



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

Ordinary Council Meeting
17 February 2022

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 Mayor, 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.

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 FEBRUARY 2022
COMMENCING AT 5:00PM**

BUSINESS PAPER

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1.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK

1.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK

Record No: 122/52

OFFICER'S RECOMMENDATION

That Council

Approve the remote attendance of Cr <name> at the meeting on <date> , via audio-visual link and accept <his/her> reason of

BACKGROUND

Council adopted procedures for attendance by Councillor's at meetings by audio-visual link at its meeting on 15 April 2021 (Resolution No: 67/21).

Council, consistent with its adopted procedures must consider the following request/s:

Councillor Name	Meeting Date	Reason	Request received within timeframe and reason(s) provided (Y/N)
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When considering the reasons the Council must be satisfied the requesting Councillor/s will be prevented from attending the meeting in person because of illness, disability or a caring responsibility.

Where a Councillor's request is for reason/s other than the above, the Council must determine if they accept these reasons.

RESPONSIBLE OFFICER: Chief Executive Officer

ATTACHMENTS

Nil

8.1 DEVELOPMENT APPLICATION 10.2021.176.1 STAGED 10 X ECO-TOURIST CABINS + MANAGERS RESIDENCE & SHED

Record No: I21/279

RECOMMENDATION

That pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to DA 10.2021.176.1 for an Eco-tourist Facility - 10 cabins, manager's residence, storage shed, shipping container and solar system in stages on Lot 1 DP 1215063 Ph Wallace, with conditions of consent attached to this report.

BACKGROUND

Applicant:	J A Willett & E A Willett
Owner:	J A Willett & E A Willett
Property Description:	Lot: 1 DP: 1215063
Area:	2.04 Hectares
Zone:	C3 – Environmental Management (formally called E3 - Environmental Management at the time of lodgement of the DA)
Proposed Use:	Eco-tourist Facility

The purpose of this report is to seek approval for an Eco-tourist Facility, comprising of ten (10) cabins, a five bedroom manager's residence, storage shed, shipping container and solar system on Lot 1 DP 1215063 Kunama Drive, East Jindabyne. The siting of the development components has been sensitively selected and responds to the topography and the location of sensitive vegetation on the land. The design of the cabins and manager's residence has applied alpine architecture including single storey skillion roof form, with views towards Lake Jindabyne. The cabins have been selected with sustainability in mind and to be consistent with the objectives for Eco Tourist Development (Clause 5.13) of the Snowy River Local Environmental Plan 2013.

The application was notified and publicly advertised and eleven (11) objections were received. In accordance with Council policy "Referral of Development Applications to Council" the application is referred to Council for determination as it has received more than five (5) individual objections.

Upon assessment, the assessing officer is satisfied that the development complies with the provisions of the Snowy River Local Environment Plan 2013 (SRLEP) and the Snowy River Development Control Plan 2013 (SRDCP) and recommends approval with conditions.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. Draft Conditions Consent (*Under Separate Cover*)
2. Plans (*Under Separate Cover*)

3. Statement of Environmental Effects *(Under Separate Cover)*
4. RFS Determination Letter & Bush Fire Safety Authority *(Under Separate Cover)*
5. Bush Fire Assessment Report and Supplementary Documentation *(Under Separate Cover)*
6. Flora and Fauna Assessment Report *(Under Separate Cover)*
7. BAISX Certificate *(Under Separate Cover)*
8. NatHERs Report x 11 *(Under Separate Cover)*
9. Deposited Plan 1215063 *(Under Separate Cover)*
10. Submissions *(Under Separate Cover)*
11. Application Form *(Under Separate Cover)*

SITE DESCRIPTION AND SITE HISTORY

The subject land is a vacant two hectare lot on Kunama Drive, north-east of Jindabyne Township. The site is located west of the Kunama Ridge residential subdivision with vehicle links to and from Kosciuszko Road and Jindabyne CBD. The site is bounded by residential properties and Council managed public recreation land.

