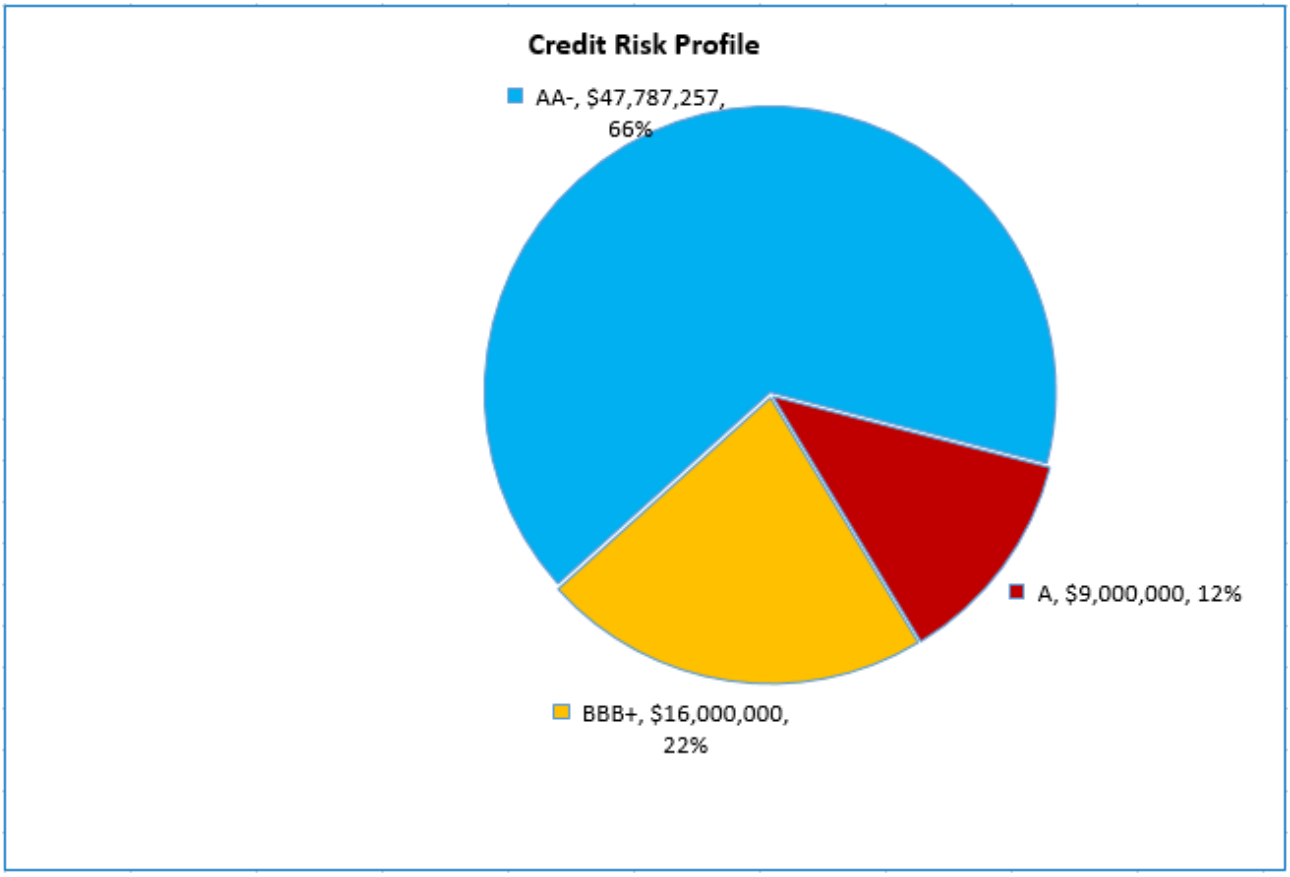
DATE INVESTED	FINANCIAL INSTITUTION	Short-Term Rating	Long-Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	National Australia Bank - At Call*	A1+	AA-	At Call	22,787,257	0.65%	At Call
23-Jun-16	Commonwealth Bank	A1+	AA-	TD	4,000,000	1.13%	23-Jun-21
26-Jun-17	Bank of Queensland	A2	BBB+	TD	4,000,000	3.30%	25-Jun-21
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	0.99%	29-Aug-22
15-Sep-17	Westpac Bank	A1+	AA-	TD	1,000,000	0.94%	15-Sep-21
29-Jun-18	National Australia Bank	A1+	AA-	TD	4,000,000	0.93%	29-Jun-23
11-Sep-18	RaboDirect	A1	A	TD	2,000,000	3.33%	08-Sep-23
17-Dec-18	Rabobank Australia	A1	A	TD	2,000,000	3.15%	16-Dec-22
27-Aug-19	ING Bank	A1	A	TD	3,000,000	1.44%	31-Aug-21
17-Sep-19	Bank of Queensland	A2	BBB+	TD	1,000,000	1.85%	19-Sep-23
23-Oct-19	Bank of Queensland	A2	BBB+	TD	1,000,000	1.80%	23-Oct-23
03-Dec-19	Australian Military Bank	A2	BBB+	TD	1,000,000	1.72%	02-Dec-21
12-Mar-20	Rural Bank Limited	A2	BBB+	TD	4,000,000	1.20%	17-Mar-22
17-Mar-20	ING Bank	A1	A	TD	1,000,000	1.63%	17-Mar-25
20-Mar-20	Bank of Queensland	A2	BBB+	TD	1,000,000	1.85%	19-Mar-25
22-Jun-20	National Australia Bank	A1+	AA-	TD	4,000,000	0.95%	22-Jun-22
25-Jun-20	Bendigo and Adelaide Bank	A2	BBB+	TD	4,000,000	0.75%	29-Jun-21
09-Sep-20	National Australia Bank	A1+	AA-	TD	3,000,000	0.75%	09-Sep-21
27-Jan-21	National Australia Bank	A1+	AA-	TD	5,000,000	0.80%	27-Jan-26
05-Mar-21	ING Bank	A1	A	TD	1,000,000	0.30%	04-Mar-22
					72,787,257		

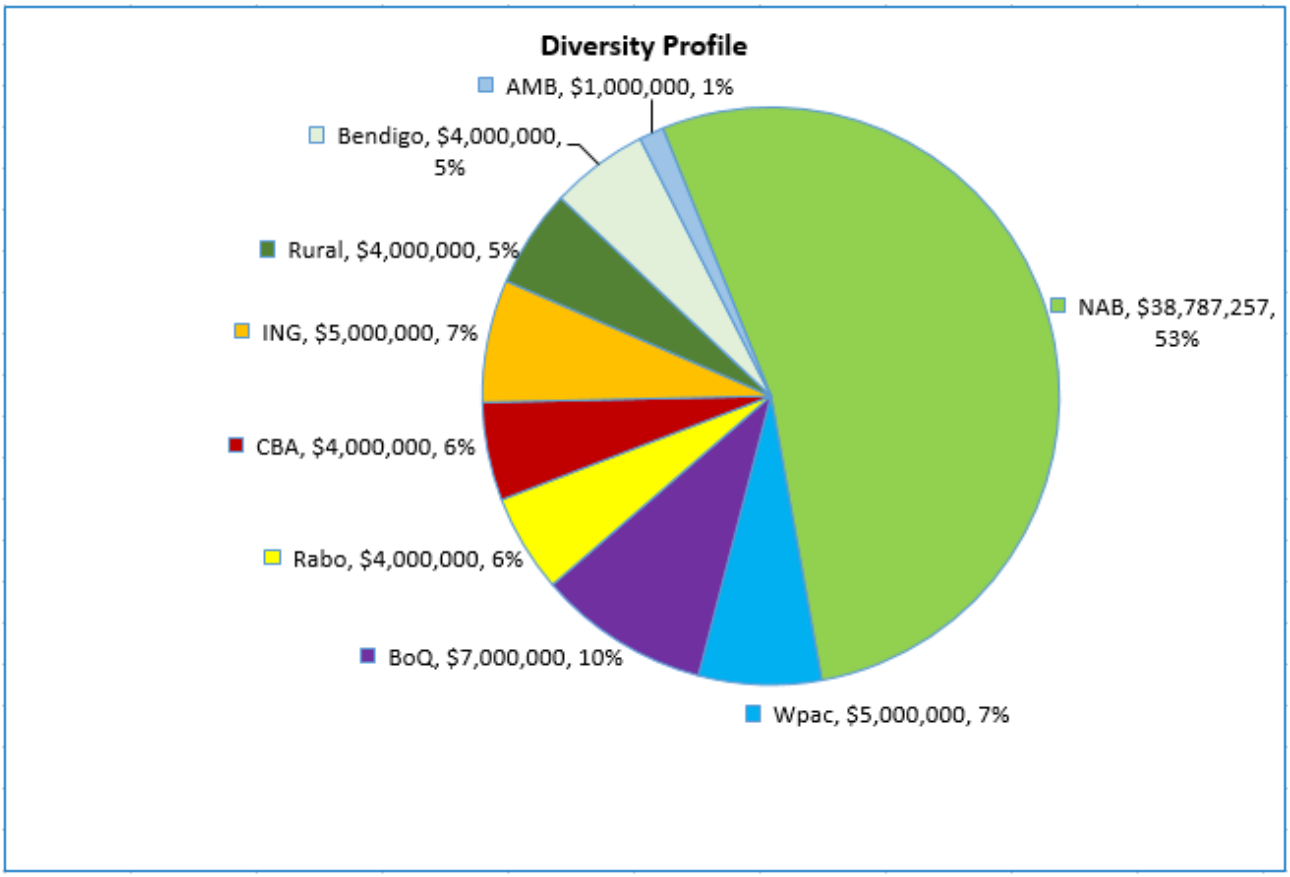
*National Australia Bank - At Call with the added loyalty bonus of 0.60% p.a. is generally higher than short to medium term deposits currently on offer.

Cash and Investments Charts:




Maturity Profile
Millions
$25
$20
$15
$10
$5
$0
At Call
Jun-21
2021/22
2022/23
2023/24
2024/25
2025/26


Credit Risk Profile
AA-, $47,787,257, 66%
A, $9,000,000, 12%
BBB+, $16,000,000, 22%



Investment Portfolio Return:

Benchmarking is used by Council as a gauge for the performance of its portfolio against its investing universe (*universe:* securities sharing a common feature – liquidity, return patterns, risks and ways to invest). A suitable benchmark to review the return on Council's portfolio is the Bank Bill Swap Rate (BBSW), or Bank Bill Swap Reference Rate – a short-term interest rate used as a benchmark for the pricing of Australian dollar derivatives and securities – most notably floating rate bonds.

Month	YTD Annualised Return	Monthly Average Interest Return	90 Day Bank Bill*	Margin
May	1.29%	1.10%	0.04%	1.06%
April	1.31%	1.14%	0.04%	1.10%
March	1.33%	1.19%	0.04%	1.16%
February	1.35%	1.24%	0.02%	1.23%
January	1.35%	1.19%	0.01%	1.18%
December	1.38%	1.23%	0.01%	1.22%
November	1.41%	1.31%	0.02%	1.29%
October	1.44%	1.37%	0.06%	1.31%
September	1.46%	1.29%	0.09%	1.20%
August	1.55%	1.47%	0.09%	1.38%
July (2020)	1.62%	1.62%	0.10%	1.52%

The Australian Financial Market Association (AFMA)

Understanding Ratings:

Credit ratings are one tool used by Council when making decisions about purchasing fixed income investments. Credit ratings are opinions about credit risk.

Standard & Poor's ('S&P') is considered one of the Big Three credit-rating agencies, which also include Moody's Investors Service and Fitch Ratings. S&P publishes financial research and analysis on stocks, bonds and commodities. S&P is known for its stock market indices such as the U.S. based S&P 500, the Canadian S&P/TSX, and the Australian S&P/ASX 200. S&P ratings express their opinion about the ability and willingness of an issuer, such as a corporation, to meet its financial obligations in full and on time. Credit ratings are not absolute measure of default probability. Since there are future events and developments that cannot be foreseen, the assignment of credit ratings is not an exact science.

Credit ratings are not intended as guarantees of credit quality or as exact measures of the probability that a particular issuer will default. S&P issues both short-term and long-term credit ratings. Below is a partial list based, on Council's Investment Register.

Short-term credit ratings (term less than 1 year)

S&P rates the issuer on a scale from A1 to D. Within the A1 category it can be designated with a plus sign (+). This indicates that the issuer's commitment to meet its obligation is very strong.

A1: obligor's (*a person or corporation who owes or undertakes an obligation to another by contract or other legal procedure*) capacity to meet its financial commitment on the obligation is strong.

A2: is susceptible to adverse economic conditions however the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

Long-term credit ratings (term greater than 1 year)

S&P rates the issuer on a scale from AAA to D. Intermediate ratings are offered at each level between AA and CCC (for example; BBB+, BBB).

AA: has very strong capacity to meet its financial commitments. It differs from the highest-rated obligors (rated AAA) only to small degree. Includes AA-.

A: has strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in higher-rated categories.

BBB: has adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitments.

Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

Source: S&P Global Ratings

4. Civic Leadership

In accordance with Regulation 212 of the Local Government (General) Regulation 2005, a report setting out details of money invested must be presented to Council in the following month.

Council's Fund Management Reporting exceeds minimum regulatory requirements and demonstrates a commitment to accountability and transparent leadership. It provides the Council, Executive and Community with timely, accurate and relevant reports on which to base decisions.

9.1.3 DRAFT MINUTES - COMMUNITY SERVICES ADVISORY COMMITTEE - 1 MARCH 2021 AND 7 JUNE 2021

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Executive Assistant (Strategy)
Attachments:	1. Draft Notes - Community Services Advisory Committee 1 March 2021
	2. Draft Minutes - Community Services Advisory Committee 7 June 2021

EXECUTIVE SUMMARY

The Community Services Advisory Committee met on 1 March 2021 and 7 June 2021 in Cooma and via Zoom. The Draft Notes and Minutes are presented for Council's information.

Note: the meeting held on 1 March 2021 did not have a quorum. The Draft Notes were presented to the Community Services Advisory Committee meeting held on 7 June 2021 for adoption.

COMMITTEE RECOMMENDATION

That Council:

A. receive and note the Draft Notes of the Community Services Advisory Committee meeting held on 1 March 2021 and the Draft Minutes of the Community Services Advisory Committee meeting held on 7 June 2021.

B. endorse the Community Services Advisory Committee nomination of Mr Kevin Dunne and Ms Joanne Jeanes (as an alternate) to participate in the Expression of Interest (EOI) and Request for Proposal (RFP) evaluation for a new operator of residential aged care facilities.

SNOWY MONARO REGIONAL COUNCIL

Notes

Community Services Advisory Committee Meeting

1 March 2021

COMMUNITY SERVICES ADVISORY COMMITTEE MEETING
HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630

ON MONDAY 1 MARCH 2021

MINUTES

Notes:

1. OPENING OF THE MEETING 2

2. APOLOGIES 2

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST 2

4. ADOPTION OF MINUTES OF PREVIOUS MEETING 2

4.1 Community Services Advisory Committee Meeting 2 November 2020 and 30 November 2020 2

5. BUSINESS ARISING 3

5.1 Decision by Council to Sell Yallambee Hostel and Snowy River Hostel 3

6. ACTION SHEET 3

6.1 Community Services Advisory Committee Action Sheet as at 31 January 2021 3

7. RESIDENTIAL AGED CARE UPDATE 3

7.1 Yallambee Lodge and Snowy River Hostel as at 31 January 2021 3

8. REPORTS 4

8.1 Staff Education as at 31 January 2021 4

8.2 Community Support Services Update as at 31 January 2021 4

8.3 Residential Aged Care Quality Assurance as 31 January 2021 5

9. GENERAL BUSINESS 5

9.1 Committee Vacancies 5

9.2 Covid 19 Vaccinations 6

9.3 Aged Care Budget 6

9.4 Sale of Residental Aged Care Services 6

9.5 Maternity Leave - Manager Community Services 7

10. NEXT MEETING 7

NOTES OF THE COMMUNITY SERVICES ADVISORY COMMITTEE MEETING HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630

ON MONDAY, 1 MARCH 2021
COMMENCING AT 9.45AM

PRESENT: Kevin Dunne, Community Representative
Nick Elliott, Community Representative
Angie Ingram, Community Representative *(Deputy Chair)*
Joanne Jeanes, Community Representative
Bianca Padbury, Manager Community Services, SMRC
Susannah Chapman, A/g Clinical Support Lead, SMRC
Caroline Lucas, Registered Nurse and A/g Manager Snowy River Hostel, SMRC
Marcela Escosteguy, A/g Coordinator Quality Assurance and Education, SMRC
Tabitha Williams, Coordinator Community Support Services, SMRC
Debbie Constance, Executive Assistant (Operations), SMRC (*Secretariat*)

APOLOGIES: Peter Beer, Mayor, SMRC

1. OPENING OF THE MEETING

The Deputy Chair opened the meeting at 9.45AM with the Acknowledgement of Country.

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

Mrs Padbury informed the meeting that there is no quorum however the meeting needed to go ahead informally due to Standard 8, Governance and the need to comply with the Aged Care Quality and Safety Commission rules.

2. APOLOGIES

An apology for the meeting was received from Mr Peter Beer, Mayor, SMRC

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil.

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 COMMUNITY SERVICES ADVISORY COMMITTEE MEETING 2 NOVEMBER 2020 AND 30 NOVEMBER 2020

RECOMMENDATION

That the minutes of the Community Services Advisory Committee Meeting held 2 November 2020 and 30 November 2020 were noted.

RECOMMENDATION

That the minutes of the Community Services Advisory Committee Meeting held on 2 November and 30 November 2020 will be held for confirmation at the next meeting to be held on Monday 3 May 2021.

5. BUSINESS ARISING

5.1 DECISION BY COUNCIL TO SELL YALLAMBEE HOSTEL AND SNOWY RIVER HOSTEL

Mr Kevin Dunne asked that it be noted the angst that has been created in the community over the decision to sell the Yallambee Lodge and Snowy River Hostel.

6. ACTION SHEET

6.1 COMMUNITY SERVICES ADVISORY COMMITTEE ACTION SHEET AS AT 31 JANUARY 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Executive Assistant (Operations)
Attachments:	1. Action Sheet

EXECUTIVE SUMMARY

The Community Services Advisory Committee Action Sheet as at 31 January 2021 is attached for information.

OFFICER'S RECOMMENDATION

That the Community Services Advisory Committee note the information in the Action Sheet as at 31 January 2021.

7. RESIDENTIAL AGED CARE UPDATE

7.1 YALLAMBEE LODGE AND SNOWY RIVER HOSTEL AS AT 31 JANUARY 2021

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Manager Community Services
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Yallambee Lodge and Snowy River Hostel as at 31 January 2021 is presented for information.

Discussion points on the report as follows:

- Mrs Ingram noted the decrease in skin tears. Congratulations to staff. Reported that skin tears tend to be unwitnessed or as a result of a fall.
- Discussion on falls management.
- It was felt that house 4 should have a staff member at all times. Mrs Padbury provided an overview of staffing. Mr Dunne stated that staff should be more efficient. Mrs Ecosteguy to note and Mr Dunne was thanked for his feedback.
- Graphs on medications incidents discussed and explained.
- Definition of chemical restraint and the process around chemical restraint was explained.

OFFICER'S RECOMMENDATION

That the Community Services Advisory Committee note the report on Yallambee Lodge and Snowy River Hostel as at 28 January 2021.

8. REPORTS

8.1 STAFF EDUCATION AS AT 31 JANUARY 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Coordinator Quality Assurance and Education
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Staff Education as at 31 January 2021 is presented for information.

OFFICER'S RECOMMENDATION

That the Community Services Advisory Committee note the report on Staff Education as at 31 January 2021.

8.2 COMMUNITY SUPPORT SERVICES UPDATE AS AT 31 JANUARY 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Coordinator Community Support Programs
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Community Support Programs as at January 31 2021 is presented for information.

Discussion points on the report as follows:

- The amount of meals provided was discussed.
- Additional funding for COVID meals.
- Costs were explained due to fluctuations.
- An overview was provided on funding and the ability to move funding streams to meet demand.
- Federal Government funding was discussed and explained to the meeting.
- NDIS clients can access services provided by community support services.
- Staff wages and awards were discussed and explained with staffing a huge challenge.

OFFICER'S RECOMMENDATION

That the community Services Advisory Committee note the report of Community Support Programs as at 31 January 2021.

8.3 RESIDENTIAL AGED CARE QUALITY ASSURANCE AS 31 JANUARY 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Coordinator Quality Assurance and Education
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Residential Aged Care Quality Assurance as at 31 January 2021 is presented for information.

Discussion points on the report as follows:

- Discussion on graphs and data. It was noted that the sample group is 20%.
- Data obtained is helpful for suggestions for improvements eg, menus redesigned etc
- Staff work very hard to improve care and services.

OFFICER'S RECOMMENDATION

That the Community Services Advisory Committee note the report on Residential Aged Care Quality Assurance as at 31 January 2021.

9. GENERAL BUSINESS

9.1 COMMITTEE VACANCIES

Mrs Padbury advised Mrs Linkenbagh had resigned and the below vacancies will be advertised. Kevin Dunne and Joanne Jeanes have agreed to be available for interview panel if required.

Committee will remain until Council elections in September.

General discussion on whether Committee will still exist once Yallambee Hostel and Snowy River Hostel are sold. It was felt there would still be a need for a Committee.

Vacancies:

1 Community representative from the legal sector

1 representative with a family member in Snowy River Hostel

1 representative with a family member receiving community support services

9.2 COVID 19 VACCINATIONS

Action plan and information session to be held on 9 March with Dr Tugwell. No notice at this point. Part of Phase 1A.

Some resistance to vaccine. Not mandated so need to educate staff, family and residents.

Dr Tugwell is the elected GP for the region. Marcela and Bianca meeting this week re COVID Plan, documentation etc. Our region is low priority due to no cases.

9.3 AGED CARE BUDGET

Mrs Padbury provided an overview of the aged care budget to the Committee and advised Council's Communications team will be delivering media advice on the aged care budget and the delivery of care and services.

A number of explanations were provided to the Committee on the increase in costs to provide aged care services including but not limited to:

- Increase in staff to resident ratio
- Increase in qualified nursing staff and other staff
- Consultants to support Council during the non-compliant period
- Reaccreditation costs
- Agency staff and accommodation costs
- Increase in maintenance and major infrastructure failures
- COVID costs
- Increase in care due to the high needs of residents e.g. physiotherapy, highlow beds, lifters and other equipment which was non-negotiable to meet compliance
- Transition to get where we are today. Council is in a good position when the results of the Royal Commission is released. Link to Royal Commission results to be sent to Committee.

9.4 SALE OF RESIDENTAL AGED CARE SERVICES

Mrs Padbury provided an update on the progress of the proposed sale of Yallambee Lodge and Snowy River Hostel.

The Chief Operating Officer is managing the process on behalf of Council and updates will be provided to the Committee on the progress.

Sir William Hudson – no separate arrangements have been made and Sir William Hudson will be invited

as well as other interested parties to submit an expression of interest.

9.5 MATERNITY LEAVE - MANAGER COMMUNITY SERVICES

Mrs Padbury advised she will be commencing maternity leave in April 2021 for an initial period of six months. The maternity relief position will be advertised externally. She thanked the Committee and her team for their work and support.

Mrs Ingram thanked Bianca on behalf of the Committee.

10. NEXT MEETING

Monday 7 June 2021 in the Cooma Chambers and Via Zoom commencing at 9.30am.

There being no further business the Chair declared the meeting closed at 12.27pm

CHAIRPERSON

The above notes of the Community Services Advisory Committee Meeting of Snowy Monaro Regional Council held on 1 March 2021 were confirmed by Committee at a duly convened meeting on 7 June 2021 at which meeting the signature hereon was subscribed.

SNOWY MONARO REGIONAL COUNCIL

Minutes

Community Services Advisory Committee Meeting

7 June 2021

COMMUNITY SERVICES ADVISORY COMMITTEE MEETING
HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630 AND VIA ZOOM

ON MONDAY 7 JUNE 2021

MINUTES

Notes:

1. OPENING OF THE MEETING 2
1.1 Introduction to A/g Community Services Manager 2
2. APOLOGIES 2
3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST 2
4. ADOPTION OF MINUTES OF PREVIOUS MEETING 3
4.1 Community Services Advisory Committee Meeting 2 November 2020 3
4.2 Community Services Advisory Committee Meeting 30 November 2020 3
4.3 Community Services Advisory Committee Meeting 1 March 2021 3
5. BUSINESS ARISING 3
6. ACTION SHEET 3
6.1 Community Services Advisory Committee Action Sheet as at 30 April 2021 3
7. RESIDENTIAL AGED CARE UPDATE 4
7.1 Yallambee Lodge and Snowy River Hostel as at 30 April 2021 4
8. REPORTS 4
8.2 Community Support Services Update as at 30 April 2021 4
8.4 Divestment of residential aged care - nomination of committee member for evaluation process 5
9.1 Update on Transition to a New Aged Care Provider 6
9.2 Issues Associated with a New Aged Care Provider 6
8.1 Staff Education as at 30 April 2021 6
8.3 Residential Aged Care Quality Assurance as 30 April 2021 7
9. GENERAL BUSINESS 7
9.3 Covid-19 Vaccinations 7
10. MATTERS OF URGENCY 7
11. NEXT MEETING 7

MINUTES OF THE COMMUNITY SERVICES ADVISORY COMMITTEE MEETING HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630 AND VIA ZOOM

ON MONDAY, 7 JUNE 2021 COMMENCING AT 9.38AM

PRESENT: Angie Ingram, Community Representative *(Deputy Chair)*
Joanne Jeanes, Community Representative(via Zoom from 9.47am)
Jeff Morgan, Chief Operating Officer, SMRC *(until 10.09am)*
Keiran Spillane, A/g Manager Community Services, SMRC
Jenelle McPherson, Facility Manager
Susannah Chapman, Clinical Support Lead, SMRC
Marcela Escosteguy, Coordinator Quality Assurance and Education, SMRC
Tabitha Williams, Coordinator Community Support Services, SMRC
Emma Smith, Community Services Administration Support, SMRC
Sandra McEwan, Executive Assistant (Strategy), SMRC (*Secretariat*)

APOLOGIES: Mayor Peter Beer, SMRC
Nick Elliott, Community Representative
Kevin Dunne, Community Representative

1. OPENING OF THE MEETING

The Deputy Chair opened the meeting at 9.38AM with the Acknowledgement of Country.

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

1.1 INTRODUCTION TO A/G COMMUNITY SERVICES MANAGER

Angie Ingram, Deputy Chair introduced Keiran Spillane as the A/g Community Services Manager.

2. APOLOGIES

An apology for the meeting was received from Mayor Peter Beer, Nick Elliott and Kevin Dunne.

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil.

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 COMMUNITY SERVICES ADVISORY COMMITTEE MEETING 2 NOVEMBER 2020

COMMITTEE RECOMMENDATION		**CSAC1/21**
That the Minutes of the Community Services Advisory Committee meeting held on 2 November 2020 are confirmed as a true and accurate record of proceedings.		
Moved Ms Escosteguy	**Seconded Ms Ingram**	**CARRIED**

4.2 COMMUNITY SERVICES ADVISORY COMMITTEE MEETING 30 NOVEMBER 2020

COMMITTEE RECOMMENDATION		**CSAC2/21**
That the Minutes of the Extraordinary Community Services Advisory Committee meeting held on 30 November 2020 are confirmed as a true and accurate record of proceedings.		
Moved Ms Escosteguy	**Seconded Ms Ingram**	**CARRIED**

4.3 COMMUNITY SERVICES ADVISORY COMMITTEE MEETING 1 MARCH 2021

COMMITTEE RECOMMENDATION		**CSAC3/21**
That the Notes of the Community Services Advisory Committee meeting held on 1 March 2021 are confirmed as a true and accurate record of proceedings.		
Moved Ms Escosteguy	**Seconded Ms Ingram**	**CARRIED**

5. BUSINESS ARISING

Nil.

6. ACTION SHEET

6.1 COMMUNITY SERVICES ADVISORY COMMITTEE ACTION SHEET AS AT 30 APRIL 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Executive Assistant (Operations)
Attachments:	1. CSAC Action Sheet as at 30 April 2021

EXECUTIVE SUMMARY

The Community Services Advisory Committee Action Sheet as at 30 April 2021 is attached for information.

COMMITTEE RECOMMENDATION		**CSAC4/21**
That the Community Services Advisory Committee receive and note the information in the Action Sheet as at 30 April 2021.		
Moved Mr Morgan	**Seconded Ms Ingram**	**CARRIED**

7. RESIDENTIAL AGED CARE UPDATE

7.1 YALLAMBEE LODGE AND SNOWY RIVER HOSTEL AS AT 30 APRIL 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Facilities Manager
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Yallambee Lodge and Snowy River Hostel as at 30 April 2021 is presented for information.

COMMITTEE RECOMMENDATION		**CSAC5/21**
That the Community Services Advisory Committee receive and note the report on Yallambee Lodge and Snowy River Hostel as at 30 April 2021.		
Moved Ms Williams	**Seconded Ms Ingram**	**CARRIED**

8. REPORTS

8.2 COMMUNITY SUPPORT SERVICES UPDATE AS AT 30 APRIL 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Coordinator Community Support Programs
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Community Support Programs as at 30 April 2021 is presented for information.

COMMITTEE RECOMMENDATION		**CSAC6/21**
That the community Services Advisory Committee receive and note the report of Community Support Programs as at 30 April 2021.		
Moved Ms Williams	**Seconded Ms Ingram**	**CARRIED**

Joanne Jeanes joined the meeting via Zoom at 9.47am during the discussion on Item 8.4.

8.4 DIVESTMENT OF RESIDENTIAL AGED CARE - NOMINATION OF COMMITTEE MEMBER FOR EVALUATION PROCESS

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Manager Community Services
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.2 High quality community support and residential aged care services are available and accessible to residents across the region
Delivery Program Objectives:	1.2.1 Competitive cost effective aged care and community support services are available within the region
Attachments:	1. Evaluation Criteria

EXECUTIVE SUMMARY

At the Council Meeting on 18 June 2020 Council resolved to pursue Stream 2 of the Business Improvement Fund (BIF) grant program for Yallambee Lodge and Snowy River Hostel. Council was successful in obtaining funding and resolved to receive and note the successful application and receipt of funding under stream 2 of the Business Improvement Fund at the 17 December 2020 meeting of Council.

The BIF is delivered by the Department of Health and aims to assist providers improve their business operations ensuring they can meet the needs of senior Australians. The fund is designed to improve service provision at a local and system level. The way in which care and services are to be delivered to the aged has changed significantly as a result of ongoing reform influencing the decision to purse this grant funding. Council's application related to Stream 2 which provides funding assistance to transition to a new provider.

Since receipt of funding, a transition adviser has been engaged by Council and an expression of interest process will now commence subject to Council endorsement of the evaluation criteria presented in this report.

The following officer's recommendation is submitted for CSAC's consideration.

COMMITTEE RECOMMENDATION **CSAC7/21**

That the Community Services Advisory Committee nominate Mr Kevin Dunne and Ms Joanne Jeanes (as an alternate) to participate in the Expression of Interest (EOI) and Request for Proposal (RFP) evaluation for a new operator of residential aged care facilities.

Moved Ms Ingram **Seconded Ms Escosteguy** **CARRIED**

9.1 UPDATE ON TRANSITION TO A NEW AGED CARE PROVIDER

Jeff Morgan provided the following update:

- The EOI process has commenced, with Council endorsing the Evaluation Criteria at the Council meeting on 20 May 2021.
- Community Information Sessions on the EOI with Ernst & Young in attendance are scheduled for 8 June 2021 in Berridale (5.00-6.00pm) and Cooma (6.30-7.30pm).
- The deadline for EOI expressions to Ernst & Young is 25 June 2021.
- EOI Recommendations will be presented to the Council meeting on 15 July 2021 for endorsement.
- The RFP process will commence with the shortlisted respondents with Evaluation in September 2021 after the Council elections.

9.2 ISSUES ASSOCIATED WITH A NEW AGED CARE PROVIDER

Jeff Morgan advised that the Evaluation Criteria covers what is required from a new provider and addresses all the issues.

Jeff Morgan left the meeting at 10.09am.

8.1 STAFF EDUCATION AS AT 30 APRIL 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Coordinator Quality Assurance and Education
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Staff Education as at 30 April 2021 is presented for information.

COMMITTEE RECOMMENDATION **CSAC8/21**

That the Community Services Advisory Committee receive and note the report on Staff Education as at 30 April 2021.

Moved Ms Jeanes **Seconded Ms Ingram** **CARRIED**

Item - 8.2. Community Support Services Update as at 30 April 2021 - has been moved to another part of the document.

8.3 RESIDENTIAL AGED CARE QUALITY ASSURANCE AS 30 APRIL 2021

Record No:

Responsible Officer:	Manager Community Services
Author:	Coordinator Quality Assurance and Education
Attachments:	Nil

EXECUTIVE SUMMARY

The report on Residential Aged Care Quality Assurance as at 30 April 2021 is presented for information.

COMMITTEE RECOMMENDATION **CSAC9/21**

That the Community Services Advisory Committee receive and note the report on Residential Aged Care Quality Assurance as at 30 April 2021.

Moved Ms Jeanes **Seconded Ms Ingram** **CARRIED**

Item - 8.4. Divestment of residential aged care - nomination of committee member for evaluation process - has been moved to another part of the document.

9. GENERAL BUSINESS

Item – 9.1 Update on Transition to a New Aged Care Provider – has been moved to another part of the document.

Item – 9.2 Issues Associated with a New Aged Care Provider – has been moved to another part of the document.

9.3 COVID-19 VACCINATIONS

An update on Covid-19 Vaccinations:

- NDIS recipients are provided with information on how to register and receive vaccinations.
- Community Support Services provide a weekly report on staff that have been vaccinated.
- Yallambee Lodge - staff and most residents had their second Pzifer vaccination today, 7 June 2021. A couple of residents have chosen not to be vaccinated.
- Pzifer shots are now available at a clinic in Jindabyne.

10. MATTERS OF URGENCY

Nil.

11. NEXT MEETING

It was requested that the next meeting be held after the EOI submissions have been reviewed and before the Council meeting on 15 July 2021. The meeting date to be confirmed and advised.

There being no further business the Chair declared the meeting closed at 10.25am.

CHAIRPERSON

The above minutes of the Community Services Advisory Committee Meeting of Snowy Monaro Regional Council held on 7 June 2021 were confirmed by Committee at a duly convened meeting on date TBC at which meeting the signature hereon was subscribed.

9.1.4 RECREATION FACILITIES COMMITTEE MINUTES - 22 FEBRUARY 2021

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Supervisor Civic Maintenance
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle
Delivery Program Objectives:	1.3.2 Council has effectively identified community and visitor needs in the development and enhancement of the Region's recreational facilities to ensure sound decision making
Attachments:	1. Recreation Facilities committee Meeting Minutes - 22 February 2021

EXECUTIVE SUMMARY

Minutes of the recreation Facilities Committee Meeting held 22 February 2021 are attached.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council receive the minutes of the Recreation Facilities meeting held on 22 February 2021.

BACKGROUND

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QUADRUPLE BOTTOM LINE REPORTING

1. Social

This meeting provides a platform for community input to the management of Council's recreation facilities

2. Environmental

An Improved and coordinated management of Natural reserves, Parks, gardens and recreational areas.

3. Economic

No financial impacts

4. Civic Leadership

Councillor and staff representation at these meetings demonstrates good Civic Leadership.

Minutes

SNOWY MONARO REGIONAL COUNCIL

Recreation Facilities Committee

Date/Time Monday 22nd February 2021 at 5.00pm
Location Cooma Council Chambers
Attendance

Member (Representing)	Present	Apology	Absent
John Rooney, Councillor SMRC		✓	
Rogan Corbett, Councillor SMRC (Chair)	✓		
James Ewart, Councillor SMRC			
Peter Beer, Mayor SMRC		✓	
Sue Haslingden, Councillor SMRC		✓	
Neroli O'Neill, Community Representative	✓		
Jean-Monique , Supervisor Civic Maintenance	✓		
Suzanne Dunning, Community Representative	✓		
Jenny Solomon, Cooma rodeo	✓		
John Britton, Cooma Lions Club		✓	
Chris Reeks, Cooma Lions Club		✓	
Steve Aldous, Mountain Bike Club		✓	
Mathew Jamieson, Cooma Little Athletics	✓		
Louise Jenkins, Community Representative	✓		
Samuel Pevere (Leo Club)		✓	
Glen Hines, Manager Corporate Projects SMRC	✓		

1 Apologies

As per above attendance table.

2 Confirmation of Previous Minutes –

It was noted that the Minutes of the meeting held on 28th September 2020 were an accurate record of the meeting. **Moved**: Louise Jenkins **Seconded:** Clr Corbett

3 Supervisor Civic Maintenance Update

The summer period saw regular rainfall and temperate conditions which led to extreme growth of vegetation. Civic Maintenance staff worked extremely hard to balance normal operational maintenance as well as many extra requests from a community still in a state of heightened concern following last summer's bush fires. This included vegetation control of Hazard reduction areas identified by RFS as part of the Snowy Monaro Bush Fire Management Plan. Many requests to mow/ slash areas of land never previously attended to have been directed at Civic maintenance staff, some areas could easily be incorporated to regular schedules, others have had to be postponed until now, as the summer growth slows. A drastically reduced correctional services team have been attending to some of the unusual requests helping deliver outcomes for the community. Two major summer storms in the region resulted in more than a fortnight's clean-up of trees and debris from the townships of Cooma, Berridale, Jindabyne Nimmitabel.

Some priority areas to rectify maintenance issues have been the Cooma Netball courts where a stadium light fell down. Replacement and upgrade of the stadium lights at the Cooma Showground. Therry Street Foot Bridge in Bombala was temporarily augmented to ensure the bridge remained open for the Christmas break, a long term solution should be finalised before the end of February.

Livvi's place playground in Jindabyne requires new surfacing to ensure the safety of users, and to enable the park to meet Aus. standards. The Cooma creek Project has entered its final stages seeing the upgrading of the ramp accessing Norris Park toilets to meet disability standards, along with the construction of a new disabled carpark and ramp on the Church Rd. trail head. Civic Maintenance staff have worked closely with Lions club to repurpose the turf removed from Norris Park in Centennial Park, therefore ensuring some renovation works have been approached in a sustainable and skilful manner.

As autumn approaches the changeover of sporting codes will see the removal of the Gabba pitches from Jindabyne and Bombala sporting grounds and the reestablishment of turf in readiness for rugby/ soccer season.
The central booking system has begun data collection workshops and hopes to be fully implemented by the beginning of July.

4 Business Arising from the Previous Minutes

4.1 Corporate projects update

- Cooma and Bombala Pools, working on meeting compliance for pumping rooms, not likely that pool will be enclosed this this round of funding, major compliance issues will take precedence
- Jindabyne pool – Little money to look at required rectifications, also awaiting SAP (Special Action Precinct)
- There is a small upgrade to the Cooma skate park planned along with Youth Officer John Graham, bins shade sail.
- Mt Gladstone toilets- Include demolishing of old toilets and replacing with standalone model similar to Badja reserve. Planning stage.
- Lions Park Project has approximately $59 000 remaining to be expended, projects to work with Lions club and Civic Maintenance for direction of expenditure for these funds.
- Jindabyne sports ground – Monies present for the upgrade of change room amenities approx. $300 000, awaiting projection of SAP of this area before scoping out project.

- Bombala Showground- installation of low level lighting and kiosk. Project delivered and finished. Electrical upgrade under Showground Stimulus being planned. May require alternate scope to address capacity issues
- Dalgety Showground- Installation of Gabba cricket pitch and new tennis courts surfaces, civic maintenance to arrange for established pine trees to be trimmed away from courts.
- Delegate Showground- 2x tractor irrigators have been installed along with repairs to plumbing infrastructure
- Cooma creek- Pathway repairs and upgrade to ramp for access to Norris Park toilets approaching final stages. Public consultation for seat placement will occur, and seat then installed.
- MFC (Multi-function centre Cooma) - Stage 2 underway commercial kitchen and both North and south toilets have been upgraded, new front glass panelling and door. Project still ongoing for 15-16 weeks.
- Bombala Showground Caretaker Cottage – Investigating
- Platypus reserve- final beautification works at the entry required, then project will be complete
- Cooma CBD- commencing next stage of pavement renewal, Vale to Bombala street. Needs to be completed by 2023.
- Ginger Leigh Park Bombala – stage 2 in planning stage. Scope to be inclusive and accessible, installation of new features, bbq, toilets, dump pointe accessibility to be improved.
- Nijong toilet block- awaiting plumbing connection.
- Nimmitabel Showground – Electrical complete. Pavilion renovations in planning stage

4.2 Norris Park

A working in the roadways S138 application has been submitted and granted. Works are able to begin once Lions club are ready. Recommended to start from the toilet end and work towards the disabled ramp.

4.3 Badja Reserve Plan of Management

Council have approved the recommendation to extend the 50km speed zones on the roads adjacent to the reserve – this recommendation has been to the traffic committee. The information has been passed on to the RMS for a decision. Awaiting response from the RMS. This is ongoing, no news has been communicated to SMRC.

4.4 Time Walk

Civic Maintenance have pressure cleaned the time walk. Lion sclub to carry out repairs before sealing is to be completed.. The SMA workers monument diorama in the same area has been identified to be re painted at the same time. LEO's would like to be involved with this. Chris Reeks to speak with Snowy hydro about any specifications that need to be followed.

4.5 Structure of the Recreational Facilities Committee

Governance department are currently reviewing the Section 355 committee manual, applicable to all committees of council, along with the volunteer policy. When this has been completed the Charter of the Recreation facilities Committee will be revised. Ideas of how to expand the membership to the broader Snowy Monaro area will be discussed and new members invited.

Committee members who had sighted the Draft 355 agreement, made the observation that the document puts a lot of onus on volunteers, very little advice of how the information flows to enable ideas to be actioned. Supervisor Civic Maintenance asked all committee members to consider ways to create the recreation committee into a regional committee and raise at next meeting

Louise Jenkins suggested structuring meetings in a passive/ active reserve timeframes or around

themed recreation. Recommendation that representatives from the region are invited to the next meeting.

5 Disclosure of Interest

Nil

6 General Business

6.2 North Ridge Reserve (NRR)

Still awaiting news on success of CRIFP (crown land funding) of $6600 for weeds control on the reserve. The bush regeneration will be carried out under the Landcare banner.

Issue with access to the reserve with people taking gates off hinges and driving in. RFS cut a fence during the fires and have not repaired. Nothing to stop vehicles from driving in.

Louise and Susanne expressed thanks to Supervisor Civic maintenance and Grants officer for helping with major submission for Bush fire community recovery grant for the upgrade of walking trails and official signage of trails. Awaiting announcement of successful applications.

Two bush re generation working bees have been held recently Doon Doon and South gate area. Working bees are scheduled every third Saturday. Cotoneaster and firethorn have been controlled and stockpiled, stockpiles to be removed subject to arrangement of civic Maintenance staff and correctional services.

6.3 Snowy Oval

Hand over completed and facility ready to be used. Kiosk keys are still not working, starting line trenches have subsided a top up of top soil is needed. Feedback from Little athletics regarding proposed new Sports hub is that the proposed running track will be unpractical to use as there are no facilities or storage indicated to be built nearby. Track marking and mowing carried out by Council, Security should be upgraded as part of new sports hub. Excessive vandalism over the summer.

6.4 Air crash Memorials

Lions Club Cooma have proposed for further memorials to be included at the Southern Cloud memorial site in relation to 1970's Snowy Hydro and the 2020 RFS Bomber-134 crashes. Consent from the families of the 2020 crash to be granted and application to the Crown for the addition to this site to be finalized. Native title has been passed, arranged to meet Kelly Palmer to fix the new memorial up. Propeller to be placed at the crash site, a large boulder with plaque to be organized and installed at the Southern cloud memorial.

6.5 Netball Courts seating

Leos representative raised the issue of the grandstand seating at the netball courts are old and need revitalizing or replacing. It was suggested by the committee that a fund raiser is held at Monaro High school to help fund repairs and potentially repairs could be carried out in house as a project.

6.6 Rodeo ground Cooma

Question asked if the lights can be directed over the rodeo arena for events.

NEW BUISNESS ARISING

7.1 Procedure to add plaques to Basketball stadium.

Leo representative expressed an interest to recognize community contributions to the Cooma Basketball courts by placing a plaque in a prominent place, what is the current Council Policy and procedure to follow. Supervisor Civic Maintenance to investigate and respond at the next meeting. No procedure at this stage, one needs to be determined. Ongoing

7.2 Delegate Memorial Park
It has been highlighted that lights are needed in the gazebo of the park to allow for use after dark and to discourage vandals from hanging around. Other upgrades such as provisions of an undercover bbq and a fence around the old tractor have been highlighted by members of the community. Civic Maintenance staff have sort quotes for some works to gain knowledge of the costs involved.

7.3 Communication of project to the community
Clr Corbett recommended that good news stories arising from ongoing projects need to be communicated to the community in a better way to keep the community informed of what's happening.

ACTION SHEET

Reference	Date	Action	Assignee	Completed	Notes
8.1	27.07.2020	S138 to be lodged for pathway and pedestrian ramp in Norris Park	Mr. Britton	Completed	Works can begin from toilet block
	27.07.2020	50k/hr sign at Badja reserve requested to be moved 50m down the road, currently with traffic committee	Supervisor Civic Maintenance		Ongoing, awaiting RMS
	27.07.2020	Paint has been requested for timeline at Cooma Centennial Park,	Supervisor Civic Maintenance		Cleaning to be actioned
.					
	27.07.2020	Determine land boundaries and road reserve for Sothern cloud memeorial	Project Manager	Completed	
	23.11.2020	Keys Snowy amenities	Supervisor Civic Maintenance		
	23.11 2020	Keys NRR	Supervisor Civic Maintenance		Awaiting RFS
	23.11.2020	NRR Grant	Supervisor Civic Maintenance with Louise/ Susanne		
	23.11.2020	Top up athletics running track start line and seed.	Supervisor Civic Maintenance	completed	

	23.11.202	Lights on timewalk to be fixed	Civic maitenence staff	completed	
	22.02 2021	Invite relevant recreational representatives to the next meeting.	Supervisor Civic Maintenance		

9 Next Meeting

The next meeting will be held on Monday 24th May at 5.00pm in the Cooma Council Chambers.

There being no further business the meeting closed at 7.00pm

9.1.5 DRAFT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SNOWY MONARO REGIONAL LIBRARY (SMRL) AND THE COOMA MONARO HISTORICAL SOCIETY (CMHS).

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Manager Community Services
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.1 Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity
Delivery Program Objectives:	2.1.2 Council celebrates and enriches the heritage fabric throughout the region
Attachments:	1. Draft MOU between SMRL & CMHS
Cost Centre	Community Services
Project	MOU between SMRL & CMHS
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of a Memorandum of Understanding (MOU) between the Snowy Monaro Regional Library (SMRL) at Cooma and the Cooma Monaro Historical Society (CMHS).

The CMHS has a collection held at Cooma Library. This collection is only to be accessed by CMHS archivists and volunteers. The CMHS will provide support researchers every Friday, and maintain and conserve the collection. CMHS will be able to continue to raise revenue for the service they provide.

The SMRL will ensure security of the collection, including no access by the general public and SMRL staff without the express permission of the CMHS. SMRL will also provide electricity, and internet / Wi-Fi. SMRL will continue to offer a 60% discount on the use of the photocopier.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council endorse the memorandum of understanding between the Snowy Monaro Regional library, Cooma and the Cooma Monaro Historical Society.

BACKGROUND

SMRL has been serving residents and visitors since 1963, and the main branch is located in Cooma.

CMHS was formed in 1957 and provides assistance to anyone seeking to research local and family history. The CMHS archivist and volunteers are in attendance every Friday (except public holidays) from 9.30 am until 1.00 pm and at other times depending on archivist and room availability.

The CMHS collection held at Cooma Library is not to be accessed by anyone outside the CMHS archivist and volunteers, including SMRL staff. A Request for Information Form has been made available to the senior librarian, or can be accessed in the tray on the bench in the Local Studies / Family History Room.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

There are no foreseeable negative impacts on the community. The advantages will justify minimal costs associated with this MOU

2. Environmental

No impacts on the environment

3. Economic

No costs associated

4. Civic Leadership

The Council will be demonstrating civic leadership to the community by continuing to provide and maintain an asset for an appropriate and beneficial use of a community group.

DRAFT MOU BETWEEN SMRL & CMHS:

The purpose of this document is to delineate the relationship between the Snowy Monaro Regional Library (SMRL or 'the library") and the Cooma Monaro Historical Society (CMHS).

This document aims to clarify the accessibility of all CMHS items which are currently stored in the Local Studies / Family History Room at the Cooma Library, and to determine the terms of use and security of these items and the tenure of this room by the CMHS of this room.

This Memorandum Of Understanding (MOU) does not create legally enforceable obligations between the parties to this MOU

Background:

SMRL has been serving residents and visitors of the Monaro and Snowy Mountains area since 1963, and the main branch library is located in Cooma.

CMHS was formed in 1957 and provides assistance to anyone seeking to research local and family history. The CMHS volunteers are in attendance every Friday (except public holidays) from 9.30 am until 1.00 pm and at other times depending on volunteer and room availability.

The CMHS collection held at Cooma Library is not to be accessed by anyone outside the CMHS volunteers, including SMRL staff.

Responsibilities:

CMHS:

- Provide support to researchers every Friday between the times of 9.30 am and 1.00 pm. If the designated volunteers are unable to attend all attempts will be made by the CMHS to ensure a volunteer is available. Should this be impossible to arrange, they will ensure that as much notice of inability to attend is given to library staff.
- Maintenance and conservation of any CMHS item stored aat the Cooma Library.
- Raise revenue for the service they provide. Details of costs are located on the bottom of the CMHS Request for Information Form and advertised in the Local Studies / Family Room to keep all library staff and potential clients informed of current charges
- Maintain an up-to-date ' Request for Information' form, schedule of charges, and contact details for both library staff and potential clients to enable requests and / or contact to be made with the CMHS

SMRL:

- Ensure the security of all CMHS items situated in the Family History / Local Studies Room. This includes NO access by the general public or SMRL staff without the express permission and attendance of the CMHS archivist / volunteers.
- Provide electricity, internet / Wi Fi access and copier / printing facilities within this room.
- Any library catalogue or data base generated by the SMRL will clearly identify the catalogued items owned by CMHS.

- Continue to offer CMHS a discount on the use of the photocopier at 60% of the charge for the general public.
- Provide up-to-date 'Requests for Information' forms generated by CMHS, at the front circulation desk.

Terms and Use:

- This MOU proposes that the CMHS may continue to use the Local Studies / Family History room at Cooma Library every Friday from 9.30 am to 1.00 pm.
- Use of the Local Studies / Family History room by the CMHS at CMRL will continue into the foreseeable future and CMHS will continue to store some of their items at the rear of this room at no charge.
- This MOU agrees that the SMRC and SMRL may need to use this room for other purposes from time to time. Any changes should be raised with CMHS giving a timeframe and dates for this unavailability.
- Any final decisions regarding the use of this room and the storage of resources in the cupboards remain at the discretion of SMRC.
- SMRC maintains the right to reassess the ability of the CMHS to continue to use and store resources in the room should circumstances and needs change.

Termination of this MOU:

- Either party may terminate this MOU
- Any termination of this MOU will include a three (3) month notification period giving the reasons for the termination.
- A response time of one (1) month will be allowed.

Signed on behalf of SMRL:

.....
Name and designation

....
Signature Date

Signed on behalf of CMHS:

.....
Name and designation

....
Signature Date

9.3.1 JINDABYNE CAMPING 2021 WINTER CAMPAIGN

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Coordinator Public Health & Environment
Key Theme:	1. Community Outcomes
CSP Community Strategy:	3.2 Positive social behaviours (including law and order) are fostered and encouraged to maintain our safe, healthy and connected communities
Delivery Program Objectives:	3.2.1 Council's public health and regulatory responsibilities are planned for and delivered to facilitate a safe community and raise awareness
Attachments:	1. Attachment 1 No Stopping Zones Along The Lake Jindabyne Foreshore 2. Attachment 2 Feasibility Study Paid Parking Claypits
Cost Centre	Work Order 32
Project	Feasibility Study Investigating the Strengths Weakness, Opportunities and Threats associated with introducing paid parking at the Jindabyne Claypits.
Further Operational Plan Actions:	Feasibility study - Paid parking permit for the Claypits carpark.

EXECUTIVE SUMMARY

The number of winter freedom camping visitors to Jindabyne has been increasing each year. This has caused an increase in the number of complaints about anti-social behaviour, littering and rubbish dumping. Council's Ranger Services undertake regular patrols and regulating of foreshore areas around Lake Jindabyne and the broader township. The 2020 season saw the introduction of Covid-19 restrictions, which in effect did not reduce the number of freedom campers in Jindabyne area.

A short term strategy was developed in August 2020 to address the increased concerns of residents about the number of people camping in Jindabyne, with a particular concern about the Claypits carpark. The concerns were widely reported in both social and printed media. Council installed no stopping zones to cover the Claypits carpark and no camping signs to cover the entire township of Jindabyne and East Jindabyne. These signs were in addition to the ones installed along Lake Jindabyne's foreshore (see attachment 1).

Following the installation of the new signs an education campaign was implemented to ensure all potential campers were made aware of the new restrictions. Both educational and punitive measures (penalty infringement notices) were used to bring about compliance. Figure 1 illustrates the number of people spoken to and the infringements issued after the new signs were installed.

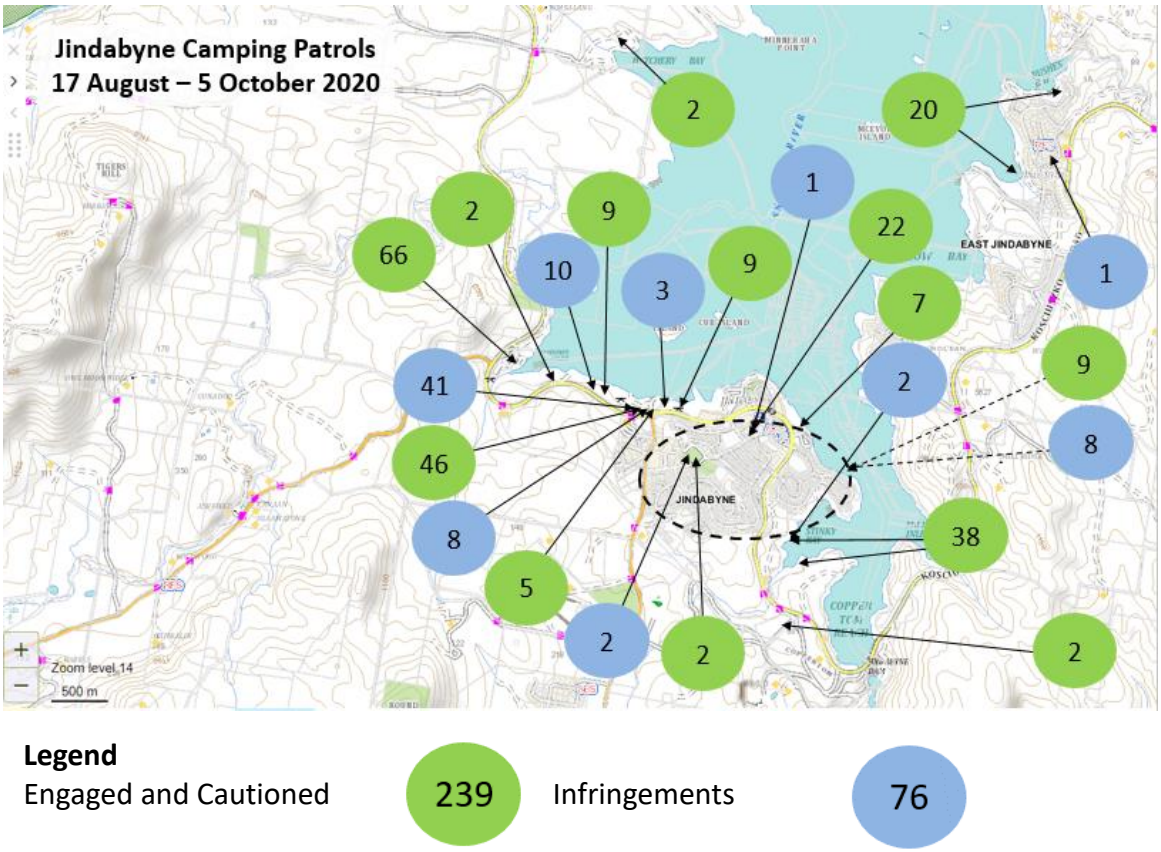


Figure 1: Jindabyne Camping Patrols 2020 Statistics.

Additionally, Council undertook a study into the feasibility of using paid parking as a strategy to manage freedom camping in the Claypits (see attachment 2). The report does not support the use of paid parking as a strategy to manage camping in the Claypits. However, it does support further studies into the use of paid parking in the broader township of Jindabyne one part of a wide-ranging strategy to manage freedom camping.

This report provides a brief update on the 2020 winter campaign, it seeks approval to implement a similar campaign used implemented in August 2020, to note the findings of the feasibility study undertaken and note work is continuing to develop a long term wide-ranging strategy to manage freedom camping.

Also, Council has been working closely with the Chamber of Commerce on the problem and is in receipt of two development applications focused on alternative accommodation options.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

A. Notes the successful outcomes of the amended 2020 Jindabyne camping campaign.
B. Notes that the demand for free camping, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region continue to grow.
C. Notes the outcomes of feasibility study undertaken to consider the introduction of a paid parking permit for the Claypits carpark did not support this concept as a standalone

strategy.

D. Notes negotiations are taking place between key stakeholders to develop a long term strategy to manage camping in the Jindabyne Township and surrounding regions.
E. Notes the increase of the annual operating budget to maintain this campaign from $17,900 in 2020 to $33,500 in 2021 and that the budget may need to increase as Council's management strategy evolves and adapts to the increased demands.
F. Approves the installation of "No Stopping Zone" signs in the Claypits Carpark and the Boat Ramp Carpark restricting parking from 6pm until midnight and from midnight until 7am between 01 June and 31 October annually.
G. Approves the installation of "No Camping" signs to cover the townships of Jindabyne and East Jindabyne plus Hatchery Bay and the land surrounding the access road to Council's landfill site in Jindabyne.

BACKGROUND

The Snowy Monaro Regional Council manages a substantial portion of Snowy Hydro owned land (by way of a management lease) around the foreshore of Lake Jindabyne. The area extends from Stinky Bay to Wollondibby Inlet (see attachment 1). The land provides public access to Lake Jindabyne by way of formed and unformed roads and tracks for a variety of recreational activities.The promotion of this region as a landmark tourist/recreation destination has been very effective. Through the use of social media forums, the process of attracting more visitors to the region has become self-generating. The number of short term visitations to Lake Jindabyne has increased yearly. With the exception of the 2019-2020 summer holiday period, this has been both true for the winter snow and the summer holiday seasons. However, the peak time for visitors continues to be during the winter ski season.

As the popularity of the region has grown, the demand for its finite short-term accommodation has also increased. Consequently, the base price of budget accommodation has grown. The reduction in affordable short-term accommodation, coupled with increased demand has resulted in a growing trend of unauthorised overnight camping throughout the region. With the number of visitors choosing to camp along the Lake Jindabyne foreshore, in Jindabyne carparks and the town's streets increasing the community has expressed concerns about a consequential escalation of anti-social behaviour.

As a result of the concerns raised, Council launched a project in the winter of 2018 to more effectively regulate the unauthorised overnight camping along the Lake Jindabyne foreshore. The campaign involved the installation of parking signs making it an offence to park a motor vehicle overnight at identified camping hotspots under Council control. Council advertised the installation of the signs through its social media channels and tasked its Rangers to regulate compliance. The 2018 campaign proved to be successful in reducing anti-social behaviour along the Lake Jindabyne foreshore.

Council repeated the 2018 campaign in the winter of 2019, with the following enhancements:

- employed a casual Ranger to undertake a focused enforcement campaign
- increased interaction with campers / parkers to educate them on the restrictions

- stopped unauthorised open fires along Lake Jindabyne's foreshore.

The 2020 winter campaign coincided with Covid-19 shutdowns and restrictions. This lead to increased community concerns about the risks associated with freedom campers using the Claypits carpark as an unapproved camping ground. Concerns were also raised about freedom campers using the streets of the Jindabyne Township, other foreshore locations such as Hatchery Bay and other public carparks as unapproved camping grounds. This lead to the following changes to the way Council managed freedom camping in Jindabyne:

1. The Chief Executive Officer approved the installation of time limited no stopping signs in the Claypits carpark and no camping public notice signs to cover all of Jindabyne Township, East Jindabyne Township, Hatchery Bay and Boat Ramp Carpark, Figure 2 illustrates the location of the signs. Figure 3 shows an example of the no stopping zones signs and figure 4 shows an example of the no camping signs.
2. Council staff met with freedom campers who were using the Claypits Carpark to advise them of the new restrictions.
3. Social media advertising was used to inform the community and other freedom campers about the new camping restrictions.
4. Enforcement of the new restrictions commenced on 17 August 2020. The focus was on changing behaviour with a higher percentage of campers educated than were fined. Figure 1 (previously mentioned) illustrates the outcomes of the 17 August to 5 October 2020 campaign.

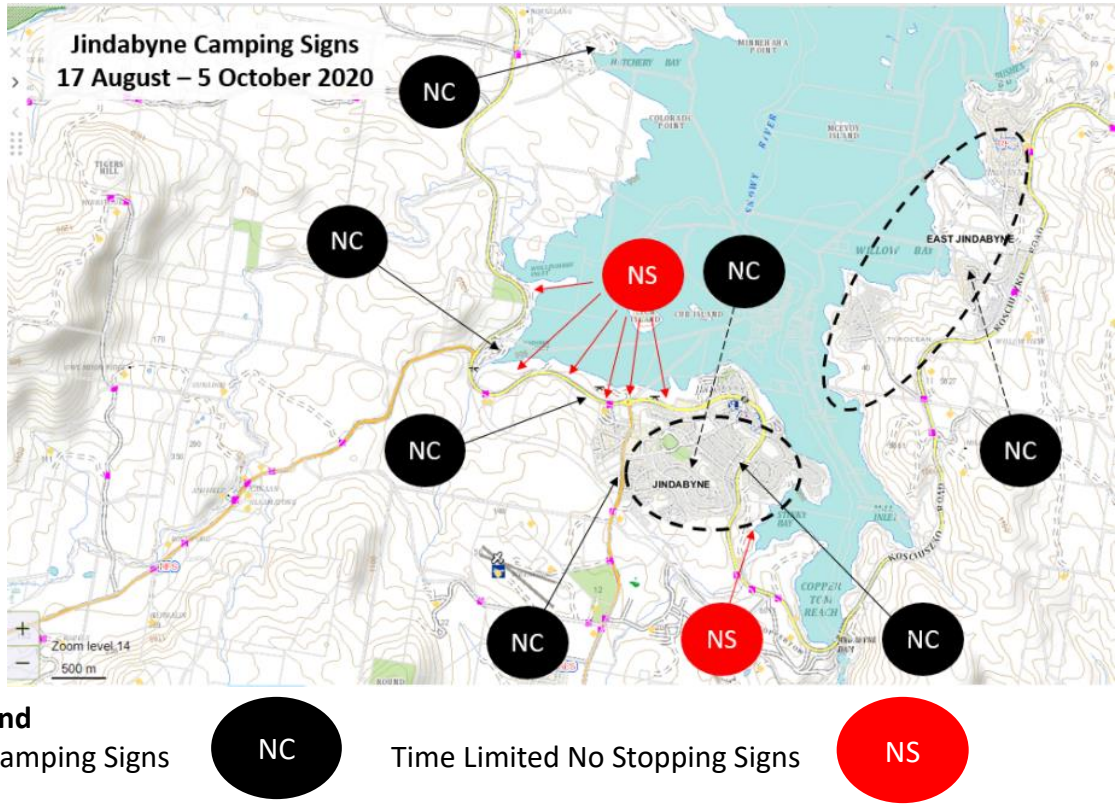


Figure 2: No camping and No Stopping Signage used during the 2020 winter camping campaign.



Figure 3: Time limited No stopping zone signage.



Figure 4: No Camping sign.

Council also undertook a feasibility study to consider the implementation of paid parking in the Claypits Carpark. The feasibility study looked at the strengths, weaknesses, opportunities and threats (SWOT) of implementing such a strategy (see attachment 2).

The following table is a summation of the SWOT analysis. While the study indicated that there are some definite strengths and opportunities, the weaknesses and threats of such a venture does not support the taking of the proposal to the next stage of development. However, the study did identify some important points worth considering which form part of the recommendations from this report.

- Paid parking may be a useful element in a broader strategy to manage freedom camping, provided residents of Jindabyne are given permits to park for free outside of their residences.
- Additional work outside of the scope of the feasibility is underway to develop long term strategy to better manage freedom camping in Jindabyne.

Strengths	**Weaknesses**
• Technology is readily available, easy to use and can be quickly installed.	• Space is limited in the Claypits carpark reducing the potential income of the venture. • Both campers and the Jindabyne residents do not support the concept of paid parking at the Claypits (albeit from opposing points of view). • Council in the first instance is responsible for the installation costs. • The Claypits is too small to be used as a broader pilot study for paid parking as a strategy to manage camping in Jindabyne. • Labour intensive, requiring more staff hours to enforce then was previously used to manage freedom camping in the past.
Opportunities	**Threats**
• It may be possible to recover the cost of administering the winter camping patrols. • It may be possible to use it as part of a large initiative to use paid parking as a strategy to manage camping in Jindabyne.	• The Claypits carpark may be considered as a primitive camping ground leaving Council liable to litigation if an accident or incident related to camping were to occur. • There may not be enough paying customers using the carpark to cover installation and ongoing operating

	costs.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The introduction of the no stopping zones resulted in the majority of the regular campers relocating from the Claypits Carpark into other localities in Jindabyne. The introduction of the no camping signage allowed the Rangers to move on campers from these localities.

The campers occupying the Claypits were often low paid seasonal workers, either from the ski resorts or from local businesses in Jindabyne. They were largely a nomadic demographic, traveling between various localities to undertake seasonal work. The type of work performed by the campers was considered of great economic value to the local business community.

The demographic of freedom campers can be best summarised as follows:

- As mentioned seasonal workers formed the largest number of campers. They indicated either an inability to access temporary accommodation or a general unwillingness preferring the camping lifestyle and the social bonds formed in their community network.
- Weekend visitors, most would drive in from Sydney or Canberra usually after a heavy snowfall to take advantage of the skiing and snowboarding opportunities. Some advised they had accommodation but arrived a day early and had nowhere to stay while others have camped every season and saw the restrictions as an affront to their ideology on what should or should not be permitted.
- Grey nomads, were another group. However, they did form a minority when compared to the previous two. Most were cooperative and happy to move onto camping grounds when they were told where to find one.
- Homeless campers were also another group. They were identifiable but were also careful in where they stayed trying to avoid attention. While the numbers were low it was noted they have increased from previous years.

The community of Jindabyne has expressed concern about the campers. For example:

- The success of the enforcement action moved some campers to areas not restricted by no stopping zones and no camping signs. This caused some social media attention advertising the alternative localities as free camping sites.
- There was an increased amount of waste material being left adjacent to waste receptacles especially at the Claypits Carpark. Campers were seen congregating in carpark during the day and dispersing after nightfall. The material was routinely removed by Council's contractor. However, its presence was a continual concern to the community. The prompt removal of the waste by Council contractors meant there was no public health or environmental issues created by its presence.
- The high volume of people using the Claypits toilets did cause its floors to look unkempt. However, the facilities were being cleaned and sanitised regularly and this appearance was largely cosmetic.

- Other incidents were noted such as campers setting up outside private residents. Rangers responded promptly to these reports moving on campers and issuing infringement notices for repeat offenders.

2. Environmental

The introduction of the no stopping zones and the evening Ranger to regulate compliance provided a noticeable improvement in environmental outcomes in the targeted areas (see figures 1 and 2). There was a noticeable reduction in noise pollution, abandoned vehicles, human waste and excrement, animal incidents, less fires and smoke events, gravel road and track degradation, and drunken disturbances.

As previously noted, there was waste being left at the bins outside of the Claypits toilets and at other locations outside of the target areas. While unsightly, the waste material was promptly removed either by Council's contractors in the case of the Claypits or Snowy Hydro at the other locations. The prompt intervention prevented the waste from causing a pollution incident.

3. Economic

The number of hours which our Rangers patrol were calculated for Friday, Saturday and Sunday nights only at a total of 4 hours per night which includes travel time. The safety of staff is a concern therefore two officers are required per patrol. The number of estimated weeks is 19 in total. The total hours is 456 hours. Loading is also added to the calculations provided, which an estimated cost to Council of $29,000 in staff commitment to the program. The potential income from infringements is $59,690. Therefore the program can become a self-funding service.

Estimated Expenditure	**Amount**	**Financial year**	**Ledger**		**Account string**
Ranger Salaries & on costs	$29,000	2020/21	G	L	99.00000032.0005.0300
No Stopping Signs	$1,500	2020/21	G	L	99.00000290.0005.0400
Sign Installation	$2,000	2021/22	G	L	99.00000290.0005.0400
Funding (Income/reserves)	**Amount**		**Ledger**		**Account string**
Penalty Infringements	$29,000	2020/21	G	L	02810.0205.0160
Penalty Equivalent for Cautions	$30,690	2020/21	G	L	02810.0205.0160
Total Potential Income	$59,690	2021/22	G	L	02810.0205.0160

4. Civic Leadership

Council previously considered this issue in its preparation and adoption of the *Lake Jindabyne Southern Foreshore Management Plan 2005* and at its meetings of 07 June 2018 and 07 February 2019.

Council resolved (resolution 215/18) the following at its meeting 07 June 2018:

COUNCIL RESOLUTION		**215/18**
That Council A. Approves the installation of "No Stopping Area" signs in the following designated areas from 6pm until midnight and from midnight until 7am from 7 June 2018 until 31 October 2018: 1. Sheet 1 – Wollondibby Inlet (6 sites) 2. Sheet 2 – Claypits (8 sites) 3. Sheet 3 – Town Centre (2 sites) 4. Sheet 4 – Townsend Street/ Cobbon Crescent – (5 sites); B. Recognise this as a temporary measure for current winter season; C. Embark on a campaign for a permanent solution to control and regulate camping around Lake Jindabyne; and D. Advertise the signage through the press for campers and general public information.		
Moved Councillor Beer	**Seconded Councillor Castellari**	**CARRIED**

Council resolved (resolution 32/19) the following at its meeting 07 February 2019:

COUNCIL RESOLUTION		**32/19**
That Council A. Note the successful outcome of the trial "NO STOPPING" operation; B. Note that Ranger Services does not have the resources to repeat this operation; C. Note that the demand for "free" parking, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region is growing annually; D. that the recently announced *Jindabyne 2036 Masterplan* and/or a review of Council's *Lake Jindabyne Southern Foreshore Management Plan 2005* would be the appropriate instruments to facilitate the development of a long term solution to meet the increasing visitor demand for "free" parking/camping – (noting that there is now no such thing as "free" parking); and E. Support funding an additional Ranger on a casual basis for the winter season "no stopping" patrols during 2019.		
Moved Councillor Castellari	**Seconded Councillor Haslingden**	**CARRIED**

Council resolved (resolution COV4/20) the following at its meeting 20 March 2021:

COMMITTEE RECOMMENDATION **COV4/20**

That Council:

A. Note the successful outcomes of the 2019 "No Stopping Zone" campaign;
B. Note that the demand for budget camping / parking, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region continue to grow;
C. Allocates an annual budget to maintain this campaign during the 2020 winter ski season and subsequent seasons;
D. Notes a feasibility study will be undertaken during the 2020 winter ski season to investigate the strengths, weakness, opportunities and threats associated with the introduction of a paid parking permit for the Claypits carpark;
E. Approves the installation of "No Stopping Zone" signs in the following designated areas restricting parking from 6pm until midnight and from midnight until 7am between 01 June and 31 October annually:
    i. Wollondibby Inlet (6 sites)
    ii. Claypits (8 sites)
    iii. Town Centre (2 sites)
    iv. Townsend Street / Cobbon Crescent (5 sites)
    v. Other areas identified throughout the course of the campaign; and
F. Embark on a campaign for a permanent solution to control and regulate camping around Lake Jindabyne.

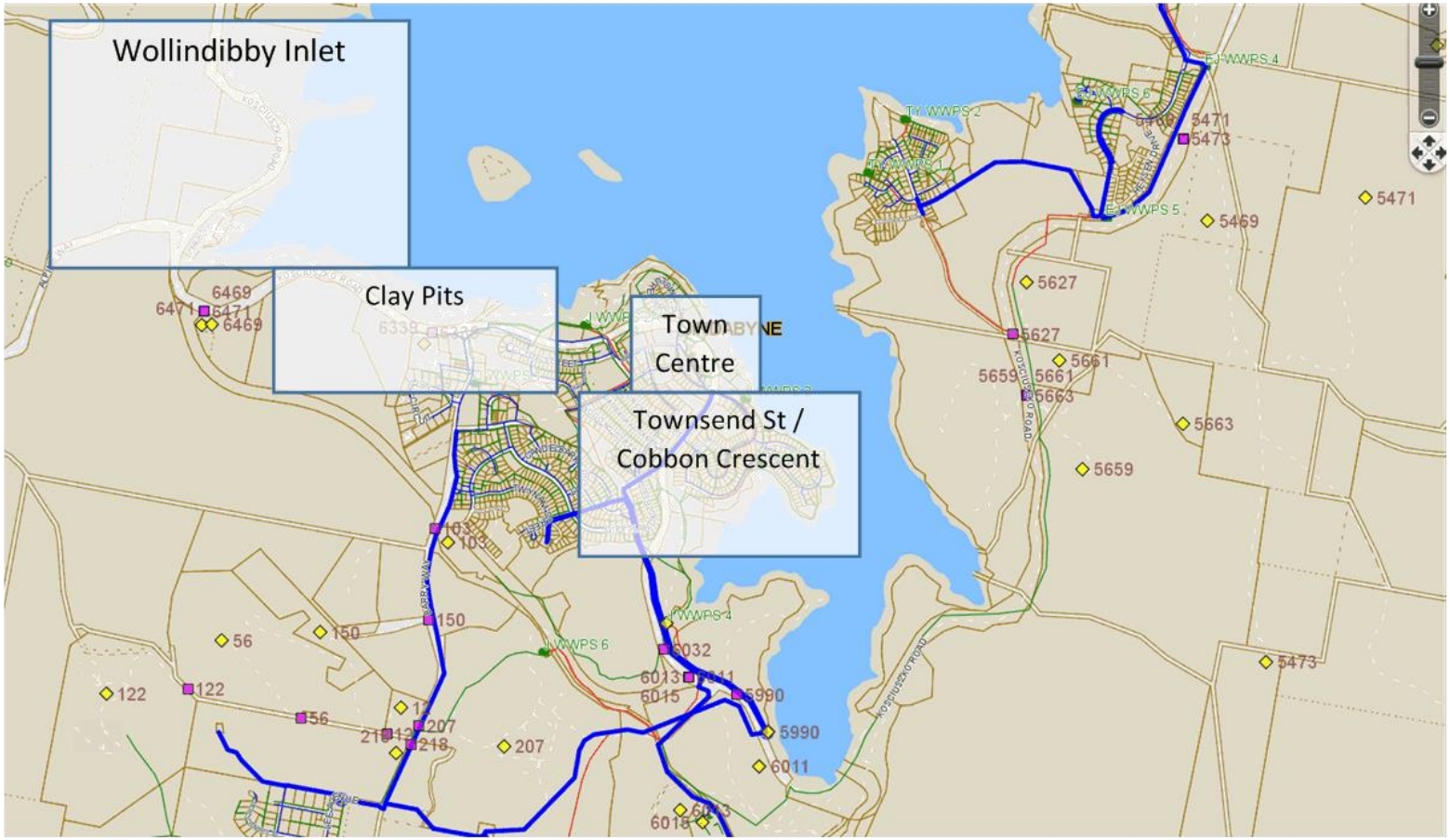
Moved Mayor Beer **Seconded Councillor Maslin** **CARRIED**

Since the *Lake Jindabyne Southern Foreshore Management Plan 2005* was adopted, the visitor pressures placed on the infrastructure and amenity of the Jindabyne Lake foreshore have increased. Taking into account previous trends it is predicted that the demand for overnight winter camping in Jindabyne will continue to increase. This will further increase the pressure on both infrastructure and amenity along the Lake Jindabyne foreshore.

Council, as the key stakeholder in this matter, demonstrated its leadership by bringing together other stakeholders to formulate and implement a strategy to manage the overnight camping in and around Jindabyne. The expansion of the winter camping campaign conducted along the Lake Jindabyne foreshore into the broader township of Jindabyne demonstrated that Council was able to take decisive and effective action to implement short term solutions to resolve community concerns. It is recommended that the campaign be repeated in 2021 with consideration being given to expanding the no stopping zones to the boat ramp carpark adjacent the Discovery Caravan Park which proved to be a popular alternative to the Claypits.

Additionally, Council is working with key stakeholders to discuss medium to long term strategies to manage camping in Jindabyne. Over the long term these initiatives may be incorporated into the recently announced *Jindabyne 2036 Masterplan* and/or a review of Council's *Lake Jindabyne Southern Foreshore Management Plan 2005* which would be the most appropriate instruments to facilitate the development of a long term solution to meet the increasing visitor and worker demands for budget / free camping.

No stopping zones along the Lake Jindabyne Foreshore



Wollindibby Inlet



S No Standing Signs — Bollards = = = Lease Boundary

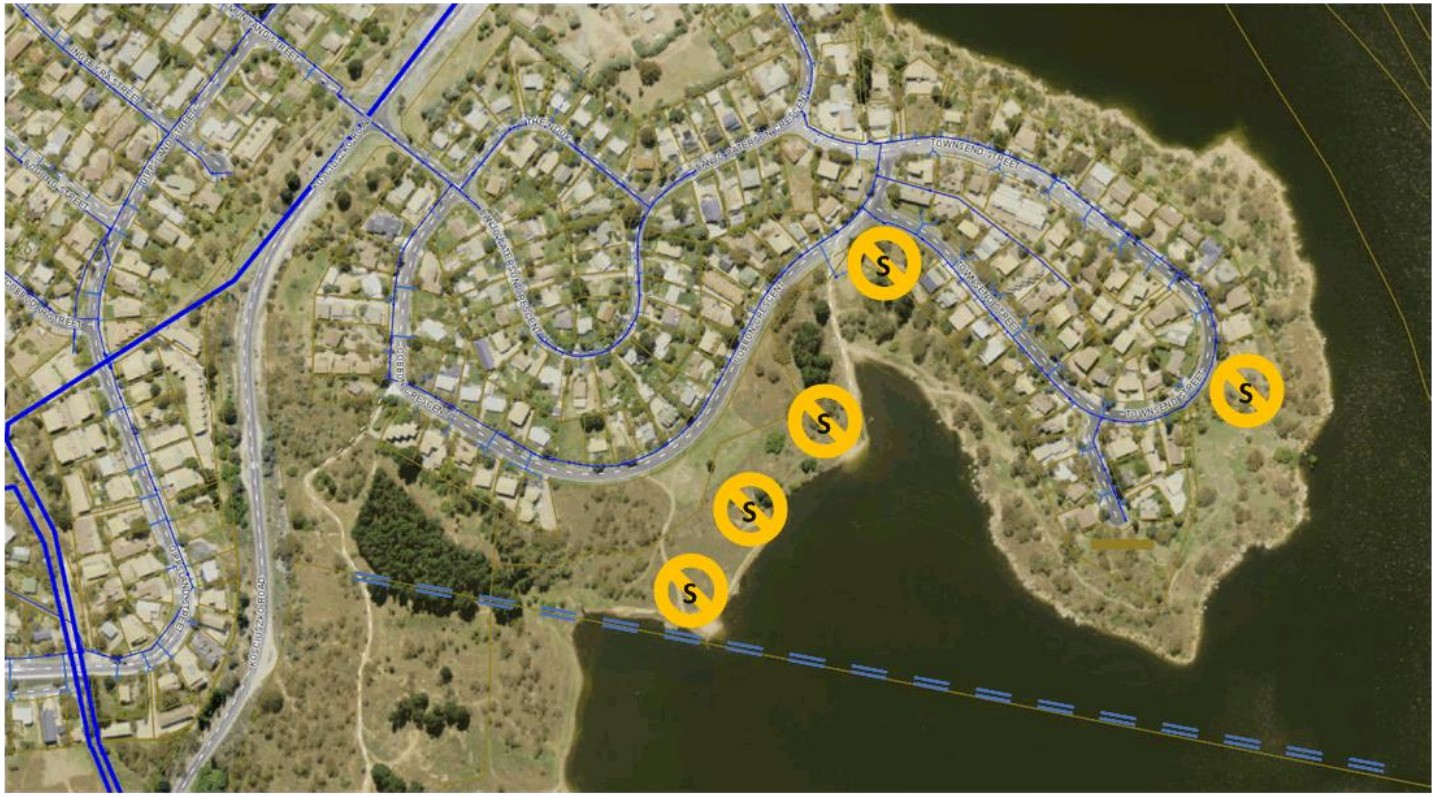
Clay Pits



Town Centre


KOSCIUSZKO ROAD
BAY STREET
S
S
No Standing Signs
Bollards
Lease Boundary

Townsend St / Cobbon Crescent



SNOWY MONARO REGIONAL COUNCIL

Feasibility Study Investigating the Strengths Weakness, Opportunities and Threats associated with introducing paid parking at the Jindabyne Claypits.



Contents

1. Background 4
2. Purpose 4
3. Literature Review 5
a) Freedom Camping 5
b) Paid parking 7
i. Pay parking schemes 8
ii. Parking strategies 10
iii. Funding 11
iv. Pricing principles 11
v. Payment methods 11
vi. Free parking in pay parking areas 12
vii. Enforcement 12
c) Legislation 12
i. Local Government Act 1993 12
ii. Road Rules 2014 13
iii. Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 13
iv. Public Health (COVID-19 Gathering Restrictions) Order 2021 14
v. National Competition Policy 15
4. Community Feedback 17
a) 2020 Winter Campaign 17
b) Community Forum 18
c) Other Community Feedback 18
i. Chamber of Commerce Feedback 18
ii. Facebook Feedback on Freedom Camping 19
5. Strengths and Weaknesses (RMS Approved Paid Parking) 19
a) Parking Control Systems (PCS) – Ticket Machines Pay by Space or Virtual Phone-Based Systems 20
i. Pay and Display 20
ii. Pay by space 20
iii. Pay by plate 21
iv. Pay-by-phone parking 21
b) Parking Guidance Systems (PGS) – In-ground Sensors Wayfinding Space Indicator Signs 22

i. In-ground sensors (PODS) 22
ii. Wayfinding (dynamic signage) PGS 23
6. Opportunities and Threats 24
a) Opportunities 24
b) Threats 24
7. Limitations of SWOT Analysis 25
8. Conclusion 25
9. Recommendations 26

1. Background

Since the Lake Jindabyne Southern Foreshore Management Plan 2005 was adopted, the visitor pressures placed on the infrastructure and amenity of the Jindabyne Lake foreshore have increased each year. Taking into account previous trends it is predicted that the demand for overnight winter camping along the Lake Jindabyne foreshore will out strip availability.

In recognition of these demands Council has in recent times taken a proactive approach to managing camping around the Jindabyne Lake foreshore. Council has also acknowledged that these programs come at a cost to the local community. Therefore, as part of a longer term strategy to manage the matter Council noted on 19 March 2021 that a feasibility study will be undertaken during the 2020 winter ski season to investigate the strengths, weaknesses, opportunities and threats (SWOT) associated with the introduction of paid permit parking for the Jindabyne Claypits carpark. This report presents the outcomes of the feasibility study, along with recommendations for a much broader scoped study to manage freedom camping as a whole in Jindabyne.

COMMITTEE RECOMMENDATION **COV4/20**

That Council:

A. Note the successful outcomes of the 2019 "No Stopping Zone" campaign;
B. Note that the demand for budget camping / parking, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region continue to grow;
C. Allocates an annual budget to maintain this campaign during the 2020 winter ski season and subsequent seasons;
D. Notes a feasibility study will be undertaken during the 2020 winter ski season to investigate the strengths, weakness, opportunities and threats associated with the introduction of a paid parking permit for the Claypits carpark;
E. Approves the installation of "No Stopping Zone" signs in the following designated areas restricting parking from 6pm until midnight and from midnight until 7am between 01 June and 31 October annually:
    i. Wollondibby Inlet (6 sites)
    ii. Claypits (8 sites)
    iii. Town Centre (2 sites)
    iv. Townsend Street / Cobbon Crescent (5 sites)
    v. Other areas identified throughout the course of the campaign; and
F. Embark on a campaign for a permanent solution to control and regulate camping around Lake Jindabyne.

Moved Mayor Beer **Seconded Councillor Maslin** **CARRIED**

2. Purpose

This feasibility report will explore the strengths, weaknesses, opportunities and threats (SWOT) of providing paid parking in the Jindabyne Claypits carpark as a strategy for the management of camping and parking issues along the Lake Jindabyne foreshore. In preparation of the SWOT the report explores the broad concept of freedom camping, before looking at paid parking and legislation.

3. Literature Review

a) Freedom Camping

The term freedom camping has been used to describe the practice of camping in recreational vehicles (RV), cars, caravans and tents in public places where there is either no charges or a token fee paid. The concept of freedom camping is gaining in popularity. Studies have indicated two dominant subcultures who favour this form of camping. These include our recently retired baby boomers (grey nomads) and the younger generation who live a nomadic life following either work or life ambitions. There is a third subculture which includes occasional campers, which this subgroup is growing it is less organised and more sporadic than one previously mentioned.

Studies have also indicated that one or more of the following characteristics may be evident at places where freedom camping occurs:

- camping may occur with or without the consent of the land owner
- venues may or may not provide basic amenities to service the RVers
- venues may or may not be approved for camping by the controlling authority
- camping fees may range from 'no fee' through levels of donation, low, or subsided fee
- if a fee applies, it represents a significant price differentiation from that of the market based fee charged by commercial venues in the same region (if commercial parks exist) (Caldicott 2017).

Freedom camping combines a mobile form of accommodation (i.e. RV) and the "freely chosen" use thereof in a public space (i.e. camping place). The key role of freedom in definitions of leisure are stated in terms of 'choice' and 'freely chosen'.

For purposes of differentiating freedom camping places from commercial caravanning spaces, the definition provided by the Australian Bureau of Statistics for a caravan park as:

> A discrete landholding established, subject to the rules and regulations of the controlling authority, for the primary function of servicing the tourism industry through the active provision of short-term and/or long-term fixed or mobile accommodation space to the general public and provides powered or unpowered sites for caravans and toilet, shower and laundry facilities to guests, in exchange for an advertised market-based fee (ABS 2010, cat. no. 8635.0).

The defining elements of commercial parks are their active third-party provision and advertised market base fee. Table 1 sets out the comparative differences between commercial camping places and freedom-site camping places with dichotomies between land tenure, management, primary function, regulation, provider, amenities, services and fees.

Table 1 - Commercial and freedom comparative camping options Source: (Caldicott et al. 2017)

Caravan park camping places	Freedom-site camping places
Discrete land holding (private or public).	Non-discrete (open public space).
On-site caretaker (manager/owner operator)	No on-site manager (or volunteer caretaker).
Primary function to service tourism.	Primary function not for tourism (i.e. rest area).
Environment regulated for accommodation.	Environment regulated for other purposes.
Active third-party commercial provision.	Consumer spawned (or community) provision.
Full amenities (shower/toilet/washing machine).	No amenities (or basic public amenities only).
Hooked-up service (water, electricity, waste).	No services (may be public dump point access).
Market-based fee.	No fee or low-cost fee or donation.

Common spaces used for freedom camping include road-side rest areas, residential streets and Crown reserves such as showgrounds and travelling stock routes. Provisions for commercial camping on public land require Council approval, with limited exceptions. Freedom campers have occupied the carpark at the Claypits in Jindabyne, boat ramp carpark near Discovery Bay, Hatchery Bay, Lake Foreshore at various locations and the streets within Jindabyne.

The practice of vehicle camping has been around for a long time internationally but recent growth in Australia increases its visual presence. Freedom camping is vigorously criticised by commercial caravan park operators and their industry associations across Australia. They consider it to be a non-competitive and noncompliant accommodation practice, particularly when facilitated by local government. Caldicott et al. (2014) offers an extensive discussion on the history, importance, role and position of industry and user/consumer groups and explains their influence on freedom camping politics and policy.

Criteria for regulated camping grounds are prescribed by the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Rallying in support of freedom camping, RV user groups like the Campervan and Motorhome Club of Australia (CMCA) and other similar caravan clubs and affiliations (i.e. Australian Caravan Club; MoTOURing) are lobbying local and state politicians to make provision for low-cost (below market norm) camping. The claim of this lobby for establishing further freedom camping venues is made on the premise of net community gain and market failure. CMCA advocate that campers bring new wealth to areas visited through increased spending, increased socialisation and volunteer opportunities. The increased visitation, they argue, promotes business growth, fosters local employment and increases the volunteer skills pool.

Some local councils and their communities embrace freedom campers. Others despise the activity. Each council has varying social, economic and political dispositions to respond to the phenomenon. As a form of low-budget travel freedom camping's impact upon individual communities varies. Freedom camping's overt claim on public space is now hotly contested within and across geographic and political boundaries at local, regional and state levels. Nonetheless, freedom camping is acknowledged by all parties as a timeworn travel practice. However, issues over legislative compliance, economic, environmental and social sustainability are sufficient cause for some communities and interest groups to question its legitimacy in a political context. Some communities experience environmental and social disharmony from hosting freedom campers. This can overshadow any expressed benefit, qualified or unqualified, and promotes ongoing debate to the allocation of public resources towards its provision.

Freedom camping, despite its broad permissible status, is not well treated in contemporary local planning processes and infrastructure policy as is commercial camping. Until the recent resurgence of media and political unrest over freedom camping it had just simply fell by the legislative wayside. Within this void breeds contempt. Contempt from commercial camping lobbies towards local governments directly involved in freedom camping provision and then freedom campers indirectly.

Consequently, some local councils are now opting for punitive measures by prescribing freedom camping. That is, camping or parking overnight is signed as prohibited in certain residential, retail, parking or open spaces which is in effect prosecuting a "lockout" of the practice. The emerging challenge for councils is the increasing demand for camping access to limited freedom camping infrastructure, accentuating and perpetuating negative connotations of freedom camping as an alternative lifestyle and "gypsy-like" way of travelling. The planning and policy shortfalls coupled with diverging community value-sets shine a space, sector and time specific spotlight on the activity as it increasingly displays in public places. Regardless of the stigma, recognition for the scale and implications of the freedom camping phenomenon is slowly growing in Australia

The number of freedom campers travelling Australia is predicted to rise. Not least are those identified as grey nomads, RV and car campers. Temporary occupation and demand for freedom camping space is growing accordingly.

b) Paid parking

In accordance with Roads and Maritime Services (RMS) delegation to Councils and the RMS Pay Parking Guidelines (15 November 2019), councils are responsible for:

- developing a parking strategy that includes proposed pay parking schemes, supported by parking studies and community consultation
- referring all pay parking schemes to the local traffic committee for consideration and recommendation to Council or its delegate

- establishing and operating pay parking schemes on roads and road related areas within their area of operations, except on classified roads unless approved by RMS
- installing and maintaining parking control signs and devices associated with the pay parking scheme
- installing parking control signs and devices associated with declared organisations' pay parking schemes, if and as required
- all installation, maintenance, enforcement, recovery of revenue and other administrative costs associated with the pay parking scheme
- keeping records of the types of traffic control devices installed, time and date of installation, and display, alteration or removal of signs and devices
- fixing the parking fees by resolution of the council.

i. Pay parking schemes

The following features apply to all pay parking schemes:

- pay parking is implemented as an extension of a permissive parking scheme.
- parking spaces should be continuous so the motorist does not have to cross roads or side streets to access a meter or ticket machine
- no adverse impact on visual amenity
- elegant and attractive design to enhance the streetscape
- located appropriately behind the kerb so there is no adverse impact on road safety
- easy for the motorist to understand
- simple to use
- easy to enforce
- cost effective
- administratively simple
- adaptable to either small isolated areas or to larger areas, whether on-street, off-street or involving more than one parking authority.

To achieve these objectives, councils are strongly encouraged to keep their pay parking schemes as simple and consistent as possible. Councils may introduce a concurrent permit parking scheme which would allow permit holders to park without charge or time restrictions in relevant pay parking spaces. For example, permanent residents may be able to acquire a permit to park in front of their home while visitors to the area may be required to pay for their parking.

The four pay parking schemes recognised in NSW are described below.

Name of the parking scheme	**Details of the parking scheme**
Metered parking schemes	Metered parking schemes charge for the use of a specific parking space, therefore parking spaces must be marked and numbered. There may be one meter per space, generally positioned on the footpath adjacent to the parking space, or a multi-space meter close by that covers several spaces. In an ordinary metered parking scheme, the customer pays for the numbered parking bay in which they have parked. In a registration metered parking scheme, the vehicle registration is required to be entered into the meter. In these cases, individually numbered bays are not necessary. App-based pay parking schemes generally fall into this category. The parking meter, or app where the app is the parking meter, must show instructions for use, parking fees, acceptable methods of payment, and the status of parking bays (where marked). A phone number for assistance or reporting faults is also recommended.
Coupon parking schemes	Coupon parking schemes are an obsolete system requiring the motorist to obtain pre-purchased coupons to pay for their parking. Any parking authority interested in establishing a coupon parking scheme can discuss the details with their RMS representative.
Phone parking schemes	Phone parking schemes are an obsolete system requiring the motorist to call a designated phone number to pay for their parking. They are not designed around smart phone technology, mobile devices or apps. Cashless payment systems using mobile devices can be established as a trial metered parking scheme. Otherwise, any parking authority interested in establishing a phone parking scheme can discuss the details with their RMS representative.

Name of the parking scheme	Details of the parking scheme
Ticket parking schemes	Ticket parking requires a motorist, after parking the vehicle in the ticket parking area or space, to obtain a ticket from a centrally located ticket parking machine in the vicinity by inserting coins or using another payment method as indicated on the ticket machine. The ticket parking machine must display the necessary information on the front regarding the use of the machine and the denomination of coins or any other payment method to be used. A single ticket must be obtained from the ticket parking machine and displayed in or on the vehicle. The ticket must show the current date and the expiry time. Tickets must show the following information: • Year, month, date and expiry time • Council name and ticket parking area, e.g. an area name or code if required • Serial number (to assist in enforcement) • Instructions for use on the back of the ticket. In the case of motor bikes, the parking tickets should be displayed in a special holder secured to the vehicle and the onus is on the rider. However, this is subject to a great deal of risk for the rider through the accidental loss or theft of the ticket. If motor bike parking is of concern, parking authorities may consider alternative arrangements, for example motor bike only parking that does not require a ticket.

ii. Parking strategies

Parking authorities should develop their parking strategies to align with state government and other planning and transport strategies, and referencing Australian Standard 2890: Parking facilities, the Austroads Guide to Traffic Management Part 11: Parking, RMS supplements to the Australian Standard and Austroads Guide, and in consultation with all relevant stakeholders.

Parking authorities may be required from time to time to share parking information with Roads and Maritime Services and/or Transport for NSW. This will help the NSW Government develop evidence-based traffic and transport plans and strategies.

iii. Funding

All costs associated with the establishment and operation of pay parking schemes on roads and road related areas must be met from council resources. This includes costs associated with the provision and maintenance of parking signs and pavement markings, publicity and enforcement.

iv. Pricing principles

One of the main objectives of pay parking is to provide equitable access to parking spaces by increasing parking turnover. There may also be higher transport objectives such as management of travel demand or influencing travel mode choices through pricing mechanisms. It is important that pay parking schemes support and complement these objectives. Pricing should be based on cost recovery, e.g. for administration of the scheme/s and the provision of infrastructure, taking into account the parking authority's return on investment policy (if it has one). Fees levied by councils must be fixed by a council resolution. When determining the level of parking fees, consider:

- the NSW Government's overall transport objectives
- consulting with other parking authorities operating in the surrounding areas to gather information on the general traffic conditions, the supply of and demand for parking spaces, and the fees levied
- undertaking financial analysis to establish the feasibility of the proposed pay parking scheme taking into account: start up, operational, maintenance, enforcement and personnel training costs
- whether the proposed parking fees are compatible with pay parking schemes operating in the surrounding areas.

v. Payment methods

Metered and ticket parking schemes must allow payment of fees in cash (i.e. notes and/or coins) unless they are established as a cashless scheme on a trial basis. When paying with cash, parking meters and ticket machines will accept more payment than is necessary to cover the parking period. Other methods of payment of fees for parking such as credit cards, smart cards, mobile phones or a phone parking scheme may also be provided in accordance with the RMS Pay Parking Guidelines.

A cashless pay parking scheme must be approved by RMS, can only be established on a trial basis and must abide with any conditions that RMS sets out in its approval. For the purposes of such a trial, a parking meter may take the form of an app which is accessible from a mobile device.

On-street pay parking devices must always be provided in conjunction with an app-based metered scheme because not all people will have access to or be able to use an app or a mobile device. This will help to ensure equitable access to public parking.

vi. Free parking in pay parking areas

Some parking authorities may permit a limited period of free parking in some pay parking spaces, for example near coffee shops or newsagents where there may be high turnover of very short term parking. The free parking period must be indicated on the parking sign. For ease of regulation and enforcement, parking authorities may require motorists to validate the free parking period via the meter or ticket machine.

vii. Enforcement

Under the NSW Road Rules 2014 (rule 205) and unless an exemption applies (for example a mobility parking scheme authority) drivers are not permitted to park continuously on a length of road or in an area to which a permissive parking sign applies for longer than the period indicated on the permissive parking sign. Rule 207 indicates that, if a fee is payable for parking on the length of road or in an area, the driver must pay the fee.

Parking authorities are responsible for the enforcement of pay parking schemes in their areas of operation and should not rely on the NSW Police for enforcement.

Schedule 4 of the Regulation sets out the relevant classes of officers that are authorised by councils and declared organisations as enforcement officers.

c) Legislation

As previous mentioned in this report, freedom camping on public land or roads can be managed through the implementation of a public notice under the *Local Government Act 1993* or the *Road Rules 2014*. Freedom camping on private land can only be managed under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Additionally, the operation of a camping ground must comply with *Public Health (COVID-19 Gathering Restrictions) Order 2021*. The following sections highlight the legal limitations associated with the operation of paid parking as a mechanism to manage freedom camping in the Claypits carpark.

i. Local Government Act 1993

Section 68(1) of the *Local Government Act 1993* establishes the activities which require approval from Council prior to commencing operation.

> *A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.*
>
> *Part F Other activities -*

1. *Operate a public car park*
2. *Operate a caravan park or camping ground*

ii. Road Rules 2014

Division 7 Permissive parking signs and parking fees which allows Council Rangers to enforce breaches where a driver parks their vehicle in an area where a parking fee applies.

iii. Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Clause 77 of the regulations establishes a set of conditional exemptions for the need to have a section 68 approval as previously noted.

The prior approval of the council is not required for—

(a) the installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months, or
(b) the installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition, or
(c) the installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or
(d) *the installation of any moveable dwelling and associated structure on land for the purposes of accommodating a person who has been displaced because of a bush fire, but only if the moveable dwelling or associated structure is maintained in a healthy and safe condition and removed within 2 years after it is installed.*

Clause 132 of the regulations establishes a set of conditions for primitive camping grounds. If the Claypits carpark continues to operate as a camping ground the provision would need to be met:

- approval to operate a primitive camping ground designates one or more camp sites within that ground, then the maximum number of designated camp sites is not to exceed a mean average of two for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground)
- if the approval to operate the primitive camping ground designates one or more camp sites within that ground—camping is not permitted within the primitive camping ground other than on those designated camp sites
- approval to operate the primitive camping ground does not designate one or more camp sites within that ground—the maximum number of caravans, campervans and tents permitted to use the camping ground at any one time is not to exceed a mean

average of two for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground)

- a caravan, annexe or campervan must not be allowed to be installed closer than six metres to any other caravan, annexe, campervan or tent
- a tent must not be allowed to be installed closer than six metres to any caravan, annexe or campervan or closer than three metres to any other tent
- the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,
- unoccupied caravans, campervans and tents are not to be allowed to remain in the camping ground for more than 24 hours
- if a fee is charged for camping, a register must be kept
- firefighting facilities are to be provided at the primitive camping ground.

Where approval to operate a primitive camping site does not designate camp sites, a council may impose as a condition of the approval that the installation of tents, caravans, campervans and annexes is not permitted on a particular area or areas of land within the primitive camping ground, for reasons of health or safety or to ensure consistency with the principles of ecologically sustainable development or for any other purpose.

The general manager of a council for the area in which a primitive camping ground is located may modify the conditions under clause 132 as they apply to the camping ground if the general manager is reasonably satisfied that it is necessary to do so for the purposes of accommodating persons who have been displaced because of bush fires. There are no other exceptions provided in the regulations.

iv. Public Health (COVID-19 Gathering Restrictions) Order 2021

Businesses and organisations (include local authorities) are required to write and implement a COVID-19 Safety Plan for all operational caravan parks. The following elements required in a compliant COVID-19 Safety Plan (as of 14 April 2021):

- Advise staff and visitors who are unwell with COVID-19 symptoms to immediately get tested and place themselves in isolation until they have received their results. Consider how customers could be isolated while awaiting their results, if they are sharing accommodation with others. This would require people to be isolated in a hotel or motel until the results are received.
- Provide staff with information and training on COVID-19, including when to get tested, physical distancing, wearing masks and cleaning.
- Other types of venues or facilities within the premises must complete COVID-19 Safety Plans where applicable. If contact details are captured electronically upon entry to the main premises on the relevant day, additional collection of contact details via electronic methods may not be required if there is no other public access to the sub-premises. However, additional contact details and time of entry must be captured where these sub-premises are indoor gyms, nightclubs, dine-in hospitality venues, pubs and bars.

- Support 1.5m physical distancing where possible.
- Avoid congestion of people in specific areas where possible.
- Consider having strategies in place to manage gatherings that may occur immediately outside the premises, such as pick-up and drop-off zones.
- Adopt good hand hygiene practices. Have hand sanitiser at key points around the venue.
- Ensure bathrooms are well stocked with hand soap and paper towels or hand dryers.
- Clean frequently used indoor hard surface areas (including children's play areas) at least daily with detergent/disinfectant. Clean frequently touched areas and surfaces several times per day.
- In indoor areas, increase natural ventilation by opening windows and doors where possible, and increase mechanical ventilation where possible by optimising air conditioning or other system settings (such as by maximising the intake of outside air and reducing or avoiding recirculation of air).
- Keep a record of name, contact number and entry time for all staff, customers and contractors for a period of at least 28 days, including a room number where relevant. Electronic collection (such as a QR code) of contact details for each person is strongly encouraged.
- Records must be provided as soon as possible, but within 4 hours, upon request from an authorised officer.
- Keep a copy of the COVID-19 Safety Plan at the business premises.

Penalties for breaching public health orders

Under the public health orders, it is mandatory for camping grounds to complete a COVID-19 Safety Plan. Authorised officers are undertaking inspections of businesses to check compliance and are able to issue on-the-spot fines. Penalties for breaching public health orders range up to $55,000, with a further $27,500 penalty possible for each day an offence continues. For repeated non-compliance, businesses may be shut down for periods of up to a month.

v. National Competition Policy

The National Competition Policy can be outlined as follows:

- The extension of Trade Practices laws prohibiting anti-competitive activities (such as the abuse of market power and market-fixing) to all businesses, including government businesses.
- The introduction of 'competitive neutrality' so that privately-owned businesses can compete on an equal footing with those owned by Government.
- The review and reform of all laws that restrict competition.
- The development of a national access regime to enable competing businesses to use nationally significant infrastructure.

- Price monitoring for all significant government businesses that have a market monopoly (for example: Australia Post).
- Specific reforms to the gas, electricity, water and road transport industries.

How does competitive neutrality work?

Competitive neutrality requires that the prices charged by local government businesses should aim to recover the full costs of a business activity.

Full costs should include:

- The direct cost of providing the goods or services and an appropriate proportion of indirect costs For example, government businesses can sometimes underestimate their costs and omit to include expenses such as rent, payroll and personnel.
- All relevant taxes or tax equivalents. For example, government businesses are not required to pay tax or pay rates on their government owned premises.
- A commercial level of interest payments. For example, government businesses can often receive financial advantages, like low interest loans, as a result of government guarantees.
- A commercial rate of return (over a reasonable period). For example, government businesses have not always been required to make a profit.

Government businesses should also be required to comply with all relevant government regulations (sometimes government businesses are exempt from laws relating to things like environmental protection, planning and approval processes).

The Public Interest Test

When governments are reviewing laws that restrict competition the National Competition Policy requires that they consider a number of factors to determine what is in the public interest. These include:

- Laws and policies relating to the environment.
- Social welfare and equity.
- Laws and policies relating to matters such as occupational health and safety, industrial relations, access and equity.
- Economic and regional development, including employment and investment growth.
- The interests of consumers generally or of a class of consumers.
- The competitiveness of Australian businesses.
- The efficient allocation of resources.
- The list is open-ended, meaning that governments must also take into account any other matter relevant to determining the merits of the reform being examined.

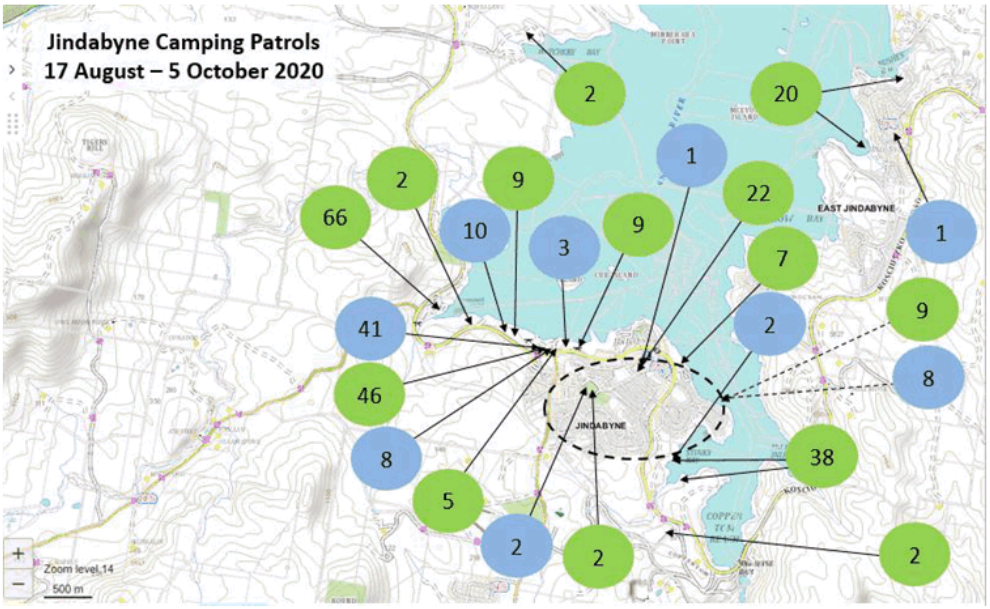
4. Community Feedback

The following is a brief summation of the outcomes from a community forum held on 23 May 2021 and from observations made during the 2020 winter campaign.

a) 2020 Winter Campaign

Over the 2020 winter campaign Council Rangers were involved in the enforcement of the no camping signs and no stopping zones. The Rangers were able to talk with and identify the following groups made up the free campers who were visiting the region.

- Seasonal workers who only worked enough hours to buy food and other essentially and spent the remainder of their time skiing, snowboarding or mountain bike riding. It was not uncommon to find this subgroup intoxicated.
- Permanently unemployed who lived a nomadic lifestyle. It was also not uncommon to find this subgroup intoxicated.
- Weekend visitors, mostly from Sydney but there was an occasion visitor from the ACT. They were mostly found after a heavy snowfall and had driven to the area so they could ski or snowboard. They either had not obtained an accommodation booking or had arrived a day early.



Legend
Engaged and Cautioned 239 Infringements 76

When pressed with the question of how much they were willing to pay to camp, most were not willing to offer an amount. One freedom camper said they would be only willing to pay $50 for the season.

b) Community Forum

The community forum undertaken on 23 March 2021 was well attended. It was estimated that 80 people attended and provided feedback on what they believe were the issues surrounding freedom camping during the winter ski season. The following feedback was received and was considered important to the outcomes of this report:

- Campers moved from the Claypits in 2021 relocated to other localities in the township of Jindabyne.
- Freedom campers moved onto private land in Jindabyne without the owner's permission.
- When a freedom camper suggested making the Claypits a camping site there was a resounding no followed by applause. It is clear the community not want camping to be permitted in the Claypits.

c) Other Community Feedback

i. Chamber of Commerce Feedback

The following was taken from a Jindabyne Chamber of Commerce post on 14 April 2021.