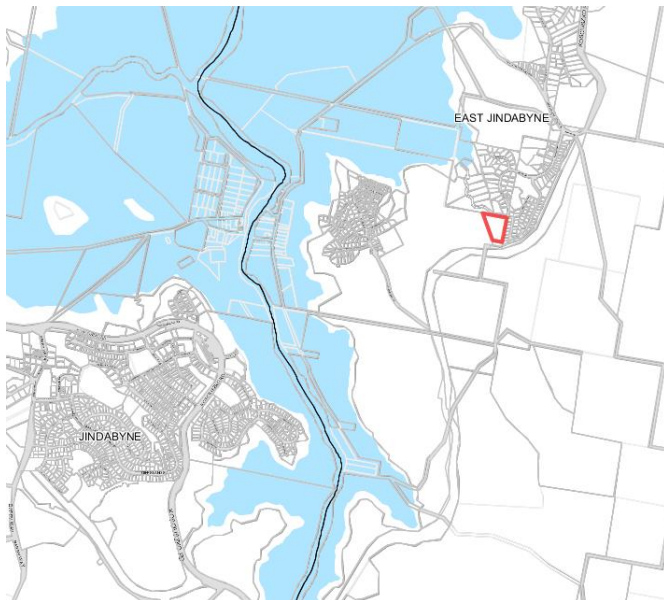


Figure 1: Location Map

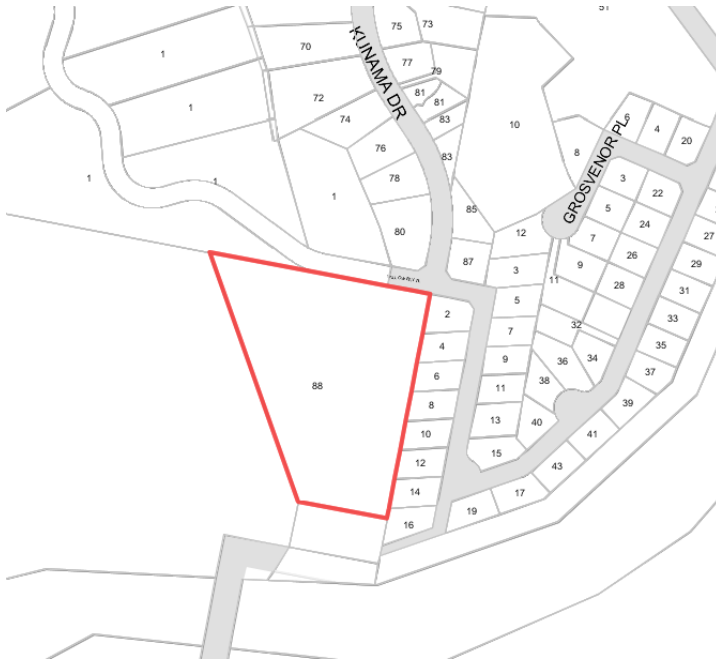


Figure 2: Subject Lot

PROPOSAL IN DETAIL

The application seeks approval for the development of ten (10) eco-tourist cabins, a five bedroom manager's residence, storage shed, shipping container and solar system.

The proposed two bedroom, one bathroom cabins are 70sqm in size with a 13sqm uncovered deck. They will accommodate a maximum of four (4) persons each with the overall development catering for forty (40) guests.

The manager's residence proposed consists of five (5) bedrooms, and will be constructed at stage 6. From stage 1, one of the cabins will be utilised as a temporary manager's residence.

The development is proposed in the following stages:

- Stage 1: Cabins 1 & 9 (initial manager's residence and bushfire refuge), storage shed, solar panels and shipping container.
- Stage 2: Cabins 2 & 3 and the communal BBQ area
- Stage 3: Cabins 4 & 5
- Stage 4: Cabins 6 & 7
- Stage 5: Cabins 8 & 10
- Stage 6: Manager's Residence

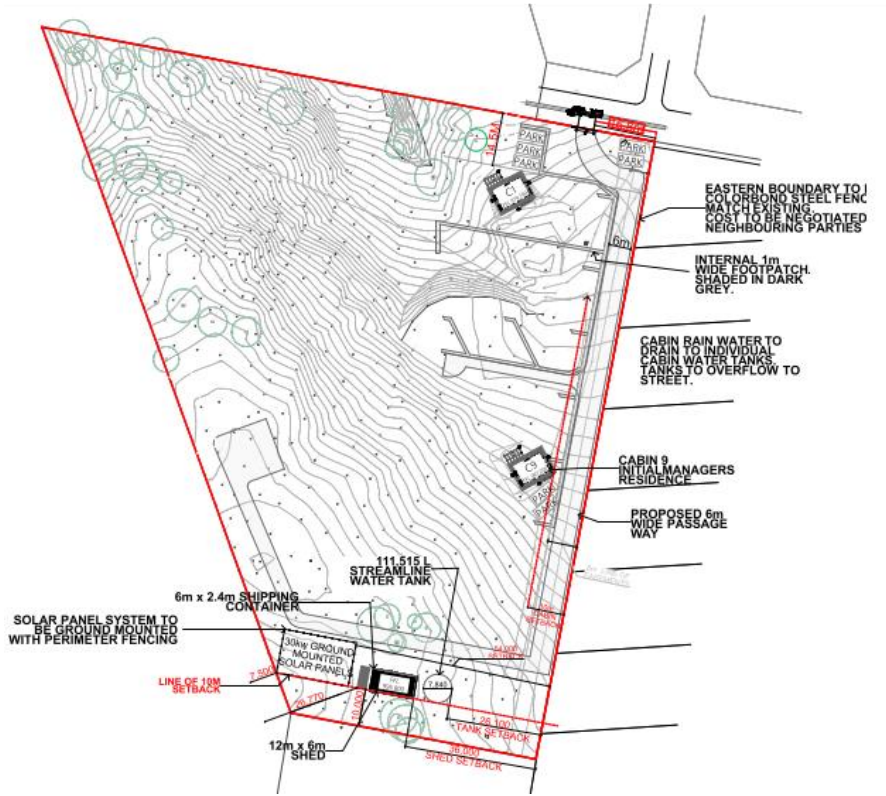


Figure 3: Proposed Site layout – Stage 1 (Cabins 1 & 9 (temporary manager’s residence and bushfire refuge), storage shed, solar panels and shipping container)