Recent discussions around the shortage of seasonal staff accommodation in Jindabyne and the decreased capacity of seasonal workers to pay for winter rentals has led many to choose the van-life in solving their accommodation needs for the season. Unfortunately, there are limited locations in Jindabyne where this lifestyle is socially acceptable and comply with council regulations in a Covid safe world.

The Jindabyne Chamber of Commerce is requesting an urgent response from Jindabyne business owners. Prior to a meeting scheduled for Friday morning, we are seeking an indication of staffing needs from local business in order to facilitate adequate solutions with Snowy Monaro Regional Council to seek suitable accommodation solutions for your 2021 seasonal workforce.

The position of the Chamber of Commerce on the issue of freedom camping can best summed up with a comment they provided at the public forum previously mentioned. The Chamber of Commerce support free camping not camping for free.

ii. Facebook Feedback on Freedom Camping

The following was taken from a Facebook posts during the 2020 winter campaign. The feedback from the campers and residents on this matter was embodied with emotion in favour of their particular position on free camping.

Freedom Campers Perspective

They felt the volume of use of the Claypits had adversely impact public perception of the amenities and foreshore. They believe that all freedom campers were being tarred with the same brush. They said the region had already been negatively impacted by the bush fires and COVID-19. They believe the banning of camping in the Claypits was sending a negative message about the region being tourist friendly.

There was a general feeling amongst the majority of the campers spoken to that there should be some form of free camping around the Jindabyne Lake foreshore. The rationale for their position ranged being entitled to camp for free through to not being able to locate affordable accommodation.

Jindabyne Residents

One resident summed up the concerns of the community really well when they posted:

> People are already sleeping in their cars in the street. We've had some outside our home right in town. I don't think a minority pulling up at the Claypits to camp is an issue. The issue arises when it isn't a few anymore and there are no amenities to cope with the number of people staying there.
>
> Toilets and no showers isn't particularly ideal, especially when during the day they are open to all tourists and townspeople alike. Some of the mess … seen is particularly foul … poo being wiped all over the wall etc.
>
> I'm … not impressed that we have to pay for the council to manage it when they aren't paying a cent to stay there.
>
> We do have an accommodation shortage I am sure but camp in a camp ground, not a car park.

5. Strengths and Weaknesses (RMS Approved Paid Parking)

The following is a brief comparison of some of the key features of metered and ticket parking. This section focuses on the strengths and weaknesses of the RMS approved technology needed to administer paid parking.

a) Parking Control Systems (PCS) – Ticket Machines Pay by Space or Virtual Phone-Based Systems

i. Pay and Display

A pay and display machine is a type of ticket machine used for regulating parking in urban areas or in car parks. It relies on a customer purchasing a ticket from a machine and displaying the ticket on the dashboard, windscreen or passenger window of the vehicle.

PCS	Strengths	Weaknesses
Pay and Display	• Paid time overlap (> 10% revenue) parking spaces are paid for a greater period than they are occupied. • Unlimited layout of spaces. • Spaces do not need to be marked. • Automatic issue of ticket and receipt (credit card). • Easily relocated /expanded to additional spaces. • Alternatives available if a machine is not working. • Can be used on and off-street. • Easily understood by the public. • Less queries on infringements. • More detailed transaction data available from every ticket issued. • A two-part ticket can be used for discounts/ validation by businesses. • Already easily understood by most drivers. • Does not require personal technology such as smart phones.	• Extra walking distance • Uses more paper • Additional maintenance costs due to more moving parts • Awkward for some parkers such as parents with small children • Unless designed to accommodate credit cards, requires parkers to potentially have significant amount of cash available depending on fee and length of stay • 'Meter feeding' can occur where parking is time limited.

ii. Pay by space

Pay by space meters are a multi-bay or multi-space parking meter. Each pay by space meter services several car spaces. Each car space has to have number applied to either the kerb or footpath, but sometimes both depending on the location. Arrow are used to point to the corresponding meter. Parkers are required to note the number and follow the arrow to pay at the correct meter.

PCS	Strengths	Weaknesses
Pay by space	• Shorter walking distance for drivers. • Paperless – more environmentally friendly. • Less moving parts therefore less maintenance. • More efficient for enforcement as rangers only visit the machine not each space. • Receipt can be generated on demand.	• Restricted number of spaces per machine. • Spaces must be marked and numbered. • Overlap is used unless machine resets to zero. • No alternative if a machine is not working. • Not used off-street. • Inconvenient to relocate. • Numbering requires maintenance. • Fixed fee structure encourages overlap. • Confusing for some parkers especially elderly.

iii. Pay by plate

Pay-by-plate machines are a subset of ticket machines used for regulating parking in urban areas or in parking lots. They enable customers to purchase parking time by using their license plate number. The machines print a receipt that generally displays the location, machine number, start time, expiration time, amount paid, and license plate.

PCS	Strengths	Weaknesses
Pay by plate	• Paid time overlap (> 10% revenue) • More efficient for enforcement and can target repeated offenders • Spaces do not need to be marked • Less queries on infringements • Unlimited layout of spaces • Paperless – more environmentally friendly • Can be used on and off-street • Discourages free parking period over multiple visits (i.e. Drivers moving vehicles for free parking)	• Extra time consumed to enter licence plate numbers may result in queues. • Possible error when typing in the number plate. • Higher maintenance on key pad • Confusing for some parkers especially elderly.

iv. Pay-by-phone parking

Pay-by-phone parking allows any driver parking in a fare required space the option to divert the expense to a credit card or to a mobile network operator via the use of a mobile phone, mobile application or computer, opposed to inserting cash into a parking meter or pay and display machine.

Pay-by-phone parking technology can be used in multiple ways: "start stop" and "start duration." "Start stop" parking requires the driver to contact the pay-by-phone provider first when the driver initiates the parking session and then again when the driver wishes to terminate the session. Alternatively, "start duration" requires the driver to only contact the pay-by-phone provider when the parking session is to be initiated in which the driver dictates the amount of time the session will last. The driver can also add on additional time or extend the parking session if needed.

PCS	Strengths	Weaknesses
Pay-by-phone parking	• No maintenance costs. • Paperless – more environmentally friendly. • Can be used on and off-street.	• Assumes all drivers have a mobile phone and that these are fully charged and usable at the time parking is required. • Detailed signage required. • Administration for debt collection. • Requires sophisticated enforcement software. • No receipt available.

b) Parking Guidance Systems (PGS) – In-ground Sensors Wayfinding Space Indicator Signs

i. In-ground sensors (PODS)

Parking sensors are an infrared vehicle sensor which are installed on the ground within parking bays. When a vehicle drives over the sensors, the sensor detects when the vehicle arrives and can determine any overstay of the parking restrictions. Essentially, the sensors provide precise arrival and departure times of vehicles. These sensors transmit information wirelessly via an internal antenna which sends data directly to a ranger when a vehicle has overstayed the allowed time, prompting them to visit the location to verify vehicles and issue notices as required.

Parking sensors provide accurate information which assists with the implementation of parking enforcement, parking surveys and parking strategies. The sensors can also be configured to provide real-time information on the availability of bays either via electronic signage or web-based apps to allow people looking for a parking space to easily locate one. Parking apps have the capacity to assist in reducing traffic congestion and vehicle emissions by minimising the time it takes drivers to locate a free parking space.

PGS	Strengths	Weaknesses
In-ground sensors (PODS)	• Accurately records vehicle arrival and departure time - including overstays. • Can be integrated with mobile hand-held device and produce notification of overstaying vehicles. • Improves efficiency and accurately records the infringement- type location details, offence details and signage regulation. • Can be integrated with dynamic signage to advise drivers of spaces available prior to arriving at car park. • Buried beneath the pavement hence reduces the chance of vandalism.	• Need to transmit back-to-house to a central server for efficiency. • High cost of maintaining / repairing if sensors become faulty – requires small amount of pavement removal. • Battery life over extended term has not yet been proven. • Annual repair and maintenance cost of ±$27.50 per unit.

ii. Wayfinding (dynamic signage) PGS

Wayfinding (dynamic signage) PGS is a form of smart parking which provides digital guidance for both on-street and off-street car park environments. These systems use variable message signs displaying real-time space availability and direction to available bays, meaning traffic flow and space is optimised within a car park.

The live status of each bay is transmitted from the sensor to a SmartCloud platform, which in turn updates the variable message signs using digital network communications. This informs drivers of the number, type and location of available spaces, along with direction indicators to keep traffic flowing.

PGS	Strengths	Weaknesses
Wayfinding (dynamic signage) PGS	• Provides real-time parking information to drivers • Reduces vehicle congestion caused by vehicle idling and circulating for parking space. • Reduces carbon dioxide released due to vehicle idling. • Reduces driver frustration. • More attractive for drivers and hence increases the chance of revisiting the area.	• Needs to be integrated with in-ground parking sensors for each on-street bay at significant cost. • May be a safety issue as it may confuse/distract drivers when driving. • Additional set-up and maintenance costs.

	• Improves the perception of availability of spaces. • Improves the efficiency of spaces. • Data can be integrated to include information for public off-street parking.	

6. Opportunities and Threats

The following opportunities and threats relate to the introduction of paid parking at the Claypits as an initiative to manage freedom campers.

a) Opportunities

The following opportunities take into account the information previous presented in this report:

- it may be possible to run a pilot study at the Claypits with a view to expanding paid parking to the broader township of Jindabyne
- it may present a broader solution to manage issues surrounding the equitable access to the Claypits and the Lake Jindabyne foreshore
- it may be possible to establish a fee which will could offset the cost of managing issues arising from freedom camping in the region
- it provides evidence that Council is working towards a long term strategy to address the community's concerns about the camping which has occurred within the Jindabyne Claypits.

b) Threats

The following opportunities take into account the information previous presented in this report and the outcomes of a community forum to discuss the issues surrounding informal camping in Jindabyne:

Threats associated with Paid Parking at the Claypits

- the operation of the Claypits as a paid carpark may be considered as a caravan park under the Regulations, leading to potential civil litigation if an accident, injury or illness occurred
- both freedom campers and residents have an extreme emotional attachment to the Claypits, the implementation of paid parking may further heighten tensions in the community between the two factions
- the cost of additional parking or increased management must be borne by Council
- future technologies are likely to impact the viability of parking investments
- vandalism or theft of paid parking infrastructure

- the Claypits carpark may be filled with campers who have paid the parking fee, thereby limiting the purpose of the initiative being the return of a public space to the community
- campers may be pushed onto private land of into other townships in the region, thereby relocating the problem rather than effectively managing it.

7. Limitations of SWOT Analysis

Although the SWOT analysis is widely used as a strategic planning tool, the analysis does have its share of limitations.

- Certain capabilities or factors of Council can be both a strength and weakness at the same time. This is one of the major limitations of SWOT analysis.
- SWOT does not show how to achieve a competitive advantage, so it must not be an end in itself.
- The matrix is only a starting point for a discussion on how proposed one strategy could be implemented to manage freedom camping. It provides an evaluation window but not an implementation plan based on strategic direction and capabilities.
- SWOT is a static assessment - analysis of status quo with few prospective changes. As circumstances, capabilities, threats, and strategies change, the full dynamics paid parking as a strategy to manage freedom camping may not be revealed in a single matrix or study.
- SWOT analysis may lead to the overemphasizing of a single internal or external factor in formulating outcome. There are interrelationships among the key internal and external factors that SWOT does not reveal that may be important in devising a long term strategy.

8. Conclusion

The issue of freedom camping in and around Jindabyne is both a polarising and emotional topic for all parties involved in the matter. This report examined one proposed solution to managing the issue being the installation of paid parking at the Claypits. The report examined concept of freedom camping, public opinion, views of the campers, legislation and the technology used to manage paid parking. The data was evaluated using a SWOT analysis with key outcomes being distilled into the following table.

Strengths	Weaknesses
• Technology is readily available, easy to use and can be quickly installed.	• Space is limited in the Claypits carpark reducing the potential income of the venture. • Both campers and the Jindabyne residents do not support the concept of paid parking at the Claypits (albeit from opposing points of view).

	• Council in the first instance is responsible for the installation costs. • The Claypits is too small to be used as a broader pilot study for paid parking as a strategy to manage camping in Jindabyne. • Labour intensive, requiring more staff hours to enforce then was previously used to manage freedom camping in the past.
Opportunities	**Threats**
• It may be possible to recover the cost of administering the winter camping patrols. • It may be possible to use it as part of a large initiative to use paid parking as a strategy to manage camping in Jindabyne.	• The Claypits carpark may be considered as a primitive camping ground leaving Council liable to litigation if an accident or incident related to camping were to occur. • There may not be enough paying customers using the carpark to cover installation and ongoing operating costs.

While the study indicated that there are some definite strengths and opportunities, the weaknesses and threats of such a venture does not support the taking of the proposal to the next stage of development. However, the study did identify some important points worth considering which form part of the recommendations from this report.

- Paid parking may be a useful element in a broader strategy to manage freedom camping, provided residents of Jindabyne are provided with permits to park for free outside of their residences.
- Additional work outside of the scope of this report is needed to develop long term strategy to better manage freedom camping in Jindabyne.

9. Recommendations

It is recommended that Council:

- Notes the outcomes of this study do not support the use of paid parking as a strategy to manage camping at the Claypits carpark.
- Notes paid parking in entire township of Jindabyne may be a useful element in a broader strategy to manage freedom camping.
- Notes further works are being undertaken to determine a long term strategy to better manage camping in Jindabyne.

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9.3.2 ADOPTION OF RECOMMENDATIONS FROM THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 20 MAY 2021

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.2 Our local road network is planned, built and repaired to improve movement across the region
Attachments:	1. Local Traffic Committee Minutes 20 May 2021
Cost Centre	Infrastructure Administration
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The Snowy Monaro Local Traffic Committee held their meeting on the 20 May 2021. The Committee's recommendations are presented for Council's consideration.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council adopt the recommendations of the meeting of the Local Traffic Committee on 20 May 2021.

A. SNOWY MOUNTAINS GRAMMAR SCHOOL PRECINCT

That Council approve a Left in and Right in/Left out access option on Barry Way, Jindabyne for the SMGS Sports Precinct carpark and work with Transport for NSW to:

- Create a 40km/h zone up Barry Way, Jindabyne when the access road becomes open to the public.

B. 400 IN 4 CHARITY RIDE

That Council approve the 400 in 4 Charity Ride to ride through Cooma on the 13/10/21 and 14/10/21 provided the organisers:

- Change the entrance into Cooma on the 13/10/21 to Yallakool Road.
- Limit the number in cycling groups to 15 riders each, all with a lead and following vehicle.

C. SHOW AND SHINE

This submission to the Local Traffic Committee was withdrawn on the 26/05/21.

D. SCHOOL ZONE SIGNAGE – Mittagang Road and Barona Avenue

That Council change the parking signs around Cooma North Public School and Monaro High along Mittagang St, Cooma and Baroona Avenue, Cooma. This is to reflect the current school hours from 8:00am-9:30am and 2:30pm-4:00pm creating consistency across the region.

E. LOADING ZONE – Vale Street, Cooma

That Council investigate the parking area outside 57 Vale Street, Cooma by:

- Speaking to the Taxi drivers about allowing trucks to use part of the Taxi space.
- Investigating line-marking on the driveways outside 57 Vale Street, Cooma for to create clear lines of sight for driveway entrances.
- Investigating the need for one driveway as opposed to two driveways at 57 Vale Street, Cooma through Council.

F. ROCK FLAT CREEK BRIDGE, NUMERALLA

That Council approve the Cooma side of Rock Flat Creek Bridge on Numeralla Road to have a give way sign to vehicles coming from Numeralla. This side is encouraged as there is more space for heavy vehicles to wait on this approach.

G. DROP & HOODS – Snowy Mountains

That Council ask Lateral Management for more information about the Drop and Hood event planned for December 2021. The information should include how this event may impact other council departments, the timing of the races and the number of participants. This can then be submitted to the next Local Traffic Committee meeting.

H. ST PATRICKS JUNIOR SCHOOL PARKING

That Council investigate measures such as street trees or a barrier to block vehicles parking on the nature strip at St Patricks School, Cooma.

I. ILLAWONG ST, ANGLERS REACH – SPEEDING

That Council investigate measures to reduce speed along Illawong Street, Angler's Reach such as the placement of temporary speed display signs as well as speed cushions at all entrance to the lake and caravan park.

J. DALGETY ROAD SPEED LIMIT – OUT OF BERRIDALE

That Council forward on all information regarding the support to reduce the speed limit on Dalgety Road for 800m, to Transport for NSW to investigate.

K. ADAMINABY PARKING

Recommendation: That Council undertake a review the parking for light and heavy vehicles throughout Adaminaby.

L. POLO FLAT ROAD, NUMERALLA ROAD AND YAREEN ROAD

That Council change the two giveaway signs on Numeralla Road and Yareen Road to stop signs with the condition that council also:

- Place signs warning vehicles to slow down or stop ahead in the lead up to these stop signs on Numeralla Road and Yareen Road.
- Investigate moving the future stop sign on Numeralla Road back a few metres from Polo Flat Road.

BACKGROUND

A. SNOWY MOUNTAINS GRAMMAR SCHOOL PRECINCT

Council has received a request from GHD Pty Ltd commissioned by Snowy Mountains Grammar School (SMGS) to develop an access road on Barry Way, Jindabyne as part of the SMGS Sports Precinct. This new sports precinct will have a 17 space car park with a planned access road on Barry Way approximately 140m from Kosciuszko Road. The Traffic Management Plan has proposed two options for vehicles entering and existing the car park either left in/left out or left in and right in/left out.

B. 400 IN 4 CHARITY RIDE

Council has received a request from the 400 in 4 Charity Ride to ride on bicycles through Cooma on the 13/10/21 and 14/10/21. The 400 in 4 Charity Ride is an annual event which raises money for the Burns Unit at the Sydney Children's Hospital. There will be 34 riders and 6 staff participating who will be travelling by bike from Sydney to Charlottes Pass. This ride will go through Turin Avenue to Yarrang Street to Mittagang Street, Cooma on 13/10/21 and Mittagang Street to Smith Street to Baron Street, Cooma on 14/10/21.

C. SHOW AND SHINE

Council has received a request from Snowy Mountains Motorcycle Club to host a Show and Shine Event at the Jindabyne Town Centre Car Park located across from Banjo Patterson Park, on Kosciuszko Road, Jindabyne on 6/11/21. This request is to modify the location from the 2018 location. For 2021, the Snowy Mountains Motorcycle Club has requested to use car spots that are located on the road reserve for their event.

D. SCHOOL ZONE SIGNAGE – Mittagang Road and Barona Avenue

Council received a request to investigate pedestrian safety around Cooma North Public School and Monaro High School. After a site visit, it was concluded that the no stopping during school hours signs all displayed the incorrect school hours outside Cooma North Public School and Monaro High School. These need to be updated to reflect the current school hours from 8am-9:30am and 2:30pm-4:00pm.

E. LOADING ZONE – Vale Street, Cooma

Council received a request to change the all-day loading zone sign located at 57 Vale St, Cooma to a restricted hours loading zone from 8:00am-9:30am and 3:00pm-4:30pm. Heavy Vehicles are using this loading zone and blocking key driveways near this site.

F. ROCK FLAT CREEK BRIDGE, NUMERALLA

Council has received a request to give priority to one direction of traffic on Rock Flat Creek Bridge, Numeralla. This request was received in light of cars almost meeting at the bridge at the same time despite being a single lane bridge.

G. DROP & HOODS – Snowy Mountains – December 2-5, 2021

Council has received a request from Lateral Event Management to undertake the Drop and Hoods Snowy Mountains Cycling Event in November, 2022. The event will impact a number of local roads from the 3/12/22 to 6/12/22.

H. ST PATRICKS JUNIOR SCHOOL PARKING

Council has received a request regarding vehicles parking on the grass section located at St Patricks School on Vale Street, Cooma. Council has been asked to implement measures to prevent the community parking on the grass as this presents a safety issue to pedestrians.

I. ILLAWONG ST, ANGLERS REACH – SPEEDING

Council received a request to investigate speeding issues along Illawong Road, Angler's Reach. The community has requested speed mitigating measures be investigated to improve the safety of animals and people after residents were using bins on the road to slow traffic down.

J. DALGETY ROAD SPEED LIMIT – OUT OF BERRIDALE

Council received a request to reduce the speed limit along Dalgety Road just outside of Berridale for 800 metres from Boundary Street. Council has undertaken traffic counts and would like the advice of the Local Traffic Committee on whether to make a submission to Transport for NSW for a speed limit reduction to 60km/h.

K. ADAMINABY PARKING

Committee members raised the concern of regarding parking in Adaminaby with various complaints from residents around parking on Baker St and Snowy Mountains Highway. This was also linked to the increased traffic and trucks in this area.

L. POLO FLAT ROAD, NUMERALLA ROAD AND YAREEN ROAD

Committee members raised the concern around the intersection at Numeralla Road, Yareen Road and Polo Flat are offset which cause many near miss crashes. Committee has received complaints in their roles about this intersection not being safe.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Snowy Monaro Regional Councils' endorsement of the Local Traffic Committee's recommendations will allow for a variety of events to take place that foster meaningful community outcomes and connections. Likewise, investigating parking options allows for the community to engage in social life by getting to key places of interest.

2. Environmental

Snowy Monaro Regional Councils' endorsement of the recommendations of the Local Traffic Committee, will allow for the implementation of a variety of road safety treatments that aim to make the road environment much safer for the community.

3. Economic

Snowy Monaro Regional Councils' endorsement of the recommendations of the Local Traffic Committee, will allow for increased economic growth particularly where there are major events that bring income to the region. There are some economic costs associated with road safety treatments like the installation of signage and line marking.

4. Civic Leadership

Snowy Monaro Regional Council continues to exercise their delegated functions under the G*uide to the Delegation to Councils for the Regulation of Traffic* in which Council has responsibility for the Local Traffic Committee. Council also ensure that we adhere to the Roads Act by ensuring our roads are safe for the community.

SNOWY MONARO REGIONAL COUNCIL

Minutes

Local Traffic Committee Meeting

20 May 2021

LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630

ON THURSDAY 20 MAY 2021

MINUTES

Notes:

1. OPENING OF THE MEETING 2
2. APOLOGIES 2
3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST 2
4. ADOPTION OF MINUTES OF PREVIOUS MEETING 2
4.1 Local Traffic Committee Meeting 18 March 2021 2
5. BUSINESS ARISING 2
6. ACTION SHEET 2
7. CORRESPONDENCE 2
7.1 Snowy Mountains Grammar School Precinct 2
7.2 400 in 4 Charity Ride 4
7.3 Show and Shine Event 4
7.4 School Zone Signage, Mittagang St, Cooma 5
7.5 Loading Zone 57 Vale St, Cooma 6
7.6 Rock Flat Bridge, Numeralla 6
7.7 Drop and Hoods Snowy Mountains Event 7
8. GENERAL BUSINESS 8
8.1 Parking at St Patricks Primary School, Cooma 8
8.2 Speeding, Illawong St, Anglers Reach 8
8.3 Dalgety Rd speed limit out of Berridale 9
8.4 Adaminaby Parking 9
8.5 Intersection - Polo Flat Rd, Numeralla Rd and Yareen Rd 9
9. MATTERS OF URGENCY 9
10. NEXT MEETING 10

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630

ON THURSDAY, 20 MAY 2021 COMMENCING AT 9.30AM

PRESENT: Rebecca Copping, SMRC Roads Safety Officer
Graham Hope, SMRC Project Specialist
Adam Kite, NSW Police Representative
Kelly Cherry– Transport for NSW Representative
Sue Haslingdon– Councillor
Linley Miners – Councillor

1. OPENING OF THE MEETING

The Chair opened the meeting at 9.34AM

At 10.02am Sue Haslingson left the meting

2. APOLOGIES

An apology for the meeting was received from Judy Winter, Local MP Representative

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 LOCAL TRAFFIC COMMITTEE MEETING 18 MARCH 2021

RECOMMENDATION

THAT the minutes of the Local Traffic Committee Meeting held on 18 March 2021 are confirmed as a true and accurate record of proceedings.

5. BUSINESS ARISING

6. ACTION SHEET

7. CORRESPONDENCE

7.1 SNOWY MOUNTAINS GRAMMAR SCHOOL PRECINCT

Record No:

Responsible Officer: Road Safety Officer

Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Traffic Assessment *(Under Separate Cover)* 2. Civil Drawings *(Under Separate Cover)*
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council has received a request from GHD Pty Ltd commissioned by Snowy Mountains Grammar School (SMGS) to develop an access road on Barry Way, Jindabyne as part of the SMGS Sports Precinct. This new sports precinct will have a 17 space car park with a planned access road on Barry Way approximately 140m from Kosciuszko Road. The Traffic Management Plan has proposed two options for vehicles entering and existing the car park either left in/left out or left in and right in/left out.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A . That Council approve a Left in and Right in/Left out access option on Barry Way, Jindabyne for the SMGS Sports Precinct carpark and work with Transport for NSW to:

- Create a 40km/h zone up Barry Way, Jindabyne when the access road becomes open to the public.
- Increase signage around the 2 lane roundabout at Barry Way and Kosciusko Road.

BACKGROUND

QUADRUPLE BOTTOM LINE REPORTING

1. Social

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2. Environmental

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3. Economic

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4. Civic Leadership

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COMMITTEE'S RECOMMENDATION

A.

7.2 400 IN 4 CHARITY RIDE

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Event Risk Assessment 2. Traffic Management Plan 3. Public Liability Insurance 4. Route of Ride 5. COVID-19 Safety Plan 6. Authority to Fundraise
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council has received a request from the 400 in 4 Charity Ride to ride on bicycles through Cooma on the 13/10/21 and 14/10/21. The 400 in 4 Charity Ride is an annual event which raises money for the Burns Unit at the Sydney Children's Hospital. There will be 34 riders and 6 staff participating who will be travelling by bike from Sydney to Charlottes Pass. This ride will go through Turin Avenue to Yarrang Street to Mittagang Street, Cooma on 13/10/21 and Mittagang Street to Smith Street to Baron Street, Cooma on 14/10/21.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council approve the 400 in 4 Charity Ride to ride through Cooma on the 13/10/21 and 14/10/21 provided the organisers:

- Change the entrance into Cooma on the 13/10/21 to Yallakool Road.
- Limit the number in cycling groups to 15 riders each, all with a lead and following vehicle.

7.3 SHOW AND SHINE EVENT

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained

Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Map of Carpark 2. 2018 Application - Event Summary
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council has received a request from Snowy Mountains Motorcycle Club to host a Show and Shine Event at the Jindabyne Town Centre Car Park located across from Banjo Patterson Park, on Kosciuszko Road, Jindabyne on 6/11/21. This request is to modify the location from the 2018 location. For 2021, the Snowy Mountains Motorcycle Club has requested to use car spots that are located on the road reserve for their event.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council approve the application to use the road reserve on lower town centre of the Jindabyne carpark on Kosciusko Road, for the Show and Shine event held on 6/11/21.
This submission to the Local Traffic Committee was withdrawn on the 26/05/21.

7.4 SCHOOL ZONE SIGNAGE, MITTAGANG ST, COOMA

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	Nil
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council received a request to investigate pedestrian safety around Cooma North Public School and Monaro High School. After a site visit, it was concluded that the no stopping during school hours signs all displayed the incorrect school hours outside Cooma North Public School and Monaro High School. These need to be updated to reflect the current school hours from 8am-9:30am and 2:30pm-4:00pm.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council change the parking signs around Cooma North Public School and Monaro High along Mittagang St, Cooma and Baroona Avenue, Cooma. This is to reflect the current school hours from 8:00am-9:30am and 2:30pm-4:00pm creating consistency across the region.

7.5 LOADING ZONE 57 VALE ST, COOMA

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Email and Site Visit
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council received a request to change the all-day loading zone sign located at 57 Vale St, Cooma to a restricted hours loading zone from 8:00am-9:30am and 3:00pm-4:30pm. Heavy Vehicles are using this loading zone and blocking key driveways near this site.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A . That Council investigate the parking area outside 57 Vale Street, Cooma by

- Speaking to the Taxi drivers about allowing trucks to use part of the Taxi space.
- Investigating line-marking on the driveways outside 57 Vale Street, Cooma for to create clear lines of sight for driveway entrances.
- Investigating the need for one driveway as opposed to two driveways at 57 Vale Street, Cooma through Council.

7.6 ROCK FLAT BRIDGE, NUMERALLA

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and

	maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Email and Site Visit
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council has received a request to give priority to one direction of traffic on Rock Flat Creek Bridge, Numeralla. This request was received in light of cars almost meeting at the bridge at the same time despite being a single lane bridge.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council approve the Cooma side of Rock Flat Creek Bridge on Numeralla Road to have a give way sign to vehicles coming from Numeralla. This side is encouraged as there is more space for heavy vehicles to wait on this approach.

7.7 DROP AND HOODS SNOWY MOUNTAINS EVENT

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Traffic Management Plan 2. Event Map
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council has received a request from Lateral Event Management to undertake the Drop and Hoods Snowy Mountains Cycling Event in November, 2022. The event will impact a number of local roads from the 3/12/22 to 6/12/22.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council ask Lateral Management for more information about the Drop and Hood event planned

for December 2021. The information should include how this event may impact other council departments, the timing of the races and the number of participants. This can then be submitted to the next Local Traffic Committee meeting.

8. GENERAL BUSINESS

8.1 PARKING AT ST PATRICKS PRIMARY SCHOOL, COOMA

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Email and Site Visit
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council has received a request regarding vehicles parking on the grass section located at St Patricks School on Vale Street, Cooma. Council has been asked to implement measures to prevent the community parking on the grass as this presents a safety issue to pedestrians.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council investigate measures such as street trees or a barrier to block vehicles parking on the nature strip at St Patricks School, Cooma.

8.2 SPEEDING, ILLAWONG ST, ANGLERS REACH

Record No:

Responsible Officer:	Road Safety Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient
Attachments:	1. Emails from community
Cost Centre	Transport Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council received a request to investigate speeding issues along Illawong Road, Angler's Reach. The community has requested speed mitigating measures be investigated to improve the safety of animals and people after residents were using bins on the road to slow traffic down.

The following committee's recommendation is submitted for Council's consideration.

COMMITTEE'S RECOMMENDATION

A. That Council investigate measures to reduce speed along Illawong Street, Angler's Reach such as the placement of temporary speed display signs as well as speed cushions at all entrance to the lake and caravan park.

8.3 DALGETY RD SPEED LIMIT OUT OF BERRIDALE

Question raised regarding the current speed limit of 100km out of Berridale heading south on Dalgety Rd being changed to 80km or extending to 60km zone further towards the Myack creek crossing

RECOMMENDATION

A . That Council forward on all information regarding the support to reduce the speed limit on Dalgety Road for 800m, to Transport for NSW to investigate.

8.4 ADAMINABY PARKING

Question raised regarding parking in Adaminaby. Complaints from residents about parking on Baker St. Current increase in traffic due to work on Snowy 2.0 and workers in the area.

RECOMMENDATION

That Council undertake a review the parking for light and heavy vehicles throughout Adaminaby.

8.5 INTERSECTION - POLO FLAT RD, NUMERALLA RD AND YAREEN RD

Issue raised as Numeralla Rd and Yareen Rd are offset.

RECOMMENDATION

A. That Council change the two giveaway signs on Numeralla Road and Yareen Road to stop signs with the condition that council also:
   - Place signs warning vehicles to slow down or stop ahead in the lead up to these stop signs on Numeralla Road and Yareen Road.
   - Investigate moving the future stop sign on Numeralla Road back a few metres from Polo Flat Road.

9. MATTERS OF URGENCY

10. NEXT MEETING

Thursday, 15 July 2021

There being no further business the Chair declared the meeting closed at 11:13am

CHAIRPERSON

The above minutes of the Local Traffic Committee Meeting of Snowy Monaro Regional Council held on 20 May 2021 were confirmed by Committee at a duly convened meeting on 15 July 2021 at which meeting the signature hereon was subscribed.

9.3.3 BUMBALONG BRIDGE

Record No:

Responsible Officer:	Chief Strategy Officer
Author:	Chief Strategy Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.2 Our local road network is planned, built and repaired to improve movement across the region
Attachments:	1. Locality Maps

Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

The NSW government is considering funding the construction of Bumbalong Bridge following from the issues identifying that there is no safe and legal access for the heavy fire vehicles for quite a significant distance into that area. This will hamper the firefighting response into this area and creates a higher risk of entrapment, in an emergency, due to the extensive length of fire trails that would need to be relied upon for alternative access. This action is supported by the Rural Fire Service.

The lack of an access will also hamper rebuilding efforts for the residents that currently have lost houses or suffered significant damage as the existing unapproved crossing structure has been assessed as being unsafe for heavy vehicles to cross. There will also be minor benefits in that the residents and visitors will have a safer crossing and there are benefits in that the structure is most likely towards the end of its effective life.

To achieve this will require the acquisition of the road leading to the bridge and the road immediately past the bridge. This infrastructure would then become part of the local transport network. Council already maintains Bumbalong Road and would take on 1.2km of unsealed road and a concrete low level bridge. The NSW Government (If funding is approved) will fund 100% of the construction costs up to $4million, with the funding provided in advance.

With the NSW Government seeking Council to take on this project the offer will also provide that should the project face increased costs are a result of the tender pricing or other unforeseen issues the NSW Government will fund increased costs greater that 5% above the funding level. This would cap Council's exposure to any cost increases.

This project has been estimated at $3.91million and is seen as a good investment to resolve a historic issues at what should be no cost to the community.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

A. Agree to accepting 100% grant funding to acquire and construct the section of road leading up to and immediately surrounding the crossing known as Bumbalong Bridge and replace Bumbalong Bridge to ensure that there is access for emergency services to legally cross the Murrumbidgee River at Bungarby and safely operate within that region in emergencies.
B. Authorise the Chief Executive Officer to negotiate for the acquisition of such land as is required.

BACKGROUND

Last summer's fires and the housing loss in the area have highlighted to the NSW Government access issues to the Bumbalong area west of the Murrumbidgee River. At the moment there is no reasonable alternative access to that area. An assessment of the crossing indicates that in its current state the crossing should not be used for most fire fighting vehicles.

Alternative access is only possible accessing BIllilingra Road from the south and then via the Bumbalong Fire Trail or via The Angle crossing, a low level crossing, down Bobeyan Road and the returning either through Bobeyan Road and the north or travelling south via fire trails. This creates both a high risk situation and lengthy response times for emergency services.

Council's position on provision of emergency service access has recently been supportive of Council taking on new infrastructure where it is grant funded (Ryrie Street, Michelago). Council has not been supportive of taking on infrastructure where that would divert resources from the existing need for maintaining the current network and where this is for the purpose of improving access standards for existing properties.

There will be minor benefits in that the residents and visitors will have a safer crossing and there are benefits in that the existing structure is probably reaching the end of its effective life for lighter vehicles. Upgrading the structure will mean that residents will avoid the cost of having to undertake repair works themselves in the medium term.

The NSW Government is in the process of assessing a business case to see whether it will fund the construction of a crossing point. The NSW Government will fund $4million of the costs of the upgrading of the bridge and the access to the bridge. As the project has to date been one that the NSW Government has been developing the offer letter will also include provision that should the actual costs exceed the grant funding by more than 5% the NSW Government will provide funding for the amount in excess of the 5%.

Council has been working with the NSW Government to identify a solution to access issues and will utilise the services of Public Works Advisory to project manage the works. The NSW Government has been scoping the works and determining the design works through Public Works Advisory. The NSW Government is looking to fund the works from this year's budget, which will require entering into a funding agreement before 30 June so that the funds can be accessed from existing year funds.

Historical Background Information

The crossing was formerly on the boundary between Yarralumla Council and Cooma Council. When those areas were merged into the Cooma-Monaro Council the crossing remained as an unauthorised crossing within the new area. Cooma-Monaro Council did not approve any dwellings requiring access from this bridge, but Yarrowlumla Council has approved dwellings in the area up to the mid-1990s. Three approved dwellings that rely on the crossing were destroyed in the fires last summer.

On the western side of the river are Upstream Rd and Downstream Rd. These are Crown roads and not maintained by Council. Both roads are only partially on the crown reserves and at the point they connect to Bumbalong Bridge are not within the road reserve, making that part of the road a private road.

The original Bumbalong Road reserve was created sometime between 1883 and 1912. This access was put into a location further upstream and Bumbalong Road roughly follows the existing road

reserve. Historic maps show that the location the road leads to was a gravel removal site on the river bank. No records show the track leading to the current crossing point. Aerial mapping indicates there may have been several crossing points over time as there are several tracks still evident on adjoining sides of the river. A newspaper report indicates that the residents funded repairs to the existing structure in 1979.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Accepting the funding and taking on the related infrastructure will allow for improved safety to residents and firefighters. While benefits do accrue to the landowners due to an improved crossing, it is the fact that there is no effective alternative access for emergency services which is the reason taking on these additional assets is supported.

Taking on this infrastructure simply to improve access to residents that were established based on the current level of access is not warranted. The new road is only being taken as far as is required for emergency service access. It is not recommended (nor suggested by the NSW Government) that Council agree to take on any further of the road network in the area.

2. Environmental

This crossing has been identified as creating a minor fish barrier and also a place where large volumes of sediment are trapped, which impact on the environment in that part of the river. The construction of a new crossing to current standards would provide a positive environmental outcome for fish travel and the riverine system in this section of the river.

3. Economic

Council would be taking on an estimated 1.2km of road and a concrete low level bridge. The annualised lifetime costs of the new infrastructure is calculated at $2,000 per annum.

This will need be included as additional costs needing to be recovered in the long term financial plans of the Council. The cost of rectifying access across the Murrumbidgee River is estimated to be $4million. This investment into local infrastructure by the NSW Government, and benefits it will bring to emergency service access and safety, is considered to outweigh the additional cost of maintenance and eventual replacement of the new infrastructure that will need to be funded as part of a future rate increase.

Council is in discussions with the NSW Government on the project. The project has not yet met all approvals and the business case is currently being considered to determine whether the project will be funded. It is only if the project is funded 100% by the NSW government that the project will proceed to the next stage. Should the project not be able to proceed for some reason the Council will be required to return the unexpended portion to the NSW Government.

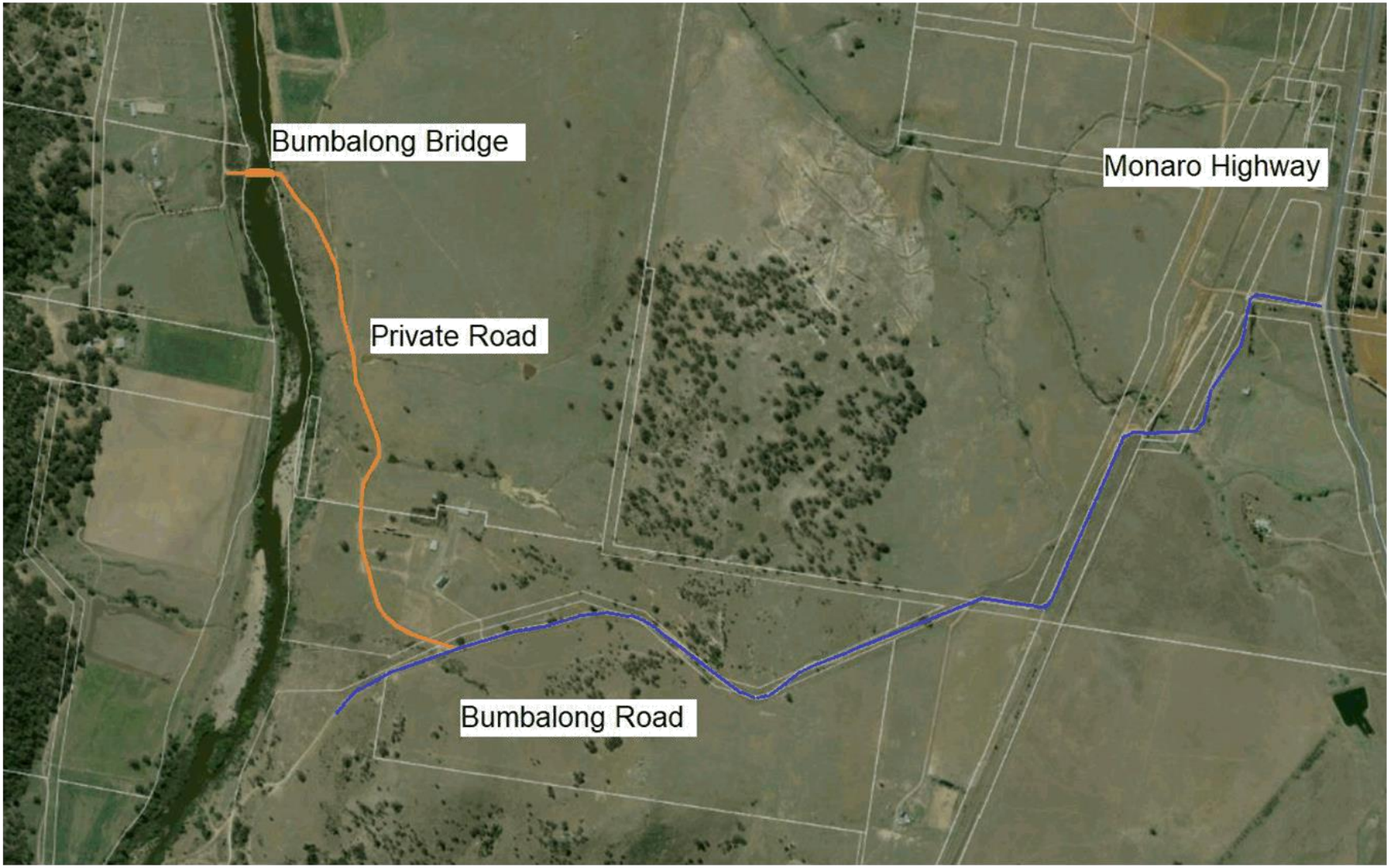
The capital costs are 100% funded if the project is delivered for under $4million. If the costs exceeds the $4million the Council will need to provide up to $200,000 towards the project, with costs in excess of that being borne by the NSW Government. The project has been developed and estimated by Public Works Advisory, who are currently seeking tenders. This should give better certainty of the costs to allow the Council to determine is the project is likely to come in on budget before commencing. The combination of these factors indicates that the risk is acceptable. The benefits in accessibility to the area is seen to outweigh the risks.

4. Civic Leadership

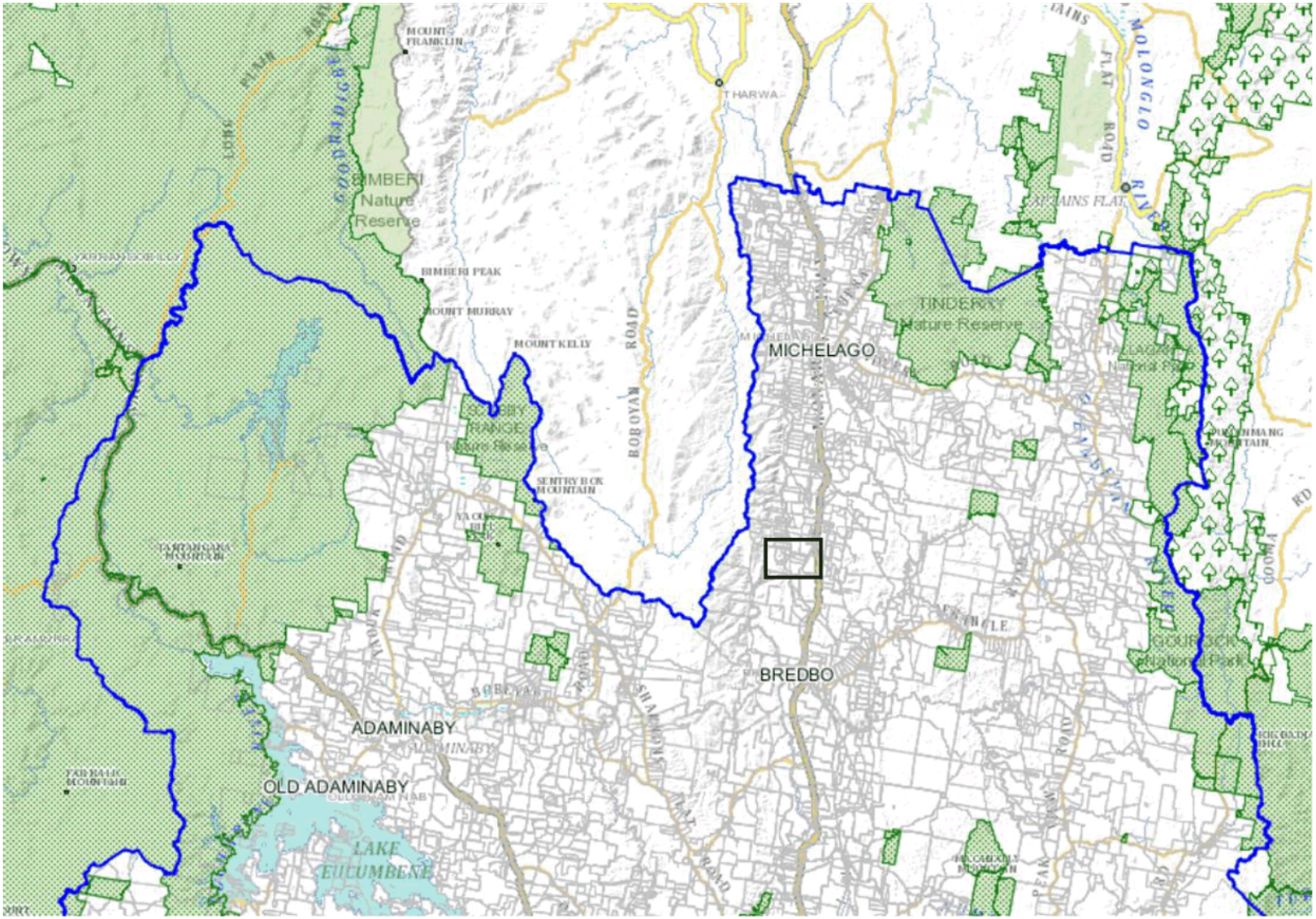
Council has previously considered requests for improved road access and to provide access where there is no current formal access in place. Responses have ranged from formalising access, offering a 50% contribution to the restoration works and not agreed to taking on maintenance of a range of other crown and private roads. The policy approach has generally been that the Council will not take on additional infrastructure at the detriment of Council's ability to fund its existing maintained network.

Council has recently agreed to taking on the maintenance of part of Ryrie St, Michelago and a new crossing in order to provide improved response times for Rural Fire Service volunteers. This project provides similar outcomes to that decision and is consistent with the precedent to support enhanced emergency response where this is 100% grant funded.

Locality Map:



Regional Locality Map:



9.4.1 DONATIONS AND SPONSORSHIP SUBMISSIONS FOR FY22 JULY TO DECEMBER 2021

Record No:

Responsible Officer:	Chief Strategy Officer
Author:	Governance Administration Support
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	12.3 Our community is empowered and supported in facilitating community outcomes
Delivery Program Objectives:	12.3.1 Community organisations and individuals have the capacity to apply for a range of grants funding opportunities
Attachments:	1. Attachment 1 - Donations and Sponsorship - Summary of Requests FY22 *(Under Separate Cover)* 2. Attachment 2 - Donations and Sponsorship - Applications #01 to #09 *(Under Separate Cover)* 3. Attachment 3 - Donations and Sponsorship - Applications #10 to #19 *(Under Separate Cover)* 4. Attachment 4 - Donations and Sponsorship -Applications #20 to #30 *(Under Separate Cover)*
Cost Centre	3120

EXECUTIVE SUMMARY

The report contains details of all application submissions received for round 1 of council's Donations and Sponsorship as detailed in Attachment 1 with Councillor scores tallied. The budget allocated for this round is $50,000.00.

The total value of submissions received for this round equates to $108,629.93.

The process of administering the donations and sponsorships are administratively complex and expensive. As noted the rounds are well oversubscribed. For the level of funding available it is recommended that Council's policy be changed to only have one round of donation requests per annum. The amount available is set in the policy. This should be removed from the policy and set in the annual budget.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council;

A. Determine the submissions to be approved for Donations and Sponsorship July to December 2022FY up to $50,000.00.
B. Continue the previously approved recurring donations and sponsorship for the remainder of the Council term.

C. Change Council's policy to having one round each year and remove the set amounts.

BACKGROUND

General Submissions for Donations and Sponsorship - July to December 2022FY

At the meeting of 18 June 2020 Council resolved for $100,000 to be allocated for donations and sponsorship with $50,000 to be applied to each of the two rounds through general submissions.

Submissions were sought from the community for donations and sponsorship through direct communication to community groups who had previously engaged Council for support and also through advertising in local papers, SMRC Facebook page and radio for the period of 01 April to 13 May 2021.

A total of 30 submissions were received with 1 application withdrawing. Attachment 1 shows a summary of all submissions received for consideration.

The total value of submissions received in round 1 equates to $108,629.93

Attachments 2 to 4 of this report contain the application details supporting the submissions.

Council will need to determine the actual value they will allocate to these requests. Following the resolution of Council all applicants will be contacted advising the outcome of their submission.

Applicants making retrospective applications have been advised that there is no guarantee that Council will resolve to approve their submissions, and are advised to make application prior to the event for consideration.

Recurring Donations

Council resolution 28/18 determined that recurring donations were only for financial years 2019, 2020 and 2021 to align with the term of the Councillors (subsequently extended).

This report proposes Councillors consider extending the period of recurring donations into financial year 2021/22 to align with the term of Council.

If Council resolution moves to one funding round with a reduced budget the Donations and Sponsorships Policy and Procedure will be amended.

Applications for 2021/22FY

The draft Operational Plan FY2021/22 budget contains a proposed amount for donations and sponsorship of $113,200. Approving $50,000 for general submissions will leave a remaining budget of $63,200; further approving $31,713.93 for recurring donations and sponsorships will leave a remaining budget for the financial year of $31,486.07.

Council's current policy sets out that there will be two rounds of funding of $50,000 each. Under the proposed budget this will not be able to be achieved.

To simplify Council administration it is proposed to have one round of applications each year to distribute approved donations and sponsorships is recommended. The current process takes effort for those applying as well as Council. For the amount available a single round would be more effective, allowing time to be allocated to other governance tasks.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

This process has been developed to ensure that the Local Government Area invests in events and/or projects that have the potential to raise economic, social or cultural benefits to our community. All requests made will be considered by formal resolution of Council.

2. Environmental

Council considers impacts to the environment for all recommendations made in reports, and also considers the environment implications for submissions made through Donations and Sponsorship requests.

3. Economic

Estimated Expenditure	**Amount**	**Financial year**	**Work Order**
Donations & Sponsorship	$ 50,000	2022	W00000018.0020.448

4. Civic Leadership

Decisions to provide Donations and Sponsorship to community groups, individuals and events must be considered in a transparent process. The granting of financial assistance must be made by formal specific resolution of Council.

9.4.2 REVIEW OF PLANTATIONS AND REAFFORESTATION LEGISLATION

Record No:

Responsible Officer:	Chief Strategy Officer
Author:	Strategic Land Use Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	1. Attachment A - Request for comment
Cost Centre	WO 47
Project	Plantation and Reafforestation Legislative Review
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

NSW Department of Primary Industries is inviting submissions on the review of the *Plantations and Reafforestation Act 1999* and *Plantations and Reafforestation (Code) Regulation 2001*.

The review provides Council with an opportunity to provide feedback on the regulation of plantation forestry (on private land only) which is a considerable industry in the Snowy Monaro Region, particularly the south east corner.

The closing date for submissions is Sunday 27 June 2021.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

A. Receive and note the information in the report.

B. Make a submission on the review of the *Plantations and Reafforestation Act 1999* and Plantations and Reafforestation (Code) Regulation 2001.

C. Be provided with a draft submission for comment seven (7) days prior to the closing date.

BACKGROUND

Plantation forestry is an important component of the Snowy Monaro economy, providing jobs for locals and diversification opportunities for land holders.

The *Plantations and Reafforestation Act 1999* (PR Act) regulates plantation forestry on private land only and is administered by the Department of Primary Industries. The *PR Act* precludes an Environmental Planning Instrument (such as an LEP) from regulating plantation forestry and it is

therefore out of Council's ability to influence where, and under what conditions plantation forestry on private land occurs. Despite this, there are implications for Council in terms of impacts on local infrastructure, land use planning, weeds, bushfire risk management and potential land use conflict.

For these reasons it is important that Council prepare a submission on the review of the *PR Act*. The scope of the review is outlined below and the full request for comment document, with guiding questions, provided for in Attachment A to this report.

Table 1 – Scope of NSW Government review into *PR Act*

In scope	Out of scope
• Streamlined process for plantation approvals • Plantation establishment, management and harvesting • Regulation and enforcement • Regulatory impediments • Alignment with other legislation • Environmental management and outcomes • Streams and watercourses • Operational outcomes • Harvesting practices Ecologically Sustainable Forest Management (ESFM) • Plantation forestry best practice • Other items relevant to the PR Act • Other items relevant to the PR Code	• Taxation and tax incentives • Rates and charges under the Local Government Act 1993 • Financial incentives • Emissions reduction funding • Unrateable land • Wood supply agreements • Public access • Extension services • Native forestry (both public and private) • NSW Forestry Act (other than alignment) • Other Acts (other than alignment) • Integrated Forestry Operations Approvals (IFOAs) • Regional Forest Agreements (RFAs) • National principles for plantation management • Timber exports and control

The submission prepared on the *Plantations and Reafforestation Act* will take into consideration the submission made in relation to the NSW Legislative Council's Portfolio Committee No. 4 – Industry Inquiry - Long term sustainability and future of the timber and forest products industry endorsed at Council's Ordinary Meeting on May 20 2021 as well as the *Bombala Region Softwoods Industry Bushfire Recovery Study* undertaken by Margules Groome December 2020.

The closing date for submissions is Sunday 27 June 2021.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Forestry is an important component of the social fabric of the Snowy Monaro Region. While there are no specific social implications of making submission on this legislation review, there may be positive and negative social implications in the finalised legislation. It is important for Council to ensure there is a balanced outcome and that the final legislation provides the best social outcomes for our community.

2. Environmental

While there are no specific environmental impacts of making a submission on the legislative review, there are potential positive and negative implications that could result depending on the final legislation. Council has an obligation to ensure environmental impacts are mitigated or managed and that development is sustainable, and therefore will be making these representations in the submission.

3. Economic

Implementation of the recommendation will have no financial impact on Council, except for staff time required to prepare the submission. In preparing the submission, impacts on local infrastructure and the financial implications to Council will be raised.

4. Civic Leadership

Providing input to legislative reviews to ensure Council's views are captured and represented and engaging constructively with other agencies demonstrates leadership. Within the Snowy Monaro Local Strategic Planning Statement (LSPS), Council committed to the following:

Action 8.2 Council will continue to review land use/environmental planning instruments proposed by State Government and provide feedback/seek exclusion where necessary.



Request for Comment

Review of the *Plantations and Reafforestation Act 1999* & Plantations and Reafforestation (Code) Regulation 2001

www.nsw.gov.au/regional-nsw

Published by NSW Department of Regional NSW

Review of the Plantations and Reafforestation Act 1999 & Plantations and Reafforestation (Code) Regulation 2001- Request for Comment

First published May 2021

More information

David Willison, DPI Forestry, Sydney

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NSW Rural Fire Service

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An invitation to comment

In 2016 the NSW Government released the NSW Forestry Industry Roadmap (the Roadmap) which is a strategic action plan to build a stronger, more competitive and ecologically sustainable forestry industry. It outlines a triple bottom line approach to driving social, ecological and economic sustainability through four priority pillars:

1. Regulatory modernisation and environmental sustainability
2. Balancing supply and demand
3. Community understanding and confidence
4. Industry innovation and new markets

In accordance with commitments in the Roadmap and statutory requirements to modernise legislation the NSW Department of Primary Industries (DPI) has initiated a review of the *Plantations and Reafforestation Act 1999* (PR Act) and the *Plantations and Reafforestation (Code) Regulation 2001* (Code). This request for comment is the first step in the current review.

Background information for the request for comment was sourced from publicly available documents including the Assessment of Code of Practice for Plantation Forestry: New South Wales published by CSIRO in 2012.

The request for comment presents a number of key areas of interest and seeks options for addressing them, with a view to improving the effectiveness of the PR Act. Many of the issues presented were identified through discussions with stakeholders including other Government agencies, members of the plantations industry, local councils, and environmental groups. This approach was undertaken to capture a broad but not exhaustive range of possible issues on which to seek public comment.

We now need your help in the review process. We invite you to comment on the issues raised and to suggest how we can improve the PR Act and Code.

Questions are raised throughout the document and summarised in Appendix A1. If only certain sections of the document are relevant to you, your response to these sections would be appreciated. Similarly, if you have other suggestions for improving the PR Act or Code, your comments do not need to be limited to the matters raised in this document.

The closing date for submissions is Sunday 27 June 2021. Further details about the submission process are provided in section 5.0. All submissions will be considered and will help to shape the outcomes of the review.

Scott Hansen
Director General
NSW Department of Primary Industries

Contents

An invitation to comment i
Acronyms and Abbreviations 1
1.0 Background 2
1.1 Plantation forestry 2
1.2 NSW plantation estate 3
1.3 The need for review 4
2.0 Scope 6
3.0 Legislation 7
3.1 The Plantations and Reafforestation Act 7
3.2 The PR Code 9
3.3 Alignment with other legislation 11
4.0 Review of issues 12
4.1 Timber plantations are a unique crop 12
4.2 Economics 12
4.3 Environment 13
4.4 Social Issues 14
4.5 Structural Issues 15
4.6 Legislation specific issues 17
4.7 Questions for the review 17
5.0 Submissions 18
Appendices 19
A1 List of questions 20
A2 Forest Practices Related to Wood Production in Plantations: National Principles 23
A3. Plantations in the physical and social environment 27
A4 Terms of Reference 28
Background 28
Review Objectives 28
Scope Development 28
A5 *Plantations and Reafforestation Amendment Act* Summary 30
A6 Plantations and Reafforestation (Code) Amendment Regulation 2010 Summary 31

Acronyms and Abbreviations

BC Act	*Biodiversity Conservation Act 2016*
Code:	*Plantations and Reafforestation (Code) Regulation 2001*
DPI:	Department of Primary Industries
EP&A Act:	*Environmental Planning and Assessment Act 1979*
ESFM:	Ecologically sustainable Forest Management
LGA:	Local Government Area
NTC:	National Transport Commission
PR Act:	*Plantations and Reafforestation Act 1999*
RF Act:	*Rural Fires Act 1997*
RFS:	Rural Fire Service
SEPP:	State Environmental Planning Policy

1.0 Background

1.1 Plantation forestry

A timber plantation is an area where trees have been deliberately planted for the purpose of providing wood and fibre products or as an environmental planting. Once the trees have grown, the timber is generally harvested, and the area may be re-planted for the cycle to start again. The growth cycle for different plantations can vary depending on the types of trees, the desired end products and various local factors. Typically, this is between 15 and 35 years.

Plantations can provide a number of social, economic and environmental benefits, which vary throughout the plantation lifecycle. Once a plantation is established, the growing trees may then for several decades provide ecological benefits such as habitat for native fauna and improved soil and water quality, and also provide social and visual amenity to the area. Following harvest there is a period where the amenity is temporarily reduced while the plantation is re-established. In relation to the overall growth cycle, this period tends to be relatively short.

Plantations make an important contribution to the state's timber supply providing up to 97[1] percent of NSW softwood (typically pine varieties) and around seven[2] percent of the NSW hardwood supply (largely eucalypts). Overall, the NSW softwood plantation sector is valued at $2.34 billion[3] annually and is a significant contributor to regional jobs and the overall NSW economy.

Softwood plantation timber can be used in applications such as house frames, decks, landscaping, fencing and furniture. Lower quality softwood is used in newsprint and cardboard, fibreboard, particleboard and reconstituted wood panels.

Hardwood plantation timber is commonly used for flooring, outdoor structures, power poles, wharves, sleepers, fencing and pallets.

Historical background

The first commercial pine plantation in NSW was established at Tuncurry State Forest on the NSW mid-north coast in 1912. Eucalypt plantations followed in 1939-40 at Walaroo and Whian Whian State forests on the north coast. By 1971, 85,000 hectares of pine plantation had been established.

The plantation estate continued to develop, and in 1999 the NSW Premier established a Plantations Task Force to recommend initiatives to help increase private sector investment in forestry plantations in NSW. Among the recommendations subsequently adopted was new legislation to improve the regulatory framework for plantations. The desired outcome was to streamline plantation development approval processes without compromising environmental standards. The new PR Act and Code came into operation in December 2001.

Since that time, the PR Act and Code have been periodically updated, including a significant revision under the *Plantations and Reafforestation Amendment Act 2010*[4] following the last major review. The Code was also amended at that time by the *Plantations and Reafforestation (Code) Amendment Regulation 2010*[5].

The 2016 NSW Forest Industry Roadmap endorsed the timely benefits of a further review of both the PR Act and the Code. This is an opportunity to consider the PR Act and Code in light of contemporary developments in silviculture, forestry management practices, and land use.

[1] https://timbernsw.com.au/our-industry/
[2] ABARES, Australia's forests at a glance 2017
[3] https://www.dpi.nsw.gov.au/about-us/publications/pdi/2020/forestry
[4] See appendix A4 for a summary of 2010 amendments to the Act.
[5] See appendix A5 for a summary of 2010 amendments to the Code.

1.2 NSW plantation estate

NSW has the largest softwood plantation estate in Australia, and the second largest overall plantation estate.

NSW plantations currently exceed 393,000 hectares, of which most (>307,000 hectares) are softwood plantations. About 66 per cent of the NSW plantation estate is publicly owned[6].

The establishment of new plantations in NSW has declined significantly since 2006/07, and the estate area has remained static since 2015/16. In 2016/17 and 2018/19 no new plantations were established in NSW.

The NSW experience is consistent with national trends which saw a reduction in total plantation area of 40,000 hectares or two percent between 2015/16 and 2018/19[7].

The key softwood growing areas are around Tumut and Albury in the South West Slopes and Riverina region and Oberon in the Central Tablelands (Figure 1). Other significant softwood areas include the North Coast and the Bombala district in the south-east of the State. Most hardwood plantations are located on the North Coast.

NSW Bushfires 2019-20

The 2019-20 bushfires were some of the most devastating bushfires in the history of NSW, causing extensive damage to the NSW plantation industry with significant losses in the south west slopes, south east and north east regions.

Approximately 52,000 hectares (25%) of stocked public softwood plantations were affected, as well as around 5,200 hectares (16%) of public hardwood plantations and 51,000 hectares (23%) of private plantations.

Very few of the fires started in plantations, however, some landowners adjoining plantations, particularly in the south west slopes, suffered impacts on their properties from fire escaping plantations.

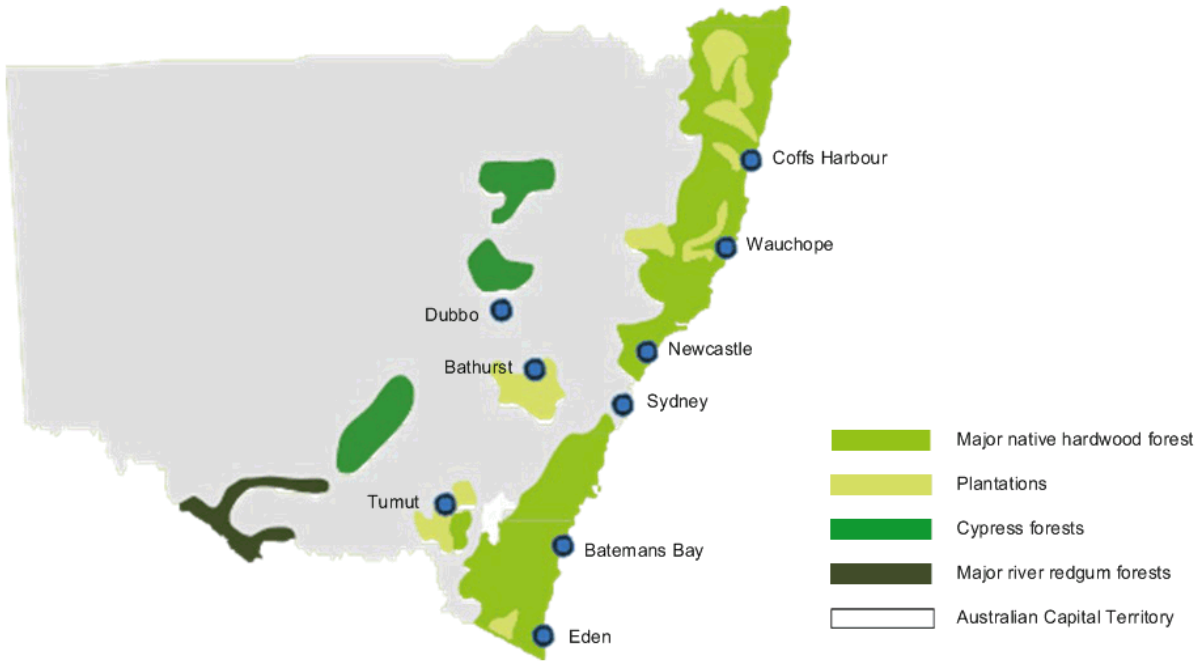
The Plantations and Reafforestation Act and Code provide for fire prevention buffers around dwellings, other buildings and key infrastructure, such as powerlines. The Code also requires roads, signage and water storage to assist with firefighting activities where plantations were authorised after 2011 or when second rotation establishment is carried out.

Importantly, the independent NSW Bushfire Inquiry did not identify any additional requirements for plantations.

Following the bushfires, timber has been able to be salvaged from burnt plantations in many parts of NSW, however, the impacts on the standing stock and timber supply will affect the industry and its customers for many years.

[6] ABARES, Australian plantation statistics 2020 update
[7] Ibid

Figure 1: ***NSW forest estate***



1.3 The need for review

The NSW Forestry Industry Roadmap commits the NSW Government to periodic reviews of the PR Act and Code. Furthermore, the Code is a regulation under the PR Act and under the terms of that Act must be reviewed every five years.

The purpose of the current review is to determine whether the policy objectives[8] of the PR Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

The review is also to determine whether the Code is fulfilling the objectives of the PR Act and appropriately dealing with the matters required under the Act. It will consider possible improvements to the Act and Code in light of current best practice and stakeholder input. The interdependence of the PR Act and Code means that it is appropriate that they are reviewed together.

1.3.1 Development of the Act

In accordance with the 1992 *National Forest Policy Statement*, in February 1995 the Ministerial Council on Forestry, Fisheries and Aquaculture, representing the states, territories and the Australian Government forestry authorities, prepared a statement of national principles[9] to be applied in the management of plantations.

These principles set the framework for a consistent and scientific basis for sound plantation management to which all Australian states and territories subscribe.

The principles are structured into several sections relating to different activities associated with plantation production, including establishment, management and harvesting. The principles apply to both public and private plantations.

[8] See Section 3.1 for the current list of objectives
[9] See Appendix A2

The NSW PR Act was established under these principles which are foundational to the legislation and outside the scope of the current review.

The development of the PR Act and Code resulted in vastly improved service delivery for the timber plantation industry. This review will consider the contemporary currency of the PR Act, seek ways to fine-tune the PR Act and Code, and identify further improvements designed to build on past successes. This approach is in line with continuous improvement and best practice principles for regulatory reform.

2.0 Scope

The first topic the PR Act and Code review will consider is the fundamental merits of having that legislation. Reasons for or against the continuation of the Act and/or the Code, and the suitability of the principles and objects of the Act are all within the scope of this part of the review (see list of issues below).

In that context, the review will consider other matters relevant to the legislation as appropriate.

In Scope

- Streamlined process for plantation approvals
- Plantation establishment, management and harvesting
- Regulation and enforcement
- Regulatory impediments
- Alignment with other legislation
- Environmental management and outcomes
- Streams and watercourses
- Operational outcomes
- Harvesting practices
- Ecologically Sustainable Forest Management (ESFM)
- Plantation forestry best practice
- Other items relevant to the PR Act
- Other items relevant to the PR Code

Out of Scope

- Taxation and tax incentives
- Rates and charges under the *Local Government Act 1993*
- Financial incentives
- Emissions reduction funding
- Unrateable land
- Wood supply agreements
- Public access
- Extension services
- Native forestry (both public and private)
- NSW Forestry Act (other than alignment)
- Other Acts (other than alignment)
- Integrated Forestry Operations Approvals (IFOAs)
- Regional Forest Agreements (RFAs)
- National principles for plantation management
- Timber exports and control

The detailed Terms of Reference of the review can be found in appendix A3.

3.0 Legislation

3.1 The Plantations and Reafforestation Act

Policy objectives

Section 3 of the PR Act defines the objects of the Act as being:

(a) To facilitate the reafforestation of land
(b) to promote and facilitate development for timber plantations on essentially cleared land
(c) to codify environmental standards, and provide a streamlined and integrated scheme, for the establishment, management and harvesting of timber and other forest plantations
(d) to make provision relating to regional transport infrastructure expenditure in connection with timber plantations.

consistently with the principles of ecologically sustainable development (as described in section 6(2) of the *Protection of the Environment Administration Act 1991*).

Structure

The PR Act is divided into eight parts to achieve various economic, environmental and social outcomes as shown in figure 2.

Part 2 – Authorisations ensures that proposed plantations meet environmental, planning and other requirements, and provides surety of operation and harvesting once plantations are approved.

Part 4 – Unique and Special Wildlife ensures that appropriate protection is provided to threatened native species within plantations and provides a balance where circumstances change and harvesting is prevented on environmental grounds. In these cases, compensation becomes available to the plantation owner in line with the harvest guarantee offered under the authorisation process.

Parts 2 and 4 work together to balance surety of operations and harvesting provisions with mechanisms to protect threatened and vulnerable species that were not present when the plantation was authorised.

Parts 3 and 6 – The PR Code and **Other Legislation** effectively set aside requirements for development approval that might exist under other legislation to create a consolidated approval regime under this Act.

These parts work together to transfer key areas of plantation oversight to the Code to streamline regulation.

Part 5 – Transport Contributions makes provision for plantation operators to be required to contribute to the upkeep of roads and bridges used during plantation operations.

Parts 1, 7, and 8 include definitions, enforcement and miscellaneous provisions that support the operation of the Act.

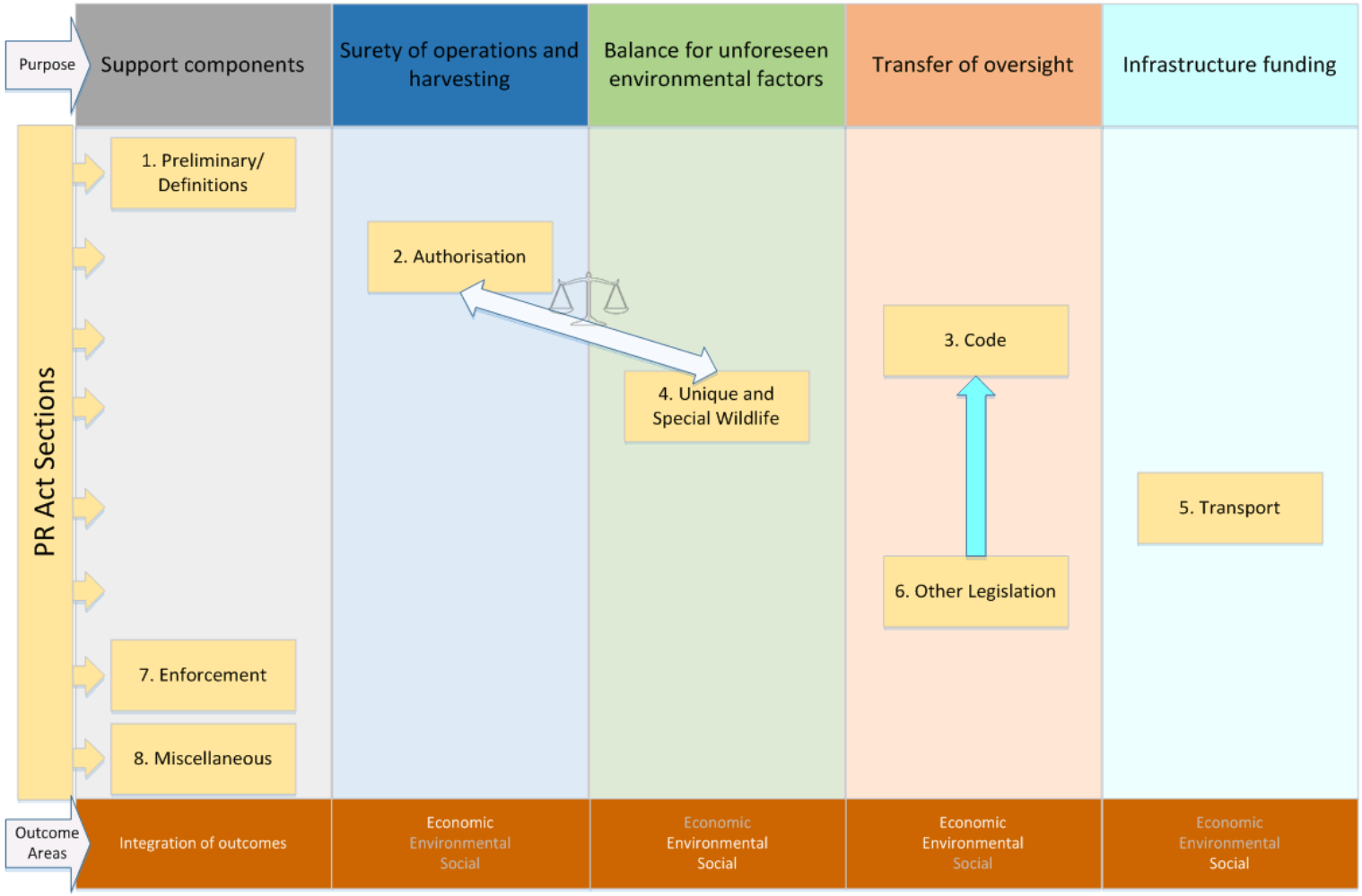


Figure 2 - Structure of the PR Act

Main provisions

The PR Act establishes a number of requirements for timber plantations including that plantations greater than 30 hectares be authorised and a record of authorised plantation be kept on a public register. It sets rules for plantation design and management and provides an integrated framework for the assessment of applications for plantation development.

The PR Act supports the establishment of plantations on essentially cleared land, while safeguarding environmental values. It is stand-alone legislation, although permits are still required under some other legislation (such as the *National Parks and Wildlife Act 1974* for Aboriginal heritage items). Plantations are an allowable land use outside residential and commercial zones, in the same way as agricultural enterprises.

The Plantations Regulation Unit in DPI Forestry assesses plantation proposals to ensure they meet the requirements of the PR Act and Code.

The PR Act establishes 3 categories of plantation:

Exempt farm forestry:

Plantations of 30 ha or less do not require authorisation under the PR Act, provided that certain criteria are met. However, owners of small plantations may still seek authorisation, particularly in order to ensure harvest guarantee rights.

Complying plantations:

These comply with all the standards in the Code.

Non-complying plantations:

These do not comply with all the standards in the Code, but may still be authorised under the PR Act, with conditions attached.

Different assessment processes apply for complying and non-complying applications. Complying plantation applications undergo a streamlined assessment process, where compliance with the Code and threatened species legislation are the only considerations. Non-complying applications undergo detailed assessment of those aspects of the application that do not comply with the Code.

As already noted, the right to harvest authorised timber plantations is guaranteed, unless unique or special wildlife values are found to be present, in which case compensation may be payable in certain circumstances.

3.2 The PR Code

The PR Code contains comprehensive standards for plantation establishment, management and harvesting operations.

It includes requirements for:

- Planning and approval processes (including a pre-application site inspection)
- Establishment, management and harvesting operations
- Protection of soil, water, cultural heritage and biodiversity assets
- Construction and maintenance of roads, crossings and log dumps
- Bushfire hazard reduction measures.

The structure and functions of the PR Code are shown in figure 3.

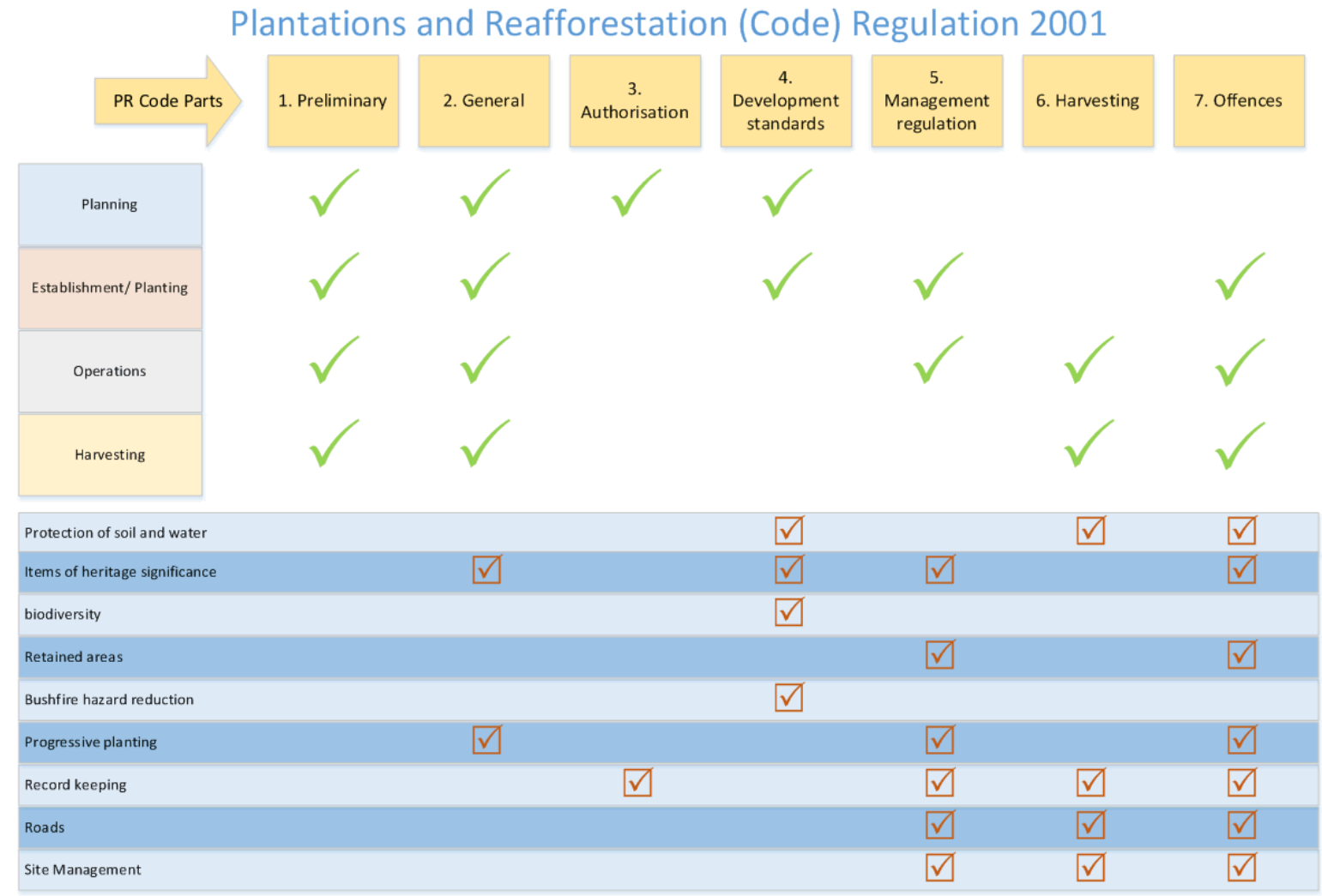


Figure 3- Functions of the PR Code

3.3 Alignment with other legislation

National principles related to wood production in plantations

As outlined in section 1, the PR Act and Code embody nationally agreed ecologically sustainable forest management (ESFM) principles established in the 1992 National Forest Policy Statement.

NSW remains a signatory to the Statement and the NSW Forestry Industry Roadmap reaffirmed a commitment to the implementation of these principles.

By codifying the operation of timber plantations in NSW to meet national environmental requirements, NSW plantation timber products produced in regions covered by Regional Forest Agreements also become exempt from further approvals under the *Export Control Act 1982 (Cth)*.

NSW regulatory framework

The PR Act and Code were developed around NSW Government commitments to not only require EFSM but also to provide a streamlined regulatory environment for plantations, with a view to increasing the local supply of timber products and supporting regional economies by facilitating investment in the State's plantation estate.

While the PR Act and Code provide a single regulatory process for the authorisation of plantations and reafforestation activities, they do not operate in isolation from other policy initiatives. The NSW Forest Management Framework covers all aspects of forest management within the State, including plantations.

Major policy areas that affect the plantations sector in conjunction with the PR Act and Code include:

- Biodiversity conservation management
- Sustainable land management
- Strategic and local land use planning

The NSW Government has initiated significant reforms in these areas, and it is important that the outcomes of this review ensure consistency in landscape management across all industry sectors.

Do you think there is sufficient alignment of plantations regulation with these other policy/regulatory regimes? Are there any specific changes you would suggest?

4.0 Review of issues

Industry, environmental groups and the community recognise the economic, environmental and social benefits of timber plantations. But while there is general support, different groups value different aspects of plantations, particularly plantations on public land. It is therefore important to periodically review the regulatory regime to ensure the correct balance is established and maintained between competing interests.

The current objects of the PR Act express a policy position at the time the legislation was enacted of actively seeking to encourage growth in the plantation sector within a defined framework of environment protection constraints through a simplified approval process.

Comment is sought on whether the legislation should continue to reflect this as a key objective into the future or whether an alternative policy position would be more appropriate. Suggestions to modify or retain provisions of the Act and Code will be considered in the context of the answer to this question.

A number of specific issues and questions raised by stakeholders are identified for comment in the following sections. Comments do not, however, need to be limited to the identified issues.

4.1 Timber plantations are a unique crop

Under existing legislation, plantations can only be established on already essentially cleared land. This means that the approved plantable area has been assessed for environmental value prior to the approval to establish a plantation and would be similar in status to land used for agricultural crops. Unlike other crops, however, the growth cycle for timber is relatively long, and at the final growth stage prior to harvest few people will accurately remember the state of the land prior to planting.

Although plantation timber is a renewable resource, in a given area, the number of growth cycles in a human lifetime are relatively few. In contrast to the slow changes during the establishment and growth phase, the effects of harvesting can initially be particularly noticeable and at times have attracted substantial public attention. However, where these areas are replanted, the visual impact of harvesting is ameliorated within a relatively short time.

The long cycle time also affects plantation owners and managers. Risk and cost factors such as fire and pests need to be managed over a very long period, with little income occurring until the final harvest. A guaranteed right to harvest, and ability to manage the land for maximum yield can therefore be important considerations in the decision to establish a plantation in the first place, or to replant a harvested area.

4.2 Economics

From a commercial perspective, the plantation business model needs to include sufficient return on investment to cover costs accumulated over an extended period, to allow for the many commercial risks and to provide profit on par with alternative investments. In the absence of this, plantations will simply not be established or replanted, thus forgoing both the economic opportunity and other perceived community and social benefits provided by plantations.

Facilitating the development of timber plantations has been a fundamental aim of the PR Act, and it follows that the commercial viability and investment attractiveness of plantations were key considerations in developing the legislation. Aspects of the PR Act and Code that facilitate plantation investment are:

- Reduced administration and compliance costs through a streamlined approval mechanism
- Reduced business risk through a harvest guarantee.

A key question for this review is therefore whether plantation development and expansion should remain an aim of a revised Act, or would an alternative approach better serve the current and future needs of the NSW community?

While the PR Act largely establishes a ‘one-stop-shop’ approval process, this is not entirely the case and as noted in section 1 other regulatory and policy regimes can directly impact on plantation development and compliance costs and/or influence the relative attractiveness of competing land uses.

While the scope of this review is limited to the PR Act and Code, comment is sought on whether settings in the PR Act or Code or other policy or regulatory instruments unnecessarily or excessively promote or impede plantation investment. **Are there opportunities to improve the alignment of the plantations legislation with other land management legislation?**

4.3 Environment

Threatened species – surveys

Stakeholder groups have expressed differing opinions about the level of ecological survey that should be required before harvesting a plantation to ensure environmental values are properly recognised and protected.

Under the Code, surveys of threatened species may be required to ensure species and ecological communities are not adversely affected by plantation operations, including harvesting. Inadequate survey requirements may leave desirable environmental values under-protected, however the more rigorous the requirements for surveys are, the more costly they become for plantation businesses.

Does the Code currently strike an appropriate balance between environmental protection and commercial interests in relation to threatened species surveys? What is the best way to balance these potentially competing requirements?

Weed management

Some stakeholders have queried whether the Plantations Code should include provisions in relation to weed management over and above the broader requirements that apply to all land holders.

Should weed management provisions specifically relating to plantations be included in the code?

Riparian buffer zones

The PR Act and Code contain various provisions to prevent soil erosion and maintain water quality in streams by minimising soil disturbance in riparian zones. The establishment of riparian buffer zones helps reduce sediment loads during plantation operations and provides connectivity and other conservation values.

Land managers have noted that different types of land use on a holding are subject to differing rules, particularly in relation to riparian buffer zones.

Should there be better alignment between the rules governing the protection of streams in timber plantations and the corresponding rules applied under other land uses?

Are the current provisions of the Act and Code the most effective and efficient arrangements for preventing soil erosion and ensuring appropriate management of vegetation and weeds in stream buffers and other exclusion zones in timber plantations?

Harvesting slope limits

The PR Code includes prescriptions for harvesting on sloped ground. The purpose is to ensure the integrity of the ground is not compromised by plantation operations, protecting both soil structure and water quality. The slope limits for harvesting operations are set according to erosion hazard, which is determined on a combined reading of rainfall erosivity and class of soil regolith stability as impacted by current operational approaches and technology. Currently, this makes slope limits prescriptive rather than outcomes focussed[10]. Some stakeholders have suggested that this approach does not adequately cater for specific local conditions.

[10] Regulatory best practice is for standards that are outcomes focussed rather than prescriptive to accommodate new technology, methods, and materials.

Should additional factors be taken into account when determining the harvest slope limits to better cater for local conditions?

Are there alternative approaches to defining and setting prescriptive slope limits that would allow adaptation to new technology into the future without compromising environmental protection?

Slash management

Harvesting slash, the residue left after harvest, is used for soil protection during harvesting operations, and is recognised in the Code for such purposes. The Code is silent, however, on slash retention after harvest. Slash may have economic value in terms of maintenance of site productivity or in a forestry residues market, but there is also the potential for the removal of slash to have environmental impacts.

Are the current slash retention and slash management provisions in the Code adequate or should they be modified in some way?

Climate Change

The effects of major factors such as climate change are outside the scope of this review. Nonetheless, there may be areas where the PR Act and Code can be improved to become more adaptive to such issues. For example, the carbon capture value of both plantation and native forests is increasingly being recognised, and plantation cycles operating over a significant period could be susceptible to a changing environment.

Are there any specific elements that should be considered in the review or captured in a revised PR Act or Code in relation to climate change?

4.4 Social Issues

Neighbours, public amenity and community attitudes

Some stakeholders have raised concerns about negative impacts of plantation activities on neighbours and surrounding local communities, particularly around and after timber harvesting. This includes the potential for smoke and noise to affect neighbours, the possible impact of trucks on roads and bridges, and the visual impact of harvesting on local residents and tourists. These impacts may be increased close to higher traffic or visually prominent areas where some stakeholders have noted that clear felling is an issue for local communities. Residential development of adjacent areas over the relatively long cycle between planting and harvesting can be a factor in this regard.

What alternatives should be considered in the review in relation to the interaction of plantation operations with neighbours and adjacent local communities?

Authorisations - local characteristics and public consultation

The PR Act allows for the establishment of plantations on already cleared land. This includes a streamlined authorisation process where plantations meet planning and environmental requirements established within and regulated through the purpose-specific PR Act and Code. Some stakeholders have suggested that new authorisations should also be subject to public consultation so that local planning and environmental characteristics can be better taken into account and protective conditions applied, or alternatively that local development prescriptions should be included in the Code.

Does the current plantation approval process provide adequate consideration of local planning and environmental factors? If not, what changes would you recommend?

Harvest guarantee vs loss of plantation accreditation status

Under certain circumstances, it may be difficult for the casual observer to determine whether an area with authorised plantation status should still be considered a plantation. This can occur where:

- Genuine plantations have failed to establish
- Infill vegetation has developed suggesting that a plantation is abandoned
- The area is dominated by naturally propagated trees and it is not clear that this was an intended silvicultural practice
- Harvested areas have not been replanted.

In addition, community concern can be raised prior to harvest where authorised plantations do not "look like" plantations due to species mix, particularly native hardwood species, and silviculture methods. Harvesting can then be misinterpreted as "clear felling native forest" which can lead to community concern.

Conversely, the statutory right to harvest provides surety to plantation owners and managers and could be a determining factor in whether a plantation is replanted or indeed established in the first place.

Currently the Minister has power under the PR Act to cancel the authorisation of a plantation if it has been abandoned, to protect special wildlife values of the land[11], or where it is significantly in breach of legal requirements.

Are current powers to cancel authorised plantation status adequate under the Act?

Should changes be made to the PR Act and/or the Code to increase community confidence that authorised plantation status is not being unreasonably retained while striking a suitable balance with the security of investment provided by the harvest guarantee?

4.5 Structural Issues

The PR Act and Code need to strike the right balance between economic, environmental and social needs.

Are there parts of the PR Act or Code that would be better addressed elsewhere (i.e. in other legislative instruments)? Conversely is there other legislation that could and should be brought under the PR Act to provide further streamlining of the regulatory regime impacting on plantation investment?

Fire rules

As for other land uses, fire prevention measures are a necessity in relation to plantations. Plantations need to be protected from fire, pests and diseases under the national principles to which NSW is a signatory. Neighbours and communities also need appropriate protection from fires emerging from plantations.

Fire rules were included in the PR Code for the first time as part of the 2010 amendments. Prior to this, plantations were subject to the same rules as other land holdings (e.g. under the *Rural Fires Act 1997*).

Following the 2019-20 bushfire season, much new information has emerged about best practice preparation for and management of bushfires across the community. The report of the NSW independent bushfire inquiry was on 31 July 2020. The report made 77 recommendations about improvements that could be made but did not make any recommendations in relation to plantations. Notwithstanding this, there may be opportunities to improve fire risk management practices and the legislative efficiency of how these are currently applied to plantations in NSW.

As an illustrative example, stakeholders have observed that the requirement in the PR Code for fire trails around the boundaries of plantations can lead to adjacent plantation areas with separate boundary roads divided only by a fence. While the ability to access the plantation perimeter in case of fire is obviously desirable, this duplication may result in costs to the landholders without any increase in fire protection. In contrast, the *Rural Fires Act 1997* is a more tenure neutral instrument.

Comment is sought on whether the current plantation fire requirements in the Code are appropriate or whether changes should be made.

[11] Compensation may be payable if the approval is cancelled under special wildlife provisions

Are the current plantation fire requirements in the Code appropriate or should changes be made?

Are there community concerns about increased risk of fire from plantations? What is the best way to address these concerns?

Setbacks from power lines

The 2010 amendment to the PR Code introduced a regime of variable setbacks from power lines and allowed for vegetation less than three metres high to be planted closer to power lines than was previously permissible. The aim of these amendments was to allow expansion of the economically productive area of the plantation without increasing fire risk.

To date, no plantations have taken advantage of this provision.

Has this section of the Code effectively performed its intended purpose to date? Should this provision remain in its current form, or would change be appropriate?

Haulage contribution

The transport infrastructure contribution section of the PR Act establishes a mechanism to collect financial contributions toward the cost of road and bridge maintenance attributable to plantation forestry operations. In order to do this, the legislation requires contribution plans to be prepared by regional committees which include representatives of local councils.

Since the commencement of the PR Act in December 2001, no contribution plans have been approved and hence no contributions have ever been levied under this section of the Act.

Are the existing mechanisms in the Act relating to transport infrastructure contributions adequate and appropriate? If not, what changes should be made?

Regulation

Interpretation of requirements is a recurring theme in relation to regulatory best practice. Clear definitions can make both compliance and enforcement easier, reducing the regulatory burden, and allowing for more targeted enforcement provisions.

It is also appropriate to review the regulatory and enforcement provisions for currency and alignment with contemporary community expectations in areas such as notice provisions, penalties and definitions.

Are there areas where wording and expression in the PR Act or Code could be improved to clarify meaning and requirements, or to otherwise improve aspects of regulatory compliance and enforcement?

Are regulatory and enforcement provisions sufficiently current? If not, what changes should be made?

Alignment with other legislation

One of the current aims of the PR Act is to codify best practice environmental standards and provide a streamlined and integrated scheme for the establishment, management and harvesting of timber forest plantations. In order to evaluate whether this aim is being achieved, the regulatory scheme for plantations needs to be considered in relation to other relevant legislation.

Are current requirements under the Act and Code suitably consistent with other legislative requirements, e.g., land use constraints and environment protection, which would be in force if the land were used for a different purpose? Is this true of plantations on both private and public land?

To the extent possible, do the Act and Code allow for consistent management practices across a single property?

Noting that all plantations are required to be established on essentially cleared land, are provisions in the Act and Code appropriate for plantations both on private and public land?

4.6 Legislation specific issues

Cross reference to other legislation

A 2012 CSIRO review of the PR Code[12] notes that several aspects of the National Forestry Principles[13] are not considered by the Code as they are regulated by other areas of legislation, e.g. weeds and other pests and diseases, water quality, worker safety, rubbish, and chemical use. It suggests that these aspects should be cross-referenced in the Code and audited to provide a more complete system.

Are the current arrangements appropriate? If not, what additional level of cross reference and audit would be appropriate?

Update mapping references

Dictionary definitions in the Code refer to various features being determined with reference to *1:25,000 or 1:50,000 topographic map published by the Government*. Mapping technology has evolved significantly since the Code was introduced, and the existing wording does not allow for these advances.

Are the current references adequate and appropriate, or could accuracy and clarity be improved by adopting more contemporary definitions? If changes are required, how should the Code be modified to be more technology neutral?

4.7 Questions for the review

The following items are drawn directly from the terms of reference for the PR Act and Code review. Responses to these are invited from interested stakeholders.

Do the policy objectives of the PR Act remain valid and do the terms of the Act remain appropriate for securing those objectives?

What improvements to the Act and Code would be appropriate in light of current best practice, and recent improvements in other forestry regulation frameworks?

How can the Act and/or the Code be modified to more efficiently and effectively achieve the objectives of the Act?

Comment is sought on the objectives, terms and content of the Act.

Comment is sought on the content and functions of the Code.

[12] Assessment of Code of Practice for Plantation Forestry: New South Wales, Smethurst, P.J. et al, Prepared for Australian Government Department of Agriculture, Fisheries and Forestry May 2012 http://www.agriculture.gov.au/SiteCollectionDocuments/forestry/australias-forest-policies/plant-code/plant-code-nsw.pdf

[13] In accordance with the 1992 *National Forest Policy Statement,* in February 1995, the Ministerial Council on Forestry, Fisheries and Aquaculture prepared a statement of national principles for plantation management. See Section A1.

5.0 Submissions

All members of the community are encouraged to have their say about the way plantation forestry is regulated in NSW.

This *request for comment* is structured to stimulate stakeholder input on a range of issues related to plantation forestry in NSW, and in particular the PR Act and Code. The document contains various topic sections with questions throughout, to allow readers to focus on the parts most relevant to them.

Appendix A1 contains an indexed list of all the questions in the document for readers who want to respond to a range of issues. Readers are encouraged to respond to as many or as few topics as they wish.

Interested parties may also make submissions on other topics that they consider to be within the scope of the review, even though they are not explicitly mentioned in this *request for comment*.

Submissions should be made in writing to:

Plantations and Reafforestation Review

Locked Bag 5022

Parramatta NSW 2124

Or via email: mailto:PRA.review@dpi.nsw.gov.au

All submissions received will be listed in the review report and submissions not marked 'confidential' may be publicly released.

To support the formal submission process, the review team will also conduct a number of online forums (webinars) to provide information on the review. Forums will be held on the following times and will be advertised online and through other media channels.

- Wednesday 5 May 2021 3-4pm
- Monday 10 May 2021 3-4pm
- Thursday 13 May 2021 10-11am

To register for the forums, or for further information please go to dpi.nsw.gov.au/forestry

Submissions close 27 June 2021.

Appendices

A1 List of questions

For convenience, questions appearing throughout the text in this *Request for Comment* are reproduced in the list below, along with section references for each.

Section	Question
3.3	Do you think there is sufficient alignment of plantations regulation with other NSW policy/regulatory] regimes? Are there any specific changes you would suggest?
4.0	Comment is sought on whether the legislation should continue to reflect [encouraging plantation sector growth within environmental constraints through a simplified approval process] as a key objective into the future or whether an alternative policy position would be more appropriate. Suggestions to modify or retain provisions of the Act and Code will be considered in the context of the answer to this question.
4.2	Should plantation development and expansion remain an aim of a revised Act, or would an alternative approach better serve the current and future needs of the NSW community?
4.2	Are there opportunities to improve the alignment of the plantations legislation with other land management legislation
4.3	Does the Code currently strike an appropriate balance between environmental protection and commercial interests in relation to threatened species surveys? What is the best way to balance these potentially competing requirements?
4.3	Should there be better alignment between the rules governing the protection of streams in timber plantations and the corresponding rules applied under other land uses?
4.3	Are the current provisions of the Act and Code effective and efficient for preventing soil erosion and ensuring appropriate management of vegetation and weeds in stream buffers and other exclusion zones in timber plantations?
4.3	Should weed management provisions specifically relating to plantations be included in the code?
4.3	Should additional factors be taken into account when determining the harvest slope limits to better cater for local geography?
4.3	Are there alternative approaches to defining and setting [harvest] slope limits that would allow adaptation to new technology into the future without compromising environmental protection?
4.3	Are the current slash retention and slash management provisions in the Code adequate or should they be modified in some way?
4.3	Are there any specific elements that should be considered in the review or captured in a revised PR Act or Code in relation to climate change?
4.4	What alternatives should be considered in the review to effectively manage the interaction of plantation operations with adjacent local communities?
4.4	Does the current plantation approval process provide adequate consideration of local planning and environmental factors? If not, what changes would you recommend?

4.4	Are current powers to cancel authorised plantation status adequate under the Act? Should changes be made to the PR Act and/or the Code to increase community confidence that authorised plantation status is not being unreasonably retained while striking a suitable balance with the security of investment provided by the harvest guarantee?
4.5	Are there parts of the PR Act or Code that would be better addressed elsewhere (i.e. in other legislative instruments)? Conversely is there other legislation that could and should be brought under the PR Act to provide further streamlining of the regulatory regime impacting on plantation investment?
4.5	Are the current plantation fire requirements in the Code appropriate or should changes be made? Are there community concerns about increased risk of fire from plantations? What is the best way to address these concerns?
4.5	Has [the section of the Code dealing with Setbacks from power lines] effectively performed its intended purpose to date? Should this provision remain in its current form, or would change be appropriate?
4.5	Are the existing mechanisms in the Act relating to transport infrastructure contributions adequate and appropriate? If not, what changes should be made?
4.5	Are there areas where wording and expression in the PR Act or Code could be improved to clarify meaning and requirements, or to otherwise improve aspects of regulatory compliance and enforcement? Are regulatory and enforcement provisions sufficiently current? If not, what changes should be made?
4.5	Are current requirements under the Act and Code suitably consistent with other legislative requirements, e.g., land use constraints and environment protection, which would be in force if the land were used for a different purpose? Is this true of plantations on both private and public land? To the extent possible, do the Act and Code allow for consistent management practices across a single property? Noting that all plantations are required to be established on essentially cleared land, are provisions in the act appropriate for both plantations on private and public land?
4.6	Are the current arrangements [in relation to legislative cross referencing and audit] appropriate? If not, what additional level of cross reference and audit would be appropriate?
4.6	Are the current references adequate and appropriate, or could accuracy and clarity be improved by adopting more contemporary definitions? If changes are required, how should the Code be modified to be more technology neutral?
The following items are drawn directly from the terms of reference for the PR Act and Code review. Responses to these are invited from interested stakeholders.	
4.7	Do the policy objectives of the PR Act remain valid and do the terms of the Act remain appropriate for securing those objectives?
4.7	What improvements to the Act and Code would be appropriate in light of current best practice, and recent improvements in other forestry regulation frameworks?

4.7	How can the Act and/or the Code be modified to more efficiently and effectively achieve the objectives of the Act?
4.7	Comment is sought on the objectives, terms and content of the Act.
4.7	Comment is sought on the content and functions of the Code.

A2 Forest Practices Related to Wood Production in Plantations: National Principles[14]

Preamble

Wood production is an accepted major commercial use of Australia's forests and is the primary purpose for establishing and managing plantations. In addition, plantations can provide a range of commercial, environmental and aesthetic benefits to the community.

In pursuing a vision of ecologically sustainable management of Australia's forests, Australian Governments, through the National Forest Policy Statement, have enunciated a national goal for plantations:

> "to expand Australia's commercial plantations of softwoods and hardwoods so as to provide an additional, economically viable, reliable and high-quality wood resource to industry".

In this context, the establishment of plantations for wood production should be determined on the basis of economic viability and international competitiveness, and market forces should determine the extent of resource use and the nature of industry operations. In essence, plantations established for wood production should be treated in the same way as any agricultural productions.

To achieve greater investment in plantations, it will be necessary to ensure that the impediments to plantation development are minimal, that clear and consistent policies for resource development are established across all levels of government and that there is security of access to established resources. Provided that social and environmental objectives are met, Governments will keep regulations to a minimum. For example, the Commonwealth will remove controls over the export of unprocessed public and private plantation wood subject to the application of codes of practice to protect environmental values. Furthermore, it is not intended that controls be imposed on the plantation industry that would not apply to other agricultural activities.

In accordance with the National Forest Policy Statement, the Ministerial Council on Forestry, Fisheries and Aquaculture, representing the States and the Commonwealth's forestry authorities, has prepared this statement of national principles to be applied in the management of plantations.

These principles set the framework for a consistent and scientific basis for sound plantation management to which all States and Territories subscribe. Codes of practice for plantations, conforming to the national principles, will be developed by the States and Territories taking into account the range of plantation types, conditions and situations applying due to natural and cultural variations. Several States and Territories already have such codes in place.

The principles have been structured into several sections relating to different activities associated with plantation production. The principles apply to both public and private plantations.

[14] Source: http://www.agriculture.gov.au/forestry/australias-forests/plantation-farm-forestry/principles.

1. Principles of Environmental Care

1.1 Native forest should not be cleared for plantation establishment where this would compromise regional conservation and catchment management objectives. In some circumstances it may be appropriate to clear forests that have been severely degraded by impacts such as disease, weed invasion, wind and fire so as to enable rehabilitation through replanting.

1.2 Values such as intensive recreation, high scenic quality, significant geomorphic, biological, or cultural heritage sites, should be recognised in the planning of plantation forest operations.

1.3 Plantation management should comply with State and regional conservation and catchment management objectives, relevant planning schemes and legislation.

1.4 Water quality (physical, chemical, or biological) should be protected by measures controlling change resulting from plantation activities

1.5 Water yield should be managed as required by careful planning of operations.

1.6 Soil stability should be protected by measures, which regulate site disturbance.

1.7 Soil, water catchment, cultural and landscape values should be protected by the careful location, construction, and maintenance of roads and tracks, and regulation of their use.

1.8 Fauna, floristic, and landscape values should be protected by the careful planning of plantation layout establishment operations and the reservation and protection of appropriate areas of native vegetation; such values should be recognised in subsequent plantation management.

1.9 Plantations and adjacent native forests should be protected from the adverse effects of fire and from the introduction and spread of plant, insect and animal pests and plant diseases.

1.10 Operators will be trained in the principles of environmental care.

2. Safety

2.1 All plantation establishment, management and utilisation activities will be conducted to comply with relevant occupational health and safety legislation and policy. In particular, all operators should be trained to designated standards in the safe and efficient use of equipment and machinery and be responsible for safe working practices.

3. Planning

3.1 State and Local Governments should, with appropriate public involvement, pursue planning policies that provide secure zoning for commercial planting with the objective that tree planting and subsequent harvesting for commercial wood production should be an "as of right" use.

3.2 State Governments will establish a sound legal basis for separating the forest asset component from the land asset for tree plantings. The Commonwealth Government will consider similar action re taxation, capital valuation etc.

3.3 Plantation strategic planning should be developed in conjunction with regional development plans.

3.4 The environmental, social and economic effects of all plantation operations envisaged for an area will be considered during the planning process.

3.5 Individual plantation operations will be conducted in accordance with relevant codes of practice.

4. Access

4.1 Planning of road systems in plantations will be based on both the economic principle of minimising the combined cost of roading and extraction and on the Principles of Environmental Care.

4.2 Road design will be to standards consistent with the purpose for which the road is to be used, and capable of carrying the anticipated traffic with reasonable safety.

4.3 Construction and maintenance of roads and associated works will be undertaken in a manner, which will ensure compliance with the Principles of Environmental Care.

4.4 Roads will be closed in wet conditions when unacceptable damage would occur or when such other conditions may warrant.

5. Establishment and Maintenance

5.1 Plantation establishment methods should be economically and environmentally appropriate for the particular requirements of the species to be planted and the specific site conditions.

5.2 Establishment of plantations may involve introduction of selected species, provenances or populations to increase productivity or value. However, management of these plantations should aim to constrain or prevent the introduction of these species into surrounding areas.

5.3 Intensive management practices, such as site preparation, fertilising, weed control, pest and disease control and other operations will be carried out in accordance with codes of practice, and consistent with the Principles of Environmental Care.

6. Timber Harvesting

6.1 Timber harvesting will be planned and carried out under codes of practice to meet the Principles of Environmental Care.

6.2 The harvesting plan will consider factors such as harvesting unit size, slope and location of harvesting units; design and location of landings and snig tracks; harvesting equipment; areas excluded from logging; and areas specified for protection and reforestation.

6.3 Harvesting operations should not be conducted in a manner which compromises the Principles of Environmental Care, or where the safety of workers is at unacceptable risk.

6.4 Soil and water values should be protected by progressive rehabilitation and drainage of snig tracks, temporary roads, log dumps and any other earthworks associated with harvesting operations.

7. Forest Protection

7.1 Fire protection planning should be undertaken on a regional basis in co-ordination with relevant land management agencies and with local bush fire control organisations.

7.2 Plantation health surveillance should be undertaken on a regular basis.

7.3 Where weeds, pests or diseases cause significant damage, decline, or deaths of trees, prompt specialist advice should be sought to address the problem.

7.4 Use of chemicals, such as herbicides and pesticides, and other pest control methods in plantation operations will be in accordance with State policies, procedures and approved usage.

8. Monitoring and Review

8.1 Where practicable, plantation operations should be supervised and monitored by qualified persons and be subject to audit.

8.2 The National Principles should be reviewed and evaluated after three years.

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A3. Plantations in the physical and social environment

A2.1 The physical environment

Plantations established primarily for the purpose of timber and fibre production have been shown to have a number of environmental benefits. These include the reduction of soil erosion and salinity, the creation of wildlife corridors, improvement of water quality and the creation of carbon sinks. Plantations also maintain hydrological systems and reduce peak run-off rates during flood-producing storms, thereby reducing flood damage, soil erosion and consequent siltation of waterways.

Benefits for biodiversity can occur in both hardwood and softwood plantations. Research by Lindenmayer (2002) around Tumut in south-east NSW has shown that retention of native vegetation remnants within radiata pine plantations improves biodiversity. Plantations can also connect forest remnants and allow some species to move between patches of native vegetation. Retention of remnant patches of native vegetation and existing vegetation along creek lines is a requirement of the PR Act and Code that promotes biodiversity values.

The extent of the NSW plantation estate has remained relatively static since 2015, although both the NSW and Commonwealth Governments have expressed their commitment to plantation expansion to meet future timber and wood product demand.

A2.2 Social environment

Plantation forests represent one percent of Australia's forests, yet they supply more than 50 percent of our domestic timber needs. With reduced access native forests in recent years, the plantation sector is becoming more significant in providing raw materials for industry. Plantations provide a wide range of forest products that support a vibrant and growing timber-processing sector. The establishment and management of timber plantations and the ancillary services associated with the industry provide the economic basis for many regional communities in NSW.

The industry value of the NSW softwood plantation sector is $1.92 billion[15]

The Bureau of Rural Science has found that plantations have a greater gross value per unit area than many forms of agriculture typical in the same locality. For instance, in the Green Triangle region (south-east South Australia and south-west Victoria), agriculture uses 10 times as much land as forestry and related industries, but the gross value of the agricultural production is $1.9 billion, compared with $1.5 billion for forestry and forest products (Keenan *et al.* 2004a).

Nationwide, plantations and related industries generate more than $12 billion a year and employ more than 50,000 people (A3P 2004). With about 394 000 ha (20 percent of the total), NSW has the second largest plantation estate in Australia, and its plantations make a substantial contribution to this total.

The NSW forestry and forest products industry contributes $2.4 billion annually and more than 22,000 jobs to the NSW economy.