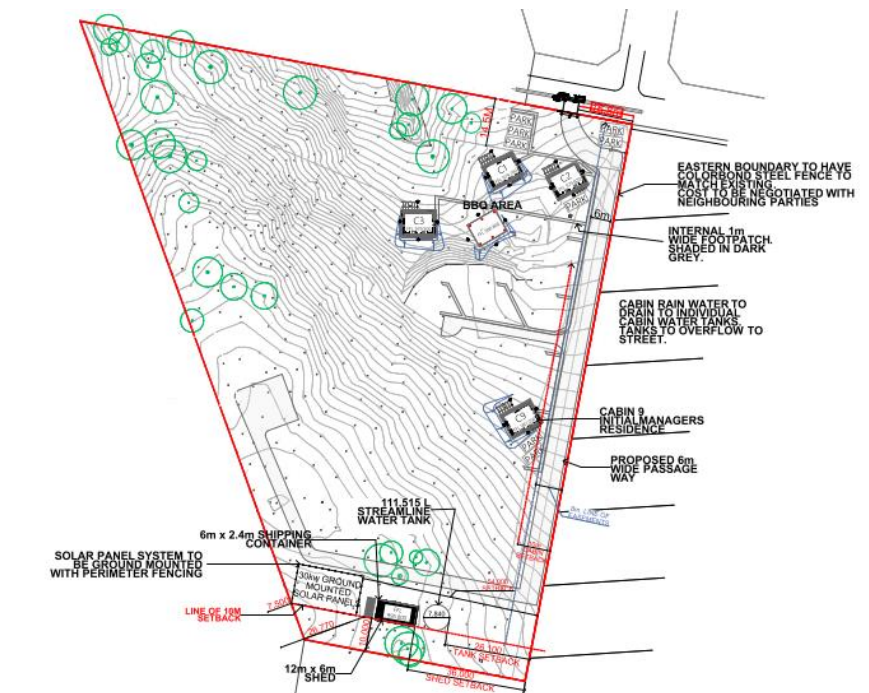


Figure 4: Proposed Site layout – Stage 2 Cabins 2 & 3 and the communal BBQ area

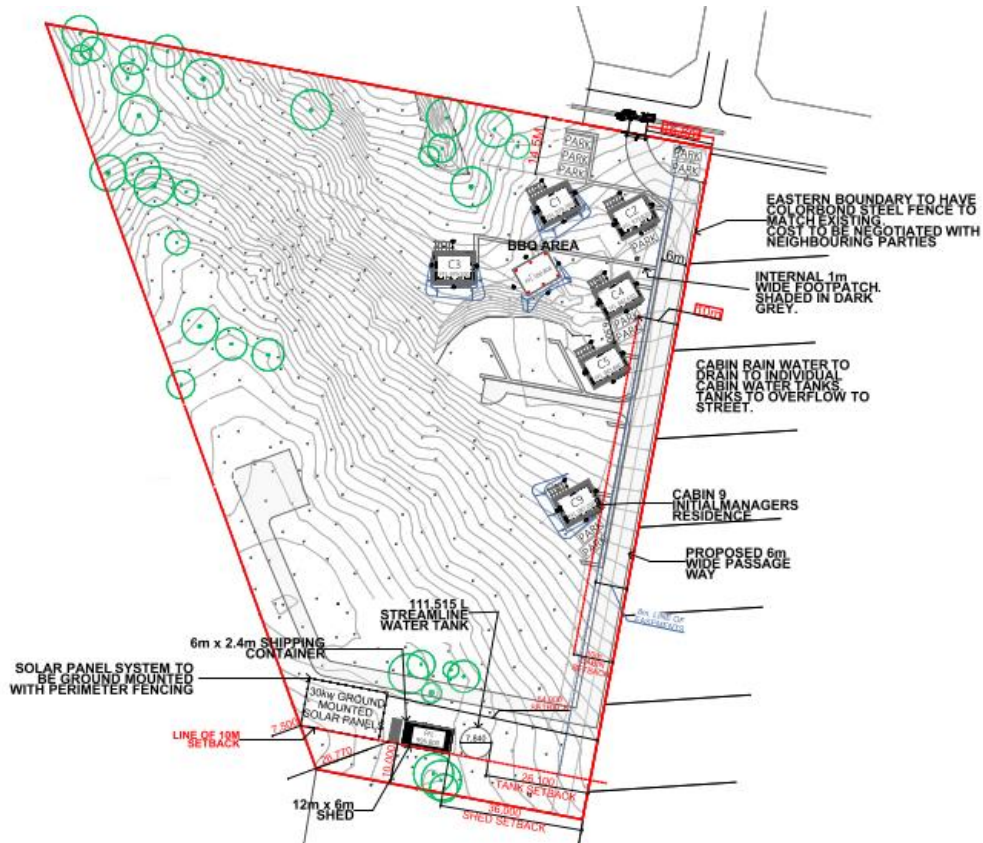


Figure 5: Proposed Site layout – Stage 3 Cabins 4 & 5



Figure 6: Proposed Site layout – Stage 4 Cabins 6 & 7

8.1 DEVELOPMENT APPLICATION 10.2021.176.1 STAGED 10 X ECO-TOURIST CABINS + MANAGERS RESIDENCE & SHED



Figure 7: Proposed Site layout – Stage 5 Cabins 8 & 10



Figure 8: Proposed Site layout – Stage 6 Managers Residence

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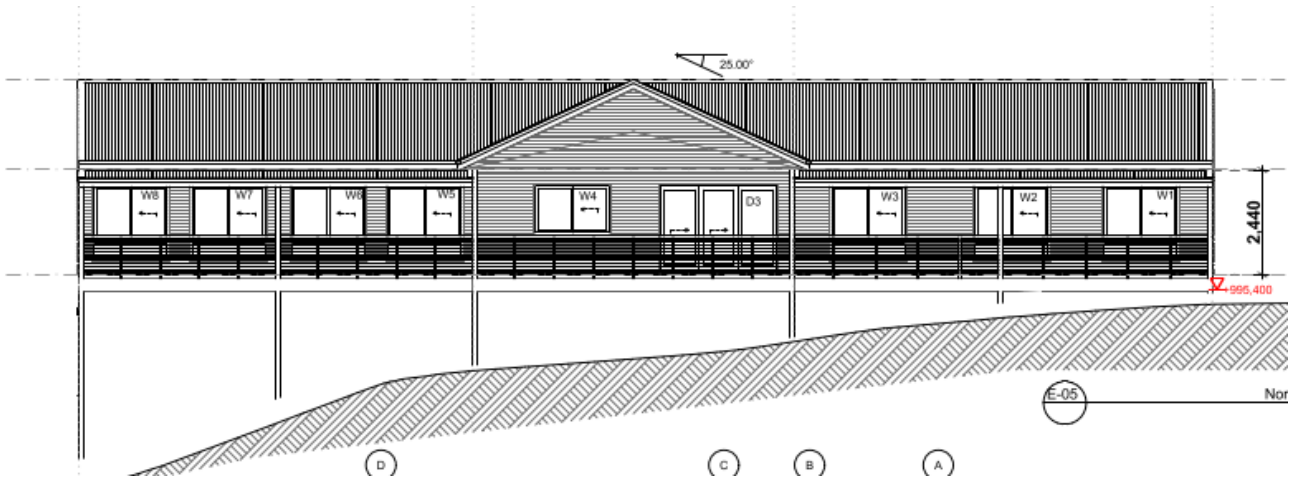


Figure 9: Perspectives – Manager’s Residence



Figure 10: Elevations – Cabins

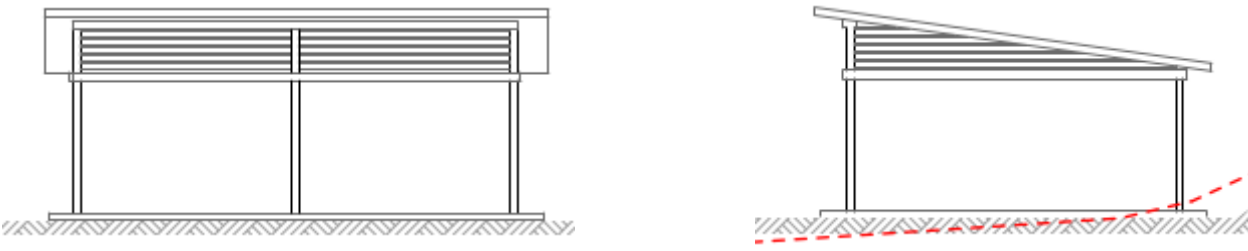


Figure 11: Elevations – BBQ Area

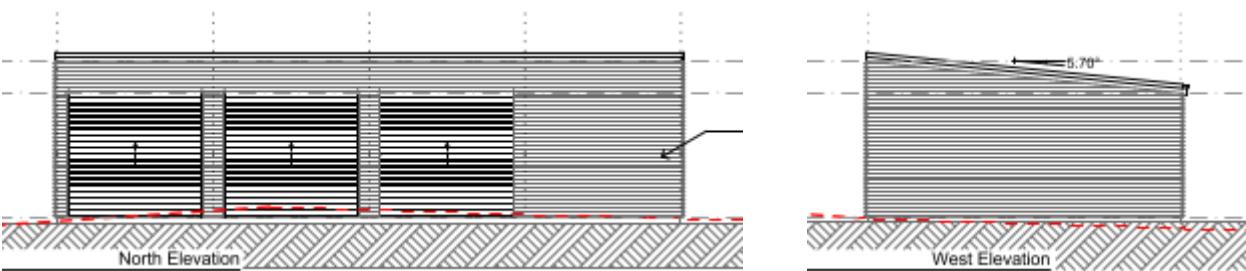


Figure 12: Elevations – Shed

ASSESSMENT

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policy (Building
---------------------------------------------	-----------------------------------------------

	Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Koala Habitat Protection) 2021
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environmental 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 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 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 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 Development Control Plan.
Any matters prescribed by the regulations:	The application generally complies with the <i>EP&A Regulation 2000</i> .
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. Details of notification and submissions received are discussed 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.

REFERRALS

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 deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

State or Federal Agency	Comments
Rural Fire Service	Response received. No objection to the development, conditions of consent provided and a Bush Fire Safety Authority issued.

Internal Referrals

Section	Comments
Development Engineering	Response received. No objection to the development and conditions of consent have been provided.

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:

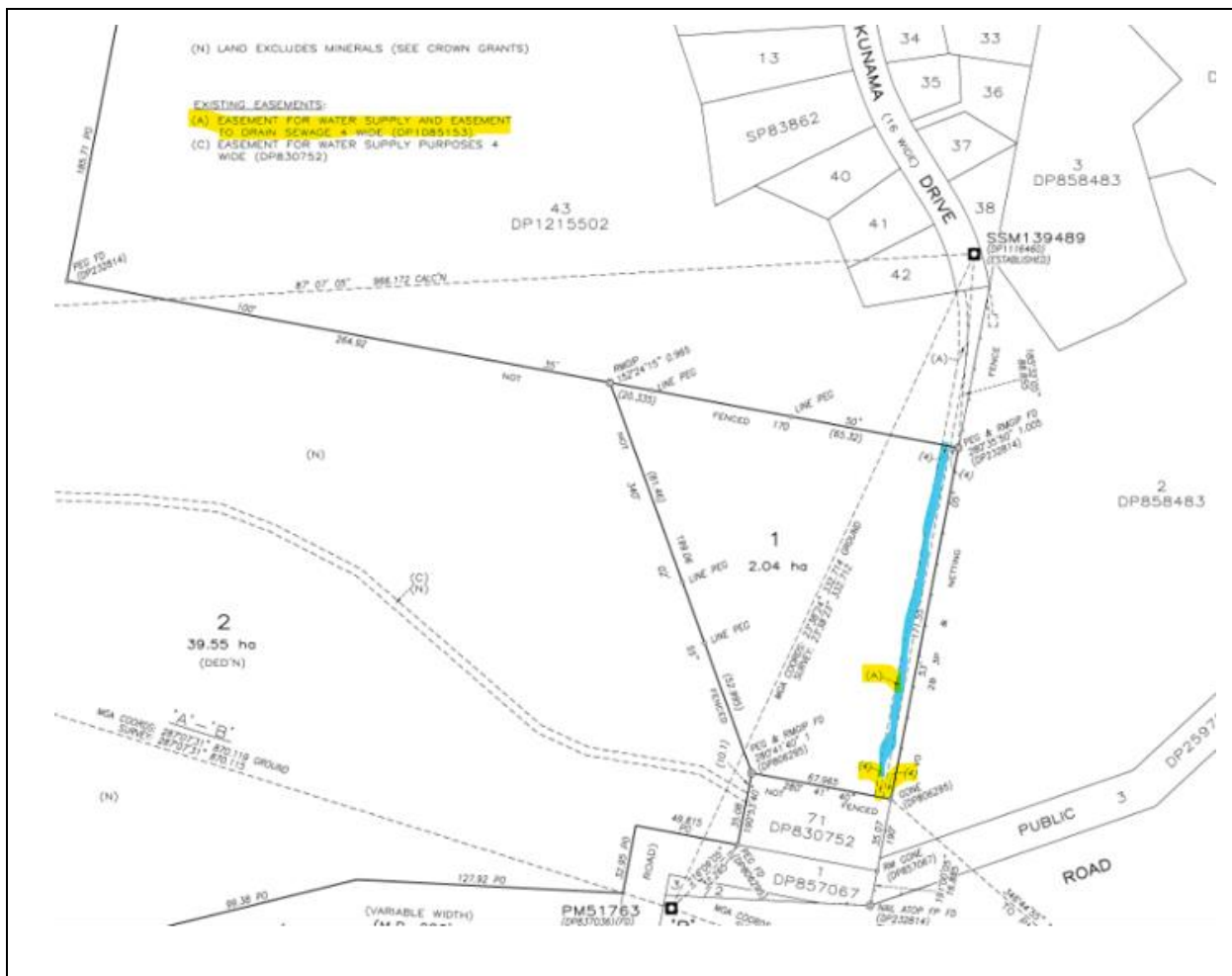
- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Proposed planning instruments;
- Development control plans;
- Likely Impacts of the Development - environmental (natural and built), social and economic;
- Any Planning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

The suitability of the site for the development

Slope	Sloping land
Significant vegetation	The lot has areas of land identified as "Biodiversity" on the Terrestrial Biodiversity Map in the Snowy River LEP 2013. Council requested that the applicant provide a Flora and Fauna Assessment Report which was provided. The report states that whilst there are areas of significant vegetation on the subject site, the location of the proposed development will have minimal impact.

Adjoining development	The adjoining development is a mix of residential uses and Council owned recreational land. There are also numerous approvals for tourist and visitor accommodation within the area.
Suitability of proposed works / building	The surrounding land uses are consistent to the proposed development being a mixture of residential and tourist and visitor accommodation.
Streetscape	The proposal is considered to be compatible with adjoining development as the surrounding land is a mixture of residential, tourist and visitor accommodation and recreational land uses.
Stormwater disposal	Stormwater is to be directed to rainwater tanks with any overflow from the rainwater dispersed across the property into landscaping.
Services	A 30KW solar system is proposed to service all cabins as its principle source of power. Mains electricity is connected on site to provide back up support for the solar system. Mobile coverage available. Council water infrastructure is available at the site. In addition a 111,515L rainwater tank is proposed and each cabin will have a 2000L rainwater tank that will be gravity fed from the main tank.
Views	nil impact to and from site.
Contamination	nil identified.
Bushfire	The subject site is mapped as Bushfire Prone Land. The application provided a Bushfire Assessment Report which was referred to the RFS as integrated development. A Bushfire Safety Authority has been issued and conditions of consent have been provided.
Flooding	nil impact.
Vehicular access	The site has coinciding legal and practical access directly from a public road (Kunama Drive).
Easements and restriction on use	Easement to Drain Water and Sewer The proposed buildings and the driveway (excluding short crossovers for the associated car parking for cabins 2, 4, 5, 8, 9 & 10) are located outside the easement and will not impact the services within the easement. A draft condition of consent will require a survey to confirm that the structures are outside the zone of influence.

8.1 DEVELOPMENT APPLICATION 10.2021.176.1 STAGED 10 X ECO-TOURIST CABINS + MANAGERS RESIDENCE & SHED



<p>Aboriginal sites</p>	<p>An AHIMS search was carried out revealing four (4) aboriginal sites or locations within 50m of the subject site (AHIMS report 631809, see figure 15).</p>
<p>Threatened species</p>	<p>The applicant provided a Flora and Fauna Report which provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. Further detail and assessment of this report are provided below.</p>

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 Policy (Building Sustainability Index: BASIX) 2004

This SEPP applies to the whole of the state, BASIX affected buildings and BASIX affected Development which are as per the definition in the Environmental Planning and Assessment Regulations 2000.