[15] NSW Forestry Industry Roadmap

A4 Terms of Reference

NSW Government Review of the *NSW Plantations and Reafforestation Act 1999* and the NSW Plantations and Reafforestation (Code) Regulation 2001

Background

The *Plantation and Reafforestation Act 1999* (PR Act) and the NSW Plantations and Reafforestation (Code) Regulation 2001 (the Code) streamline the establishment and management of plantation forests in NSW by providing a single source of plantation approvals and providing certainty of harvest rights to plantation owners, consistently with the principles of ecologically sustainable development.

The last major review of the PR Act and the Code was in 2010.

Review of the PR Act and the Code is a Government commitment under the NSW Forestry Industry Roadmap, and five yearly review of the Code is a statutory requirement.

Review Objectives

The objectives of the current review are to:

1. Determine whether the policy objectives of the PR Act remain valid and whether the terms of the Act remain appropriate for securing those objectives
2. Consider possible improvements to the Act and Code in light of current best practice, and recent improvements in other forestry regulation frameworks
3. Modernise the Act and Code to more efficiently and effectively achieve the objectives of the Act
4. Fulfil commitments under the NSW Forestry Industry Roadmap to review the PR Act and Code
5. Meet statutory review requirements for the PR Code.

Specifically, the review will:

a) Determine whether the policy objectives of the *Plantations and Reafforestation Act* remain valid and whether the terms of the Act remain appropriate for securing those objectives

b) Seek public input into the review process in relation to:

- Objectives, terms and content of the Act
- Content and functions of the Code

c) Consider possible improvements to the Act and Code in light of current best practice and stakeholder input

d) Report on the outcomes of the review and provide recommendations to the NSW Government to modernise the *Plantations and Reafforestation Act* and the Plantations and Reafforestation (Code) Regulation to more efficiently and effectively achieve the objectives of the Act.

Scope Development

Objectives of the Act

The objects of the PR Act are:

(a) to facilitate the reafforestation of land

(b) to promote and facilitate development for timber plantations on essentially cleared land

(c) to codify best practice environmental standards, and provide a streamlined and integrated scheme, for the establishment, management and harvesting of timber and other forest plantations

(d) to make provision relating to regional transport infrastructure expenditure in connection with timber plantations.

> [The above to be achieved] consistently with the principles of ecologically sustainable development (as described in section 6 (2) of the *Protection of the Environment Administration Act 1991*).

The PR Act legislates the development of the Code, by way of regulation, for furthering the objects of the Act.

The PR Act and Code were formally reviewed in 2010 and subsequently amended under the *Plantations and Reafforestation Amendment Act 2010* and the Plantations and Reafforestation (Code) Amendment Regulation 2010.

Definition of plantations

In the Act, ***plantation*** means an area of land on which the predominant number of trees or shrubs forming, or expected to form, the canopy are trees or shrubs that have been planted (whether by sowing seed or otherwise):
(a) for the purpose of timber production, or
(b) for the protection of the environment (including for the purpose of reducing the salinity of the land or otherwise repairing or improving the land, for the purpose of biodiversity conservation or for the purpose of acquiring or trading in carbon sequestration rights), or
(c) for any other purpose, but not principally for the purpose of the production of food or any other farm produce other than timber.
(2) To avoid doubt, a natural forest is not a plantation for the purposes of this Act. However, an area is not a natural forest merely because it contains some native trees or shrubs that have not been planted.
(3) The Code may specify the distance between planted trees or shrubs that constitute a single canopy and plantation for the purposes of this Act.
(4) A plantation can be a privately-owned area of land, or it can be a State forest or other Crown timber lands, or any other land.
(5) A plantation can comprise more than one area of land if those areas are under the same ownership or management and the Minister determines that those areas may comprise a single plantation for the purposes of this Act.

A5 *Plantations and Reafforestation Amendment Act* Summary

The object of the *Plantations and Reafforestation Amendment Act 2010* were to amend the *Plantations and Reafforestation Act 1999* (the Act):

(a) to clarify the authorisation and ownership provisions

(b) to expand the powers of entry and inspection

(c) to make minor and consequential amendments

According to parliamentary documents, the amendments were generally in accordance with proposals arising out of a statutory review of the Act.

The 2010 amendment Act made the following changes to the underlying Act:

1. Clarified that plantation operations must not exceed 30 hectares for the operations to be exempt farm forestry.
2. Shifted references to existing plantations to a savings and transitional provisions section.
3. Ensured that ancillary plantation operations covered ancillary operations to an approved project under Part 3A of the *Environmental Planning and Assessment Act 1979*.
4. Required written notice of the Minister's decision to authorise plantations on an unformed road to be given to the Minister for Lands.
5. Amended the requirement for the Minister to invite submissions on applications to authorise non-complying plantations, to limit submissions to non-complying aspects of the application.
6. Broadened conditions that can be attached to an authorisation to include any conditions, where these were previously limited to conditions on establishment operations only.
7. Removed the requirement for the public register of plantation authorisations to also include applications for authorisations.
8. Provided for the authorisations register to be accessed on the DPI website.
9. Established provisions for dealing with existing plantations to exempt them from authorisation as long as no replanting exceeds 30 hectares.
   (An existing plantation is a plantation established before 14 December 2001 under the *Environmental Planning and Assessment Act 1979*, and other relevant laws.)
10. Specified circumstances in which changes in ownership or management of an authorised plantation affect the authorisation of that plantation, (essentially when the changes split up the plantation). Previously these changes did not affect the authorisation.
11. Extended the ability to apply enforcement provisions (e.g. stop work orders) to any plantations covered under the act (rather than just authorised plantations). Note: This does not include existing plantations.
12. Detailed improved provisions for appointment, powers of entry, powers to require information, and limits of liability for authorised officers to conduct compliance investigations under the Act and Code.
13. Established offences relating to investigations and changed the time limits for commencement of proceedings following alleged breaches of the Act and/or Code. This became two years from uncovering evidence of the offence rather than two years from the date of the offence.
14. Amended the objects of the Act (to codify environmental standards, and provide a streamlined and integrated scheme, for the establishment, management and harvesting of timber and other forest plantations) so that it refers to "best practice" environmental standards.
15. Inserted definitions of *authorised officer*, *Department* and *Director-General*.
16. Removed outdated provisions dealing with native vegetation.
17. Made various consequential amendments.
18. Provided for the delegation of functions by the Director-General rather than the Minister
19. Enabled the making of regulations of a savings and transitional nature consequent on the enactment of the proposed Act.
20. Updated references to the repealed *Native Vegetation Conservation Act 1997*.
21. Removed an unnecessary provision relating to the cancellation of timber plantation authorisations.
22. Clarified that timber plantations accredited under the repealed *Timber Plantations (Harvest Guarantee) Act 1995* are authorised plantations under the Act and not existing plantations.

A6 Plantations and Reafforestation (Code) Amendment Regulation 2010 Summary

The object of the Plantations and Reafforestation (Code) Amendment Regulation 2010 is to amend the Plantations and Reafforestation (Code) Regulation 2001 to:

(a) Make provision in respect of fire roads and other bush fire hazard reduction measures on plantations

(b) Make further provision for the regulation of plantation operations, including in respect of roads, soil, drainage, water, the preservation of vegetation and record keeping

(c) Make other miscellaneous changes in respect of plantations.

The 2010 amendment regulation made the following changes to the 2001 Code:

1. Clarified the continuing status of authorised officers consequential to amendments to the Act
2. Clarifies how amendments to the Code apply to existing plantations
3. Adds a requirement to check for Aboriginal sites prior to certain soil disturbance activity
4. Adds procedural requirements for the identification of Aboriginal objects before authorisation
5. Adds the requirement to identify roads and water storage for firefighting in plantation plans
6. Clarifies wetland and river buffer zones wording
7. Adds line ripping as a cultivation method in buffer zones and tightens line cultivation requirements in these areas
8. Replaces *ploughing* with *spot cultivation* in relation to slope limits
9. Adds erosion prevention requirements in relation to site preparation on slopes
10. Updates terminology in relation to objects of heritage significance (including Aboriginal objects)
11. Removes the option to replace retained trees for future plantations
12. Adds bushfire hazard reduction requirements
13. Adds the need to provide operational plans seven days prior to harvest in certain circumstances
14. Adds a requirement to provide digital mapping to identify fire roads and water storage
15. Adds additional conditions for crossings over drainage features
16. Adds a requirement for the provision of fire roads, and provides corresponding specifications
17. Clarifies road drainage requirements
18. Tightens provisions in relation to blading-off roads for temporary access
19. Clarifies haulage, road damage, and extraction track provisions
20. Clarifies the inclusion of habitat trees in retained vegetation prescriptions
21. Adds additional restrictions to activity that may adversely affect retained areas
22. Corrects the term *skidding* to *snigging* in relation to harvesting on slopes and removes references to *forwarders*
23. Clarifies permissible locations and operational requirements for log dumps
24. Provides additional requirements for harvesting in buffer zones of drainage features
25. Adds requirements in relation to timber extraction at harvest
26. Adds requirements in relation to harvesting in wet weather
27. Reformats penalty tables in the Code to improve readability
28. Clarifies or adds definitions of various terms.

9.4.3 REVENUE RECOVERY UPDATE

Record No:

Responsible Officer:	Chief Financial Officer
Author:	Finance Accountant
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Delivery Program Objectives:	11.2.1 Council has best practice management for financial sustainability
Attachments:	Nil
Cost Centre	WO17 Financial Services

EXECUTIVE SUMMARY

An update of collection activities to address outstanding balances.

Council paused following its Debt Management policy as a response to providing financial relief for those in the community that may have suffered the impacts of the bushfires in late 2019 and COVID pandemic from March 2020.

A report is provided to Council on revenue recovery covering past matters and current activities to address outstanding and overdue debts. Council's external debt collection agency has recommended a number of matters to pursue sale of land for unpaid rates as all other means to recover monies owed to Council have been exhausted.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

A) Receive and note the status of past matters referred to external debt collection agency.
B) Receive and note the status of current debt recovery activities.

BACKGROUND

The Revenue Team were directed to recommence Council's debt collection activities per the Debt Management policy that were paused for an extended period. Council recognised that some of the community may have been adversely affected by the bushfires and COVID 19 and offered additional financial relief during this period.

To summarise the state of debt recovery, there was a large degree of uncertainty as to where individuals may have been in the debt collection process. Therefore, it was assessed to address the debt recovery process in a number of stages. First stage, a number of past collection matters referred to Council's external debt collection agent were stalled awaiting instructions from Council officers to proceed. The past matters have been reactivated and were included in a report to ELT in April-2021 per the below status:

Total 46 matters and outstanding amount $453,000

- 13 matters being monitored and repayments being negotiated $81,000
- 5 matters commencing legal proceedings $93,000
- 6 matters to enforce judgement $37,000
- 7 matters to enter judgement $77,000
- 9 matters to proceed to bankruptcy $143,000
- 6 matters sale of land for unpaid rates $21,000 (subject to Council resolution)

During May-2021 Council's debt collection agent has advised that $66,000 has been collected and the outstanding historical matters has reduced to 38 in total. A future report to Council will provide details of those assessments where sale of land for unpaid rates has been recommended.

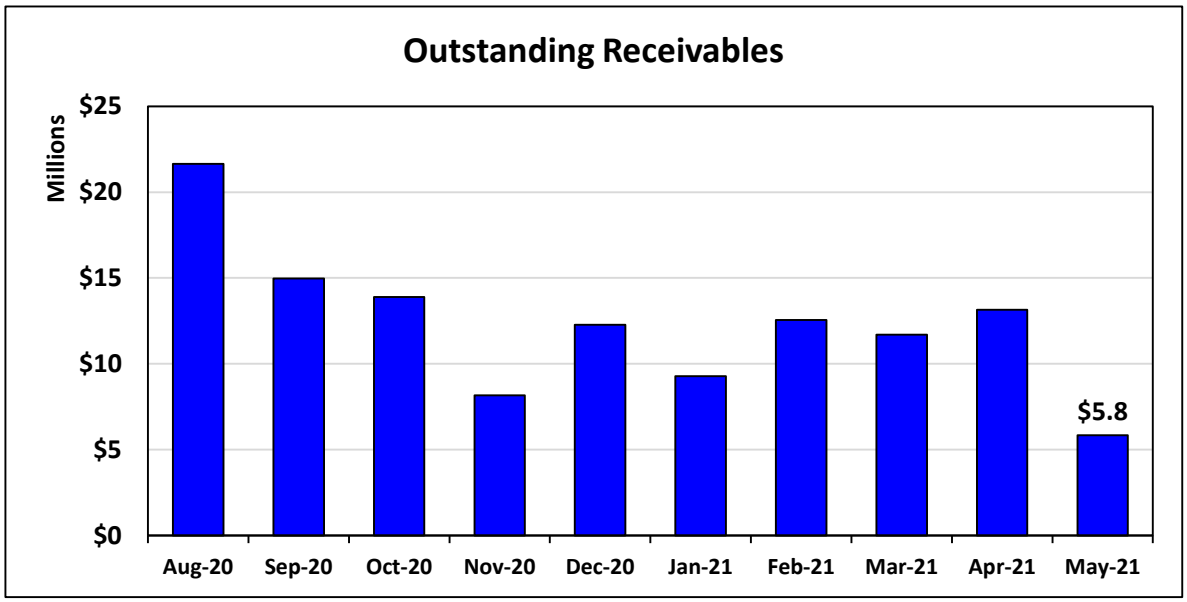
Second phase, and larger exercise is to address the remaining outstanding property rates. Using the third rates instalment due date as a starting point, 28-Feb-2021, any overdue balances, excluding those above, were issued a reminder notice during April 2021. Over 900 rate overdue notices were issued that provided a 14 day notice period to allow individuals to contact Council to make payment or negotiated a repayment plan. Those who did not respond to the overdue notice were referred to Councils debt collection agent.

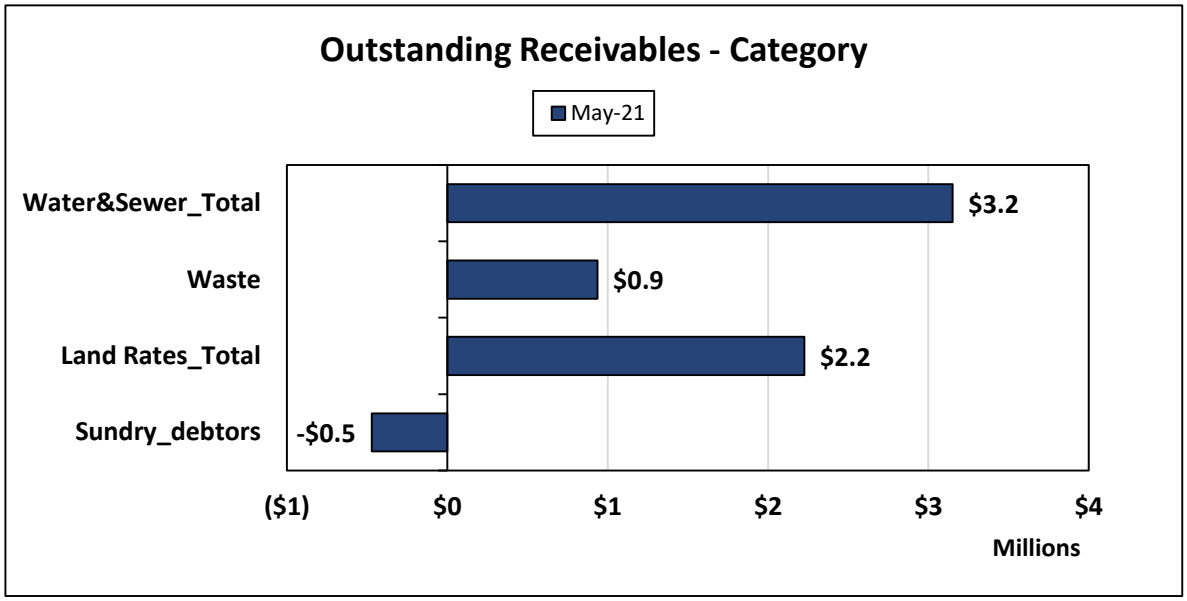
In conjunction with Councils standard debt collection practice an innovative pilot program is underway to assess the success rate of a bespoke debt recovery service. An external provider Recoupa was assigned a select 20 assessments totalling $71,000 across Council. Recoupa's point of difference is an approach to engage with the property owners on a one-on-one basis to assist them with assessing their individual circumstances and their capacity to repay outstanding debts to Council and advise or facilitate contact with other services that may assist with their financial situation. To date 10 assessments have recommenced repayments and $19,000 has been collected. Cost to Council, which is not recoverable, is $1,300.

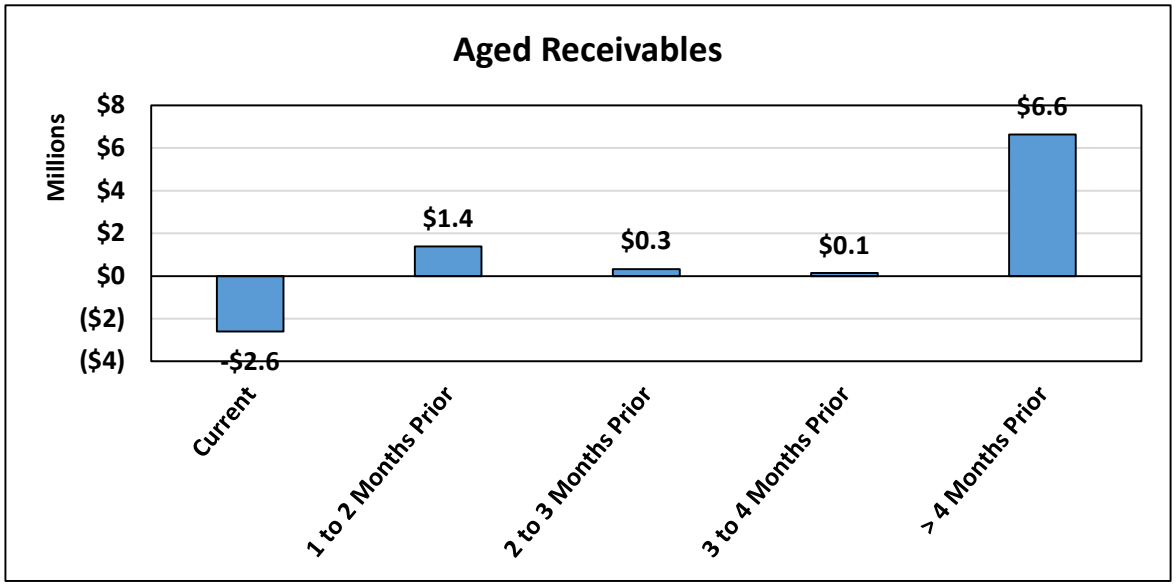
Third phase, was to address the outstanding water and sewer charges. Using the second billing period ending, 28-Feb-2021, and issued on 01-April-2021, any overdue balances as at 01-May-2021 were issued a reminder notice. Over 1,300 overdue notices were issued and provided a 14 day notice period to allow individuals to contact Council to make payment or negotiated a repayment plan. Those who did not respond to the overdue notice were referred to Councils debt collection agent.

Due to the larger than expected volume of reminder and overdue notices the Revenue team are assessing how best to maintain the debt recovery process and deal with the increased queries. It is likely with the current resourcing available that Council will need to phase the issuing of the overdue notices across an extended period time until the volume of overdue notices show a decrease in number.

The tables below illustrates the receivables outstanding balances as at 31-May-2021.


Outstanding Receivables
Millions
$25
$20
$15
$10
$5
$0
$5.8
Aug-20
Sep-20
Oct-20
Nov-20
Dec-20
Jan-21
Feb-21
Mar-21
Apr-21
May-21


Outstanding Receivables - Category
May-21
Water&Sewer_Total
$3.2
Waste
$0.9
Land Rates_Total
$2.2
Sundry_debtors
-$0.5
($1)
$0
$1
$2
$3
$4
Millions


Aged Receivables
Millions
$8
$6
$4
$2
$0
($2)
($4)
$1.4
$0.3
$0.1
$6.6
-$2.6
Current
1 to 2 Months Prior
2 to 3 Months Prior
3 to 4 Months Prior
> 4 Months Prior

Sale of Land for Rates

As the Revenue Team and the external debt agent work through the debt recovery process it is likely that Council will have exhausted all practical means to recoup monies owed to Council. The final avenue to pursue the collection will be to undertake a sale of land for unpaid rates. A summary is provided of the circumstances and steps required that Council must follow.

Section 713 of the *Local Government Act 1993* allows councils to take steps to sell land for unpaid rates if:

(a) Rates and charges have been outstanding for more than 5 years; or

(b) In the case of vacant land, rates and charges have been outstanding for more than 1 year if Council has obtained a valuation, the total unpaid rates and charges exceed the valuation and the land is sold within 6 months of the valuation.

Council is implementing a regular review of outstanding rates debtors aged over 5 years on an annual cycle, and a report to Council identifying rates and charges owing for those properties with a proposed action plan. It is noted Council has exhausted alternate recovery actions prior to this process. In many cases, initiating sale procedures results in payment from the ratepayer or mortgage holder.

Steps required to take by Council in accordance with Chapter 17, Division 5 of the *Local Government Act 1993*

1. General Manager Certification - amount of rates and charges payable and when they became payable.
2. Council arranges valuation of land from Valuer-General.
3. Fix a place and time for sale.
4. Giving notice - take reasonable steps to notify people with an interest in the land.
5. Council appoints sales agent and conveyancer.
6. Selling land – must be by way of public auction.
7. Transferring property.
8. Applying sales proceeds – Councils costs in relation to the sale are paid first, then rates and charges as well as amounts owing to any other statutory authority on equal footing and, finally, in there if money left over it is paid to anyone who had an estate or interest in the land immediately before the sale.

If the amount received is more than the amount outstanding, the Council will hold the money for persons having estates or interests in the land immediately before the sale according to their respective estates and interests.

The sale of land effects a final settlement of rates and charges owing on the land.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council is unable to recover its entitled rates and charges from a small group of the community. The recovery of the overdue balances have been undertaken by Council in a manner consistent

with its policy. Council has proceeded at a pace to allow community members to arrange payment arrangements or restructure their financial affairs to settle overdue rates and charges. Council finds itself in a position to take more forceful action to recover the debt through legal action or sale of properties.

2. Environmental

None specifically

3. Economic

Any debt collection agency fees incurred by Council will be recovered against the property being pursued to clear the overdue debt. Where applicable, any property disposal costs will be recouped from the proceeds of settlement.

4. Civic Leadership

Debt Management policy

As the debt recovery process had been paused for some time, further updates are expected to be put forward to Council as new matters become overdue.

Council is developing a report to sell land for unpaid rates and charges in accordance with Council's Debt Management Policy and section 713 of the *Local Government Act 1993*.

9.4.4 REQUEST TO CLOSE PART OF MITTAGANG ROAD RESERVE - BOUNDARY ADJUSTMENT FOLLOWED BY LAND SALE TO OWNER OF LOT 2 DP 815248

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Coordinator Land & Property
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. Draft Survey Plan SM250 BDY ADJ - Mittagang Road Reserve Boundary Adjustment - Lot 2 DP 815248 related
Cost Centre	Work Order 254 – Road Operations
Further Operational Plan Actions:	9.1 Transportation corridors throughout the region are improved and maintained 9.1.1 Management of road corridors is effective and efficient

EXECUTIVE SUMMARY

On 21 August 2020, an email was received from Vision Town Planning consultants Pty Ltd, acting for the owner of Lot 2 DP 815248 in Mittagang Road, Cooma. The email sought Council's consent to close a section of road reserve in Mittagang Road Cooma and to subsequently sell the land to the owner of Lot 2 DP 815248 (adjoining land). The landowner in question has subsequently made further representations and tabled adjustments for Council consideration in order to progress this matter. A survey plan is attached which is regarded as meeting the mutual needs of Council and the landowner of Lot 2 DP 815248, with this plan having been funded by the landowner.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

A. Approve to proceed partial road closure of Mittagang Road, being approximately 773m2, at the specified location, in accordance with the Roads Act 1993;
B. Authorise the Chief Executive Officer to execute all necessary documents for the partial road closure and boundary adjustment;
C. Agrees that all costs incurred in actioning the boundary adjustment and partial road closure are to be borne by the adjacent landowner (Lot 2 DP 815248), inclusive of general legal, registration fees and title creation costs incurred by Council;
D. Obtain an independent valuation of the 773m2 land area that is the subject of the boundary adjustment to guide sale price setting;

E. Approve the sale of the subdivided land parcel, approximate 773m2 in area, by private treaty to the adjacent landowner (Lot 2 DP 815248) subject to the completion of the road closure process; and
F. Authorise the Chief Executive Officer to negotiate the sale price and execute any documentation required to complete the sale, at the appropriate time.

BACKGROUND

The land currently allocated as road reserve at this site is in excess of 3450m2 and is regarded as surplus to operational needs. Presently, Council maintains the road reserve between the footpath and the boundary of Lot 2 DP 815248, whilst the reserve space does not currently provide practical benefit to the community across the full expanse. The current large footprint of road reserve space at the site does not present a good opportunity for public outdoor recreation and does not provide active benefit to the Mittagang roadway. The subject area of land is zoned R2 Low Density Residential. The public road reserve area will be reduced by approximately 773m2. The boundary adjustment will facilitate creation of legal access for the adjacent landowner due to the current physical positioning of the driveway of 1A Boona Street. It is intended that the public footpath, utility connections and the overhead power lines will remain within the road reserve, along with the sewer infrastructure that is in place at the southern end of the current road reserve segment (running from Mittagang Road into Bowi Street). There is a sewer main, which runs from the boundary of Lot 2 DP 815248 across the current road reserve, and the proposed boundary adjustment will not adversely affect current infrastructure arrangements.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Presently, Council maintains the road reserve between the footpath and the boundary of Lot 2 DP 815248, whilst the full area of the reserve itself does not provide any significant benefit to the community. Majority of the current reserve land area will be retained as public road reserve. The proposed closing of a Council public road will be advertised and landowners in the immediate vicinity will be notified by letter in accordance with legislative requirements for road closings. The proposal will also be advertised in the Monaro Post and via Council's social media pages.

2. Environmental

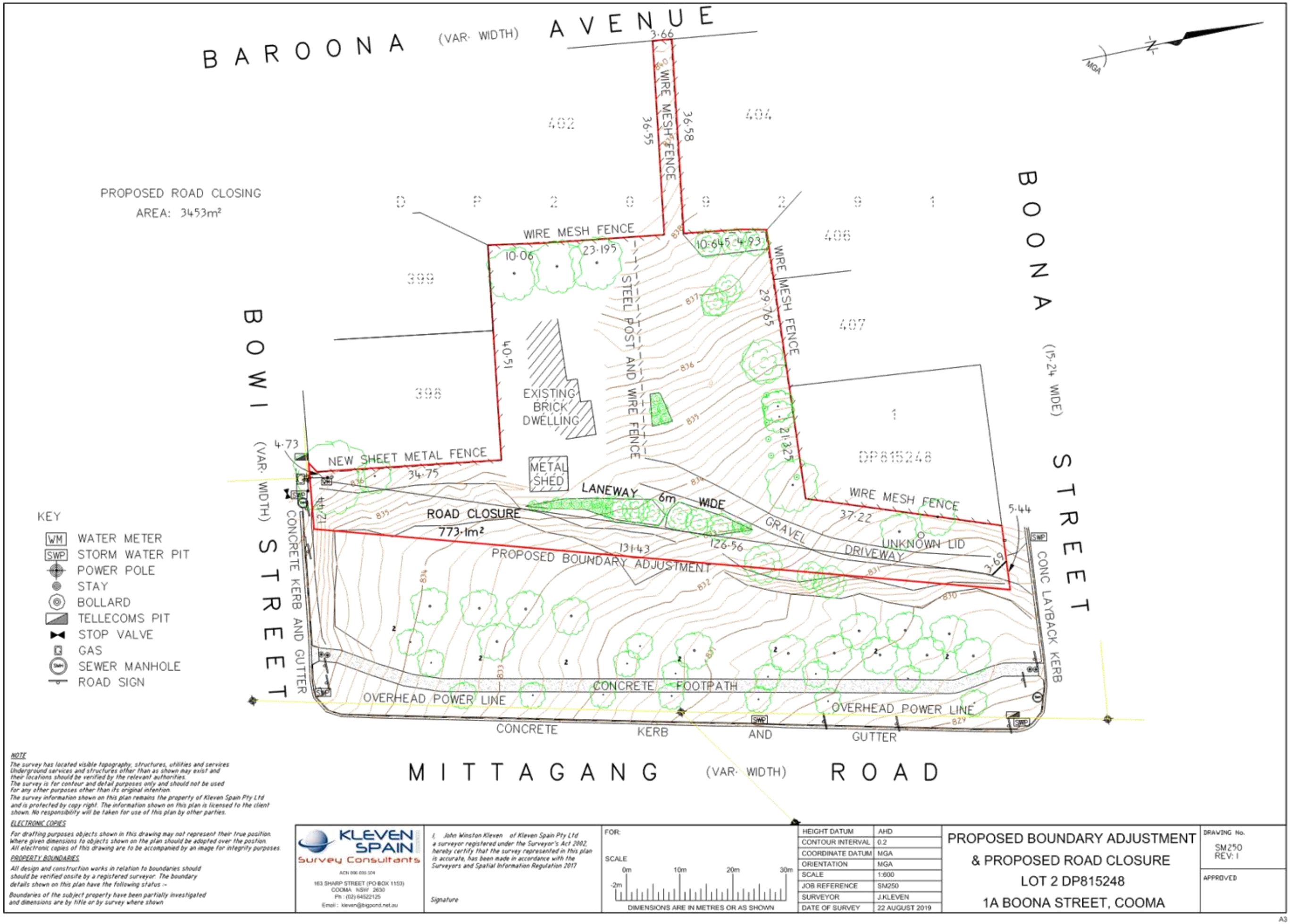
No negative environmental impacts are expected due to the closure of this section of road reserve.

3. Economic

No external costs have been incurred by Council at the time of this report. Valuation of the land has not yet been sought. Maintenance care costs associated with grounds keeping at the site will be reduced because of the public road reserve area being lessened by 773m2. The owner of Lot 2 DP 815248 has agreed to be pay all reasonable costs incurred by Council in conducting the boundary adjustment and road closure. Per the Roads Act 1993 Section 43, the sale proceeds (less the costs of the sale) must be used for either acquiring land for public roads or for carrying out road work on public roads.

4. Civic Leadership

Public consultation on the proposed road closure and sale intention will be carried out in accordance with the legislative procedure for public road closings.


BAROONA AVENUE (VAR. WIDTH)
BOONA STREET (15.24 WIDE)
BOWI STREET (VAR. WIDTH)
MITTAGANG ROAD (VAR. WIDTH)
PROPOSED ROAD CLOSING
AREA: 3453m²
ROAD CLOSURE
773.1m²
PROPOSED BOUNDARY ADJUSTMENT
LANEWAY 6m WIDE
GRAVEL DRIVEWAY
WIRE MESH FENCE
STEEL POST AND WIRE FENCE
NEW SHEET METAL FENCE
CONCRETE KERB AND GUTTER
CONC LAYBACK KERB
CONCRETE FOOTPATH
OVERHEAD POWER LINE
EXISTING BRICK DWELLING
METAL SHED
UNKNOWN LID
DP815248
402
404
406
407
399
398
1
3.66
36.55
36.58
10.06
23.195
10.645
4.93
29.765
40.51
21.325
4.73
34.75
44.21
131.43
126.56
37.22
5.44
3.69
KEY
WM WATER METER
SWP STORM WATER PIT
POWER POLE
STAY
BOLLARD
TELLECOMS PIT
STOP VALVE
GAS
SEWER MANHOLE
ROAD SIGN
NOTE
The survey has located visible topography, structures, utilities and services
Underground services and structures other than as shown may exist and
their locations should be verified by the relevant authorities.
The survey is for contour and detail purposes only and should not be used
for any other purposes other than its original intention.
The survey information shown on this plan remains the property of Kleven Spain Pty Ltd
and is protected by copy right. The information shown on this plan is licensed to the client
shown. No responsibility will be taken for use of this plan by other parties.
ELECTRONIC COPIES
For drafting purposes objects shown in this drawing may not represent their true position.
Where given dimensions to objects shown on the plan should be adopted over the position.
All electronic copies of this drawing are to be accompanied by an image for integrity purposes.
PROPERTY BOUNDARIES
All design and construction works in relation to boundaries should
should be verified onsite by a registered surveyor. The boundary
details shown on this plan have the following status :-
Boundaries of the subject property have been partially investigated
and dimensions are by title or by survey where shown
KLEVEN SPAIN
Survey Consultants
ACN 006 035 504
163 SHARP STREET (PO BOX 1150)
COOMA NSW 2630
Ph : (02) 64522125
Email : kleven@bigpond.net.au
I, John Winston Kleven of Kleven Spain Pty Ltd
a surveyor registered under the Surveyor's Act 2002,
hereby certify that the survey represented in this plan
is accurate, has been made in accordance with the
Surveyors and Spatial Information Regulation 2017
Signature
FOR:
SCALE
0m 10m 20m 30m
-2m
DIMENSIONS ARE IN METRES OR AS SHOWN
HEIGHT DATUM AHD
CONTOUR INTERVAL 0.2
COORDINATE DATUM MGA
ORIENTATION MGA
SCALE 1:600
JOB REFERENCE SM250
SURVEYOR J.KLEVEN
DATE OF SURVEY 22 AUGUST 2019
PROPOSED BOUNDARY ADJUSTMENT
& PROPOSED ROAD CLOSURE
LOT 2 DP815248
1A BOONA STREET, COOMA
DRAWING No.
SM250
REV: 1
APPROVED
A3

9.4.5 LEESVILLE CIVIL WORKS PROGRESSION TO ENABLE SALE OF SUBDIVISION SECTION 3D (4 LOTS) - SALE OF INDUSTRIAL LAND

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Coordinator Land & Property
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. Diagram - Leesville Industrial Estate Staging Plan - Stage 3D indicated
Cost Centre	WO1896 – Percy Harris Subdivision Land Sale (Leesville Estate)
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council is developer of the 36 Lot Leesville Industrial Estate subdivision in Jindabyne, with an approved DA (Development Consent 10.2005.3000163.4), enabling a modified staging plan that included stage 3D by splitting stage 3C into two parts. Council is currently actioning completion of the civil works required for Stage 3C (3 lots) of Leesville Industrial Estate to reach subdivision registration readiness. These lots having been sold off the plan, via public auction, in October 2020. Across the region industrial land is in high demand, particularly in Jindabyne.

This report seeks endorsement to expand the civil works delivery to encompass the essential service needs of the next section of the Leesville Industrial Estate subdivision being Stage 3D (4 lots). Actioning these civil works now will deliver cost savings and timing efficiency in the realms of construction and land parcel release to market.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

A. Approve the completion of the essential civil works required for Stage 3D of the Leesville Industrial Estate subdivision in Jindabyne, expending up to $600,000;
B. Approve Lots 17, 18, 19 & 20 in Stage 3D at Leesville Industrial Estate to be sold by public auction, once civil works are completed;
C. Authorise the Chief Executive Officer to establish the reserve price for Lots 17, 18, 19 & 20 at Leesville Industrial Estate ahead of the auction, and to negotiate with the highest bidder should any property fail to meet the reserve;
D. Authorise the Chief Executive Officer to undertake all negotiations for the sale of Lots 17,

18, 19 & 20 at Leesville Industrial Estate, including real estate agent engagement; and

E. Authorise the Chief Executive Officer to execute all legal documents and contracts for the sale of Lots 17, 18, 19 & 20 Leesville Industrial Estate.

BACKGROUND

Stage 3D – Lots 17, 18, 19 & 20 – will release approximately 8511m2 of Jindabyne industrial land to market. Gross sale revenue is conservatively estimated at $1 072 386 - Based on the average price of $126 (inc GST) per square metre having been achieved for the three Stage 3C land parcels sold off the plan recently.

Consultation with our Infrastructure unit's Project and Technical Support team indicates that the maximum total construction cost of the necessary civil works for the additional four lots, inclusive of rock contingency, is estimated at $600,000; translating to approximately $150,000 per each lot in Stage 3D. Depending on the nature of the rock extraction required, which is discernible only once constriction is in progress, the expenditure outlay may reduce significantly which will then result in more of the net sale revenue being retained. All costs (construction, legal charges & any associated fees) will be offset by the sale income of the subdivision parcels.

It is intended that a contract variation will be actioned to extend the civil works to encompass Stage 3D, creating synergies of scale and contractor deployment efficiencies, which will deliver savings to Council and progress crucial industrial land release in Jindabyne.

Note: This report also responds to the Question Without Notice tabled by Cllr Old in March 2021:

Question - Can Council receive a report on releasing more industrial land in Jindabyne – how are we progressing with that and what will happen to the future of the Leesville land?

The draft Settlement Strategy offers the following context: Once the land subject to the approved Leesville Estate subdivision has been developed, this will leave approximately 10 hectares of undeveloped IN1 General Industrial zoned land to the west side of this precinct. However, this area is heavily constrained by high environmental value snow gum woodland, bushfire risk and slope and is not considered suitable for further development. Council may want to rezone this residual portion of land E3 Environmental Management to reflect the environmental constraints of the land. Council's Planning team aim to work with NSW Government to establish most appropriate locations for new industrial land as part of the SAP master planning process.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council considers the wellbeing of the community and encourages positive outcomes.

2. Environmental

All environmental impacts will be dealt with under DA process.

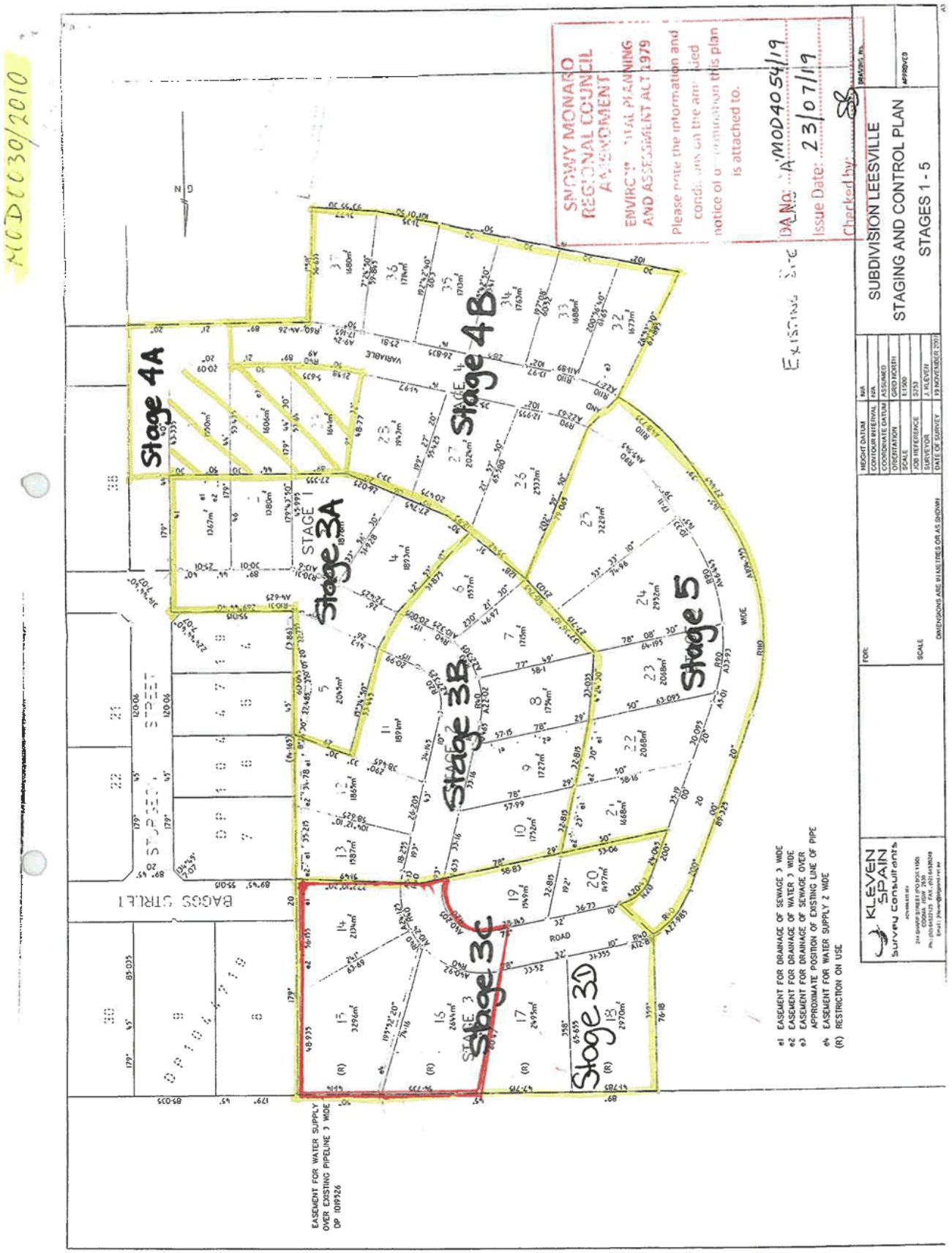
3. Economic

The anticipated sale price of the Stage 3D (4 lots) will considerably exceed to the combined costs of the essential construction works required to meet the conditions of the DA and other associated fees. All costs will be offset by the sale income of the subdivision parcels.

4. Civic Leadership

Land use is optimised to meet the social, environment and economic needs of the region.

ATTACHMENT 1 DIAGRAM - LEESVILLE INDUSTRIAL ESTATE STAGING PLAN - STAGE 3D INDICATED **Page 372**



9.4.6 HIGHVIEW ESTATE, JINDABYNE - BOUNDARY ADJUSTMENT TO COMMUNITY LAND PARCEL FOR THE PURPOSES OF FUTURE ROAD RESERVE

Record No:

Responsible Officer:	Chief Operating Officer
Author:	Coordinator Land & Property
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. Boundary Change Diagram - Highview - Adjusted Road Path NL180423_CSK13.01 2
Project	Highview Estate Minor Boundary Adjustment Proposed – Lot 30 DP 1118132 – Safer Road Trajectory

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Lot 30 DP 1118132 is Council owned land, having been dedicated to Council by the developers of Highview Estate based on the initial concept road design referenced in the initial DA circa 2007. To encompass specific recommended road safety improvements it is proposed to make a minor boundary adjustment, to deliver a safer road pathway for future use by the community.
Lot 30 DP 1118132 is categorised as community land and the proposed boundary adjustment will not reduce the land's total area, rather the lot will be slightly increased in area. The State Environmental Planning Policy (Exempt and Complying Codes) 2008 provides various exemptions for low impact subdivision matters, which this particular circumstance aligns with.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

A. Agrees to the boundary adjustment related to Lot 30 DP 1118132 in principle, informed by boundary change diagram attached to this report (NL180423_CSK13.01 2);
B. Acknowledge that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Division 1 Subdivision 38 Section 2.75 provides the relevant development exemption due to the specific circumstances;
C. Agrees that that developer will be responsible for all costs incurred in actioning the boundary adjustment and that the boundary adjustment will be formalised at the subdivision certificate stage of the development process.

BACKGROUND

The proposed boundary adjustment will allow the future collector road to move slightly north, in order to meet gradient safety requirements. The layout diagram of the intended road construction path at Highview Estate is attached. The altered road route is the preferred option due to safety considerations. To enable the safer road trajectory, a boundary change to the Council owned Lot 30 DP 1118132 is required.

Lot 30 DP 1118132 is regarded as community land as no declaration otherwise has been located. Approximately 494.8m2 would become part of the adjacent future road reserve (thus operational in nature), whilst approximately 816.74m2 would be transferred to (Lot 30 DP 118132) from the adjacent holding. All the land would remain under Council's ownership and control whether it is road reserve or community land.

The State Environmental Planning Policy (Exempt and Complying Codes) provides various exemptions for low impact subdivision matters. In this instance, it would be prudent to rely on Subdivision 38 (b) a realignment of boundaries, ensuring compliance with (i) through to (vii).

Link to the relevant SEPP instrument section:

https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-sdiv.38

> Extract*: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
>
> *Subdivision 38 2.75 Specified development*
>
> *The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code—*
>
> *(a) widening a public road,*
>
> *(b) a realignment of boundaries—*
>
> *(i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and*
>
> *(ii) that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and*
>
> *(iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and*
>
> *(iv) that will not adversely affect the provision of existing services on a lot, and*
>
> *(v) that will not result in any increased fire risk to existing buildings, and*
>
> *(vi) if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and*
>
> *(vii) if located in any other zone—that will not result in a change in the area of any lot by more than 10%*

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council considers the wellbeing of the community and encourages positive outcomes.

2. Environmental

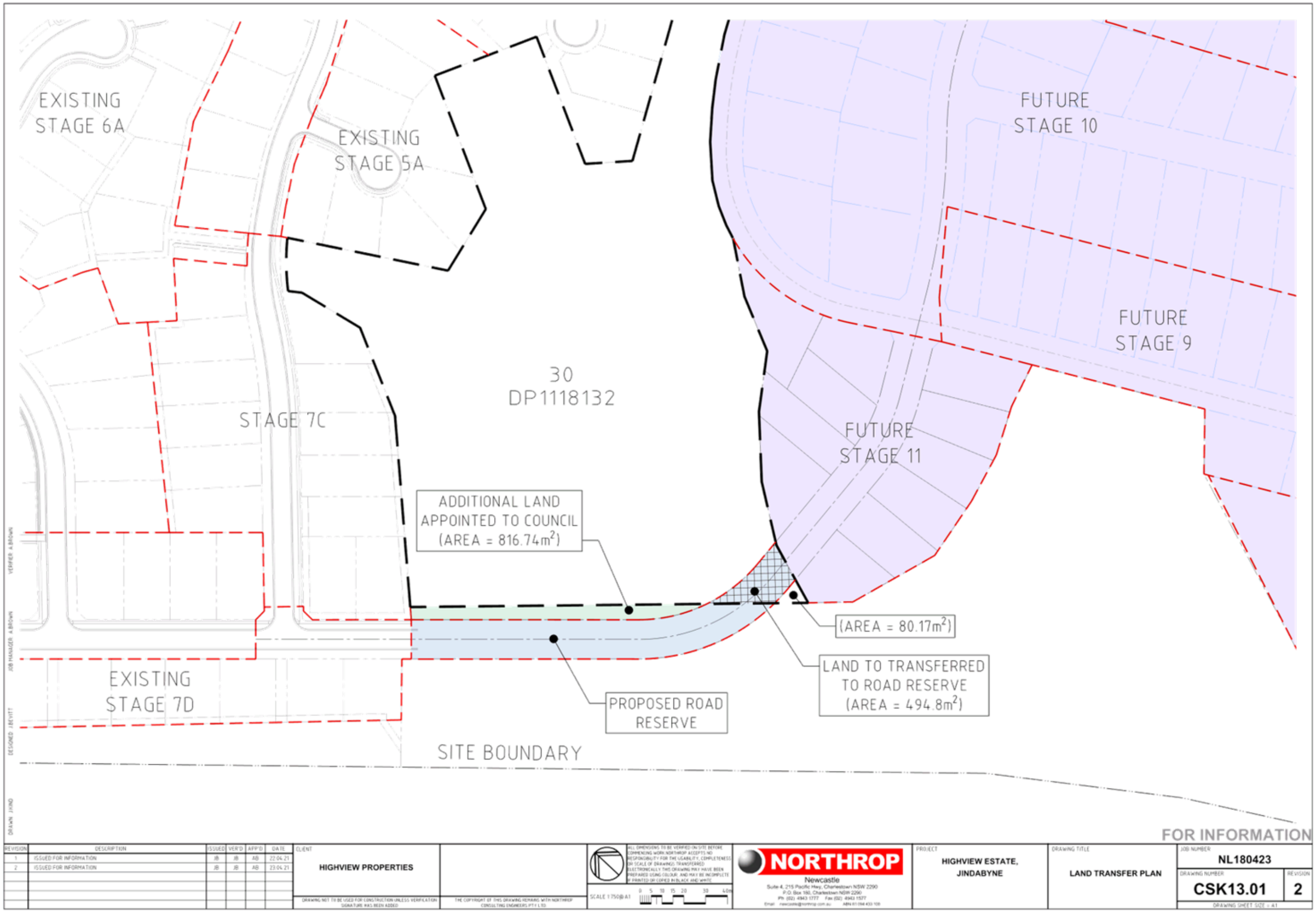
The proposed boundary adjustment will align with SEPP Subdivision 38 – b) a realignment of boundaries, ensuring compliance with (i) through to (vii). Any environmental impacts will be dealt with at the time of the subdivision certificate stage.

3. Economic

No costs will be borne by Council in relation to the boundary adjustment.

4. Civic Leadership

Land use is optimised to meet the social, environment and economic needs of the region


EXISTING
STAGE 6A
EXISTING
STAGE 5A
30
DP1118132
FUTURE
STAGE 10
FUTURE
STAGE 9
FUTURE
STAGE 11
STAGE 7C
ADDITIONAL LAND
APPOINTED TO COUNCIL
(AREA = 816.74m²)
(AREA = 80.17m²)
LAND TO TRANSFERRED
TO ROAD RESERVE
(AREA = 494.8m²)
PROPOSED ROAD
RESERVE
EXISTING
STAGE 7D
SITE BOUNDARY
FOR INFORMATION
VERIFIED: A.BROWN
JOB MANAGER: A.BROWN
DESIGNED: J.REVITT
DRAWN: J.KIND
REVISION
DESCRIPTION
ISSUED
VER'D
APP'D
DATE
1 ISSUED FOR INFORMATION JB JB AB 22.04.21
2 ISSUED FOR INFORMATION JB JB AB 23.04.21
CLIENT
HIGHVIEW PROPERTIES
DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS VERIFICATION SIGNATURE WAS BEEN ADDED
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Email: newcastle@northrop.com.au ABN 81 094 433 100
PROJECT
HIGHVIEW ESTATE,
JINDABYNE
DRAWING TITLE
LAND TRANSFER PLAN
JOB NUMBER
NL180423
DRAWING NUMBER
CSK13.01
REVISION
2
DRAWING SHEET SIZE - A1

9.4.7 ANSWERS TO QUESTIONS WITH NOTICE

Record No:

Responsible Officer:	Chief Strategy Officer
Author:	Governance Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. In Progress Questions up to end of May 2021

EXECUTIVE SUMMARY

As per clause 3.13 of Code of Meeting Practice a councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

In order to provide Councillors with updates on questions asked by Councillors, a report has been generated with a summary of questions that are current and have recently been completed, for the period ending May 2021.

OFFICER'S RECOMMENDATION

That Council receive the answers to questions with notice for the period ending May 2021.