As the proposed development includes several BASIX affected buildings this SEPP applies.

The applicant has provided a Multi-Dwelling BASIX Certificate showing compliance with the policy and as such is compliant.

State Environmental Planning Policy (Koala Habitat Protection) 2021

Development assessment process—no approved koala plan of management for land.

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

This SEPP applies to LGAs that are listed in Schedule 1 'Local government areas' of the SEPP. As the Snowy Monaro Regional LGA is included in Schedule 1, this SEPP applies to the Subject Property. As such, the development control provisions of Part 2, Clause 11 of the SEPP apply to development applications relating to the land, as the land:

- Has an area of at least 1 hectare (including adjoining land within the same ownership); and
- Does not have an approved koala plan of management applying to the land.

Before a Council may grant consent to carry out development on the land, it must assess whether the development is likely to have any impact on koalas or koala habitat. In this instance it is considered that the development satisfies the requirement to have low or no impact on koalas or koala habitat, and as such consent to the development application may be granted.

The applicant has provided a Flora and Fauna Assessment Report where a site assessment was undertaken to determine whether the land contained core koala habitat, which is defined by the SEPP as:

- a) An area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat; or
- b) An area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

The report showed that the subject property contained suitable habitat (where 15% or greater of the total number of trees are the regionally relevant species of those listed in Schedule 2 of the SEPP) however no signs of koala's or koala occupancy (scats, scratch marks) were observed at the time of the site assessment. Furthermore, the most recent and proximal koala record was over 4km south-east of the Subject Property in 1994. It was therefore determined that the land does not contain core koala habitat as defined in the SEPP, and no further assessment under the SEPP should be required.

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

On 1 December 2021, the NSW Government renamed the 'Environment Zones' (E Zones) that protect areas with high environmental and biodiversity values to 'Conservation Zones' (C Zones).

This change, from E Zones to C Zones, applies to the Snowy River Local Environmental Plan 2013, is purely administrative and of name only and there are no changes to zone objectives and permissible land uses - only the prefix and zone category has changed.



Figure 13: Zone map pre 1 December 2021 (E3)

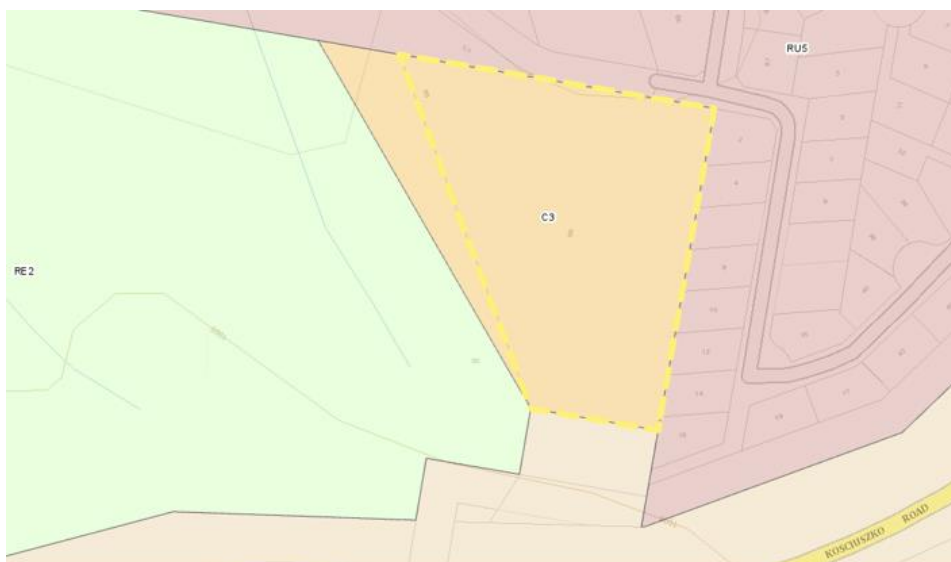


Figure 14: Zone map post 1 December 2021 (C3)

This application was lodged prior to the renaming and to avoid any misunderstanding between this report and the submitted documentation the zone of the lot will be referred to as E3 in the body of the report.

The subject land is zoned: E3 - Environmental Management under the Snowy River LEP 2013 (SRLEP) and Eco-tourist facility” are permitted with consent.

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
(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

The subject land is located in zone E3 - Environmental Management in which Eco-tourist Facilities are permissible however in order for a land use to be approved the development must comply with the definition as well as the provisions of the plan. In this case the development needs to demonstrate that it meets the first test of assessment being that it complies with the definition, in this case of an Eco Tourist Facility.

The application demonstrates that the proposed development would provide temporary or short-term accommodation to visitors on a commercial basis and that it is located in or adjacent to an area with special ecological or cultural features. Council staff are satisfied that it has been sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

The application has demonstrated a sensitively designed development by way of proposing cabins which meet the requirements of BASIX sustainability features, orientation of the cabins to the north to maximise solar access and promote passive heating, proposed rain water supply as the primary water source to service the cabins, and has proposed a 30KW solar system. It is considered that the proposed design and renewable options provide substantial eco and sustainability design elements to service the development.

The application has been fully assessed, against all provisions of the SRLEP 2013. The following provisions are of relevance specifically to this application:

PART 2 Permitted or prohibited development

The proposal is permitted in the E3 zone, and the land is considered to be suitable to support the development. The development as proposed meets applicable the objectives of E3 – Environmental Management, in the Snowy River LEP 2013 which are to:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To provide for a range of compatible rural land uses that do not have an adverse effect on the surrounding land uses or natural values and landscape setting of the area.*
- *To provide for high quality tourist development that is small scale, low impact and sympathetic to the unique landscape setting and scenic qualities of the area, including the approaches to Kosciuszko National Park.*

Clause 4.3 Height of building

The development complies with all buildings under the 9m maximum height limit.

Clause 5.11 Bush Fire hazard reduction

The property is bushfire prone and was referred to the RFS as integrated development. Under 100B of the Rural Fires Act a Bush Fire Safety Authority (BFSA) is required Special Fire Protection Purpose development.

RFS have provided conditions and a Bush Fire Safety Authority has been issued (see attachment 4). As such it is considered that the development achieves compliance with this provision.

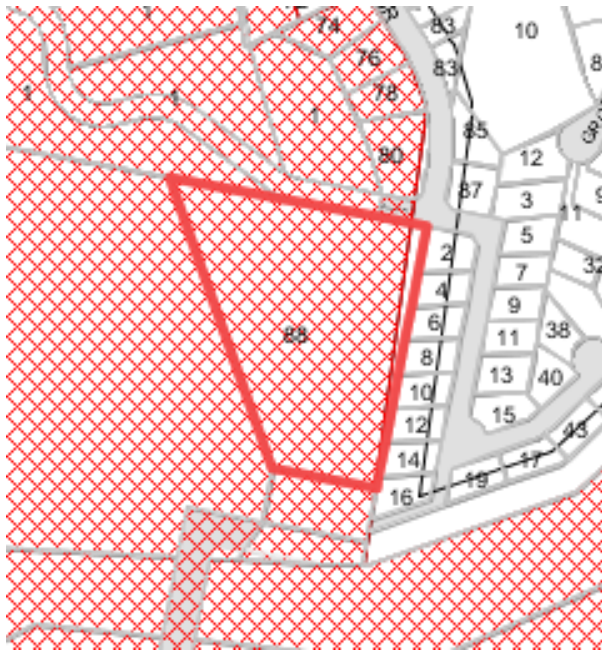


Figure 15: Bushfire Mapping on Subject Site – Category 3

Clause 5.13 Eco-tourism facility

(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.*

It is considered that the environmental and cultural values of the land will not be diminished by the proposed development. The cabins are of an environmentally sustainable design. It has incorporated passive heating and cooling, utilises renewable energy sources and rainwater supply.

(2) *This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*

The subject land is zoned E3 in which Eco-tourist facilities are permitted with consent.

(3) *This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan. 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 of the site or area, and*

It is considered that the development complies with these provisions as the subject site contains areas of ecological significance and provides habitat for various native fauna. The presence of native vegetation on the site allows the eco-tourist facility to provide visitors with opportunities to undertake passive onsite activities including bird watching and walking.

There is a recorded Aboriginal Cultural Heritage site on the property which will not be impacted however provides guests an opportunity to appreciate the areas rich cultural history.

Additionally the property is located in close proximity to Lake Jindabyne which provides access to external activities including boating activities, fishing, hiking, and mountain biking. In addition the site is also located so as to provide access to unique alpine areas such as the Kosciuszko National Park.

Both the Kosciuszko National Park and Lake Jindabyne are sites that have both ecological and cultural value.

(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

The siting of the development has been selected by the applicant to minimise its impact on the native flora and fauna. The cabins and manager's residence are to be established in previously disturbed areas. This is in keeping with the objective of the E3 zone to provide for high quality tourist development that is small scale, low impact and sympathetic to the unique landscape setting and scenic qualities of the area.

(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and

The development will allow for appreciation of environmental and cultural values as the cabins are orientated to achieve views of the Snowy Mountains and Lake Jindabyne. Those accommodated in the buildings can feel immersed in the natural environment and can connect with other likeminded people who are 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

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 on native flora & fauna as they are within an area of the site that is cleared.

The locally listed heritage items are not within the visual curtilage of the proposed development and it will have no impact on the values of these buildings and places.

(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

Satisfactory with appropriate conditions of consent. The developer will be required to maintain the site and for the ongoing management of the development.

(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and

A construction management plan will be required to be provided prior to the commencement of works to ensure that during construction all waste is minimized and appropriately removed.

Ongoing waste generation during operation will be managed by the onsite managers of the facility. A draft condition of consent that all waste is removed from site and disposed of in a lawful manner has been proposed.

- (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*

The proposed cabins are low scale being single storey two (2) bedroom cabins. A total of 40 guests can be accommodated on site which allows for a low impact development on the site. No significant earthworks are proposed either for the establishment of the cabins or for road access within the site.

The location is below any ridgelines and avoids watercourses. The materials and colour choices are as follows;

Roof – Iron Grey

Walls – Pale Eucalypt with a timber cladding feature.

These colours blend into the mountain environment ensuring that the development does not dominate the landscape.

- (h) any infrastructure services to the site will be provided without significant modification to the environment, and*

Self-supporting and sustainable infrastructure is proposed. Being solar power 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*

The design of the development includes the principles of passive heating & cooling and the cabins will primarily use solar power and are supplied with rain water only.