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
186	15 October 2020	12.6	**Footpaths in the Region** Councillor Rogan Corbett Question: Can Council put together a plan for the Federal Government program for Community Infrastructure that will employ people and be a benefit for the whole community, in particular footpaths throughout the region are in need of attention?	Manager Corporate Projects	01/06/2021 – GMc: No Further Update - Funding opportunities sought 04/05/2021 – GMc: Seeking funding opportunities for consultant to undertake Footpath and Shared Pathways Strategy. 01/04/2021 – GMc: No further update 03/03/2021 – GMc: This would require the development of a footpath strategy. A footpath strategy is required to ensure a regional and well planned approach to priorities for funding upgrades and new footpaths throughout the Region. Council adopted the Snowy Monaro Local Strategic Planning Statement on 21 May 2020. Action item 10.2 identified that Council will develop and implement a Footpath and Shared Paths Strategy with a timing of short/medium term; this equates to within the next 5-10 years. Continued investigations for external funding opportunities to develop a Footpath Strategy to inform future Asset Management, Developer Contribution Plans, and Council's next Delivery Program will be undertaken in the meantime. 25/01/2021 – GH: This would require the development of a footpath strategy. A footpath strategy is required to ensure a regional and well planned approach to priorities for funding upgrades and new footpaths throughout the Region. There is currently no resources allocated to	Y

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					undertake this work, which would require other strategies or projects to be deferred if this was to become a higher priority. Council is currently delivering the Cooma Streetscape Beautification grant funded project that is focused on footpaths. In addition an application under BLERF has been prepared to address footpath issues around Denison Street, Adaminaby 27/11/2020 – GH: No further progress. 02/11/2020 – GH: Initial discussions have held to develop a planned approach to this request.	
193	19 Nov 2020	12.5	**Signage for Dog Waste** Councillor Brian Old Question: Can Council put some signs up down at the lake walk, for owners to pick up their dog waste.	Manager Infrastructure	06/04/2021 – JM: No further update 29/01/2021 – JM: Request still being reviewed. 30/11/2020 – GS: This request is being reviewed by staff. It is noted that some signage already exists and will be reviewed. Pet clean up bag dispensers are also installed in two locations. Once an acceptable design/message has been agreed and optimal number of signs determined, signs will be ordered and installed.	N
202	18 February 2021	12.1	**Bombala Bicentennial Gardens** Councillor Anne Maslin Question: Can Council fast-track inclusion of the Bombala Bicentennial Garden as a heritage	Manager Infrastructure	06/04/21 – JM: No further update. 03/03/2021 – JM:	Y

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
			precinct?		As advised against part C of resolution 240/20, heritage assessment has been completed and currently being reviewed by Council's Strategic Planning team.	
203	18 February 2021	12.2	**Cooma Main Street** Councillor Lynley Miners Question: Has Council had a conversation with TfNSW and or Snowy / Future Gen on the road pavement through Short Street (it is very rough) – it needs the hot mix cover. When the segment trucks start, the noise complaints will be horrific due to the roughness of the surface.	Manager Infrastructure	06/05/2021 – GS: A request to Transport NSW, Snowy Hydro and Future Generation dated 13 April 2021 in relation to noise reduction work and possible use of hot mix along Sharp Street, Cooma has received only 1 response from Future Generation. As Sharp Street is maintained by Transport NSW, a response from them has been requested. 06/04/21 – JM: In the context of comment on non-PBS vehicle use, use of hot mix cover has been suggested to DPIE as the consent authority. No response received. 1/3/2021 - TP: Response to this question to be tabled next month. 02/03/2021 – TP: Response to this question to be tabled next month.	N
209	18 February 2021	12.8	**Michelago Causeway** Councillor John Rooney Question: When will construction of the Michelago Causeway commence and when will it be completed?	Manager Corporate Projects	27/04/2021 – GH: Progress: - Review of Hydrology report by Fisheries undertaken. - Revised designed are being developed based on Fisheries NSW requirements and the deeper creek bed identified in the detailed survey. Works on approaches and relocation of utilities in the planning stage. - Report required providing cost Est for single and dual lane Xing options for approval on construction approach. - Budget ($872,161) established under LRCI Program. - Design Contractor engaged and revised concepts	N

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					under development. - Detailed survey of the creek bed undertaken. - Geo-tech survey underway. - LRCIP 1st and 2nd Quarterly Reports submitted. - Work Schedule appears approved as Funding received. - Geotechnical investigation and site specific survey undertaken. - Engaged approved Telstra contractor to undertake the the relocation of Telstra Assets South end of Ryrie Street. - Review of Micalago/Ryrie Intersection and approach roads underway - Design of Bridge crossing underway. - Note initial concept designs were based on LIDAR surevey. Subsequent survey has creek bed 2m+ deeper Planned Works- - Commence construction of the Booroomba Creek Culvert. - Begin construction of the Nth end of the Ryrie St approaches. - Design priorities are C/L of Ryrie Street and Micalago Road/Booroomba Creek Detail. - Complete detailed designs for Micalago/Ryrie intersection Inc. Booroomba Creek culverts. - Complete detailed designs for Ryrie Street from the edge of existing seal to Michelago Creek. - Finalise concept for waterway Bridge/Causeway draft designs based on detailed Survey & Geotech data. - Funding allocated from LRCIP Program does not cover design only. Need to commence planned work on	

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					Telstra and Booroomba Creek ASAP. - LRCIP funding of $872,161.00 to be spent by June 2021.Available timeframe in LRCIP funding is inadequate to permit completed construction - variation to be submitted 07/04/2021 - DR: The design to cater for the deeper water depth within the river compared to the original survey has not been completed. Until this is finalised and the funding determined it will not be possible to determine the timing of the works. 02/03/2021 – GH: - Design priorities are C/L of Ryrie Street and Micalago Road/Booroomba Creek Detail; - Bridge/Causeway draft designs to be revised based on detailed Survey & Geotech data. Issues: - Funding allocated from LRCIP Program does not cover design only. Need to commence planned work on Telstra and Booroomba Creek ASAP. - LRCIP funding of $872,161.00 to be spent by June 2021. - Available timeframe in LRCIP funding is inadequate to permit completed construction; - Initial concept based on LIDAR survey levels; - Detailed Survey of the creek bed indicates an additional 2m depth in creek C/L; - Additional crossing length and low flow capacity required to meet Fisheries minimum requirements; - Est for crossing will need to cover BC ($400K Dual	

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					Lane) + bridge ($960K Dual Lane) + Telstra relocation (TBA) + Road approaches (TBA) + Micalago Road inc Booroomba BC's (TBA).	
211	18 March 2021	12.2	**Re Zoning** Councillor Lynley Miners Question: How is Council going to get the much needed housing shortage in our towns and villages fixed in the short term? We keep coming up against zoning problems which will take a long term solution to fix.	Coordinator Strategy Development	01/06/2021 – GMc: No Further Update. 04/05/2021 – GMc: Council's Draft Settlements Strategy identifies land for future growth within our towns and villages. This is not a short term fix, however, where appropriate Planning Proposals can be considered for re-zoning of land. 06/04/2021 – GMc: Council's Strategic Planning Team has identified land for future growth and development through the Draft Settlements Strategy that will inform part of our new LEP, however, this is not a quick fix. Land that is not currently zoned suitable for development can be subject to a Planning Proposal made by the owner of the subject land, and determined by NSW Planning and Council.	N
212	18 March 2021	12.3	**Accommodation Crisis** Councillor Anne Maslin Question: Can Council use its communications platforms and communications team to ensure all owners of unused accommodation such as houses and cottages in local towns and on farms, are aware of the housing crisis and the urgent need of rental accommodation across the region?	Coordinator Engagement	01/06/2021 - GW: Communications covered through Chambers to businesses and local agents to owners reminding them about offering available rooms. Extensive discussions on community social media pages region-wide. 30/04/2021 - CP: Since the last update there has been significant coverage in both traditional and social media in our region on this issue. A number of meetings have also	Y

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
			The aim being that some rental accommodation might become available in the short term, to alleviate the crisis affecting schools, emergency services and the tourism industry, which cannot find accommodation for staff. Local owners of unused housing may not be aware of the current opportunity to rent out their cottages.		been held (or are scheduled) to work with local community groups and stakeholders to find solutions. We will continue to use our channels to support messaging on this issue. 06/04/2021 – CP: Development of a communications campaign is currently in progress. Consideration being given to the message, resources and appropriate channels. Target date for rollout is by 19 April 2021.	
213	18 March 2021	12.4	**Michelago Causeway** Councillor John Rooney Question: Can the Executive guarantee that the grant money for the Michelago Causeway will not be lost, and that the causeway will eventually be built?	Manager Corporate Projects	08/06/2021 – DR: Item complete. 06/05/2021 - GH: The Michelago Causeway has been allocated $876k from the LRCI program. To date we have received the first instalment - 50%. Council has expended $25k to date and committed $173k to design and Telstra asset relocation. A variation request is to be submitted detailing activity to date and a revised completion date to ensure we retain the funding. A further update will be provided to Council regarding this for the June meeting.	Y
214	18 March 2021	12.5	**Industrial Land** Councillor Brian Old Question: Can Council receive a report on releasing more industrial land in Jindabyne – how are we progressing with that and what will happen to the future of the Leeseville land.	Coordinator Land & Property	05/05/21 - TP: Report scheduled for June 2021 05/05/21 - TP: No further update. 06/04/21 – JM: A report will be prepared for a future Council meeting to proceed with releasing more industrial land at	N

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					Leesville Estate.	
215	15 April 2021	12.1	**Bed Tax for SMRC** Councillor Anne Maslin Could Council provide options for introducing a Bed Tax for SMRC, looking at comparable regions in Australia (for example Byron Bay) and if necessary, overseas, and present to councilors at the next Councillor workshop.	Chief Communications Officer & Coordinator	04/05/2021 - GW & MA: Discussions are underway with local chambers, tourism bodies and other regions who have considered this process. A briefing will be provided to Councillors at the August Councillor Briefing Session, with subsequent briefings as the project continues. This will be part of a longer project and something to aim towards implementing into the new Council post September. The Economic Development team will construct a framework and principles to develop ideas, followed by discussions and agreements with our accommodation providers.	N
216	18 Mar 2021	12.1	**Historic Society** Councillor John Last Did the Historical Society approach the GM to occupy the old building alongside the Heritage Barber Shop? Did the GM say no on the basis that the building is contaminated even though he allowed the tourist bureau to occupy the building? Is he looking for space for the Historical Society?	Chief Executive Officer	30/04/2021 – JB: The Historical Society approached the CEO to occupy the old building alongside the Heritage Barber shop. The back section of the building in question is contaminated and not connected to services, as the old pipes have collapsed. The estimated repair cost (as at 2018) was $250,000 to fix the back end of the building. Council has received a number of requests for accommodation from a number of community organisations, however has been unable to identify affordable accommodation solutions.	Y
217	18 Feb 2021	12.8	**Michelago Causeway** Councillor John Rooney Question: When will construction of the Michelago Causeway commence and when will	Manager Corporate Projects	27/04/2021 – GH: Review of Hydrology report by Fisheries undertaken. - Revised designed are being developed based on Fisheries NSW requirements and the deeper creek bed	Y

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
			it be completed?		identified in the detailed survey. Works on approaches and relocation of utilities in the planning stage. - Report required providing cost Est for single and dual lane Xing options for approval on construction approach. - Budget ($872,161) established under LRCI Program. - Design Contractor engaged and revised concepts under development. - Detailed survey of the creek bed undertaken. - Geo-tech survey underway. - LRCIP 1st and 2nd Quarterly Reports submitted. - Work Schedule appears approved as Funding received. - Geotechnical investigation and site specific survey undertaken. - Engaged approved Telstra contractor to undertake the the relocation of Telstra Assets South end of Ryrie Street. - Review of Micalago/Ryrie Intersection and approach roads underway - Design of Bridge crossing underway. - Note initial concept designs were based on LIDAR surevey. Subsequent survey has creek bed 2m+ deeper Planned Works- - Commence construction of the Booroomba Creek Culvert. - Begin construction of the Nth end of the Ryrie St approaches. - Design priorities are C/L of Ryrie Street and Micalago Road/Booroomba Creek Detail. - Complete detailed designs for Micalago/Ryrie	

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					intersection Inc. Booroomba Creek culverts. - Complete detailed designs for Ryrie Street from the edge of existing seal to Michelago Creek. - Finalise concept for waterway Bridge/Causeway draft designs based on detailed Survey & Geotech data. - Funding allocated from LRCIP Program does not cover design only. Need to commence planned work on Telstra and Booroomba Creek ASAP. - LRCIP funding of $872,161.00 to be spent by June 2021.Available timeframe in LRCIP funding is inadequate to permit completed construction - variation to be submitted	
218	15 April 2021	12.3	**Premises for the Historical Society** Councillor John Last Question: Can the council obtain premises for the Historical Society? Why can't they occupy the old Medicare building?	Coordinator Land & Property	05/05/21 - TP: Land & Property is not aware of a mandate to acquire premises specific to the Historical Society. Council has received requests for accommodation from a number of community organisations, however has been unable to identify affordable solutions. The habitable front section of the former Medicare building (57 Vale Street, Cooma) is currently occupied in alignment with Council Resolution 229/20; operating as the Snowy Monaro Business and Recovery Hub.	Y
219	15 April 2021	12.4	**Criticism on Facebook** Councillor John Last Question: Why hasn't Councillor Old been given the protection of the Council form attacks on his good name and character? I note staff are protected, why not Councillor?	Chief Strategy Officer	06/05/2021 - DR : Council's staff have actively sought to have inappropriate social media postings made in regards to Councillor Old removed where these have come to the attention of staff. The Council cannot undertake legal actions on behalf of councillors. Neither does the Council have powers to compel third parties to change what they say or do on media outside the Council's platforms.	Y

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
220	15 April 2021	12.2	**Cooma Entrance Sign** Councillor Rogan Corbett Question: Why is council talking about taking down an entrance message sign, when we have an opportunity to advertise events for our whole region? With 1 million cars passing that sign every year it can be updated, with no cost to Council, through Snowy Hydro. This is a valuable asset that needs to be used for the best advantage for our region.	Chief Communications Officer	01/06/2021 - GW: No further update as sign broken and will have to be removed/replaced, potentially funded by Snowy Hydro. Signage review at entrance to be done given confusion over mass of old and useless signage in place. 30/04/2021 - GW: This messaging sign has not worked since a short time after it was installed so it is appearing as an unworking sign and has done so for a long time. It adds no value. Costs to fix it have been reviewed and it's cost prohibitive and now old technology. There is a more effective way to address entrance signage for Cooma and it's not through a broken electronic sign that is low to the ground with poor visibility. There are already a number of signs at the entrance to the town already that are visually confusing and don't support any cohesive brand for the destination nor clear brand to the visitor. There may be scope for Snowy Hydro to support fixing this sign but Council does not have budget to do this. Currently Snowy Hydro are renting the flag entrance space from Council for a trial period of six months utilising fresh and playful signage to welcome visitors to the region around the theme of stop, play, discover.	Y
221	20 May 2021	12.1	**Bombala Trees** Councillor Anne Maslin asked: When will the trees destroyed last year in the Bombala Bicentennial Garden be replaced with	Chief Operating Officer	08/06/2021 – JM: Civic Maintenance have commenced process to plan the replacement to return the site to the previous condition. Local nursery supplies are being contacted for quotes. Aim is to plant trees in winter.	

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
			new tree plantings? Have replacement trees been ordered so that they can be planted this winter/spring season? Will local suppliers be used as the preferred option?			
222	20 May 2021	12.2	**Outstanding Rates and Charges** Councillor Rogan Corbett Could Council be given a report in the confidential section of Council, a full breakdown of outstanding rates and fees going back 3years and beyond. In addition, what step have been taken to recover the amount for the Snowy Monaro Council?	Chief Finance Officer	08/06/2021 – NB: The 17 June 2021 business papers included a report on current position with respect to debt recovery. The approach taken has been to provide an update on historical matters and to describe the activities initiated on new debt recovery actions from April-2021 being pursued by Council's external debt collection agent. The current debt recovery actions doesn't approach the pursuit of overdue debt on a priority of how old the debt is, it pursues recovery on the basis of the debt being overdue and the value being greater than the cost of debt recovery. The overdue volumes have been high and caused a significant increase in workload across the Revenue and Customer Service teams. As Council has implemented a new information system this year combining the 3 former Councils it is unknown how long it would take for Council employees to extract the details from the legacy systems and then cross reference to current debt recovery actions. It would be recommended that Council review the current business paper and advise if further information is required on a lower level of detail.	Y
223	20 May 2012	12.3	**Road Maintenance** Councillor Sue Haslingden	Manager Infrastructure	09/06/2021 – JM: Quidong Road is on an 18 month frequency for maintenance grading. This is due in August 2021.	

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
			When is the Quidong Road going to be graded as it is in terrible condition?		Council has just completed 2 day reactive maintenance (eg pot hole repairs) Financial year 21/22 - $100,000 from R2R funding will be allocated for upgrades consisting of drainage, vegetation and gravel re-sheeting	
224	20 May 2021	12.4	**Bobeyan Road** Councillor Lynley Miners Can we be updated on the start date of Bobeyan Rd?	Manager Corporate Projects	09/06/2021 – DR: Council is undertaking changes to design in response to issues for Fishery NSW permits on the stage that is ready to commence. A start date for completion cannot be advised until we have more certainty over when permits will be issued. Council is in the final stages of determining the contract agreement with Snowy Valley to undertake other sections of the works. If this is completed we will move on with other works.	
225	20 May 2021	12.5	**Jindabyne Cemetery** Councillor John Castellari The repaired area of the Jindabyne cemetery keeps being washed away, can this be included in a maintenance schedule?	Coordinator Public Health and Environment	09/06/2021 – JM: The matter has been investigated with the following observations made: There is a grassed embankment above and below the main crossover Into the cemetery. The cross over have a stormwater culvert which allows for the free flow of water. There is no evidence of erosion at the crossover. The main road in the cemetery is compacted road base. On the left hand side, the drive way as you face front to back in the cemetery receives the bulk of the runoff water. Along this edge of the road council has installed hessian matting and grass. Additionally there is a line of rock swales to slow down the flow of the water. A culvet exists at the terminal end of the drive to allow the water to flow safely over ground. There is no evidence of	

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
					erosion. No other evidence of erosion in the cemetery was found.	
226	20 May 2021	12.6	**Cost of Michelago Creek Crossing** Councillor John Rooney Can council staff provide a report on the full cost of the Michelago creek crossing? Once we know about the additional funding required to complete this project, and the associated works, can the Mayor and CEO make an application to the Deputy Premier to ask for supplementary funding?	Manager Corporate Projects	09/06/2021 - ED: No update provided.	

9.4.8 RESOLUTION ACTION SHEET UPDATE

Record No:

Responsible Officer:	Chief Strategy Officer
Author:	Governance Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.7 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. In Progress Actions up to end of May 2021
Cost Centre	3120

EXECUTIVE SUMMARY

In order to provide Councillors with updates on resolutions of Council, a report has been generated with a summary of actions that are current and have recently been completed, for the period ending April 2021.

The In Progress Resolution Action Sheet for period ending May 2021 is attached to this report.

OFFICER'S RECOMMENDATION

That Council receive the In Progress Resolution Action Sheet Update for the period ending May 2021.

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
16	05 April 2018	**118/18**	**Proposed Road Closure & Sale of old Lions Park at Bombala** That Council; A. Approve the partial road closure on the corner of High Street and Stephen Street Bombala so that the fence line becomes the boundary of lot 9 DP 995614; B. Engage the services of a land surveyor to provide a plan for the boundary adjustment; C. Authorise the General Manager to execute any documents necessary to complete the boundary adjustment and sale of the property; D. Readvertise the property on the open market for auction with an appropriate reserve; and E. Make the Report public once the matter is settled.	Coordinator Land & Property	05/05/2021 – TP: Target date changed by Paterson, Teena from 30 September 2018 to 30 June 2021 - To reflect current timeline. 23/03/2021 – JH: No further update on this item due to waiting for reply from LRS 24/02/2021 - JH: Target date now 30 June 2021, Waiting for return of lodged documents from LRS. 12/01/2021 - JH: No further update. 27/11/2020 – JH: C. Solicitor is preparing documents to have a certificate of title (CT) created over the portion of the road to be closed so consolidation can take place. Recent verbal feedback from NSW Land Registry Services to the surveyor indicates that a further survey of the original lot may need to occur to complete the registration due to the age of the original plan's survey. This will be reviewed once the CT has been assigned. 20/10/2020 - JH: A. Finalised. B. Finalised. C. Solicitor is preparing documents to have a CT created so consolidation can take place.	30/06/2021	N

					D. Once notified of completed registration the property can be placed on the open market. E. To take place at completion of D. 23/09/2020 - JH: C Consolidation Plans lodged, surveyor has advised that a CT was not created and the solicitor is now preparing this so that registration can take place. 26/08/2020 JH: C. Finalised. D. Finalised. C. Consolidation Plans lodged, Surveyor is following up on progress of same. D. Once notified of completed registration the property can be placed on the open market. E. To take place at completion of D 22/07/2020 – JH: C. Consolidation Plans received from Surveyor and signed by CEO, returned to Surveyor for lodging for registration of same. D. Once notified of completed registration the property can be placed on the open market. E. To take place at completion of D. 24/06/2020 – JH: E. Finalised. F. Finalised. C D and E: Still waiting finalised consolidation plans from surveyor for this item to be completed. Have sent numerous email requests to Surveyor. 28/05/2020 – JH: Surveyor again requested to provide the final plan, no response and will continue to follow up. This		

					plan is in draft form with the Surveyor and would not be cost effective to engage another surveyor to finalise the plan. 27/04/2020 - JH: Email sent to Surveyor requesting a definite date for plan to be registered. Surveyor advised he will review the current draft of this consolidation plan this week and submit for Registration. 26/03/2020 - JH: Followed up with Surveyor and was advised this item is going to be delayed due to the large scale workload he has in place. 27/02/2020 - JH: Followed up with Surveyor and was advised this item is going to be delayed due to the large scale workload he has in place. 15/01/2020 - JH: The Surveyor has advised that he is hoping to have the consolidation plan ready for the end of January 2020.		
20	07 May 2018	**162/18**	**Proposal to Realign the Barry Way Jindabyne and to Address Issues with the Intersections of Barry Way with Eagle View Lane and Bungarra Lane** That Council A. Approve the proposal to realign The Barry Way over the constructed road from the intersection with MR286 to the boundary of the national park.	Coordinator Land & Property	06/06/2021 –TP: No Further update at this point. 05/05/21 - TP: No further update at this point. 31/03/2021 – TP: No further update at this point. 01/03/2021 – TP:	31/08/2022	N

			B. Approve the proposal to apply to the Crown to transfer those sections of The Barry Way which are Crown reserve road to Council. C. Authorise staff to negotiate with landowners for acquisition of the constructed Barry Way and, where possible, to offer to close corresponding sections of paper road and to dedicate the land to the landowner in compensation. D. To engage the services of a surveyor to identify those sections of the Barry Way which are not on line with the constructed road. E. To acquire any Crown land upon which the Barry Way has been constructed through the process of the Land Acquisition (Just Terms Compensation) Act 1991 through the authority of the Roads Act 1993. F. Authorise the General Manager to execute any documents necessary to complete the project. G. Authorise the expenditure and allocate an amount of $135,000 in the 2018/19 year Budget with funding to be provided from Stronger Communities Project PP-219 (Undertake project to align the road with road reserves).		A&C Further follow up email (3/2/021 LB) has been sent to landowner on Eagle View Lane requesting contact be made with Council to discuss the way forward., B. Application is being prepared to apply for sections of Crown Road to be transferred to Council. 4/2/21 Query tabled to Coordinator Development relaying landowner query. 22/01/2021 – LB: A&C Follow up email has been sent to landowner on Eagle View Lane requesting that he contact the Land and Property Officer to discuss the way forward. B. Application is being prepared to apply for sections of Crown Road to be transferred to Council. 4/12/2020 – LB: A&B. Waiting on response from landowner who does not live locally. C. Letters are currently being prepared to commence negotiation with landowners adjoining Barry Way on Cobbon Hill. A quote has been sought from Public Works Advisory to carry out the compulsory acquisition of Crown land on Cobbon Hill. 03/11/2020 – LB: A&B Surveyor has provided necessary information which has now been provided to the land owner. Provision of this information will now allow action C to be completed. 24/09/2020 – LB: A&B. Surveyor has addressed questions relating to the plan at the intersection of Eagle View		

					Lane. The landowner was notified and again posed a number of questions. Most of these have been answered and the answer to the last question will be provided this week. C. Negotiation will commence next week with landowners adjacent to Cobbon Hill. This section of realignment of the Barry Way will involve compulsory acquisition from the Crown. D. This project has been divided into sections so that the surveyor completes the survey work as Council is ready to address each section. E. The section of the Barry Way which passes through Crown land without a road reserve is at the southern end and will be addressed as that stage is reached. 26/08/2020 – LB: A&B Surveyor has notified Council that due to workload this plan may take a little longer. C Landowner has been notified that there is a delay involved in obtaining the information that they have requested. E-G Ongoing. 29/07/2020 – LB: A & B Surveyor has been requested to provide the plan for the second section which will involve Eagle View Lane. C. Landowners have been notified that Council is waiting on plan. E-G. Ongoing. 26/06/2020 – LB: The draft plan may be expected. The landowner is waiting on this information before proceeding. A. Survey is being done in sections		

					B. Request for sections of Crown road to be transferred to Council will be carried out at the end of the project. C. Negotiations with landowners are ongoing. D. See A. above. E. Acquisition will be carried out as necessary when the plan for individual sections is finalised. F-G Ongoing. 28/05/2020 – LB: The surveyor has promised to have the draft plan with the area of road to be closed and the area of the area to be acquired marked on the plan sent to Council within the next week. This plan will then be sent to the landowner. 24/04/2020 – LB: Contacted the landowner on Eagle View Lane who has requested information. He wants to know how much land Council will require for the road and how much land he will receive in compensation. Will there be sufficient space for him to construct an eco-hut. The surveyor has been requested to calculate the area of both areas so that an accurate answer can be provided. 26/03/2020 – LB: In view of the fact that the landowner has not contacted the Land and Property Officer to date a letter has been sent asking him to contact the Land and Property Officer to discuss his consent to the creation of the road reserve over the road in its current location through his property. 02/03/2020 – LB:		

					The Land and Property Officer met with the landowner and he said he will respond after consultation with his wife. 20/01/2020 – LB: Waiting on response from landowner on Eagle View Road. He resides in Tasmania.		
29	21 June 2018	**253/18**	**Council Property - Town View, Waterworks Hill, Bombala** That Council A. Approve the proposal to demolish the residence located on lot 1 DP 1216130 B. Serve notice on the tenant to vacate the premises in accordance with the Residential Tenancy Act. C. Engage the services of a suitably qualified contractor to demolish the residence, clear the site and dispose of any asbestos in accordance with the EPA Act; and D. Authorise the expenditure and allocate an amount in the 2018 Financial Year Budget with funding to be provided from the Former Bombala LGA Reserve.	Coordinator Land & Property	06/06/2021 TP: No further update at this point. 05/05/21 - TP: No further update at this point. 31/03/2021 – TP: No further update. 28/2/21 - TP: No further update. 29/01/2021 - JM: No further update. 25/11/2020 – JM: A-D. The demolition of the building will take place with the facility upgrade. 03/11/2020 – JM: DPIE Water comments received on 3/11/2020 for Bombala. Currently being reviewed prior to community consultation commencing. 24/09/2020 – JD: Both Bombala and Delegate option reports complete and with DPIE for comment. Both now endorsed by Council. Community consultation with	30/03/2021	N

					both communities will be held once comment from DPIE received. 27/08/2020 – BC: A-D. Option Study Report for Bombala sent to DPI Water for comment. Email sent to DPI on 11 August 2020 attaching Delegate Option Study Report and also sought comments from DPI on Bombala Options Study Report. 28/07/2020 – MR: A. Under the provision of the State Environmental Planning Policy (Infrastructure) 2007, development for the purpose of water treatment facilities may be carried out by or on behalf of a public authority without consent on land in a prescribed zone. No DA would be required to rebuild the water treatment works in Bombala, however it will need an REF. The demolition of the existing building will be included as part of the REF for the rebuild. B. The tenant has vacated the dwelling and all utility services have been disconnected. C. Demolition will be a component of the WTP rebuild in accordance with the Options Study and REF. D. Expenditure is expected to be incorporated in the $10M options funding grant. 25/06/2020 – GS: Options study is complete covering Security of supply, alternate water sources and quality issues driving a new water treatment plant with presentation by designer to Councillors scheduled for 2 July 2020.		

					01/06/2020 – MR: No further update until adoption of final options study. 22/04/2020 – GS: Demolition of BWTP Cottage on hold pending Bombala/Delegate Water Supply Options Study recommendations. 23/03/2020 – MR: Demolition of BWTP Cottage to coincide with Bombala WTP refurb or rebuild in accordance with Bombala/Delegate Water Supply Options Study recommendations. 02/03/2020 – MR: Demolishment of the residence will depend on the outcome of the Options Study and recommendations. Options Study will be provided to Council when received. 14/01/2020 – AS: Still waiting on the Bombala/Delegate Water Options Study Report – expected finalisation April 2020.		
57	6 September 2018	**314/18**	**Proposed Acquisition of Land in Cooma** That Council A. Acquire Lots 400 and 434 DP 750535 and lot 461 DP 41999 by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purpose of saleyards. B. That the land be dedicated as Operational land in accordance with the Local Government Act 1993	Coordinator Land & Property	06/06/2021 – TP: No further undertaking at this point. 3/5/2021 - JH: No further update at this point. 23/03/2021 JH: Acquisition process has been completed and consolidation of lots has begun by the Surveyor. 28/2/21 TP:	28/02/2021	N

			C. That minerals be included in this acquisition D. That this acquisition is not for the purpose of resale E. That the necessary applications be made to the Minister for Local Government and the Governor. F. That the Common Seal be affixed to all documentation required to be sealed to give effect to this resolution. G. That following the acquisition of the three Crown allotments, the eleven lots comprising the Cooma saleyards be consolidated into a single allotment. H. That this project be funded from the former Cooma Monaro Shire Council reserve fund.		A-F Completed; G Consolidation process in progress; H All costs will be funded from the former Cooma Monaro Shire Council reserve fund. 12/01/2021 – JH: The acquisition process is finalised, Gazette notice featured in Government Gazette of 11 December 2020. The solicitor is preparing First Title on each lot. 27/11/2020 – JH: A to F: Awaiting the acquisition notice number to be issued from the Office of Local Government, which is required prior to publishing the gazette notice. 20/10/2020 - JH: A to F: After PAN notification date of 13 November OLG will send the relevant paperwork to both the Minister and Governor for approval. Once documents are approved OLG will send notice and then gazettal will occur 120 days after this notice. G: This will take place once the acquisition has been approved and finalised by OLG and Crown. H: All costs will be funded from the former Cooma Monaro Shire Council reserve fund. 23/09/2020 JH: A to F: Proposed acquisition notice (PAN) lodged now waiting for Acquisition Number to prepare Gazette Notice. Compensation monies deposited to Crown as per PAN. 26/08/2020 - JH:		

					A to F: Notice from OLG to lodge PAN (proposed acquisition notice) and PAN lodgement was completed and lodged with Crown, NTSCORP and NSWALC. There is a 90 day period that OLG has now to complete the notice and gazette the acquisition, subject to no submissions are received from NTSCORP and NSWALC. Submissions from NTSCORP and NSWALC are not expected as this was reviewed prior to the PAN being sent during the original application, but is a requirement of the PAN. G: This will take place once the acquisition has been approved and finalised by OLG and Crown. H: All costs will be funded from the former Cooma Monaro Shire Council reserve fund. 22/07/2020 – JH: A to f: Updated Valuation report submitted to Crown to enable a faster completion of this acquisition once approval received from OLG. Latest email received from OLG is that they are following up on our application and have not forgotten about it. No further response from Crown as to permission to begin project whilst waiting for OLG to send documentation of approval. None of these items can be finalised until a response from OLG is received. G: This will take place once the acquisition has been approved and finalised by OLG and Crown. H: All costs will be funded from the former Cooma Monaro Shire Council reserve fund. 24/06/2020 – JH:		

					A to H: Latest email received from OLG is that they are following up on our application and have not forgotten about it. No response from Crown as to permission to begin project whilst waiting for OLG to send documentation of approval. None of these items can be finalised until a response from OLG is received. 28/05/2020 – JH: Email received from OLG on 20/5/2020 advising they can confirm that it has been processed, unfortunately they are unable to advise as to when/if it will be approved. Following up with Crown as to the option to gain approval for works to begin prior to acquisition taking place. Unfortunately with most staff working remotely responses are slower than usual. 27/04/2020 - JH: Numerous requests have been sent to Office of Local Government asking for this matter to be finalised. Council does not have the option to gain approval for acquisitions from anyone other than OLG. 26/03/2020 - JH: Waiting on response from OLG. 27/02/2020 - JH: All information is with OLG and waiting for approval to come through. 15/01/2020 - JH: Waiting on response from Crown to advise that the Special Lease will be extinguished after acquisition		

					has been completed to finalise documents required by OLG.		
74	4 October 2018	**353/18**	**Clr Castellari Notice of Motion - Rooftop Solar** That Council A. Support the Albury City Council motion regarding legislative changes to enable the implementation of a program similar to that implemented by Darebin City Council in Victoria; B. Advocate for the legislative changes to local members and relevant Ministers; C. Carry out due diligence with a business case which includes funding options, power under current legislation that would provide solar subsidy schemes for residence and businesses within the SMRC council area; and D. Provide for public consultation process once the above has been carried out.	Executive Assistant to Chief Executive Officer, Mayor and Councillors	28/04/2021 - JB: Nil update received. 06/04/2021 - JB: Nil update received. 6/4/21 – JB: Nil update received. 03/03/2021 – PB: Nil update received. 03/03/202 - PB: Nil update received. 28/01/2021 – JB: The CEO requested an update from LGNSW regarding to their advocacy of behalf of the local government sector (as per resolution 100 Solar Buy Back - from the 2018 LGNSW Conference). Following is their update: LGNSW advocated for changes to legislation, including the Local Government Act, to provide incentives and mechanisms for households to adopt renewable energy systems through: • Writing to the (then) Minister for the Environment and Minister for Local Government, Gabrielle Upton • Follow up letter with Minister for the Environment, Matt Kean and Minister for Local Government, Shelley Hancock (see attached)	Ongoing	N

					• Submission to Treasury Laws Amendment (Improving the Energy Efficiency of Rental Properties) Bill 2018 (Federal) • Input to the Department of Planning, Industry & Environment project to identify how NSW councils could be further supported to reduce emissions (report not public). While a response was not received from the Minister for the Environment and Minister for Local Government, Gabrielle Upton from the 2018 conference letter, a response was received from Minister Upton the previous year on the same policy matter. The response noted the State Government's actions to improve energy efficiency, however did not address the request to amend the Local Government Act. LGNSW continued to advocate to the NSW Government but has not yet received a response from Minister Kean or Hancock. Unfortunately the Federal Treasury Laws Amendment (Improving the Energy Efficiency of Rental Properties) Bill 2018 has since lapsed. However the second reading speech notes elements of LGNSW's submission regarding split incentives, indicating that there is support for this kind of measure at the federal sphere of government. The LGNSW Policy Platform has also been updated to support new and fairer financing opportunities for local government including for fees and charges, a range of funding mechanisms to allow councils to build climate resilience in their		

					communities, and enabling the update of zero and low carbon technologies through appropriate investment, concessions and legislation (see Finance Position Statement and Climate Change Position Statement). LGNSW will continue to advocate on this matter and others matters of importance to our members and especially those arising from annual conference resolutions. 26/11/2020 – JT: Investigation underway for further information. 23/10/2020 – JT: No further update. 28/09/2020 – JT: No further update. 03/08/2020 – JT: No further update 29/06/2020 – SC: A. Motion supported at LGNSW Annual Conference. B. Raised in conversation with Local Member and LGNSW. C & D. No action. 29/05/2020 – SC: No further update. 29/04/2020 – SC: No further update. 04/03/2020 – SC: No further update.		

					06/02/2020 – SC: No further update. 03/12/2019 – SC: B. The CEO requested an update from LGNSW in regarding to their advocacy of behalf of the local government sector (as per resolution 100 Solar Buy Back - from the 2018 LGNSW Conference). LGNSW has made representations to the previous Minister for the Environment and Minister for Local Government prior to the latest cabinet reshuffle. The matter was also raised in LGNSW's submission to the Senate Standing Committee on Environment and Communications Inquiry into Treasury Laws Amendment (Improving the Energy Efficiency of Rental Properties) Bill 2108. Further to this, LGNSW also raised this matter at their liaison meeting with the Office of Environment and Heritage and will continue to advocate on the issue as opportunities arise.		
88	1 November 2018	**394/18**	**Planning Proposal 461 Barry Way, Moonbah to Amend Snowy River Local Environmental Plan 2013** That: A. The report from the Senior Strategic Land Use Planner on the Planning Proposal 461 Barry Way (Lot 101 DP 817374) be received. B. The Planning Proposal be submitted to the Minister of NSW Planning & Environment for a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979.*	Senior Strategic Land Use Planner	03/05/2021 – AA: No further update. 22/03/2021 – AA: No further update. 26/02/2021 – AA: No further update, further update will be provided at conclusion of SAP Masterplan 14/01/2021 – AA: No further update. 26/11/2020 – AA:	Ongoing	N

			C. The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the Planning Proposal. D. In the event NSW Department of Planning & Environment issues a Gateway Determination to proceed with the Planning Proposal, consultation be undertaken with the community and government agencies in accordance with Schedule 1, Division 1, Clause 4 of the *Environmental Planning and Assessment Act 1979* and any directions of the Gateway Determination.		No further update. 30/10/2020 – AA: No further update. 25/09/2020 – AA: No further update. 28/08/2020 – AA: No further update. Proposal is waiting for proponent to respond to agency concerns and is on hold to the conclusion of the SAP Masterplan. The following sections of the Council resolution have been completed. A. No action required. B. Completed. C. Completed. D. Referred to relevant Government Agencies. An objection was received from OEH. Further information was requested from proponent. Awaiting response. 30/07/2020 – AA: No further update. 22/06/2020 – AA: No further update. 03/06/2020 – MA: No further update and not expected to be any significant progress until the SAP masterplan is more fully developed. 05/05/2020 – AA: An altered Gateway determination was issued by the Department of Planning Industry and Environment extending the timeframe for		

					completion by 24 months to 7 June 2022. This allows the proposal adequate time to be considered and finalised after the Snowy Mountains Special Activation Precinct Masterplan is completed. 19/03/2020 – MA: No response received from DPIE regarding request for extension of time due to SAP Masterplan. In process of following up with DPIE. 31/03/2020 – AS: No further update. 02/03/2020 – BD: No further update. 20/01/2020 – AA: A letter has been forwarded to State Government requesting the Gateway Determination date be extended to coincide with the conclusion of the Go Jindabyne masterplan. 06/12/2018 – MA: B. Planning proposal has been submitted to the Minister of NSW Planning and Environment for a Gateway Determination. C. Council has advised Department of Planning and Environment that Council wishes to be issued with an authorisation to use Delegation for the Planning Proposal Cannot be actioned until a determination is given.		
165	21 February 2019	68/19	**Parking in the laneway at the rear of the Jindabyne Town Centre** That Council	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 05/05/21 - TP:	31/08/2021	N

			A. Approve the proposal to enter into public consultation with the shopkeepers and owners in Jindabyne Town Centre regarding changes to the laneway at the rear of the shops. B. Receive a further report regarding the results of the public consultation and the proposed way forward together with detailed costings.		No further update at this point 31/3/21 - TP: No further update at this point. 28/2/21 - TP: Further advice as to SAP intentions pending. Once more integrated planning has occurred the project will be in a position to progress, in consult with Corporate Projects team. 25/01/2021 – GH: Awaiting indication of SAP intentions for the Jindabyne Town Centre precinct. 4/12/2020 – LB: A. This project needs to be incorporated within a range of projects currently underway in the Jindabyne town centre to ensure that a good outcome is achieved. Once more integrated planning has occurred the project will be scheduled. 23/10/2020 – LB: A. This project has temporarily been place on hold. B. Further report will be presented to Council at the appropriate time. 24/09/2020 – LB: A. Amended plan still to be received by Council. 26/08/2020 – LB: A. Council has requested a minor adjustment to the concept plan. When the concept plan is amended it is proposed to form a Steering Committee to guide the project to completion.		

					B. Further report will be submitted for Council's consideration when the public consultation has taken place. 29/07/2020 – LB: A. Council is in receipt of the draft survey plan and is currently waiting on the design plan. When both plans are to hand Council will undertake public consultation. B. Following public consultation a further report will be prepared for Council with detailed costings. 26/06/2020 – LB: The Road Safety Officer advised that the surveyor has been selected and the project is progressing. A. Public consultation will take place when the survey and design is completed. 28/05/2020 – LB: RFQ sent out to four surveyors for quotation for survey and design. This is to be funded by RMS. 28/05/2020 – LB: RFQ sent out to four surveyors for quotation for survey and design. This is to be funded by RMS. 24/04/2020 – LB: Specification for the tender is currently underway. Collaboration between the Special Projects Officer and the Road Safety Officer is being undertaken in view of the issues encountered with the proposed construction of the public toilets in Jindabyne. 26/03/2020 – LB:		

					Tenders will need to be called for the survey and design work. When survey & design is completed, staff will arrange for public consultation. 02/03/2020 – LB: Waiting on survey and design so that public consultation can be arranged. 03/02/2020 – LB: Shopkeepers and shop owners in the Jindabyne Town Centre have been notified by letter that Council has been successful in securing grant funding for survey and design of the back lane.		
211	21 March 2019	127/19	**Delegate Disadvantaged Housing** That Council continue with the current arrangement of Facilities staff managing the tenants and maintenance on the properties pending community consultation, and bring a report back to Council.	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 05/05/21 - TP: Updated option details being sought from Southern Cross Housing to enable accurate analysis in the present housing needs environment. Council continuing to manage properties. 31/3/21 - TP: Consult with Community Engagement to enable concise information release after Easter period. Intended timing adjusted due to staff resource changes and competing active consultations. Council continuing to manage properties. 28/2/21 TP: Forward advice and notice the community to occur in March 2021. Profile flagging the general topic & basic elements of consideration. 27/01/2021 – TP: No further update.	30/06/2021	N

					27/11/2020 – TP: No further update. 26/10/2020 – TP: Design of consultation mechanics pending, with input from former Facilities staff to be included. 25/09/2020 – TP: It is anticipated that community consultation will be initiated in first quarter of 2021 calendar year. 27/08/2020 – TP: Council continuing to manage properties. Review of the background and full context relating to this item required by Land & Property unit. 24/07/2020 – KH: This area is now under the Land & Property Portfolio. An initial handover has been conducted with a more detailed one to follow explaining what steps have been taken so far and why, and to work together moving forward on this. 26/06/2020 – KH: There is no further update as there has been too much occurring with bushfires and COVID. 01/06/2020 – KH: No further update. 28/04/2020 – KH: No further update. 27/03/2020 – KH: No further update.		

					02/03/2020 – KH: Mail out to the community at Delegate seeking their feedback to be arranged asap to gauge thoughts.		
227	17 April 2019	151/19	**Consolidation of Reserve no. 530002 Centennial Park and Lot 6 DP 758280 Cooma Visitors Centre as one Crown Reserve for General Community Use** That Council A. Request that the Crown add lot 6 DP 758280 to Reserve 530002 comprising Centennial Park and add an additional purpose of "General Community Use" to the Reserve. B. Relinquish Licence LI 453017 for the use of the Cooma Visitors Centre when Lot 6 DP 758280 is added to Reserve 530002.	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 05/05/21 - TP: No further update at this point. 31/3/21 - TP: Further prompts to Crown Land actioned. No further update. 28/2/21 – TP: No further update at this point in time. 28/2/21 – TP: Application for possessory title lodged with NSW LRS. Further legal paperwork being formatted including the Statutory Declarations of two "disinterested witness" to support Council's possessory claim. 22/01/2021 – LB: A. Follow up phone calls to Crown Lands has confirmed that Crown Lands is still awaiting the native title assessment to be completed. 4/12/2020 – LB: A. Crown Lands are waiting on a native title assessment to be completed internally prior to approval and gazettal.	28/02/2021	N

					26/10/2020 – LB: A. A further email has been sent to Crown Lands requesting an update. B. The licence will be relinquished when Crown Lands has completed their processes. 24/09/2020 – LB: A. An email has been sent to Crown Lands asking for an update on the progress of this matter. 26/08/2020 – LB: A. Crown Lands has assured the Land and Property Officer that the documentation recommending the amendment to both reserves has gone before the Minister. B. The licence will be relinquished when Crown Lands has completed their processes. 29/07/2020 – LB: This matter needs to be signed off by the Minister and then must be advertised in the Government Gazette as a part of the process. It is anticipated that it may take some months to finalise. 26/06/2020 – LB: Communication with NSW ALC confirmed that the claim over the Visitors Centre has been rescinded. This information will be relayed to Crown Lands with a request to expedite the matter. A. Crown Lands is presently preparing the documentation for transfer to Council as Crown Land Manager B. The licence will be relinquished in conjunction with transfer to Council Management. 28/05/2020 – LB:		

					Reminder was sent to Crown Lands last week. This matter will take some time to resolve at the Crown Lands level. 24/04/2020 – LB: Crown Lands has advised that due to the COVID-19 Pandemic this process may suffer some delays. 26/03/2020 – LB: Crown was sent a second reminder today. It is an involved process, and will take a while to review, given the current COVID-19 pandemic and the recent bushfires. 02/03/2020 – LB: Negotiations with the Crown are ongoing. It is likely that the Crown would prefer lot 6 to be placed under Council management & that the lease be rescinded. We are currently waiting on a reply. 20/01/2020 – LB: This matter has been escalated at Crown Lands to achieve a decision on the way forward.		
290	20 June 2019	227/19	**Application to Crown Land to be appointed as Land Manager to Various Waste Management Sites** That Council requests to be appointed as Land Manager of the following Reserves: A. Dalgety Landfill Lot 2 DP 837128, Reserve 88070 for Rubbish Depot under Crown control; B. Bombala Landfill Lot 123 DP 756819, Reserve 15472 for Night Soil Depot under Crown control;	Project Specialist	06/05/2021 – MD: No further update from Crown. 30/03/2021 – MD: No further update from Crown. 02/03/2021 – MD: E. No further update from Crown. 12/01/2021 – MT: E. No further update from Crown. 25/11/2020 – JH:	Ongoing	N

			C. Bombala Landfill Lot 300 DP 756819, Reserve 49491 for Night Soil Depot under Crown control; D. Berridale Transfer Station Lot 178 DP 756837, Reserve 73609 for Sanitary Purpose under Crown control; E. Berridale Landfill Lot 153 DP 756694, Reserve 47391 for Rubbish Depot under Crown control; and Request the purpose of land be changed to Urban Services for Reserves 15472 & 49491		E. No further update from Crown. 20/10/2020 - JH: A, B, C & D. Complete. E. No further update. 23/09/2020 - JH: A, B, C & D. Complete. E. NSW ALC are following up on this item they referred to the Local Aboriginal Land Council (LALC) with the recommendation that the CEO of the LALC refer it to the LALC Board for consideration of claim withdrawal. NSWALC will advise of the outcome when received, they have advised that the LALC are not meeting regularly during this COVID pandemic. 26/08/2020 -JH: A, B, C & D. Complete. F. NSW ALC are following up on this item they referred to the Local Aboriginal Land Council (LALC) with the recommendation that the CEO of the LALC refer it to the LALC Board for consideration of claim withdrawal. NSWALC will advise of the outcome when received, they have advised that the LALC are not meeting regularly during this COVID pandemic. 24/06/2020 – JH: A, B, C & D. Complete. E. This item has been referred by NSWLALC to the Local Aboriginal Land Council (LALC) with the recommendation that the CEO of the LALC refer it to the LALC Board for consideration of claim withdrawal. NSWALC will advise of the outcome when received.		

					28/05/2020 – JH: E: Email received from NSWALC requesting further information on this Reserve. Gazette notices were researched and supplied to NSWALC. They still require any information that Council may have on the lawful use and occupation of this land and/or need for this land for an essential public purpose, as at 8 June 2010. Following up on this request with Waste Team. Spoke again to NSWALC 27/5/2020 advice they are also now discussing with LALC with regard to their interest in the land due to it not being used for many years, as such they may wish to keep the land claim active. 30/03/2020 – JH: No further update. 22/01/2020 – JH: E. Property officer has written to the NSW Aboriginal Land Council to see if they wish to revoke their interest as ALC 25795 is current on this reserve. 09/01/2020 – MD: A. Confirmation has been received Council is the Land Manager of Dalgety Landfill Lot 2 DP 837128, Reserve 88070 for Rubbish Depot; B. Confirmation has been received Council is the Land Manager of Bombala Landfill Lot 123 DP 756819, Reserve 15472 for Night Soil Depot; C. Confirmation has been received Council is the Land Manager of Bombala Landfill Lot 300 DP 756819, Reserve 49491 for Night Soil Depot; D. Confirmation has been received Council is the Land Manager of Lot 178 DP 756837, Reserve		

					73609 for Sanitary Purpose under Crown control; E. Awaiting confirmation.		
333	18 July 2019	277/19	**Australian Tourist Park Management - NRMA - Caravan Park Jindabyne** That Council consider the approval for the Lessee to execute the 2 x 5 terms on the Lease Agreement when the first option to renew is due in October 2019 which will take the Lease Agreement through until October 2029.	Coordinator Community Facilities	06/05/2021 - KH: Awaiting confirmation that lease has been registered with Crown Land. 22/03/2021 – KH: Solicitors have sent lease to be registered with Crown Land 02/03/2021 – KH: Correspondence dated 10 February 2021 received from Blaxland, Mawson and Rose confirming the lease has been forwarded to Crown Lands with a request for provision of the necessary forms to record Council as the Crown Land Manager on the register and to update the Crown restriction currently noted on the register. 12/01/2021 – KH: Correspondence received from BMR that lease has been lodged for registering. Council was requested to execute the lease as a crown land manager and pay a further $345.40 payable to Land Registry Services to formalise this. 27/11/2020 – KH: Awaiting confirmation from BMR on registration of the lease. 26/10/2020 – KH: BMR is finalising the registration. 24/09/2020 – KH:	28/02/2021	N

					BMR is actioning the registration of the lease 25/08/2020- KH: Documents with BMR for action. 24/07/2020 – KH: CEO has signed, awaiting a cheque to be drawn to go with signed lease back to BMR for action 26/06/2020 – KH: Signed lease has been received and forwarded onto the CEO Office for signing. 28/05/2020 – JH: Solicitors have advised the signed lease agreement should be returned to Council next week. 27/04/2020 - JH: Correspondence has been received by Council's Solicitor advising the Lease Agreement has had a few minor amendments and is with NRMA for exaction of same. 26/03/2020 - JH: Council is liaising with NRMA in regard to this item. 27/02/2020 -JH: Council Solicitor and NRMA Solicitor are reviewing Agreement and making some minor amendments. 15/01/2020 - JH: Solicitor has sent through an updated Agreement with some changes that were required to be made for further review. This is now back with the Solicitor.		

315	18 July 2019	258/19	**Establishment of Access to Lot 10 DP 7505534 and lot 73 DP 750565 - Southern Tablelands 4 Wheel Drive Club** That Council A. Negotiate with the owner of lot 15 to realign the road over the track through his property. B. Engage the services of a surveyor to survey the off-line section of Bundarra Road through lot 15. C. Close the section of Bundarra Road which is off line. D. Dedicate the section of Bundarra Road to be closed to the landowner in compensation. E. Take ownership of the bridge which has been constructed over the creek. F. Acquire the land within the proposed road reserve 20 wide in accordance with a survey plan. G. Apply to the Crown to have the Crown reserve road which passes through lot 20 transferred to Council as a Council public road. H. Acquire approximately 3ha of lot 20 around the Crown reserve road in order to create a more viable access to the bridge. I. Gazette the length of Bundarra Road as a Council public road from the intersection of Jerangle Road to the creek. J. Authorise the expenditure amount of $60,000 in the 2020 Financial Year Budget with funding to be provided from Other Internal Reserves account 35116.	Manager Infrastructure	03/06/2021 – DR: Matter finalised as a result of the decision at the March 2021 Council Meeting (Resolution No. 52/21). No further action required. Item complete. 05/05/21 - TP: No further update at this point. 31/3/2021 - TP: Further action by Council is dependent on the nature of the adopted Minutes of the 18 March 2021 meeting, due to a report having been tabled at this meeting which related to Resolutions 258/19 and 368/19. 28/2/2021 TP: No further update at this point in time. 08/02/2021 – JM: A. Letter sent to owner of lot 15 enquiring if owner is willing to negotiate to realign road over track through his property. B – D; F – Subject to outcome of part A. G – Completed. E, H, I – not to be completed due to resolution 368/19.	07/04/2021	Y
347	15 August 2019	296/19	**Road Closure and Creation of Road Reserve - Badja Road** That Council	Coordinator Land & Property	05/06/2021 – TP: Subdivision application lodged.	30/03/2021	N

			A. Approve to formally close the Council public road that traverses lot 1 DP 124507, Lot 2 DP 1195991 and Lots 15,16 &81 of DP 752146; B. Engage the services of a Surveyor to prepare a plan of subdivision for the creation of a road reserve over Badja Road; C. Agree to exchange the former closed road through the affected properties in compensation of the area required of the privately owned properties for the road reserve to be created over Badja Road; and D. Authorise the General Manager to execute the documents to give effect to the above		05/05/21 - TP: No further update at this point. 31/3/21 - TP: Administration sheet signing in progress by required parties. 28/2/2021 TP: Review of intended timeline to be conducted due to staff resource changes. 01/03/2021 – TP: Review of intended timeline to be conducted due to staff resource changes. 22/01/2021 – LB: A&B Landowner has been contacted by phone to advise that Council is going to commence the road closing process in early 2021. Letters and advertising will commence in late January. 4/12/2020 – LB: A&B. Letters to affected landowners and notifiable authorities being prepared. The road closing will effectively commence when the 28 day advertising period has ended. C. Letters to appropriate landowners include proposal to dedicate closed road in compensation for the area to be acquired. 23/10/2020 – LB: A. Subject of resolution 296/19 B. Survey plan has been received C. Exchange will occur at the appropriate time D. Documents will be executed at the appropriate time.		

					24/09/2020 – LB: B. The plan has been received and letters regarding road closure in accordance with legislative requirements are being prepared. 27/07/2020 – LB: A &B. Council is in receipt of a draft plan which has been checked and the surveyor has been requested to provide the final plan with Administration Sheet. When the final plan is received an application will be submitted for Subdivision Certificate. 26/06/2020 – LB: A. Surveyor has given assurance that the plan will be sent to Council in the next two weeks. B. This will be done in consultation with landowners after plan of subdivision is received. 28/05/2020 – LB: Contractor has been asked to forward plan and it is anticipated that it will be available very shortly. 24/04/2020 – LB: Discussion with the contractor revealed that due to COVID-19 there would be some delay but the plan is now expected any day. 26/03/2020 – LB: Council is waiting on survey plan before proceeding. 02/03/2020 – LB: Survey work is currently being carried out. 20/01/2020 – LB:		

					Landmark Surveys have been engaged to carry out the survey and produce a plan.		
352	15 August 2019	301/19	**Proposed Closure and Sale of Public Pathway in Kalkite** That Council A. Agree to close the pathway and sell the land 50% to each adjoining landowner for $10,000 including GST each with each party to pay their own legal fees; B. Notify the owners of lots 38 and 39 that Council approves the payment for 50% of the pathway as a "repayment schedule" to be paid in conjunction with the land rates to be fully paid prior to 30 June 2020; C. Apply to the Crown to close the public pathway; D. Engage the services of a surveyor to create a plan of subdivision with the pathway to be divided along its length (front to back); E. Engage the services of a solicitor to draw up contracts for the sale of the land; and F. Authorise the General Manager to execute the documents for the sale of the property	Coordinator Land & Property	06/06/2021 – TP: Prompts to LRS actioned in order to progress creation & issue of Certificate of Title. 05/05/21 - TP: Surveyor has submitted compilation plan to the LRS for road (path) closure and subsequent first Certificate of Title (CT) creation & issue. The CT will reflect that that the lot is vested with Council, in readiness for subdivision and sale. 31/3/21 - TP: No further update. 28/02/2021 – TP: Awaiting plan of subdivision from surveyor. , Note: Linkage exists with Resolution 57/20. 22/01/2021 – LB: A. Surveyor has been asked to lodge the plan of the pathway to close the road and to provide the plan of subdivision for the pathway. C. Response has been received from Crown Lands. D. Plan of subdivision will be available shortly. E. When the plan of subdivision is being processed Council's solicitor will be asked to arrange for the contracts for the sale of the land. F. Council's CEO will execute the contracts at the appropriate time. 4/12/2020 – LB: A. Closure process progressing.	30/06/2021	N

					B. Owners notified. Payment plan now subject to Council resolution 57/20. C. Currently waiting on response from Crown Lands D. Surveyor notified that plan of subdivision will be needed shortly. E. Solicitor asked to commence drawing up contracts for the sale of the land. 23/10/2020 – LB: A &B. Advertising period has ended and one objection was received. The objection was a general one, which objected to any pathway in Kalkite being closed. C. Process has changed and new application to Crown Lands has been submitted D. Surveyor has been asked for an anticipated date for the plan of subdivision E. Contracts will be drawn up based on the plan of subdivision when the plan is available. F. Documents will be executed at the appropriate time. 24/09/2020 – LB: A&B. Advertising period has ended and one objection was received. The objection was a general one, which objected to any pathway in Kalkite being closed. C. Waiting on response from Department of Industry - Crown Lands then the plan for road closing will be lodged and gazetted. D. The plan of subdivision will be available in approximately two weeks.		

					E. The solicitor has been requested to get the contracts for the sale of the land ready for when the plan of subdivision is received. 26/08/2020 – LB: A&B. Letters to landholders and notifiable authorities have been sent. At this time all responses have been positive. Waiting on response from Crown Lands for consent to proceed and for public pathway to vest in Council following closure. G. This is no longer a requirement under the Act. H. The plan of subdivision will be available in approx. 6 weeks. In the meantime, the road closure is progressing. E&F. This will take place at the appropriate time. 27/07/2020 – LB: Follow-up with Council's surveyor determined that the plan to close the pathway will be received at Council by the end of July. Letters have been prepared to notify the local community of the proposal to close the pathway. The letters will be posted. 26/06/2020 – LB: A. Landowners have been notified of Council resolution. Resolution /19 reviews the payment period until 30/6/2023. B. Application cannot be made until plan of subdivision is to hand. C. Plan of subdivision to divide the pathway lengthwise cannot be done until the pathway is closed.		

					D. Contracts will be drawn up as soon as closure of the pathway is registered and the plan of subdivision is ready. 28/05/2020 – LB: Council's Finance Dept. are unable to set up a Special Rate in the rating system and they have suggested that Sundry Debtor accounts be set up with regular quarterly payments to be fully paid prior to March 2023. This will enable the sale of the land to proceed prior to 30/06/2020. 24/04/2020 – LB: Arrangements are currently underway to set up a payment plan and a surveyor has been engaged. 26/03/2020 – LB: All parties have been notified of the Council resolution and quotes for the survey of the pathway have been sought. This resolution is now superseded by resolution 57/20. 02/03/2020 – LB: Purchasers were not happy with the timeline for completion set by the Council resolution and a further report has been submitted to the March Council meeting. 20/01/2020 – LB: Landowners were notified of Council resolution via mail but are intending to write to Council requesting more time to pay.		
379	19 September 2019	333/19	**Finalisation of Draft Bush Fire Prone Lands Map 2019** That Council	Senior Strategic Land Use Planner	09/06/2021 – DR: Item complete. The NSW Rural Fire service has issued the revised bush fire mapping.	31/03/2021	Y

			A. Receive and note the report of the Senior Strategic Land Use Planner on the finalisation of the draft Bushfire Prone Land Map; B. Submit the draft Bush Fire Prone Land Map and associated supporting documentation to the NSW Rural Fire Service for certification and provide a letter (attachment 3) to the NSW RFS Commissioner; C. Consent to a public notice (attachment 4) being attached to Section 10.7 (formerly Section 149) Planning Certificates advising of the bushfire prone lands changes until such time as the draft map is certified; and D. Advise the community and stakeholders via its website and the local newspaper once the Bush Fire Prone Land Map has come into effect.		03/05/21 - AA: No Further Update 22/03/2021 – AA: Working with RFS to address some minor inconsistencies with mapping prior to certification. 26/02/2021 - AA: RFS have sent final draft map for review. Final draft map has been reviewed by strategy and GIS and comments have been provided to RFS finalisation is anticipated in coming months. 14/01/2021 – AA: RFS have advised Snowy Monaro BFPL map is a priority and will be certified early 2021. 26/11/2020 – AA: Council staff met with RFS and this matter was discussed. RFS is undergoing a restructure in which mapping certification will be prioritised. 04/11/2020 – AA: No further update. 25/09/2020 – AA: RFS have advised that draft map is with a commissioner to be signed. 30/07/20250 – AA: Council staff have sought update from NSW RFS on this topic, awaiting response. 22/06/2020 – AA: Letter sent to RFS in October 2019 requesting the Commissioner of the RFS to certify the draft map.		

					Council Staff awaiting update from RFS on this certification process. 03/06/2020 – MA: No further update. Waiting for RFS to finalise. 30/09/2019 – AA: A. Noted. B. Letter will be forwarded the Rural Fire Service on 1 October 2019. C. Information has been circulated to all relevant planning administration officers to be distributed with all 10.7 certificates Will be actioned once the Rural Fire Service have advised that the map will be certified by the commissioner.		
388	19 September 2019	343/19	**Proposed Compulsory Acquisition of Part Lot 7002 DP 1028529 Crown Land Travelling Stock Reserve** That Council A. Approves the acquisition of the constructed section of Dalgety Road 20m wide which traverses lot 7002 DP 1028529 for the purpose of public road through the process of *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of s.178 of the Roads Act 1993; B. Seek approval from the Minister for Local Government and/or the Governor in accordance with section 187 of the Local Government Act 1993 to give all necessary Proposed Acquisition Notices in accordance with the Land Acquisition (Just Terms Compensation) Act 1991; C. Upon receipt of the Minister's/Governor's approval, Council serve each PAN and take	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 27/4/2021 - JH: Draft plans have been produced and are being reviewed by relevant staff and key delivery consultants. 27/4/2021 - JH: Draft plans have been produced and are being reviewed by relevant staff and key delivery consultants. 25/03/2021 - JH: Survey Plan being prepared with the aim for Deposited Plan Administration Sheet for signing early April. 04/03/2021 - TP: No further update at this point in time.	28/02/2021	N

			each other action necessary to carry out the acquisition; D. Upon receipt of the Minister's/Governor's approval Council give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law; E. Pay compensation to all interest holders entitled to compensation by virtue of the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991; F. That Council authorise the General Manager and the Administrator to complete and execute all documentation necessary to finalise and bring into force Council's acquisition of the land and if necessary to affix the Council seal to any documents related to the acquisition; and G. That upon acquisition the acquired Property is dedicated as road following gazettal of the acquisition;		22/01/2021 – LB: A. Quotation for Public Works Advisory has been approved and PWA has been asked to proceed. 4/12/2020 – LB: A-G. Quote from Public Works Advisory to complete the acquisition of the travelling stock reserve is awaiting approval. NSW Aboriginal Land Council is considering the request to excise the road from their claim. 03/11/2020 – LB: A-G. Quotation has been received from Public Works Advisory to carry out the compulsory acquisition process. Currently finalising approval. Also waiting on reply from the NSW Aboriginal Land Council. 24/09/2020 – LB: A-G. Currently waiting on a reply from the NSW Aboriginal Land Council. 26/08/2020 – LB: A-G. This acquisition has been placed on hold while further investigations through Local Land Services and Aboriginal Land Council are carried out. 29/07/2020 – LB: A. Council is waiting on the survey to be completed. B. When the survey plan is received the application to the Minister and the Governor will be made. C. PANs will be served after the Minister and Governor's consent is received		

					D. Gazettal will take place after consent of the Minister and the Governor is received E. Valuation has been requested from the Dept. of the Valuer General for land to be acquired without consent. F. Documents will be sent to the CEO for execution when appropriate. G. Upon acquisition the acquired property will be dedicated as road. 26/06/2020 – LB: Surveyor is presently carrying out the work. 28/05/2020 – LB: Surveyor advised that he will commence the survey in the next week. 24/04/2020 – LB: Surveyor has been engaged and expects to commence the survey in the immediate future. 26/03/2020 - LB: The NSW ALC has requested a survey plan be provided prior to proceeding. Quotations are currently being sought for the survey. 02/03/2020 – LB: The NSW Aboriginal Land Council has given consent in principal and is waiting on a survey plan. 20/01/2020 – LB: Currently waiting on survey plan.		
408	17 October 2019	369/19	**Arts and Culture Advisory Committee Meeting held 11 September 2019** That Council	Coordinator Economic Development	27/04/21 – HK: No reportable actions - work continues to secure appropriate funding (B&D) and site (B).	Ongoing	N

			A. Receive and note the minutes of the Arts and Culture Advisory Committee meeting held 11 September 2019; B. Support the Committee recommendations relating to Item 5.3 – Community Arts and Culture facility in Cooma; C. Support the Committee recommendation relating to Item 5.5 – Communication / Promotion of Committee; and D. Supports the Committee recommendation relating to Item 5.6 – Bombala Arts and Innovation Hub.		27/04/21 – KH: No reportable actions - work continues to secure appropriate funding (B&D) and site (B). 30/03/2021 – AA: No further update at this time. 04/03/2021 – GT: No action required at this time. Awaiting grant funding decisions. 29/01/2021 – AM: B. No further update D. An application for additional works has been lodged within the BLER Fund. 30/11/2020 – AM: B. No further update D. After a meeting of the committee the need for further community consultation to refine options for future use was identified as being required. A further $700K minimum is required for building upgrade works. Opportunities for further grant funding are being investigated. 30/10/2020 – KH: A. facilitated workshop has been held by the Community Arts and Culture group during October 2020 to develop a plan forward for the facility. 28/09/2020 – AM: No further update. 02/09/2020 – AM: A. No action required. B. No further update.		

					C. No further update. D. The Bombala Arts and Innovation Hub working group has been formed and had its first meeting, attended by Clr Haslingden. 02/07/2020 – MA: Nothing further to update over June. 03/06/2020 – MA: Bombala Arts and Innovation Hub committee has been advertising for members and is in progress of beginning. Continuing to investigate opportunities and options for the Arts and Culture Facility in Cooma that are compatible with the funding available in grant. 29/04/2020 – MA: The Arts and Culture Committee minutes 25/03/2020 will recommend a request for extension of time for the funding programme. 03/03/2020 – KH: B. Relevant stakeholder meetings will soon recommence. C. No update. D. Committee positions have been advertised and recruitment will commence shortly. 04/02/2020 – KH: No further updates. 02/12/2019 – KH: B. A small working group continues to meet to work towards the goal of establishing a community arts and culture facility in Cooma. C. A media release will be released early January 2020. Updates to the website have been		

					drafted and are expected to go live in the next 2 weeks. D. To be actioned after December Arts and Culture 355 meeting. 4/11/2019 – KH: A. Noted. B. The GM is to negotiate with Land and Property NSW to transmit the property at 5 Dawson St Cooma to SMRC for the nominal fee of $1, inclusive of related fees and charges such as stamp duty. C. The communications team are to prepare a media release and additional website to be included on the website. D. Community Development Planner & Support to form working group.		
429	17 October 2019	389/19	**Proposed Acquisition of Part Lot 6 DP 218752 for the Purpose of Road** That Council, consistent with the guidelines contained within with the body of report: A. Authorise the General Manager to negotiate the purchase of 0.2542ha of lot 6 DP 218752; B. That Council be responsible for any additional costs including survey, legal fees, fencing; C. Authorise the General Manager to execute all necessary documents and affix Council's Seal if required; and D. Approach the plantation owners for a contribution towards the works prior to commencing the project.	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 05/05/21 - TP: No further update at this point. 31/3/2021 - TP: No further update. 28/2/2021 - TP: Discharge authority received from Landowner (due to Landowner having made error in initial document) and forwarded to bank to progress necessary mortgage discharge. 22/01/2021 – LB: A-C A phone conversation with the landowner on 13/1/21 revealed that he has been communicating with the Rural Bank who are	28/02/2021	N

					slow to respond. The landowner has been asked to send the phone contact number to Council so that we can contact the Rural Bank and try to fast-track the process. D. A letter was sent to the plantation owners who responded to say that they declined to contribute to the project. 4/12/2020 – LB: A-C. Email from the Bega Branch Manager of the Bendigo and Adelaide Bank this morning to confirm that they are waiting on a response from Rural Bank. Bega Branch Manager will notify Council when the discharge of mortgage has been registered. D. Letter has been sent to Plantation Owners. 23/10/2020 – LB: A-C. Application for discharge of mortgage completed by landowner and sent to the bank for processing. Signed application for subdivision certificate and the Administration Sheet received from landowner. As soon as the landowner receives his Certificate of Title from the bank the plan of subdivision will be registered and contracts will be exchanged. D. Letter is being prepared for the plantation owners requesting that they contribute to the works. 24/09/2020 – LB: A-C. The Title to lot 6 has a mortgage noted in the second schedule. The landowner has verified that the loan has been paid out. A discharge of mortgage application was forwarded to the		

					landowner to complete and return to Council so that the mortgage can be removed from the title. Council is also waiting on the application for a subdivision certificate to be signed by the owner of the property. D. Nearby plantation owners to be approached in writing seeking contribution to the purchase. 26/08/2020 –LB: A-C. When Land and Property receives the subdivision certificate the landowner can sign off on the plan and arrange for his bank to sign off after which the plan can be submitted to the LRS for registration. Waiting on landowner to sign the application for the subdivision certificate or send an email giving consent for the application to be lodged. The subdivision certificate has been done but can't be released until consent is received from the landowner. C. Council has paid for survey and legal fees will be paid upon receipt of invoice D. Documents will be signed by the CEO when appropriate. E. Plantation owners are not affected and therefore will not be asked for a contribution. 27/07/2020 – LB: Council is currently waiting on the subdivision certificate so that the plan can be registered prior to settlement. 26/06/2020 – LB:		

					Council's solicitor has been asked to produce the contracts. Application for subdivision certificate has been submitted. A. Purchase price has been negotiated and agreed by both parties. C. This acquisition does not affect the plantation owners. 28/05/2020 – LB: An email has been sent to the surveyor each week asking for the plan of subdivision so that contracts for the purchase of the land can be exchanged. The plan has not been registered so the plan will need to be attached to the contract. 24/04/2020 – LB: Council's solicitor is organising the contract and it is anticipated that exchange will take effect within the next month. 27/03/2020 – LB: MOU has been returned to Council and Council's solicitor has been asked to arrange a contract. 27/02/2020- JH: MOU with property owner, waiting return of same. 15/01/2020 - JH: Staff have spoken to land owner and are waiting for a written response.		
439	21 November 2019	408/19	**Closure of Part of the Road Reserve in Barrack Street Cooma** That Council A. Approve the proposal to close part of the Barrack Street Cooma road reserve in accordance with the plan in this report;	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 05/05/21 - TP: Follow up with Solicitor and Surveyor actioned to progress.	30/03/2021	N

			B. Classify this new lot as operational land; C. Approve the consolidation of lot 4 DP 32321 with the new lot to be created by the road closure; and D. Classify the new consolidated lot as operational land.		31/3/2021 - TP: No further update. 28/2/2021 - TP: No further update. 22/01/2021 – LB: A&B Plan has been lodged with LRS for registration when it will be classified as operational land. 4/12/2020 – LB: A. An email was received from Crown Lands seeking clarification of the section of Barrack Street for investigation; clarified via email. 23/10/2020 – LB: A. Awaiting information from Crown Lands. Email sent to Crown Lands requesting that this matter be expedited. B-D. These actions will be carried out at the appropriate time. 24/09/2020 – LB: A-B. Crown Lands responded to Council's email to say that the Old Title search is currently underway and we should receive the results shortly. C. A plan of consolidation will be prepared as soon as the road closing is registered. D. The consolidated lot will be classified as operational land upon registration of the plan. 26/08/2020 – LB: Crown Lands have been reminded via email that we are still waiting on the results of the search to		

					fulfil the requirements of the requisition. This action cannot proceed until plan is Registered. 29/07/2020 – LB: Application has been sent to Crown Lands for an Old Title Search in accordance with the requisition from the LRS. 26/06/2020 – LB: When the plan of subdivision was lodged, Council received requisitions on Title. A request has been sent to Crown Lands for evidence of gazettal of Barrack Street as a Council public road. Despite extensive research by Council staff and Council's solicitor definitive evidence was not found. B. Plan of consolidation will be sought after the road closing is complete through lodgement of the plan. 28/05/2020 – LB: Council's solicitor is currently carrying out investigations to provide information to the LRS. 24/04/2020 – LB: The plan was lodged at the LRS and the surveyor is presently addressing a requisition from the LRS regarding the date of gazettal of Barrack Street Cooma as a Council public road. 26/03/2020 – LB: The subdivision certificate has been released and the documents executed by Council. The documents have been delivered to the surveyor for lodgement at the LRS. 02/03/2020 – LB:		

					The plan will be lodged as soon as the subdivision certificate is to hand. 20/01/2020 – LB: Registration of the plan should be gazetted soon.		
449	21 November 2019	418/19	**Minutes of the Water and Sewer Committee held on 29 October 2019 and adoption of recommendations** That the recommendations of the meeting of the Water and Sewer Committee held on 29 October 2019 be adopted.	Manager Water Wastewater Operations	09/06/2021 – JD: No further upadtes. 04/05/21 – JD: No further updates 30/03/2021 – JD: No further update. 02/03/2021 – JD: No further update. 15/01/2021 – JD: No further update. 25/11/2020 – JD: No further update. 23/10/2020 – JD: No further update. 24/09/2020 – JD: Proposed charges presented to Councillors. There were concerns that Bombala and Delegate would get an increase in charges while all other areas were decreasing. Considering options to include a discount for the first year of 30% for Bombala and Delegate so all areas would see a decrease. 03/09/2020 – JD:	30/06/2021	N

					Proposed charges presented to Councillors. There were concerns that Bombala and Delegate would get an increase in charges while all other areas were decreasing. I have proposed to DR that we offer Bombala and Delegate a discount for the first year of 30% so then all areas would see a decrease. Awaiting feedback from DR on this proposal. 24/06/2020 – JD: Proposed charges presented at ELT meeting on 3 June 2020. DSP values accepted by ELT and will be presented at the next council meeting on 2 July 2020 for acceptance by the Councillors. 28/05/2020 – JD: Proposed charges agreed on with Chief Strategy Officer. A report is being prepared to ELT recommending these charges and the way forward. 30/04/2020 – DR: Matter deferred due to impacts of COVID-19. 24/03/2020 – JD: Awaiting further Advice on charges from Acting Director Corporate and Community Services following meetings and discussions. A meeting will then be scheduled with Councillors. 02/03/2020 – JD: A. Discussions were held with DPIE Water and they indicated that all towns/villages must have charges. B. DPIE Water indicated we can look at only future assets when determining the charges which could bring the charge amount down. They also indicated we can set the charges		

					ourselves for the smaller villages and present these to Council for approval. C. Charges have been proposed and a meeting will be set up with the councillors to discuss these proposed charges. 24/01/2020 – GA: A. S64 Workshop was held with ELT and the Consultant on 16 January 2020. As the charges were very high for the villages, advice is being sought from DPIE Water if the villages can be exempt from charges and any other changes that will meet the guidelines. B. Awaiting advice from DPIE Water prior to Councillor workshop and date for workshop to be determined after receipt of advice. 27/11/2019 – GA: Noted and the following actions will be taken: A. The draft minutes will be adopted at the next water and sewer committee meeting. B. Adopted Terms of Reference will be sent to document control for finalising. C. Amendments to sewer pricing and billing was reported to Council on 21 Nov 2019. S64 DSP Councillor workshop has been proposed to be held on 19 Dec 2019.		
553	21 November 2019	422/19	**Managing Heavy Vehicles in Bombala Town Centre - Community Consultation** That the matter be deferred for further consultation with the public including correspondence from the Bombala Chamber of Commerce.	Manager Corporate Projects	01/06/2021 – GMc: No further update 04/05/21 - GMc: No further update - Strategic Planning to seek further information. 01/04/2021 - GMc:	Ongoing	N

					No further update - Strategic Planning to seek additional information. 03/03/2021 – GMc: No further action at this stage. 25/01/2021 – GH: An informal meeting was held between Bombala based councillors and relevant staff. The outcome of the meeting is to proceed with further community consultation. 27/11/2020 – GH: A meeting has been arranged with Bombala based councillors to discuss options for further community consultation. Meeting proposed to be held on 4 December 2020 and is open to any other interested councillor to attend. 05/11/2020 – JM: No further update. 25/09/2020 – GH: No further update. 03/09/2020 – GH: No further update. 01/07/2020 – AS: No further update. Consultation occurred from September 2019 to October 2019. 01/06/2020 – GH: Communication distribution proposed re Bombala Town Centre Community Consultation: • Noticeboards – IGA and Newsagency • Bombala Times and Monaro Post		

					• Facebook – Bombala Noticeboard • Facebook – SMRC page • Facebook – SMRC Business Forum Group • Radio – capital network and 2MNO • Notice at SMRC office • Info sent to SMRC customer service for any enquiries • SMRC website 27/04/2020 – LN: Working with Chief Communications Officer to establish a strategy for community consultation during the COVID-19 restrictions. 24/03/2020 – LN: No further update. 28/02/2020 – LN: Ongoing. 03/02/2020 – LN: Ongoing.		
573	21 November 2019	443/19	**Werralong Road - Proposed Acquisition With and Without Consent** That Council A. Approves the acquisition without consent of proposed lots 4, 5, 7, 8 and 10 in the plan of acquisition for the purpose of public road under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* in accordance with Division 1 Section 177 of the Roads Act 1993 and the making of the necessary application to the Minister and/or Governor.	Coordinator Land & Property	07/06/2021 – TP: The PANs related to Werralong Road acquisition were formally issued on Monday 7th June 2021 to the relevant parties. Once the PANs are issued a 90 day sequence triggers, at the end of which the OLG submits the Acquisition Notice for the Governor's approval. Upon receipt of Governor's Approval, Council can then lodge the Government Gazette publication of the acquisition notice. 05/05/21 - TP: No further update at this point. 31/3/2021 - TP:	28/05/2021	N

			B. Approves the acquisition of proposed lots 1, 2, 3, 6 and 9 with consent for the purpose of public road under the provisions of the *Land Acquisition (just Terms Compensation) Act 1991* in accordance with Division 1 Section 177 of the Roads Act 1993 and the making of the necessary application to the Minister and/or Governor. C. To authorise the General Manager to execute all documents relevant to the acquisitions both without consent and with consent on behalf of Council. D. Agrees to bear all costs for the acquisition of the proposed lots.		Updated application lodged with OLG to match the revised PAN (already executed) and reflects the inclusion references related to Lots 5 & 7, as these lots are now actually now part of Lot 1 DP 1172849 (Downs's ownership). Letters sent to all involved landowners with status update. 28/2/2021 - TP: Amended proposed acquisition notice tabled to the registered proprietor (external party) to ensure Lot 5 & Lot 7 DP 1245630 (formerly Crown Reserve Roads) are encompassed, being as they are actually now part of Lot 1 DP 1172849 (Downs). 22/01/2021 – LB: A. The OLG has confirmed that the application has been approved and is awaiting execution by the Minister. B. The land which was to be gifted to Council which is subject of the acquisition with consent cannot be gazetted as road until Council receives consent from the OLG to the acquisition without consent. The land to be gifted to Council was gifted on the condition that Council is successful in acquiring the land without consent. 4/12/2020 – LB: A&B. The paperwork returned from Office of Local Government appears to have overlooked sections of closed Crown reserve road, which have been sold prior to the adjoining landowner. Council is clarifying whether this was an oversight to ensure there are no future delays in the process of acquisition. 23/10/2020 – LB:		

					A. An email was received from one of the landowners on Werralong Road attaching an email from John Barilaro's office dated 23 October. The email from John Barilaro referred to a reply from the Minister for Local Government responding to correspondence from the landowner. The email inferred that the OLG has made a recommendation to the Minister to be considered in the near future. 24/09/2020 – LB: No further update. 26/08/2020 – LB: A&B. OLG has not released consent for acquisition. Currently Council is unable to proceed until consent for acquisition without consent is received from OLG C&D. Documents will be executed at the appropriate time. Costs are paid on invoice. 27/07/2020 – LB: A. Application was sent to OLG for consent to the acquisition. Email reply from OLG received 27/7/2020 consenting to the acquisition with consent. B. Application for acquisition of lots 4, 8 and 10 without consent is currently being assessed separately. C. The necessary documents will be sent to the CEO when necessary for execution. D. All costs are being paid by Council. 26/06/2020 – LB: Council received a letter from the OLG to say that the process for requesting a shorter timeframe would result in the process taking longer due to		

					their process. Therefore Council has withdrawn its application to reduce the notification time. The legislated timeframe for notification is 90 days and Council should not anticipate a decision from the OLG for at least 3 months. Recent experience has demonstrated that the OLG is not providing decisions on applications for 6 months or more. 28/05/2020 – LB: There has been no response from the OLG with respect to the application to reduce the notification time. The application is with the OLG. 24/04/2020 – LB: The application for acquisition of Werralong Road has been lodged with the OLG. At the same time an application to reduce the notification time to 30 days has been lodged with the OLG. 26/03/2020 – LB: The OLG returned the application. A new application is currently being prepared by Council's solicitors for submission to the OLG. 02/03/2020 – LB: When consent is received from the OLG Werralong Road will be gazetted to Council. 28/01/2020 – LB: Council's solicitor is presently preparing Section 30 Agreements for execution by landowners who are gifting their land to Council. The solicitors are also preparing the application to the OLG for consent to acquire a portion of the land for road through the process of acquisition without consent. 02/12/2019 – LB:		

					Resolution of Council has been sent to Council's solicitor to lodge with OLG for consent of the Minister and the Governor.		
615	20 February 2020	12/20	**Request to Acquire and Repair/Replace Bairds Crossing Bridge over Snowy River** That Council: A. Receive and note the report on the request to acquire, repair/replace Bairds Crossing Bridge over the Snowy River; B. Reject the proposal for Bairds Crossing Bridge to become a Council Asset and be subject to Council's asset maintenance/replacement program; and C. After the Proponent receives the advice from the minister with that advice, he consults with the council staff with a view of preparing a report to the council.	Manager Infrastructure	06/06/2021 – TP: No further update. 06/05/21 – GS: No Further Update. 6/04/21 - JM: No further update. 01/03/21 - TP: No further update. 01/03/2021 – GS: No further Update. 18/01/2021 – GS: As advised to residents and Council in December 2020; without any information to progress part C of Council Resolution 12/20; Part B remains extant i.e. Council reject the proposal for Bairds Crossing Bridge to become a Council Asset. 27/11/2020 – GS: Residents have been advised that this matter cannot progress until the proponent has met with the relevant minister and have provided the advice received to Council. The Manager, Monaro District NSW Rural Fire Service, has advised that the RFS will not be writing to Council to recommend the crossing be reinstated.	28/02/2020	N

					23/10/2020 – GS: The Minutes of the LEMC meeting held on 23 September 2020 contained actions relating to Bairds Crossing Bridge. These were: • LEMC to approach Council to explore options for Bairds Crossing and repairs. • Assess choke points and fire load – Bairds Crossing road. • Contact Manager Infrastructure re: over hanging trees and road edges – Bairds Crossing road. A copy of the meeting minutes were provided to the Manager Infrastructure on 13 October. At the time of this update, no further information has been received from the LEMC. 24/09/2020 – GS: LEMC meeting was held after this update was provided. Therefore any recommendations from the LEMC that might influence Council deliberation on this issue are not yet known. 26/08/2020 – GS: No change from previous update other than conversations with Mr Makhoul and other residents of Bairds Crossing Road and Punt Hill Road have been informed of the intention to have this matter discussed at the LEMC in September 2020. 24/07/2020 – GS: C. As per previous update, the issue of Bairds Crossing Bridge is to be discussed at the next LEMC meeting in September 2020. 26/06/2020 – GS **There is no action for A and B.**		

					A. The latest update from Mr Makhoul dated 15 June was as follows: ***"We have received a recommendation letter from our local fire brigade for the need of an access bridge at Bairds Crossing, this has been sent to the RFS and meet with open arms. Please see attached for your perusal, the bridge will be a topic at the next*** *Local Emergency Management Committee meeting for recommendation to be replaced with an adequate structure"* Councils response to that update was as follows: Thank you for your email and update on discussions relating to Bairds Crossing Bridge. I think a discussion at the Local Emergency Management Committee is excellent progress. Without being a pain, could I please ask for an update on the part of Council's resolution that stated: C. After the Proponent receives the advice from the minister with that advice, he consults with the council staff with a view of preparing a report to the council Has anything from the Ministers Office been received? This would allow a further report to be prepared for Council consideration. 29/05/2020 – GS: The latest update was an email from Mr Makhoul to John Barilaro MP on 30 April 2020 that stated: In reply to your below email, we would like to advise that • We are expecting documentation in support of our request for **retention and upgrade of the**		

					Bairds Crossing Bridge from local **Fire Brigade at Numbla Vale** and in turn the **RFS NSW.** • We are expecting that funding can come from the recently advised increase in Safety/Fire expenditure budget • Our understanding is that ownership of the land upon which the bridge stands is passed onto Council • After ownership of the land is finalised, the State funding is allocated to Council, for the bridge works. As soon as these documents are to hand we will forward them to you. ***Note: - No documentation has yet been received from any agency supporting the proposal for a retention and upgrade of Bairds Crossing Bridge.*** 29/04/2020 – GS: On 6 April 2020 A letter was drafted for CEO approval in response to questions raised by John Barilaro MP on behalf of Mr Joseph Makhoul and in relation to Council's decision on Bairds Crossing Bridge. On 23 April 2020, Council staff wrote to Mr Makhoul and other residents seeking any information "the proponent" may have received from the relevant minister in relation to safety concerns should Bairds Crossing Bridge not be repaired or replaced. This correspondence reiterated the decision of Council from the February 2020 meeting, suggesting this information would assist in preparing a further report on Bairds Crossing Bridge for Council consideration. Unfortunately no reply has been forthcoming.		

					27/03/2020 – GS: There has been no confirmation of any advice from the Minister to the proponent and therefore this action has not been progressed. 28/02/2020 – GS Residents near Bairds Crossing Bridge were informed of Councils decision and amendment to the report recommendations; especially the inclusion of recommendation. A. Staff now await the advice from the minister, through the proponent in order to provide a further report for Council consideration.		
636	19 March 2020	COV4/20	**No Stopping Zones along the Lake Jindabyne foreshore - review of the 2019 winter traffic / camping management campaign.** That Council: A. Note the successful outcomes of the 2019 "No Stopping Zone" campaign; B. Note that the demand for budget camping / parking, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region continue to grow; C. Allocates an annual budget to maintain this campaign during the 2020 winter ski season and subsequent seasons; D. Notes a feasibility study will be undertaken during the 2020 winter ski season to investigate the strengths, weakness, opportunities and threats associated with the introduction of a paid parking permit for the Claypits carpark; E. Approves the installation of "No Stopping Zone" signs in the following designated areas restricting parking from 6pm until midnight	Chief Operating Officer	06/05/21 – JM: 2020 regulatory actions and proposed actions being assessed and to be reported in June. Continuing to work with community and land holders on solutions for seasonal worker accommodation. 06/04/2021 – JM: D&F: community forum held on 23 March. Discussions ongoing with key stakeholders to confirm approach prior to reporting back to Council. 29/01/2021 – JM: No further update. 30/11/2020 – JM: D&F. Briefing for Council held in November 2020. Preparations underway for community engagement. 23/10/2020 – MR:	30/06/2021	N

			and from midnight until 7am between 01 June and 31 October annually: i. Wollondibby Inlet (6 sites) ii. Claypits (8 sites) iii. Town Centre (2 sites) iv. Townsend Street / Cobbon Crescent (5 sites) v. Other areas identified throughout the course of the campaign; and F. Embark on a campaign for a permanent solution to control and regulate camping around Lake Jindabyne.		F. Collating evidence and preparing a preliminary briefing for Council's November 2020 briefing. 28/09/2020 – JG: F. Evidence is being gathered looking at long term solutions. 28/08/2020 – MR: A. No further action required on this one. It is for Council to note. B. No further action required on this one. It is for Council to note the additional operational costs of enforcement. C. Budget was allocated for the program. No further action required. D. Evidence is presently being gather to prepare a feasibility study. E. No Stopping Signage zone signage installed. No further action required. Evidence is being gathered looking at long term solutions. 22/07/2020 – MR: F. No further action required on this one. It is for Council to note. G. No further action required on this one. It is for Council to note the additional operational costs of enforcement. H. Budget was allocated for the program. No further action required. I. Evidence is presently being gather to prepare a feasibility study. J. No Stopping Signage zone signage installed. No further action required Evidence is being gathered looking at long term solutions. 24/06/2020 – MR:		

					The winter Lake Jindabyne Foreshore Parking program has commenced. Council Rangers are undertaking morning and evening patrols of the area. The number of campers are presently low. This is due to the Covid-19 restrictions and associated ski field access limitations. The patrols will continue throughout the ski season, with the initial focus on education moving to enforcement in early July 2020. 28/05/2020 – MR: Everything is ready for the 2020 ski season winter parking and camping campaign. This includes the collection of intelligence to undertake a feasibility study for the introduction of paid parking. 05/05/2020 – MR: The no stopping signage has been installed at the areas noted. I have confirmed that Council's Ranger working in collaboration with the Ranger for the area are ready for the winter ski season. Meeting held last week at the Clay Pits to discuss future works on the foreshore. These works will include the potential of charging a parking fee for long term parkers at the Clay Pits. This concepts discussed are going to be included in the community consultation for the proposed works and will form part of the feasibility study and long term strategies mentioned in the resolution. 23/03/2020 – BJ: "No stopping zone" signs have been ordered. Feasibility study to be undertaken throughout Winter 2020 season. Snowy Hydro, NSW Police and other key stakeholders to be consulted in		

					identifying a permanent solution to camping arrangements around Lake Jindabyne. 03/08/2020 – MR: A. No action required. B. No action required. C. Budget was allocated for the program. No further action required. D. Evidence is presently being gather to prepare a feasibility study. E. No Stopping Signage zone signage installed. No further action required F. Evidence is being gathered looking at long term solutions.		
643	19 March 2020	44/20	**Acquisition by Possessory Title - Lot 16 Section 1 DP 1242 - Berridale Memorial Park** That Council A. Apply for possessory title over lot 16 Section 1 DP 1242 (Berridale Memorial Park) B. Classify lot 16 Section 1 DP 1242 as community land upon acquisition.	Coordinator Land & Property	06/06/2021 – TP: Amended Application for Possessory Title lodged to include additional details of the Grants of Probate (as received from the Supreme Court of NSW). 05/05/21 - TP: Solicitors have confirmed that the required supporting Statutory Declarations from independent persons (2) have been obtained. NSW Revenue documentation finalised to enable transfer of land to be completed exempt payment of duty. 31/3/21 - TP: LRS requested details of two disinterested persons requested willing to provide Statutory Declarations related to prior treatment & use of land in question; details of such provided (with permission) to Solicitors. 28/2/2021 - TP: Application for possessory title lodged with NSW LRS. Further legal paperwork being formatted	28/02/2021	N

					including the Statutory Declarations of two "disinterested witness" to support Council's possessory claim. 14/01/2021 – LB: A&B Application for possessory title has been lodged with the LRS after discussions with the RSL. RSL has been assured that the land will be classified as community land upon acquisition. 4/12/2020 – LB: A. A letter was received from Head Office of NSW RSL to say that Council should deal with the Snowy River Branch of the RSL with respect to future management of the park. An email was sent to the local RSL branch requesting consent for Council to proceed with the application for possessory title, with the assurance that the park would be classified as community land upon acquisition. The relevant sections of the Local Government Act pertaining to management of community land were also sent in the email as a link to assist the RSL in determining their response. 23/10/2020 – LB: A. An email was sent to the local branch of the RSL asking for an update. B. To be completed upon acquisition of the land. 24/09/2020 – LB: A. The Snowy River branch of the RSL was notified of Council's intention to apply for possessory title and the branch has sent the notification to The RSL's head office for a response. 26/08/2020 – LB:		

					Requisition on Title has requested an Old Title search which is currently being carried out by Crown Lands. 26/8/2020 – LB A. Requisition on Title has requested an Old Title search which is currently being carried out by Crown Lands. B. Lot 16 will be classified upon acquisition through the resolution of Council. 29/07/2020 – LB: The CEO has executed the documents. 26/06/2020 – LB: Application is proceeding. 28/05/2020 – LB: Documentation is being prepared to lodge an application for Possessory Title. 24/04/2020 – LB: Council's solicitor is presently gathering all the evidence to lodge with the application for possessory title. A surveyor has been engaged to do a survey plan for identification purposes. 26/03/2020 – LB: Council's solicitor has been requested to prepare the documentation.		
660	19 March 2020	55/20	**Proposed Acquisition of Easement for Access to Middlingbank Quarry** That Council A. Enter into negotiations with the owner of lot 1 DP 1022898 for a right of way for access across his land.	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 05/05/21 - TP: No further update at this point.	30/03/2021	N

			B. Engage the services of a surveyor to create a plan for registration of a right of way across lot 1 DP 1022898. C. Council to be responsible for all costs for creation and registration of the plan for the right of way. D. Authorise the Chief Executive Officer to negotiate the compensation for the easement. E. Authorise the Chief Executive Officer to sign all necessary documents to give effect to the above.		31/3/2021 - TP: No further update. 28/2/2021 - TP: A Negotiations continue with Manager Infrastructure spearheading discussions. B Draft plan for right of access pending results of A. C-E These actions will take place at the appropriate time. 22/01/2021 – LB: A. Letter has been sent to Council's solicitor requesting that he commence negotiations with the landowner for a right of way for access to the Quarry. B. Surveyor has submitted a draft plan for right of access and this will be finalized as soon as negotiations are completed. 4/12/2020 – LB: A. Completed. B. Discussions are ongoing to decide the best approach for a permanent access. 23/20/2020 – LB: A. The temporary agreement between SMRC and Mr Thomas for access to Middlingbank Quarry has been signed and is active from 2 November 2020 through to 30 April 2021. Notice has been provided to Mr Thomas, in accordance with the agreement that Council intend to access Middlingbank Quarry to extract material in November 2020. Work to ensure the access road is suitable for heavy traffic will commence on Monday 2 November. B. The process to secure permanent access will commence shortly		

					C. These actions will take place at the appropriate time. 24/09/2020 – LB: A. The agreement has been executed by both parties and Council is planning dates for access to the quarry to extract material. 26/08/2020 – LB: A. Council is currently negotiating an agreement with the landowner that will create a temporary access agreement for a 6 month period between November 2020 and April 2021. B. The surveyor has completed the survey for the easement for access subject to negotiation with the landowner. C. Council has engaged the surveyor and will be responsible for all costs. D. Further negotiations are required to understand if a permanent agreement for access to Middlingbank Quarry, through Mr Thomas's property is possible. 28/07/2020 – LB: A. No update. B. Quotations for the survey were received. Despite numerous emails being sent to the surveyors only one surveyor responded and he has been requested to proceed as soon as possible. 26/06/2020 – LB: A. Negotiations with landowners are ongoing.		

					B. Requests for quotations for survey have been advertised. 28/05/2020 – LB: A meeting took place with the landowner, his father, Manager of Infrastructure, Land and Property Officer and Council's solicitor, Mark Herbert. Negotiations are ongoing. 24/4/2020 – LB: An email was sent to the landowner but there has been no response. A second email will be sent this week to be followed up with a phone call. 26/03/2020 – LB Negotiations have commenced with the landowner.		
662	19 March 2020	57/20	**Proposed closure and sale of public pathway in Kalkite** That Council A. Extend the maximum term for repayment of the purchase of the land, being the closed public pathway, to 30 June 2023 for both purchasers. B. Place a caveat on the subject land requiring payment for the outstanding amount before sale.	Coordinator Land & Property	06/06/2021 – TP: Prompts to LRS actioned in order to progress creation & issue of Certificate of Title. 05/05/21 - TP: 28/2/21 No further update at this point. Note: Linkage exists with Resolution 301/19. 31/3/21 TP: No further update. 28/2/2021 - TP: A Completed; B Caveat will be placed in the land when the road closing is registered. Note: Linkage exists with Resolution 301/19. 22/01/2021 – LB: No further update.	31/05/2020	N

					4/12/2020 – LB: A. Completed. 23/10/2020 – LB: A. Landowners have been notified of the extension of the maximum time to repay the purchase price B. Caveat will be placed on the land after the road closure is completed and before any subdivision takes place. 24/09/2020 – LB: A Landowners have been notified of the extension of the maximum time to repay the purchase price. 26/08/2020 – LB: A. Letters to landholders and notifiable authorities have been sent. At this time all responses have been positive. Waiting on response from Crown Lands for consent to proceed and for public pathway to vest in Council following closure. B. Caveat will be placed on the land after the road closure is completed and before any subdivision takes place. 28/07/2020 – LB: Request for quotations were sent to three surveyors but only one responded. Surveyors were sent a follow up email inviting quotations but only the one response remained. The surveyor has been asked to proceed with the survey. 26/06/2020 – LB: Application forms for Sundry Debtor accounts have been sent to both landowners. Solicitor has been		

					requested to arrange for caveat on title of both properties. 28/5/2020 – LB: Sundry Debtor accounts are being arranged with a repayment schedule to be agreed with the landowners. As the public pathway does not have a registered title it is not possible to place a caveat on the land until the pathway is closed. It is intended to address the issue that payment for the land must be finalised by both parties prior to June 2023. 24/04/2020 – LB: Arrangements are currently underway to set up a payment plan and a surveyor has been engaged. 26/03/2020 – LB: The landowners have been notified of Council's resolution and quotations are currently being sought for the survey work.		
669	16 April 2020	69/20	**Bombala Commercial Precinct Painting** That Council A. Note the previous resolution ADA96/16 adopted by the Administrator; B. Note the previous resolution 297/17 adopted by Council; C. Rescind Part C of resolution 297/17 and replace it with: Authorise expenditure of $10,000 directly to the Bombala and District Chamber of Commerce to assist with the current street upgrade project. The Chamber must agree to use the money on paint and provide supporting documentation to Council once the project is completed.	Coordinator Economic Development	01/06/2021 – SB: No further update. 27/04/2021: SB No further update. 25/03/2021 - SBly: No further update. 25/02/2021 – SBly: No further update. 29/01/2021 – MA: No further update.	31/05/2021	N

					30/11/2020 – MA: Update received from Bombala Chamber of Commerce. They are still negotiating with main street businesses to cover the cost of labour for the painting, given the cost of the actual paint is covered by the project. Aiming for completion of project by May 2021. 04/11/2020 – MA: Still in progress by Bombala Chamber. 28/09/2020 – MA: No further update. 02/09/2020 – MA: Still in process of being implemented by Bombala Chamber. 02/07/2020 – MA: Project in progress and resting with Bombala Chamber – no further update from below. 03/06/2020 – MA: Arrangements for payment finalised. Awaiting reports from the chamber on execution of the project in due course. 05/05/2020 – SB: A purchase order will be issued to the Chamber of Commerce this week so that they can send us an invoice and be paid.		
696	21 May 2020	102/20	**Design for truck Parking Area at Adaminaby** That Council A. Agrees to proceed with further investigative works and to seek endorsement from	Manager Corporate Projects	01/06/2021 – GH: Designer is incorporating feedback from Transport for NSW into Version 4 of plans. Once submitted, hoping for "In-Principle" approval.	Ongoing	N

			Transport for New South Wales for the proposed design; B. Allocates $50,000 for investigation and assessment from internal reserves for the 2020/2021 financial year; C. That the project be included in the listing of projects for consideration for grant applications; and D. Approach Snowy hydro or Future Gen for funding towards the project		06/05/2021 - GT: Design review meeting was held with TfNSW, and design team on 30th April to discuss minor changes to v3 concept which will be included in the detailed design. 07/04/2021 – GH: Awaiting response from Transport for NSW. 02/03/2021 – GH: Planned Teams Meeting with TfNSW following submission of V3 and Traffic Study., - Traffic Count to be completed by 10/03/2021., - V3 Plans and Traffic Count data to be submitted to TfNSW for comment., - Construction costing for approved concept to follow TfNSW agreement with the concept., - Report to Council on Proposed Design and Costing once TfNSW have responded., Issues:, - TfNSW concerned over the number of access points to the Hwy at the Denison St intersection., - HV parking separated from the Light Vehicle Parking at the Trout., - Both parking areas will have a significant impact on the current grassed/treed medians adjoining the Hwy. 25/01/2021 – GH: TfNSW have provided comment on concept revision, two of which incorporates both long vehicle/RV and truck parking concepts. Minor issues identified and expected to be addressed by design consultant and submitted back to TfNSW. Project being considered for BLERF application should it proceed to a suitable level of shovel readiness prior to applications closing. 27/11/2020 – GH:		

					Revised concepts with 4 options have been received in draft form and are being reviewed by relevant staff before submitting to TfNSW. 02/11/2020 – GH: A review of the requirements for intersections and heavy vehicle movements indicates that it will not be possible to locate a heavy vehicle stop close to the Adaminaby town centre without extensive roadworks. 25/09/2020 – GH: TfNSW requirements will require a significant change to the proposal and it may not be possible to establish the location as a truck stop an meet the required specifications for the intersections. 28/08/2020 – GH: TfNSW have provided feedback on the concept design. Staff are reviewing this feedback to factor into the detailed design and funding solutions. 31/07/2020 – GH: Infrastructure Engineer seeking feedback from RMS on proposal assessment prior to proceeding to scoping and subsequent full design. 30/06/2020 – GH: Project preliminary investigations underway. 04/06/2020 – DR: The project has been included within the work schedule to be actioned.		
715	21 May 2020	119/20	**Judgment of Court of Criminal Appeal on Tropic Asphalts case** That Council	Coordinator Economic Development	30/04/2021 - MA:	Ongoing	N

			A. Get report on the costing; B. Report from staff on the progress of the case; C. Proceed with the case; and D. Receive and note the information in the report on the Court of Criminal Appeal's judgment in the Tropic case.		The prosecution case for the trial is in the process of being developed ahead of the due date in May for the submission of a plea by Tropic. 06/04/2021 – DR: The judgement on the appeal has been received. The appeal has been dismissed. The court found: • The arguments Tropic sought to appeal are without merit and, at least for that reason, leave to appeal should be refused. • The present application for leave to appeal has caused an unjustifiable interference with the criminal proceedings at first instance. This means that Council has access to the documentation that shows the quantity of material Tropic Asphalt tendered to supply to the RMS and the detail of the deliveries made. It also shows a low tolerance by the court for the actions being followed by Tropic Asphalt. Tropic Asphalt are required to lodge their plea by 7 May 2021. New hearing dates have been set for 18-22 October 2021. 26/2/2021 – MA: The CCA heard the appeal by Tropic in relation to the subpoena matter on 8 February. Council's legal team thought the proceedings went well and the judges were receptive to their arguments. The judgment is expected to be handed down on 3 March 2021. 06/02/2021 – MA:		

					The CCA heard the appeal by Tropic in relation to the subpoena matter on 8 February. Council's legal team thought the proceedings went well and the judges were receptive to their arguments. The judgment is expected to be handed down on 3 March 2021. 29/01/2021 – MA: Preparations continue for CCA Appeal hearing in CCA on 8 February. 30/11/2020 – MA: Preparations underway for appeal hearing in CCA in early February 2021. 04/11/2020 – MA: C. Tropic have appealed against the subpoena judgment which will result in a delay to the trial. Appeal listed for hearing in CCA in early February. 28/09/2020 – MA: C. Trial preparation continues. Council successful in subpoena matter judgment. 02/09/2020 - MA: A. Complete – report provided to August Council meeting B. Complete – report provided to August Council meeting C. In progress – preparing for trial in November. D. Complete. 02/07/2020 – MA: Expecting the outcome of a hearing into a subpoena issued by Council in the early days of the original investigation within the next fortnight or		

					so. A further report will be provided to Council once the outcomes of the hearing are known. 03/06/2020 – MA: Proceeding with the case and further report(s) with requested details will be provided to future Council meeting(s).		
718	18 June 2020	80/20	**Acquisition of Land - RFS Shed Michelago** That Council A. Proceed with the compulsory acquisition of the Land described as part Lot 5405 DP 1244970 Land fronting Ryrie Street, Michelago between 369.945 Km and 370.000 Km and having an area of approximately 1,162.6m² for the purpose of Rural Fire Shed in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*; B. Make an application to the Minister and the Governor for approval to acquire part Lot 5405 DP 1244970 Land fronting Ryrie Street, Michelago between 369.945 Km and 370.000 Km and having an area of approximately 1,162.6m² by compulsory process under section 186(1) of the Local Government Act 1993; C. Classify the land as operational land in accordance with the Local Government Act 1993; D. Note that this acquisition is not for the purpose of resale; and E. Authorise CEO to sign any documentation required for this Acquisition process.	Coordinator Land & Property	06/06/2021 – TP: No further update at this point. 27/4/2021 - JH: No further updated at this stage 23/3/2021 - JH: The survey plan has been prepared by PWA to enable the acquisition process to continue. 28/02/2021 – JH: No further update. 12/01/2021 – JH: No further update. 25/11/2020 – JH: A to C: This process will take approximately 18 months. 20/10/2020 - JH: A to C: Acquisition process underway. D & E: Will be adhered to throughout this process. 23/09/2020 - JH: A to C: Survey Plan Quote to be received shortly. 26/08/2020 - JH: A to C: Acquisition process underway. Research has to take place to find gazette notices, survey	28/02/2022	N

					plans to be prepared etc. D & E: Will be adhered to throughout this process. 22/07/2020 – JH: A to C: Acquisition process underway. D & E: Will be adhered to throughout this process. 24/06/2020 – JH: A to C:The Acquisition process will begin, this is a lengthy process as all items take place under strict timelines. D&E. Complete.		
723	18 June 2020	85/20	**Cooma Regional Sports Hub Funding Agreement** That Council receive and note this update on the Cooma Sports Hub project and agree to: A. Proceed with signing the funding agreement of $15M to design and construct a 3 court indoor sports facility and synthetic athletics track at the Snowy Oval and Monaro High School Precinct; B. Continue negotiations with Department of Education and Monaro High School for a Joint Use arrangement of the indoor sports facility while maintaining Council's right to withdraw if the long term business case places too much stress on Council's financial viability; and C. Undertake consultation with the community sporting clubs on the concept design phase.	Recreation Planner, Environmental Services	03/05/21 - AA: A. Completed B. Ongoing negotiations with Schools Infrastructure are underway. C. Completed, consultation with sporting groups will be ongoing throughout the project. 22/03/2021 - AA: Council endorsed preferred tenderer. Relevant Consultant has been informed and will commence detailed design work. 26/02/2021 – AA: 22 response to tender were received these have been assessed against set criteria and short listed. Evaluation report has been drafted for Councils consideration at March meeting. 14/01/2021 - AD: A. The concept plan has been completed. Tender documents for detail design will be released before the end of January. Detail design is scheduled for completion by June 2021.	January 2023	N

					B. Negotiation with the Project Working Group will be ongoing throughout the design and construction phase. Negotiation with NSW School's Infrastructure regarding the joint use planning arrangements are ongoing. 26/11/2020 – AD: B. Further progress on the joint use planning agreement (JUPA) with Schools Infrastructure has occurred. Council will be updated when a draft JUPA has been completed. C. Consultation with the Community Sporting Ground has been ongoing. The group has provided important input into the design and location of the facilities throughout the concept planning stages. This will be ongoing through the detail design phase. 30/10/2020 –AD: No further update. 23/09/2020 - AD: The draft concept design has progressed and consultation with the project and community working groups has been ongoing throughout the design process. Council will be updated following the completion of the draft concept plan. 23/06/2020 - AD: A. Completed. The Funding Agreement was signed by the CEO 22/06/2020. No Further action is required. B. Negotiation with the Project Working Group will be ongoing throughout the design and construction phase. Council will be updated on the Joint Use Planning arrangements at the September Council meeting. Consultation with		

					the Community Sporting Groups has commenced and will be ongoing throughout the design process. Council will be updated on the Sports Hub design at the September Council meeting.		
746	16 July 2020	107/20	**Health One Facility, Jindabyne** That Council A. Authorise the Chief Executive Officer to execute the Building Management Statement and take steps to finalise and sign the land sale agreement; and B. Approve the establishment of a Building Management Committee to oversee obligations of the Building Management Statement.	Facilities Officer Snowy River Health Centre	27/04/21 – NW: Waiting on Subdivision Certificate approval 26/03/2021 – NW: Subdivision Certificate and Modifications now lodged by Dabyne Planning. 02/03/2021 – NW: Discussions ongoing between Dabyne Planning and Kleven Spain Surveyors. Subdivision application forms submitted to CEO for signature. 12/01/2021 – NW: A. Surveyor provided plans although further information still required. Waiting on information to be forwarded. 27/11/2020 – TP: No further update 27/10/2020 – NW: A. Awaiting surveyor to provide further information to enable registration of subdivision. Other party (HealthOne) still to sign the Land Sale Agreement. B. Building Management Committee to be formed with HealthOne once above items have been finalised. 24/09/2020 – NW:	28/02/2021	N

					A. Status remains unchanged. Building Management Statement signed by Chief Executive officer. Information has been returned to surveyor for creation of subdivision. Waiting on lawyers for other party regarding the Land Sale Agreement. B. Building Management Committee to be formed with HealthOne. 26/08/2020 – NW: A. Building Management Statement signed by Chief Executive officer. Information has been returned to surveyor for creation of subdivision. Waiting on lawyers for other party regarding the Land Sale Agreement. B. Building Management Committee to be formed with HealthOne. 22/7/2020 – NW A. Building Management Statement sent to Chief Executive Office for signing. B. Will work on creation of Building Management Committee once BMS signed.		
756	16 July 2020	115/20	**Floodplain Risk Management Study and Plan** That Council A. Adopt the SMRC Flood and Floodplain Risk Management Studies – Flood Studies (April 2019); B. Notify the property owners identified at significant flood risk, prior to the March 2020 Floodplain Risk Management Studies and Plans being placed on Public Exhibition; C. Agrees to the public exhibition of SMRC Flood and Floodplain Risk Management Studies – Floodplain Risk Management Studies and Plans (DRAFT) report (March 2020);	Coordinator Strategy Development	01/06/2021 – PV: Report on findings of Cooma Back Creek Report to be presented to Councillors at debrief session 3rd June. Report Confidential until Councillors determine way forward with report findings. 27/04/21 – PV: DRAFT Cooma Flood Warning Analysis Report submitted to Council for review 23/04/2021. GRChydo and DPIE representative will be presenting at June Councillor briefing meeting. 07/04/2021 - PV:	28/02/2021	N

			D. Liaise with the NSW SES and landowners at risk to develop an Evacuation Plan for a significant rain event; and E. Submit a Variation Request to the Department of Planning, Industry and Environment (DPIE) Floodplain grant program seeking funding and an amended scope of works to investigate mitigation options for Cooma Back Creek.		- The final Floodplain Risk Management Plan and Studies (FRMP&S) has been submitted and been out on public submission (very few submissions from the public); - We have applied for 2 variations which have been approved by Dept. Planning, Industry and Environment. One variation is to determine the existing flood warning system in Cooma and if it is in fact fit for purpose (report pending but on its way) and the other report is for further detailed analysis of Cooma Back Creek (DRAFT report received (feedback given to consultant and awaiting final report)– at this stage confidential report so not sure how much detail should go into your business paper, that is your call; - Gina and I are going to prepare a report for council with all updates and for recommendation to adopt the FRMP&S Report. 04/03/2021 - PV: Still awaiting Cooma Back Creek Study Report - expected by mid-March. 04/03/2021 – PV: Still awaiting Cooma Back Creek Study Report - expected by mid-March. 31/12/2020 – GM: Awaiting Cooma Back Creek Study variation report, due 31 January 2021. 26/11/2020 – GM: No further update. 23/10/2020 - PV:		

					A. Completed. B. Letters were sent out to identified landholders at risk advising of Public Exhibition of FRMP & S. Two residents called me as a result of letters. Concerns over the level of non-native vegetation in that stretch of Cooma Back Creek. Nil comments on the actual study. C. Public exhibition period closed. Total of 4 submissions received. Submissions forwarded to GRChydro to incorporate into final study document. D. No further discussion until Cooma Back Creek study variation report completed (delays due to modelling, now expected to be finalised early 2021). E. Variation approved, works have commenced on the study, as per previous comment report expected early 2021. 24/09/2020 - PV: A. Completed. B. Discussions with GRChydro (contractor) SES, DPIE and SMRC staff now decided to hold off contacting landholders until the Cooma Back Creek study finalised. SES aware of properties at risk. Letters have been sent out to residents in high risk areas (entire streets not just the identified 11 properties at significant risk) to advise of the FRMS & P being on public exhibition and how to access copies. C. Floodplain Risk Management Studies and Plans (DRAFT) report on public display – Now extended to 7 October.		

					D. Discussions have taken place with SES and SES keen to support SMRC. Decided to hold off actioning EP until end of consultation process – see what comes back from the community. SES happy to support liaison with relevant landholders. E. Variation request approved by relevant DPIE staff. 25/08/2020-PV: A. Request sent to Communications to upload document. B. Discussions with GRChydro (contractor) SES, DPIE and SMRC staff now decided to hold off contacting landholders until the Cooma Back Creek study finalised. SES aware of properties at risk. C. Floodplain Risk Management Studies and Plans (DRAFT) report on public display – closes 23rd September. D. PV to liaise with SES – discussions have taken place. SES keen to support SMRC. Decided to hold off actioning EP until end of consultation process – see what comes back from the community. SES happy to support liaison with relevant landholders. E. Variation request approved by relevant DPIE staff. Expect 'official' approval to come through in the next few days. 31/07/2020-PV: A. Adopted. Environmental Technical Officer organising to have documents uploaded onto the Council website. B. Discussions have taken place. Agreed managers will send a letter to high risk landowners and		

					invite them in to inform them of their level or risk, plans to develop an Evacuation Plan and undertake further studies to try to mediate risks. C. Hard copies printed, need to be bound and Appendices with maps printed and bound ready for display once Action B addressed. D. Relevant managers aware and need to decide who will liaise with SES to commence this process. Variation documentation 75% complete, should be submitted to DPIE by the end of this week (31 July)		
771	20 August 2020	142/20	**Harmonisation of Commercial Waste - Method of Charging** That Council; A. Harmonise commercial waste charging methods from 1 January 2021, and B. Inform the commercial/business community regarding the proposed harmonisation of commercial waste charging methods.	Manager Resource and Waste Services,	01/06/2021 – MT: Final letters have been posted, enquiries are being answered. Further communications will occur for the final time prior to the end of June. 03/05/21 – MT: Further contact and notification of changes to commercial charging methods is being undertaken with owners of commercial properties to receive a third and final reminder. This will be undertaken prior to end of financial year. 30/03/2021 – MT: The second reminder letter has been posted out during March and a the third and final will be mailed once the 21/22 fees and charges have been adopted by council, advising the commercial business and building owners of the charges that will be applied for commercial waste/recycling/fogo collection for the 21/22 financial year. 02/03/2021 – MT:	01/07/2021	N

					Harmonisation of Commercial Waste method of charging will be implemented on or after 1 July 2021, in the meantime notification of change letters have been sent to commercial businesses and commercial building owners explaining the pending changes to the charging methods. A second notification letter reminding commercial businesses and building owners will be sent out during March as a reminder. 12/01/2021 – MT: First consultation letter has been delivered to commercial customers with only 2 inquiries, the second consultation letter will be send early February 2021. 25/11/2020 – MT: Due to the delay in distributing the first of the consultation letters, harmonisation of charging methods will commence from 1 July 2021. As a result the first consultation letter has now been mailed with the second consultation letter to be sent late February 2021. 23/10/2020 – MT: Final letter ready to be distributed to commercial customers as first form of consultation towards harmonising commercial charging methods. 24/09/2020 – MT: Final draft letter out for comment. 25/8/2020 – MT: Commercial/business consultation will take place prior to the introduction to the changes in charging methods from 1 January 2021		

					First commercial/business consultation letter has been drafted and sent to finance for final input and comment. Once comments have been received the letter will be amended and then posted to the commercial property owners.		
775	20 August 2020	146/20	**Endorsement of SMRC Section 355 Manual** That Council send out a draft s355 manual to Committees for review and defer item until a Council workshop can be held.	Governance Officer	01/04/21 – ED: No further update. 30/03/2021 – ED: No further update. 24/02/2021 – ED No further progress. 19/01/2021 – JM: No further progress. 26/11/2020 – JM: The consultation period for the committees closed on 12 November 2020 and Council has received 16 comments. Comments are currently being reviewed a report will be presented to the Councillors at the 4 February 2020 briefing session. 02/11/2020 – JM: A webinar was held on 29 October 2020 with all section 355 committees. A workshop will be conducted with councillors on 3 December 2020. 25/09/2020 – JM: Documentation has been subjected to a final review and proof read prior to being sent out. 31/08/2020 – JM: The Chief Communications Officer is currently reviewing the manual, after which it will be	Ongoing	N

					circulated to all committees to review for one month. A webinar will be conducted with all committees to explain the changes and answer questions. A Council workshop will be conducted on 5 November 2020.		
789	17 September 2020	167/20	**Acquisition - Easement for Access Adaminaby Sewage Treatment Plant and Town Water Supply** That Council: A. Proceed with the compulsory acquisition of the interest in the land described as part Lot 287 DP 729870 Land fronting Snowy Mountains Highway, Adaminaby and having an area of approximately 22m for the purpose of easement for access to essential services being the Sewage Treatment Plant in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*; B. Proceed with the compulsory acquisition of the interest in the land described as part Lot 292 DP 729876 having an area of approximately 200m and part Lot 292 DP 729876 Land fronting Chalker Street, Adaminaby and having an area of approximately 344m for the purpose of easement for access to essential services being Town Water Supply in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*; C. Make an application to the Minister and the Governor for approval to acquire part Lot 287 DP 729870 Land fronting Snowy Mountains Highway, Adaminaby and having an area of approximately 22m and Part Lot 292 DP 729876 having an area of approximately 200m	Manager Water & Wastewater	09/06/2021 – JD: No further updates. 04/05/21 – JD: No further updates. 30/03/2021 – JD: No further updates. 02/03/2021 – JD: Acquisition currently underway. 15/01/2021 – JH: No further update. 25/11/2020 – JH: No further update 25/11/2020 – JH: A-D. Acquisition process underway and being managed by the Water/Wastewater Team. E. This will take place when required. 23/09/2020 - JH: A-D. Acquisition process underway. E. This will take place when required. 23/09/2020 - JH: A-D. Public Works Advisory (PWA) is being engaged to action this process so that Council secures permanent legal access swiftly.	30/04/2022	N

			and part Lot 292 DP 729876 Land fronting Chalker Street, Adaminaby and having an area of approximately 344m for the purpose of easement for access to essential services by compulsory process under section 187(1) of the *Local Government Act 1993*; D. Classify the land as easement for access in accordance with the *Local Government Act 1993*; E. Authorise the CEO to sign any documentation required for this Acquisition process.		E. This will take place when required.		
794	17 September 2020	172/20	**Proposal to Close Part Mittagang Road - Yallambee Lodge** That Council; A. Approve the road closing of part of Mittagang Road in accordance with the *Roads Act 1993*; B. Consolidate the new lot with lot 1 DP 841447 (Yallambee Lodge); and C. Authorise Council's CEO to execute all necessary documents to complete the road closing and lodgement of the plan of consolidation.	Coordinator Land & Property	06/06/2021 – TP: No further updates at this point. 05/05/21 - TP: No further update at this point. 31/3/21 - TP: No further update. 28/2/2021 - TP: A-C - Corporate Projects consolidated land adjacent to the service station at Yallambee, and inadvertently used the incorrect resolution; thus road closure plan is required to be redone by surveyor to accurately reflect 'new' lot footprint & labels. 22/01/2021 – LB: No further update. 4/12/2020 – LB: A. Letters have been posted. There is a 28 day period for reply. 23/10/2020 – LB:	28/02/2021	N

					A. Letters have been prepared and are ready to be posted. B. After the road is closed a plan of consolidation will be prepared by a surveyor and the plan will subsequently be lodged. 24/09/2020 – LB: A. Letters will be sent in the next two weeks to the notifiable authorities and to properties surrounding Yallambee notifying them of the proposal to close the road. B. After the road is closed a plan of consolidation will be prepared by a surveyor and the plan will subsequently be lodged.		
795	17 September 2020	173/20	**Delegate Water Supply Options Report – Update** That Council endorse the Options Assessment Report–Delegate Water Supply for public exhibition.	Manager Water & Wastewater	09/06/2021 – JD: Concept design being undertaken by GHD. 04/05/21 – JD: No further updates 30/03/2021 – JD: Project and Contract Manager appointed (Cardno) and compilation of tender documents underway to appoint Design and Construction contractor. 02/03/2021 – JD: Comments received from DPIE Water on 8/2/2021. Public meeting with Delegate Community scheduled for 9/3/2021. 15/01/2021 – JD: Still awaiting endorsement from DPIE Water. 25/11/2020 – JD: No further update.	30/06/2021	N

					05/11/2020 – JD: Awaiting comments on the Options Report from DPIE. Community consultation to take place once comments received.		
798	17 September 2020	176/20	**Request for Easement Over Council Land in Cooma** That Council A. Approve the request to create an easement for water supply over Lot 2 DP 224408 subject to: i. All costs being borne by the owner of Lot 1 DP 224408. ii. Any disturbance to Lot 2 DP 224408 to be remediated by the applicant, as soon as possible, to the same condition as prior to disturbance. iii. The owner of Lot 1 DP 224408 obtaining a licence to pump water from Cooma Creek prior to installing the pipeline for water supply; and B. Authorise Council's CEO to execute any documents necessary to register the easement.	Coordinator Land & Property	06/06/2021 – TP: Follow up with the landowner benefiting from the easement as to the licence status required. 05/05/21 - TP: No further update at this point. 31/3/2021 - TP: No further update. 01/03/2021 – TP: No further update. 14/01/2021 – LB: A. The landowner has been requested to notify Council when the pipeline has been installed so that Council has an opportunity to inspect the area to ensure that Council property has been remediated. He has agreed to be responsible for all costs and will send a copy of the water licence to Council when he is in possession of the Licence. 4/12/2020 – LB: A&B. Council will await notification from landowner that he has achieved a licence to pump water and that he has a plan ready to create the easement. 23/10/2020 – LB A. Landowner has been notified and is proceeding with the plan.	30/03/2021	N

					B. Landowner is aware that he needs a licence to pump water from Cooma Creek prior to Council signing off on the plan for easement. 24/09/2020 – LB: A. The landowner will be notified of the Council resolution including the conditions of approval so that he can arrange for a surveyor to do a plan for the easement and an 88B for the terms of the easement. B. The owner of lot 1 will be notified that Council will not permit registration of the plan until he has obtained a licence to pump water from NSW Water. Documents will be sent to the CEO for execution when they are ready.		
836	15 October 2020	217/20	**Zoom attendance at meetings** That Council: A. Support the continuation of the option for Councillors to attend Council meetings via remote teleconference technology, e.g. Zoom or Team Viewer, to ensure equal opportunity for all; B. Support the Motion to the LGNSW Conference 2020 put by Orange Council, to continue teleconference attendance at Council meetings; and C. Makes webinar facilities available for a 6 month trial at the Cooma Council Offices so that all members of the public, including those in wheelchairs and anyone unable to negotiate the stairs, can attend Council Meetings.	Coordinator Governance	06/05/21 – LO: After consulting with David Rawlings a letter will be drafted to the Minister of Local Government, setting out Council's support. 26/03/21 – ED: Action reassigned to O'Sullivan, Luke by Donnelly, Erin 04/03/2021 – GT: No further progress 19/01/2021 – JM: No further progress. 26/11/2020 – JM: Risk assessment has been completed and mitigating controls will be in place for the level of risks identified. The committee room will be	Ongoing	N

					available for the next Cooma meeting, which will be on 18 March 2020. 02/11/2020 – JM: A. No action required. B. Email send to LGNSW advising of intention of council to support motion. C. No action required. Note: A risk assessment will be shortly undertaken and the IT requirements will be determined after that for the trial to commence from the December Council meeting.		
840	19 November 2020	225/20	**Peak View Hall** That Council, in order to facilitate the Peak View community's access to Lions International funding to upgrade the Peak View Community hall: A. Support the proposal to relinquish care and control of Crown Reserve 56109 with care and control being transferred to an appropriate community based incorporated association such as the proposed Peak View Progress Association Inc.; B. Authorise the CEO to negotiate with relevant parties an outcome to satisfy the requirements of all parties including the Peak View Community, the Crown, the NSW Aboriginal Land Council, Lions International and the Rural Fire Service.	Executive Assistant to Chief Executive Officer, Mayor and Councillors	09/06/2021 – JB: No further update. 03/05/21 - JB: Chris Reeks of Lions Club Cooma advised that there has been no further update regarding this funding. 6/4/21 – JB: Chris Reeks has advised that Lions Club is to meet 7/4/21 and this item will be discussed then. The estimated timing for funding is April 2021. 26/02/2021 – JB: SMRC is waiting on advice from the Lions Club regarding their success in the grant before proceeding. 27/01/2021 – JB: A. Completed B. Discussions in progress 26/11/2020 – JT: Discussions are in progress.	Ongoing	N

843	19 November 2020	228/20	**Strategy Review - Vale Street Land** That Council defer the report to a later date following a Councillor workshop.	Chief Strategy Officer	06/05/2021 – DR: The closing date for expressions of interest to review options for the future use of the site have not yet closed. 02/03/2021 – DR: Briefing completed in the Councillor Briefing Session on 04/02/21 with a Vale Street Property Workshop. 29/01/2021 – DR: Time has been scheduled in an upcoming councillor briefing session for councillors to discuss this issue. 27/11/2020 – DR: Time will be arranged for a fuller discussion on the options for the Council offices.	28/02/2021	N

844	19 Novembe r 2020	229/20	**Proposed use of 57 Vale Street Cooma - Snowy Monaro Business and Recovery Hub** That Council open 57 Vale Street Cooma as the Snowy Monaro Business and Recovery Hub for 12 months.	Economic Development Officer	01/06/2021 – SB: Item is complete. The Hub is now fully operational 27/04/2021: SB Official opening held Monday 26 April 2021. 25/03/2021: SB: Opening April 2021. Invitation to an official opening will be sent to all Councillors. 01/02/2021 – SB: Anticipated for opening in March 2021. 29/01/2021 – MA:	01/06/2021	Y

					Work continuing on building compliance matters and draft agreement with Business Australia prepared. 30/11/2020 – MA: Staff are currently working to address building compliance matters.		
850	19 November 2020	235/20	**Mature Tree Re-Location Policy** That Council: A. Where the removal of mature trees is deemed necessary for Council works of any kind within any urban, village, park or reserve area, the targeted trees are first assessed by a qualified arborist or like expert, for suitability for relocation; B. Where trees are found suitable for relocation Council takes every necessary step to safely relocate the trees; C. As part of its BAU practices, Council identify and maintain a register of relocation sites for mature trees, such as public parks, playgrounds, sporting venues or other appropriate locations; D. Contractors are advised of the relocation policy and where practicable, the costs of relocation are negotiated when contracts are let; and E. Council affirms the value of mature trees for their social and economic benefits to the community.	Chief Operating Officer	27/04/2021 - JM: No further update. 06/04/2021 – JM: No further update. 03/03/2021 – JM: No further update. 29/01/2021 – JM: No further update. 02/12/2020 – JM: A&B: Complete. All relevant Council managers and coordinators have been informed of these parts of the resolution. C: Register of relocation sites to be prepared. D. Complete. All relevant Council managers and coordinators have been informed of this part of the resolution. E. Completed.	30/03/2021	N
854	19 November 2020	239/20	**Monaro Rail Trail Draft Feasibility Report** That the Council action Resolution Number 68/20 Monaro Rail Trail Draft Feasibility Report 16 April 2020 to:	Coordinator Economic Development	30/04/2021 - MA: Amendment to the MoU with MRT Inc. and formal commencement of the working group is still in progress.	Ongoing	N

			A. Receive and note that the reinstatement of the Queanbeyan to Bombala rail line and extension to Eden has been intensely investigated through the Canberra to Port of Eden Feasibility Study. The publically available Executive Summary states on page 10 that "None of the options are shown to be economically viable. All have BCRs that are much less than 1. The present value of benefits is far outweighed by the present value of costs in all options considered."; B. Receive and note all the reports presented as attachments, Senator Jim Molan's letter and support in principle the Monaro Rail Trail recommendations as presented to Council on 5 November 2020 as per the ten recommendations provided in their submission.		01/04/2021 – MA: Council resolved at its extraordinary meeting on 4 March not to become the applicant for the BBRF application. A meeting has subsequently been held with MRT Inc. to move forward and a working group will be established until such time as an appropriate 355 Committee can be formed as per the Council resolution. A meeting between Council and TfNSW has also been held to clarify preferred arrangements over the rail corridor should the rail trail proceed. TfNSW appear generally supportive and flexible to a point but will fundamentally require Council to assume responsibility for the asset regardless of the exact legal mechanism used. They encouraged Council to view this as a long term project as the processes to set up a rail trail can take time. 26/02/2021 – MA: Liaison with MRT Inc. has continued in February as they aim to submit an application to the Commonwealth Building Better Regions Fund. A difficultly has arisen in relation to TfNSW requiring as a condition of owners consent for the application that Council agree to accept a lease or transfer of the rail corridor including responsibility for all existing leases and agreements over the rail corridor, and responsibility for its other assets such as heritage buildings. MRT Inc. have been advised previously the Council was not prepared to accept the risks and liabilities this entails at this early stage of the project, however MRT Inc. have written to the Mayor requesting Council change this position to facilitate the BBRF application. 29/01/2021 – MA:		

					Staff worked constructively with MRT Inc. throughout December-January to assist with development of a grant proposal which was lodged by MRT Inc. to the BLER Fund. 30/11/2020 – MA: A. No action required. B. Meeting held with MRT Inc. group to discuss resolution. Priority is sending letters to TfNSW, ACT Government and QPRC as well as organising a BLER funding application. Meeting with QPRC staff and MRT Inc. has also been arranged by MRT Inc.		
855	19 November 2020	240/20	**Bicentennial Garden/ Parks – Bombala** That Council: A. Ensures that gardens, trees and significant plantings in all parks throughout Snowy Monaro Regional Council area are to be protected by a Plans of Management that will manage parks and gardens, with a Tree Management Plan developed to ensure that trees are conserved into the future; B. Acknowledge that the Bombala Bicentennial Garden is significant to the community; and C. Assess the Bombala Bicentennial Garden by a heritage expert for inclusion on Council's Heritage Listing.	Chief Operations Officer	01/06/2021 – GMc: No Further Update - Process for heritage listing to be finalised 04/05/21 – GMc C. Council's Heritage Advisor has prepared a report recommending the trees within the Park are heritage listed. 06/04/2021 – JM: No further update 03/03/2021 – JM: C. Assessment completed, currently being reviewed by Council's Strategic Planning team. 29/01/2021 – JM: C. Assessment completed, currently being reviewed by Council's Strategic Planning team 25/01/2021 – AA: C. Heritage consultant has undertaken an independent review of the Bicentennial Garden/Park against the NSW Heritage Councils	30/06/2021	N

					criteria for local heritage listing. The heritage consultant concluded that Bicentennial Park meets the threshold for local heritage listing. The proposed listing will be incorporated into Councils new Snowy Monaro LEP and relevant planning proposal. 30/11/2020 –JM: A. To be incorporated into draft the Plans of Management which will go out for community consultation planned for early March 2021. B. Completed. C. A request has been sent to Council's Heritage consultant to consider this item for heritage listing.		
863	17 December 2020	253/20	**Regional Cultural Fund - Proposed grant variation request for Jindabyne Library and Innovation Hub** That Council: A. Endorse the submission of a grant variation request to Create NSW seeking to install a modular library of approximately 500m^2 gross floor area on Lot 31 DP 227005 (adjacent the Jindabyne Memorial Hall) to remain on site as a library for at least five years; B. Authorise the CEO to sign the grant variation request; and C. Acknowledge that additional operational costs (estimated to be around $100,000 annually in 2020 dollars) will result from the new library, with these costs needing to be included in the 2022-23 operational budget.	Coordinator Economic Development	30/04/2021 - MA: Still awaiting an approved variation to the funding agreement from Create NSW. 01/04/2021 – MA: MA - A draft varied funding agreement has now been received from Create NSW and is under review. A response will be provided to Create and following this it is anticipated an approved amended agreement will be received from Create without further undue delay. 26/2/2021 – MA: Awaiting determination of the grant variation request (submitted in December) by Create NSW 29/01/2021 – MA: A. A request to vary the funding agreement was lodged with Create NSW prior to Christmas and is currently under assessment by them.	Ongoing	N

					B. Completed. C. No further action required.		
864	17 December 2020	254/20	**Water and Wastewater Easement Acquisitions - Adaminaby and Bombala** That Council: A. Application be made to the Minister for Local Government and the Governor to acquire easements for water supply purposes being 3 metres wide within (or over) Lot 287 DP 729870 and Lot 292 DP 729876 at Adaminaby by compulsory process in accordance with Council's power under Section 187(1) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act; B. Application be made to the Minister for Local Government and the Governor to acquire easements for purpose of sewer services being 3 metres wide within (or over) Lot 287 DP 729870 and Lot 292 DP 729876 at Adaminaby by compulsory process in accordance with Council's power under Section 187(1) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act; C. Application be made for a Licence from Department of Planning, Industry & Environment, Crown lands for purpose of town water supply infrastructure on Lot 291 DP 729876 at Adaminaby; D. Application be made to the Minister for Local Government and the Governor to acquire easements for purpose of sewer pump station on Lot 5 DP 758129 and sewer line	Manager Water & Wastewater	09/06/2021 – JD: No further updates. 04/05/21 – JD: No further updates 30/03/2021 – JD: No further update. 02/03/2021 – JD: Acquisition of easements has commenced. PWA procured to undertake this acquisition. 15/01/2021 – JD: Process has commenced. PWA engaged to assist SMRC with the applications.	30/06/2021	N

			being 3 metres wide within (or over) Lot 5 DP 758129 at Bombala by compulsory process in accordance with Council's power under Section 187(1) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act; and E. Authorise the CEO to sign any documentation required for the acquisition processes				
869	17 December 2020	259/20	**Bombala Sewerage Infrastructure Project - Relocation of Mahratta Street Pump Station and Bombala STP and Sewerage Infrastructure Budget Summary** That Council: A. Approve installation of the Mahratta Street Pump Station at the option 2 site being north east of the skate park; B. Approve an additional budget of $230,000 from the water and sewer reserve; and C. Receive and note the information on previous budget variations for the Bombala STP Augmentation and Sewerage Infrastructure Upgrade projects as listed in this report.	Manager Water Wastewater Operations	09/06/2021 – JD: No further updates. 04/05/21 – JD: Application submitted to John Holland Group for construction approval and owners consent on heritage application 30/03/2021 – JD: Heritage advisor currently progressing with the Heritage exemption application. 02/03/2021 – JD: Design of the pump station in the new location is underway by GHD. The heritage consultant has carried out an assessment and this assessment and application for exemption in terms of the Heritage Act to commence shortly. 15/01/2021 – JD: A. Council approved new location. Design work for new location has commenced. B. Complete. C. Complete.	30/06/2021	N

884	18 February 2021	5/21	**Planning proposal - reclassification of land community to operational** That Council: A. Submit a Planning Proposal for proposed amendment to Snowy River 2013 and Cooma-Monaro LEP 2013 to reclassify Lot 10 DP 1130244 in Berridale and Part Lot 10 DP 1266613 in Cooma from community to operational land to the Minister of NSW Planning & Environment for a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979;* and B. Subject to receipt of a gateway determination from the NSW Department of Planning and Environment, proceeds with the planning proposal and consultation is undertaken with the community and government agencies in accordance with Schedule 1, Division 1, Clause 4 of the Environmental Planning and Assessment Act 1979 and any directions of the Gateway Determination.	Strategic Land Use Planner	01/06/2021 – BD: Planning proposal public exhibition concluded 26 May 2021. One (1) submission was received. Currently preparing for the public hearing, the anticpated timing for the public hearing is late June due to the 21 day timeframe required between the end of the public exhibition period and the holding of the public hearing. 29/04/21 – BD: Planning Proposal commenced Public Exhibition as of 28 April, to 26 May 2021. Public exhibition comprised of notice in newspaper, letter to all land owners within 200m of site, on Council's website (with link through to Planning Portal) and copies at all 4 Council Administration Buildings across the LGA. 22/03/2021 – AA: Planning proposal submitted to the Department of Planning on 10 March. Awaiting a Gateway determination. 09/03/2021 – DB: Planning Proposal submitted to Planning Portal on March 4th 2021. Awaiting a Gateway determination.	22/03/2021	N
893	18 February 2021	14/21	**Bombala region softwoods industry bushfire recovery study** That Council receive the information and recommendations made to Council in the Bombala Region Softwoods Industry Bushfire Recovery Study and further consider implementation of relevant recommendations in the process of developing Council's next operational plan.	Economic Development Officer	01/06/2021: SB No further update. 27/04/2021: SB No further update. 25/03/2021 - SBly:	22/03/2021	N

					Economic Development Team reviewed the recommendations have included one which can be implemented in Council's next operational plan. 25/02/2021 – SBly: Economic Development Team will review the recommendations and consider those which could be implemented in Council's next operational plan.		
894	18 February 2021	15/21	**South east Australia transport strategy membership** That Council resolve not to renew its membership of SEATS.	Manager Infrastructure	06/06/2021 – TP: Item is complete. 06/05/21 – GS: Letter sent to SEATS cancelling membership sent 26 April 2021 06/04/2021 – JM: SEATS informed that SMRC is not renewing membership 1/3/2021 – TP: Process of notifying SEATS of withdrawal underway. 01/03/2021 – TP: Process of notifying SEATS of withdrawal underway.	22/03/2021	Y
901	18 February 2021	24/21	**Nominations for Michelago Hall s355 management committee and management of assets in Michelago** That Council: A. Disband the current Michelago Hall Committee members and appoint all six applicants to form a new committee;	Governance Officer	30/03/2021 – ED: A. Action complete. The newly elected Michelago Hall Committee held its first meeting on 30 April, this meeting was attended and Chaired by Councillor Rooney. The next meeting is scheduled for 20 April. B. Constitution drafted for committee review. C. No further update. 04/03/2021 – ED:	22/03/2021	N

			B. Develop a new constitution incorporating the tennis courts and club house within the areas managed by the committee; and C. Only agree to taking over the lease agreement for the Michelago Railway Station Building and surrounding lands when an agreed plan has been developed that shows how this can be achieved without increased cost to Council and that the facility can be managed by the Michelago Hall S355 Management Committee.		Successful members have been notified. Staff are communicating with the new members to arrange a suitable date and time for the first meeting.		
902	18 February 2021	25/21	**Application to set maximum level of minimum rates** That Council seek approval to set the maximum amount of the minimum rate in all categories at $625.95.	Chief Strategy Officer	06/05/2021 - DR: This action is on hold pending the decision of Council on what rate structure to pursue. 02/03/2021 – DR: A request for an extension was granted after a discussion with The Office of Local Government.	22/03/2021	N
910	18 March 2021	49/21	**Draft Snowy Monaro Regional Council Waste Management Strategy for Public Exhibition** That Council endorse the Draft Snowy Monaro Regional Council Waste Management Strategy and Draft Snowy Monaro Regional Council Waste Management Strategy Summary to be placed on public exhibition for a period of 28 calendar days.	Project Specialist	09/06/2021 – DR: Submissions are being assessed and a report being developed for council. 06/05/21 - MD: In progress. Closes 6 May 2021. Follow up action present findings to ELT and Council.		N
911	18 March 2021	50/21	**Michelago Master Plan Growth Scenarios** That Council: A. Receive and note the report by the Team Leader of Strategic Planning on Michelago Master Plan Growth Scenarios B. Place Michelago Master Plan Growth Scenario's on public exhibition for a minimum of 28 days.	Team Leader Strategic Planning	09/06/2021 – DR: Item complete. 03/05/21 – AA: A. No action required. B. Consultation material being prepared public exhibition commenced on Friday 9 April and will conclude Monday 10 May. Two drop in	09/06/2021	Y

					sessions were held in Michelago on 26 April and 1 May. 06/04/2021 – AA: No action required.		
912	18 March 2021	51/21	**Highdale Carpark Improvements - Design Endorsement and Approval to Implement** That Council: A. Acknowledge completion of the targeted consultation process in relation to proposed improvements to Highdale Carpark, Berridale; B. Endorse the current 80% design to progress to 100% design ready for construction; and C. Approve construction to commence with the aim of delivering proposed improvements by 30 December 2021.	Manager Infrastructure	06/06/2021 – TP: No further update. 06/05/21 – GS: No Further Update at this Stage. As per the Resolution of Council, Designs are progressing to 100% ready for construction and work is scheduled post Winter 2021. 06/04/2021 – JM A – completed B – completed – design will now proceed to 100% design for construction. C – to commence on completion of 100% design and after 2021 ski season	30/12/2021	N
913	18 March 2021	52/21	**Post Exhibition Report Land Use Strategies** That Council: A. Receive and note the post exhibition report *Consultation Report – Draft Rural Landuse Strategy March 2021;* B. Send the *Consultation Report – Draft Rural Landuse Strategy March 2021* to all who provided written feedback and place the report on SMRC YourSay page for community view; C. Publish all submission with personal details of all individuals redacted; D. Amend proposed Environmental zones to be maintained as existed in the Bombala, Cooma-Monaro and Snowy River LEP's prior to	Team Leader Strategic Planning	09/06/2021 – DR; Working group has been established and met for the first time. 03/05/21 – AA: A. - No Action required. B. - Completed, consultation report was sent to all submitters on 24 March 2021. C. - Completed - All submissions were posted on the YourSay page on Tuesday 13 April D. - noted this would be amended as part of a revised draft.	Ongoing	N

			merger. (i.e. remove all proposed new environmental zones as identified in the Draft Rural Landuse Strategy and Draft Settlement Strategy.); E. Consult and work with individual landowners on the revised approach; F. Establish a steering/advisory working group/committee as soon as practical, consisting of all Councillors and relevant staff. Permit this working group/committee to invite representatives, as necessary. The working group/committee's principle aim is to: a. Review and progress land use planning, zoning and methodologies used in the Draft Rural Landuse Strategy consistent with Ministerial direction(s), legislation(s) and regulation(s). b. Completely review the methodology behind Minimum Lot Sizes c. Review and progress the relationship between the Draft Rural Landuse Strategy and Settlement Strategy d. Report to the Council briefing sessions, as necessary e. Consider all feedback and amend the Draft Rural Landuse Strategy; G. When developed, re exhibit the revised Draft Rural Landuse Strategy for 56 days for feedback; H. When developed, re exhibit the Draft Settlement Strategy for 56 days further feedback I. Cooma and Berridale heavy vehicle alternate routes be moved to the long term strategic plan		E. further consultation will be undertaken when Council exhibit revised draft documents. F. A charter for the working group is being drafted for consideration by Council at its May meeting. First working group meeting is expected for Thursday 6 May G. revised drafts are to be developed in conjunction with Council working group. H. revised drafts are to be developed in conjunction with Council working group. I. Noted an amendment will be made to Councils LSPS following completion of SAP and Michelago Masterplans. These amendments will be incorporated at this time. 06/04/2021 – AA: A. - No Action required. B. - Completed, consultation report was sent to all submitters on 24 March 2021. C. - All submitters were advised that submissions will be posted online on 13 April 2021. Any submitter who does not want their submission published must advise Council by CoB 12 April. D. - noted this would be amended as part of a revised draft. E. further consultation will be undertaken when Council exhibit revised draft documents. F. A charter for the working group is being drafted for consideration by Council at its May meeting. G. revised drafts are to be developed in conjunction with Council working group.		

					H. revised drafts are to be developed in conjunction with Council working group. I. Noted an amendment will be made to Councils LSPS following completion of SAP and Michelago Masterplans. These amendments will be incorporated at this time.		
917	18 March 2021	57/21	**Nomination of Councillors for Cooma Saleyards Committee** That Council A. Appoint Clr Stewart and Clr Corbett to the Sale Yard Committee; B. Appoint the Chief Operations Officer, Manager Community Services as staff members and Coordinator Community Facilities as alternate.	Governance Officer	09/06/2021 – ED: No further update. 06/05/21 – No Update provided		N
918	18 March 2021	58/21	**Development of Rates Structure (Harmonisation)** That Council undertake consultation on the following rate structure models: A. The full cost recovery model with localities (Model 1A). B. The full cost recovery model without localities (Model 1C). C. The community sharing model using minimum rates (Model 2A) D. The community sharing model using minimum rates (Model 2D) E. The minimum change model (Model 3E) F. The maximum minimum model (Model 3E)	Chief Strategy Officer	09/06/2021 – DR: Item complete. Revenue policy has been placed on public exhibition. 06/05/2021 - DR: The consultation period has finished, with a report being generated.		Y
919	18 March 2021	61/21	**Affordable Housing** That Council (a) As a matter of urgency, request that the NSW Minister for Housing Melinda Pavey, release the housing blocks in Cooma at Zelka Heights,	CEO	09/06/2021 – JB: Peter Stutchbury provided Councillors with a presentation in May. Follow up discussions are underway. DR: Council has been working with the NSW Government on options to release land for sale.	Ongoing	N

			for sale or auction on the open market, in order to help address the current chronic housing shortage within Cooma, the surrounding towns, including Jindabyne and Berridale. Given that local schools are unable to employ teachers, and emergency services are unable to procure accommodation, this initiative is urgently required. In addition many locals on lower incomes are struggling to meet current rental payments, and find their housing needs. (b) Encourage construction of new housing in all villages and towns to assist in the alleviation of housing stress. (c) Encourage the local non-for-profit company Southern Cross Housing to join Council in providing more affordable housing within the LGA. (d) That the Mayor and Council invite Peter Stutchbury Architect to present to Council new and emerging thoughts/philosophies around creating and developing Snowy Monaro residential areas that are environmentally respectful and sustainable.		03/05/21 - JB: Peter Stutchbury presentation will be held on 10 May 2021. 06/04/2021 – GMc: GMc 06/04/2021 a) Correspondence will be drafted by Council's Strategic Planning Team seeking the NSW Minister for Housing Melinda Pavey, to consider the release of the the blocks of land at Zalka Heights, Cooma for either development, or to place on the market for sale. b) Council's Economic Development Team will investigate the number of vacant lots in our towns and villages with a view to communicate and encourage development of additional housing. c) Council Strategic Planning Staff will communicate with the CEO of Southern Cross Housing to discuss the provision of affordable housing in the region. d) Council staff to make contact with Architect, Peter Stutchbury to discuss feasibility of a presentation to Council.		

923	15/04/21	88/21	**Adoption of recommendations from the Local Traffic Committee Meeting held on 18 March 2021** That the recommendations of the meeting of the Local Traffic Committee held on 18 March 2021 be adopted: A. **LTC7/21 MOUNT GLADSTONE HILL CLIMB** That Council approve the application from Cooma Car Club to conduct the Mount Gladstone Hill Climb over the weekend of the 10th and 11th April and 20th and 21st November 2021 temporary close Mount Gladstone Road from 8:00am-5:00pm. B. **LTC8/21 DELEGATE ANZAC DAY MARCH** That Council approve the request from Delegate Sub-Branch of RSL NSW to conduct an Anzac March on the 25th April 2021, requiring temporary road closures of Bombala St between Church St and Victoria Parade and Campbell Street between Bombala Street and William Street from 10:30am-11:45am. C. **LTC9/21 BAKER STREET, DENISON STREET ADAMINABY INTERSECTION** That Council approve the change from a Give Way sign to a Stop sign – as an interim solution, until parking requirements in this area can be assessed. D. **LTC10/21 COBBON CRESCENT – JINDABYNE** That Council: A. Approve the installation of NO STOPPING signs in Cobbon Crescent between the two arms of Townsend Street, outside of	Chief Operating Officer	09/06/2021 – DR: Item complete. 04 May 2021 – CR: Responses sent	09/06/2021	Y

			Lot 1 Strata Plan 16516 and Lot 3 Strata Plan 15738. B. Approve the installation of a frangible barrier be placed on the nature strip to stop vehicles and boats being parked there.				
924	15/04/21	68/21	**Approving Councillor Attendance By Audio-visual Link** That Council, consistent with Council's adopted *Procedures for attendance by councillors at meetings by audio-visual link* :- A. Note the requests to attend by remote audio-visual link from Councillor Maslin. B. Approve the attendance of Councillor Maslin via remote audio-visual link.	CEO	09/06/2021 - JB: Item complete. 03/05/21 - JB: Approving Councillors attendance via audio visual link to be adopted each meeting.	09/06/2021	Y
925	15/04/21	85/21	**Council's Transition to Electric Vehicles and Low Greenhouse Gas Emissions Fleet** That Council A. Develop a project plan for the transition to EV or alternative fuel uses that reduce the emissions of Council. B. Write to the Premier seeking the NSW Government not implement taxes on environmentally friendly vehicles as this will create a disincentive to uptake. C. Write to LGNSW asking them to lobby the State government not to implement taxes on environmentally friendly vehicles as per B above.	Chief Strategy Officer	07/06/2021 – SS: No further update. 06/05/21 – SS: No further update.	17/05/2021	N

			D. Contact DPIE for information about their co-funding scheme for Council fleet operators to procure BEV passenger vehicles as per their net zero emissions policy Stage 1. E. Contact the Electric Vehicle Council to discuss becoming a site host for ESV chargers.				
926	15/04/21	89/21	**Draft Operational Plan Including Budget and Fees and Charges** That Council A. Include the rating model presented by Andrew Thaler, Olivier Kapetanakos and Nicole Small in the public consultation on rates harmonisation. B. Place the operational plan and associated revenue policy and fees and charges on public exhibition for the statutory period of 28 days	Chief Strategy Officer	01/06/2021 – GMc: Public Exhibition period closed 16 May 2021. Amended Revenue Policy has been placed on Public Exhibition until 24 June 2021 to include new rates harminisation model. All draft documents with submissions will be considered at an extra-ordinary meeting post 24 June, ready to be adopted for 1 July 2021. 04/052021 GMc: Draft Operational Plan, Draft Revenue Policy, Draft Fees and Charges are currently on public exhibition seeking community feedback. Exhibition period closes 16 May 2021.	17/05/2021	N
927	15/04/21	87/21	**Land Surplus to Council's Needs** That Council authorise the Chief Executive Officer to place the following parcels of land on the market for sale; • Lots 2,3 4 DP852884 Rosemeath Road, Bombala • Lot 77 DP 512739 Adams Avenue, Cooma • Lot 78 DP512739 Adams Avenue , Cooma • Lot 81 DP747169 Baroona Avenue, Cooma	Coordinator Land & Property	05/06/21 - TP: Outreach process to gain EOI/quotes from a variety of local real estate agents for written indications of estimated sale value (per lot) and commission terms has been actioned. 04/05/21 – GMc: Council's Land and Property team will prepare a plan for the sale of these parcels. Council's Strategy Development Team has met with appropriate staff to facilitate this action.	30/09/2021	N

			• Lots 1, 2 and 3 DP 537242, Mulach Street, Cooma • Lot 2 DP 817452 Mulach Street, Cooma				
928	15/04/21	95/21	**Legal actions and potential claims against SMRC as at 31 March 2021** That Council receive the information in the Legal Actions and Potential Claims Against SMRC as at 31 March 2021 report.			17/05/2021	N
929	15/04/21	79/21	**Little Paupong Road** That Council A. Approve the proposal to create a road corridor over the constructed section of Little Paupong Road through Lots 69 and 70 DP 756708; with acknowledgement that all costs relating to the project will rest with Council. B. Request that Crown Lands transfer the nominated two sections of Crown road, which adjoin Lots 69 DP 756708 and 70 DP 756708, to Council as public road. With Council to then subsequently approve the road closing of these segments in accordance with the Roads Act 1993. C. Matter be brought back to Council for approval.	Coordinator Land & Property	06/06/2021 – TP: No further update. 05 /05/21 – TP: The resolution actions will be initiated.	30/12/2021	N
930	15/04/21	75/21	**Monthly funds management report - March 2021** That Council:	Chief Financial Officer	09/06/2021 – ED: No action required. Item complete.	17/05/2021	Y

			A. Receive the report indicating Council's cash and investments position as at 31 March 2021; and B. Receive the Certificate of the Responsible Accounting Officer.				
931	15/04/21	74/21	**Rainbow Pines Caravan Park Lease** That Council approve the CEO to negotiate and enter into a new 20 year lease with the current lessees of Rainbow Pines Caravan Park.	Chief Operating Officer	06/05/2021 – KH: Working with current leasee to ascertain what they would like to be covered in the lease. Appointed Blaxland, Mawson & Rose to proceed with writing up a draft lease.	30/06/2021	N
	15/04/21	76/21	**Snowy Monaro Regional Council Cemetery Advisory Committee Minutes** That Council A. Endorse the Cemetery Advisory Committee minutes for the 10 March 2021 meeting; B. Issue the permit for Jake Wertenbach's plaque; and C. Cemetery Advisory Committee review the ordering of plaques policy	Chief Operating Officer	03/05/2021 – MR: The 250.2020.582.1 - SMRC Ordering of Cemetery Plaque - Policy and 250.2020.583.1 - Ordering of Plaques for Council Cemeteries - Procedure will both be reviewed. This will involve external community consultation, prior to bringing the policy back to Council for consideration. The Wertenbach's were formally advised in writing of Council's decision to approve the plaque.	30/09/2021	N
932	15/04/21	93/21	**Rate Harmonisation Legislation Changes** That Council A. Write to the Premier, Deputy Premier and Minister of Local Government raising Council's concerns over the inequity of the harmonisation of rates within our Local Government area; and B. Not proceed with harmonisation of rates unless Council can come up with a model	Chief Strategy Officer	09/06/2021 – DR: A letter has been sent. 06/05/2021 - DR: A model which includes no more than a 10% has been developed and included in the report to this meeting. Letters have been drafted so that they can be sent should the motion not be rescinded.	17/05/2021	N

			with no rate payer being more than 10% worse off.				
933	15/04/21	77/21	**Residential Aged Care Resident Handbook** That Council approve the Residential Aged Care Resident Handbook.	Chief Operating Officer	06/05/2021 - KS: Copy editing of handbook completed. Brochure being prepared.	30/06/2021	N
934	20/05/21	101/21	**Policy Approval – SMRC Cemetery Operations** That Council approve the policy, *SMRC – Cemetery Operations*	Environmental Management Administration	08/06/2021 – NW: Item complete. Policy available on Council website.	09/06/2021	Y
935	20/05/21	102/21	**Support for GP services in Bombala** That Council A. Obtain an estimate of the rental return available from Council's 63 Queen St Bombala property if it were fully furnished; B. Make available, to support the attraction and retention of an additional GP, either: (a) Council's 63 Queen St property, furnished or unfurnished, rent free OR (b) Rental subsidy equal to the estimate obtained from Part A of this resolution depending on the preferences of the GP; C. Expend up to $30,000 to furnish the Queen St property if required; D. Enter into a Memorandum of Understanding with the MoU subject to annual review.	Chief Executive Officer	09/06/2021 – JB: CEO has spoken with the Practice Manager. Ongoing discussions with numerous stakeholders. No final decision regarding use of Council owned house.		
936	20/05/21	103/21	**Section 355 SMRC Tourism Advisory Committee - April 2021 - draft minutes**	Executive Assistant	08/06/2021 - JT: No action required. Item complete.	08/06/2021	Y

			That Council receive the Draft Minutes of the Section 355 SMRC Tourism Advisory Committee meeting, held on 21 April 2021.	(Communications)			
937	20/05/21	104/21	**Monthly funds management report - April 2021** That Council: A. Receive the report indicating Council's cash and investments position as at 30 April 2021; and B. Receive the Certificate of the Responsible Accounting Officer.	Finance Officer	08/06/2021 No action required. Item complete.	08/06/2021	Y
938	20/05/21	105/21	**Divestment of residential aged care - endorsement of evaluation criteria** That Council: A. Endorse the expression of interest and request for proposal evaluation criteria for the divestment of residential aged care. B. Request the Community Services Advisory Committee nominate a member of that committee to participate in the evaluation of the expression of interest and request for proposals.	Chief Operating Officer	08/06/2021 – JM: Part A - complete Part B - report nominating member coming to June Council meeting.		
939	20/05/21	106/21	**NSW Legislative Council's Portfolio Committee No. 4 – Industry Inquiry - Long term sustainability and future of the timber and forest products industry** That Council A. Endorse the attached letter, to the NSW Legislative Council's Portfolio Committee No. 4 – Industry, regarding their inquiry into the long-term sustainability and	Economic Development Officer	09/06/2021 – SB: A. Action complete. B. Economic Development will liase with the Federal government in regards to the South East Forestry Hub - Forestry Hubs are not a town; they represent a geographical region. It is also unclear if the Hub will have an office presence in the South East, but if this is the case, we will argue for it to be in Bombala.		

			future of the timber and forest products industry; and B. Write to the Minister requesting Bombala become the future forestry hub of the south east.				
940	20/05/21	108/21	**Allocation of Council budget for the first phase of the Monaro Rail Trail project planning** That Council allocate $90,000 in the Council budget to ensure detailed planning can be conducted for the first phase of the Monaro Rail Trail project. The sections of the project to be planned in detail are the Nimmitabel – MacLaughlin River (10km), and the Bombala – Jincumbilly (24km) sections, and that the land owners are fully consulted in the areas proposed. It is important to make a start on this much needed project before the end of 2022.	Chief Finance Officer	09/06/2021 – NB: The allocation of $90,000 will be included in Council's 2021/22 budget. As Council has no significant unrestricted cash reserves and little contingency remaining to fund non-grant programs from its proposed 2021/22 financial budget it is expected that funds will be allocated from operational services from a further reduction in staffing levels.	09/06/2021	Y
941	20/05/21	109/21	**Amendments and updates to action list of Snowy Monaro Destination Management Plan 2019** That Council: A. Notes the updates to the DMP actions list provided in the attachment to this report B. Adopt the proposed changes to the action, its timing or priority, or deletion as the case may be, of the action items 1, 2, 4, 9, 23, 30, 31, 35, 52, 53 & 54 in the attached document.	Coordinator Economic Development	08/06/2021 – GW: A – No action required. B - The activates are underway and ongoing.		
942	20/05/21	110/21	**Quarterly budget review statement (QBRS) to March 2021** That Council:	Management Accountant	08/06/2021 – JS: A – No action required B – Adjustments have been made.	08/06/2021	Y

			A. Receive the Quarterly Budget Review Statement (QBRS) for the period ended 31 March 2021, and B. Authorise the adjustments to the Council's budgeted Income & Expenditure, Capital Expenditure and Cash & Investments as reported in the QBRS.				
943	20/05/21	111/21	**Placing revenue policy on public exhibition** That Council defer the item Placing revenue policy on public exhibition to an extraordinary meeting on Monday 24 May 2021 at 7:00pm, following a briefing session to be held from 5:30pm on the same day.	Chief Strategy Officer	08/06/2021 Item complete. Extraordinary Council meeting held on 24 May.	08/06/2021	Y
944	20/05/21	112/21	**Answers to questions with notice** That Council receive the answers to questions with notice for the period ending April 2021.	CIS Project Administration Support Officer	08/06/2021 – ED: Item Complete. No action required.	08/06/2021	Y
945	20/05/21	113/21	**Resolution action sheet update** That Council receive the In Progress Resolution Action Sheet Update for the period ending April 2021.	CIS Project Administration Support Officer	08/06/2021 – ED: Item Complete. No action required.	08/06/2021	Y
946	20/05/21	114/21	**New legislation - Local Government Act: Proposals for de-amalgamations** That Council note the information.	Chief Strategy Officer	08/06/2021 – ED: Item Complete. No action required.	08/06/2021	Y
947	20/05/21	115/21	**New legislation - Local Government Act: Rates harmonisation** That Council note the information.	Chief Strategy Officer	08/06/2021 – ED: Item Complete. No action required.	08/06/2021	Y
948	20/05/21	116/21	**Request For Affordable Housing Report** That Council receive a report at the July Council meeting concerning how we can best leverage the State Government's recently announced policy on temporary supportive accommodation	Coordinator Economic Development	09/06/2021 - MA: In progress.		

			to relieve the strain on current access to affordable and emergency housing within our region.				
949	20/05/21	119/20	**Motion To Rescind - Rates Harmonisation Legislation Changes** That the Council rescind Part B of resolution 93/21 from the meeting held 15 April 2021: "That Council: A. Write to the Premier, Deputy Premier and Minister of Local Government raising Council's concerns over the inequity of the harmonisation of rates within our Local Government area; and B. Not proceed with harmonisation of rates unless Council can come up with a model with no rate payer being more than 10% worse off.	Chief Strategy Officer	09/06/2021 – SM: Motion rescinded. Item complete.	09/06/2021	Y
950	20/05/21	120/21	**Motion To Get A Report On A Bed Tax** That Council provide a report on the benefits, possible charges, and methods of implementing a bed tax, or other user pays options modelled on successful tourist towns which utilise a user pays system in Australia and overseas.	Coordinator Economic Development	09/06/2021 - MA: In progress.		
951	20/05/21	122/21	**Bombala streetscape remediation work** That Council instruct the CEO to take all steps available to Council to ensure the Bombala Streetscape Upgrade project is completed to the agreed professional standard as soon as possible. Given the contract was expected to be complete at the start of 2020, the contractor has had many months to remediate the aspects of the contract which were not fulfilled. Ratepayers have waited almost five years for this project to be complete.	Coordinator Corporate Projects	09/06/2021 – GH: Staff have provided detail on the identified issues to Councils legal representatives who are evaluating in accordance with the contract requirements and determining course of action to remedy.		

952	20/05/21	124/21	**Legal actions and potential claims against SMRC as at 30 April 2021** That Council receive the information in the Legal Actions and Potential Claims Against SMRC as at 30 April 2021 report.	Executive Assistant (Strategy)	08/06/2021 – ED: No action required	08/06/2021	Y

10.1 WILD HORSE HERITAGE MANAGEMENT PLAN

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Councillor John Castellari
Attachments:	Nil

Councillor John Castellari has given notice that at the Ordinary Meeting of Council on 17 June 2021, he will move the following motion.

MOTION

That Council:

A. Write to State Government concerning release of Wild Horse Heritage Management Plan;

B. Write to the NSW Premier urging immediate publication of the draft plan of management of wild horses in Kosciuszko National Park noting that:

- The plan, which is required under Kosciuszko Wild Horse Heritage Act of 2018, (KWHHA 2018) has not been issued
- Activities which may be proposed in the plan are likely to affect tourism operators and employment opportunities in the Snowy Monaro region
- The plan of management may have local social impacts that have a bearing on the upcoming Council elections in September 2021.

BACKGROUND

The KWHHA 2018 established a Scientific Advisory Panel (SAP) and a Community Advisory Panel (CAP) to assist the National Parks and Wildlife Service (NPWS) to advise the NSW Environment Minister on the development of the wild horse heritage management plan. The SAP and CAP have submitted their reports to the Minister, along with advice from Aboriginal stakeholders. The RSPCA is also working closely with KNP on horse management matters to ensure a humane process is employed. The draft plan now needs to be released for public comment; according to the NSW Environment website this is supposed to happen during the first half of 2021*.

The contents of the plan, while unknown at this stage, are likely to have impacts on the local community and economy, because of our region's close proximity to and our various business and social interest relationships with, the KNP.

Businesses affected would typically include tourism operators conducting, for example, excursions to observe wild horses; providers of rehoming services, including inter alia, trapping and mustering businesses and services related to attending to injured or ill animals may also be affected.

Wild horse management policy in KNP has generated much local controversy and will be a topic of concern for some voters in the September Council elections. Certainty around what the plan proposes will allow all aspects of the issue to be discussed publicly, and to be based on fact and policy clarity.

This motion urges the State Government to release the draft plan without delay, so that affected businesses and communities can prepare themselves to respond to any economic and/or social impacts it generates.

*https://www.environment.nsw.gov.au/topics/animals-and-plants/pest-animals-and-weeds/pest-animals/wild-horses/kosciuszko-national-park-wild-horse-management/wild-horse-control/stakeholder-update-february-2021

CHIEF EXECUTIVE OFFICER'S RESPONSE

10.2 BUSINESS CASE CRITERIA

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Councillor John Castellari
Attachments:	Nil

Councillor John Castellari has given notice that at the Ordinary Meeting of Council on 17 June 2021, he will move the following motion.

MOTION

That Council: Write to State Government concerning Business Case criteria

A. That Council's CEO immediately write to the Office of Local Government requesting clarification of the criteria expected to be satisfied in a business case of the type identified in section 218CC of the Local Government Amendment Bill 2021.

BACKGROUND

Recent amendments to the Local Government Act contained in the Local Government Amendment Bill 2021 allow for a Council to submit a written business case to the Minister setting out a case for de-amalgamation, reconstitution of a former area, or constitution of a new LGA.* The Bill states:

The new council may, within 10 years of the constitution of the new area, submit a written business case to the Minister setting out—

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

2. (b) the reasons in support of the proposal.

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

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

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

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

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

This motion asks Council's CEO to write to the OLG seeking clarity around criteria expected to be met in a business case for de-amalgamation or redrawing a LGA as per the bill. With a Council election due in September 2021, the amendments are likely to feature in the policy decisions of any new Council. They will most likely also arise during campaign conversations with candidates. It is in the public interest that the criteria to be satisfied in a business case for boundary change as

per 218CC, be made clear, so that any debate or later policy formulation can be undertaken in the light of all relevant information.

https://www.parliament.nsw.gov.au/bill/files/3845/Passed%20by%20both%20Houses.pdf

CHIEF EXECUTIVE OFFICER'S RESPONSE

10.3 DEMOLITION OF DECOMMISSIONED SERVICE STATION

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Councillor John Last
Attachments:	Nil

Councillor John Last has given notice that at the Ordinary Meeting of Council on 17 June 2021, he will move the following motion.

MOTION

That Council demolish the decommissioned service station on Mittagang Road Cooma.

BACKGROUND

CHIEF EXECUTIVE OFFICER'S RESPONSE

A request for quotations (RfQ) for the demolition of station is currently open, with a closing date of 21 June. The Community Services team is currently removing the items stored in the building.

Demolition is expected to start in six to eight weeks, subject to DA approval.

The site will be left in a clean and clear state while the DA for the build is progressed. This will be subject to a successful application for top up funding from ACAR round 2.

Additional soil testing will be required after demolition.

13. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

(a) personnel matters concerning particular individuals; or
(b) the personal hardship of any resident or ratepayer; or
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
(d) commercial information of a confidential nature that would, if disclosed;
 (i) prejudice the commercial position of the person who supplied it, or
 (ii) confer a commercial advantage on a competitor of the council, or
 (iii) reveal a trade secret,
(e) information that would, if disclosed, prejudice the maintenance of law; or
(f) matters affecting the security of the council, councillors, council staff or council property; or
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
(h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

RECOMMENDATION

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

   13.1 Consideration of Work Health and Safety Matters

   Item 13.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and (f) of the Local Government Act because it contains and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

   13.2 Legal actions and potential claims against SMRC as at 31 May 2021

   Item 13.2 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

   13.3 Contract for the Cooma Festival Swimming Pool

   Item 13.3 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.

3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.

4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.

5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.