- (j) the development will not adversely affect the agricultural productivity of adjoining land, and*

There are no foreseen impacts on agricultural productivity as the subject lot is located away from agricultural areas. The development is proposed on land in the E3 Environmental Management zone with the surrounding land uses being predominated by tourist and visitor accommodation and large residential holdings.

- (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,

The development is proposed on land within the site which has already been disturbed or is currently managed and away from areas with potential native flora and fauna, there are no foreseen environmental impacts.

- (i) & (ii) The Flora and Fauna Assessment Report provided the following recommendations to avoid and minimise impacts on biodiversity values associated with the proposed development

- **Project Location, Design and Planning** - The Subject Site has been largely positioned within areas of historically cleared land and exotic vegetation. The driveway has been positioned entirely along the existing cleared track within the subject property, minimising the potential impacts to the ecological values of the site.
-

- **Tree Protection** - Australian Standard 4970 (2009) Protection of Trees on Development Sites (AS-4970) outlines that a Tree Protection Zone (TPZ) is the principal means of protecting trees on construction sites. It is an area isolated from construction disturbance so that the tree remains viable. Ideally, works should be avoided within the TPZ.
- **Relocation of Woody Debris** - All woody debris to be retained and relocated elsewhere within the subject site.
- **Storage and Stockpiling** - Allocate all storage, stockpile, and laydown sites away from any vegetation that is planned to be retained. Avoid importing any soil from outside the site in order to avoid the potential of incurring indirect impacts on biodiversity values as this can introduce weeds and pathogens to the site.
- **Future Landscaping** - All future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion.
- **Implementation of the APZ**
The following recommendations pertain to the implementation of the APZ:
 - i. All works should be undertaken by hand-held machinery such as brush-cutters and chainsaws;
 - ii. Where possible, exotic vegetation should be prioritised for removal over native species to achieve APZ compliance; and
 - iii. Groundcovers (i.e. native grasses) may remain however ground fuels are to be reduced by removing all dead vegetative material and raking and removing leaf litter and other fine fuels.

(iii) efficient and minimal energy and water use and waste output,

The development has complied with the requirement of the BASIX SEPP. Renewable energy is proposed via a solar system and rainwater.

(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,

The proposed managers dwelling will be utilised to monitor and review any impacts.

(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

The development will be centrally managed by onsite management who will be required to ensure that the development meets all relevant standards for ongoing management and quality control.

Clause 7.2 Terrestrial biodiversity

The property is mapped with Terrestrial Biodiversity. The development is proposed in an area with scattered trees and the application does not require the removal of any trees for the construction of the cabins. However, clearing associated with the Asset Protection Zone, as per the RFS conditions, may be required.

The applicant provided a Flora and Fauna Assessment Report which has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. The following recommendations pertain to the preservation, maintenance and improve/enrich/enhance the quality of the sites vegetation:

1. **Project Location, Design and Planning** - The proposed development site has been largely positioned within areas of historically cleared land and exotic vegetation. The driveway has been positioned entirely along the existing cleared track within the subject property, minimising the potential impacts to the ecological values of the site.
2. **Tree Protection** - Australian Standard 4970 (2009) Protection of Trees on Development Sites (AS-4970) outlines that a Tree Protection Zone (TPZ) is the principal means of protecting trees on construction sites. It is an area isolated from construction disturbance so that the tree remains viable. Ideally, works should be avoided within the TPZ.
3. **Relocation of Woody Debris** - All woody debris to be retained and relocated elsewhere within the subject site.
4. **Storage and Stockpiling** - Allocate all storage, stockpile, and laydown sites away from any vegetation that is planned to be retained. Avoid importing any soil from outside the site in order to avoid the potential of incurring indirect impacts on biodiversity values as this can introduce weeds and pathogens to the site.
5. **Future Landscaping** - All future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion.



Figure 16: Terrestrial Biodiversity mapping for the subject site

Clause 7.9 Essential services

Access – the property is accessed via Kunama Drive.

Water – The proposed water provision for the cabins is primarily rain water with mains water available as back-up only. Each cabins will be serviced by a minimum 2000L tanks and the site will be provided with an 111,515L communal water tank, which gravity can feed the cabins if required.

The manager’s residence is proposed to be serviced by minimum 3000L tank.

Sewage - The eco-facility will be connected to council’s sewer infrastructure.

SCHEDULE 5 Environmental heritage

There are no adjoining locally listed heritage items.

An AHIMS search was carried out revealing four (4) aboriginal sites or locations within 50m of the subject site (AHIMS report 631809, see figure 15). Of these four sites, one is located within the subject property and as such the applicant carried out an extensive AHIMS search to identify the exact location of the site, communicated with Heritage NSW and provided a letter of Due Diligence.

The Due Diligence Code of Practice allows individuals undertake their own due diligence process and manage their own risk. A due diligence amounts to taking reasonable and practicable steps to protect Aboriginal objects. The generic code provides one process for satisfying the due diligence requirements of the NPW Act.

In accordance with the Due Diligence Code of Practice pathways flow chart (see figure 16) an Aboriginal Heritage Impact Permit (AHIP) or Aboriginal Cultural Heritage Assessment Report (ACHAR).

The applicant has said that there will be no heavy machinery or digging carried out in or around the site and in conjunction with the Draft conditions of consent proposed it is considered that measures are objectively reasonable and practicable and meet the ordinary meaning of exercising due diligence.



Figure 17: AHIMS report map result

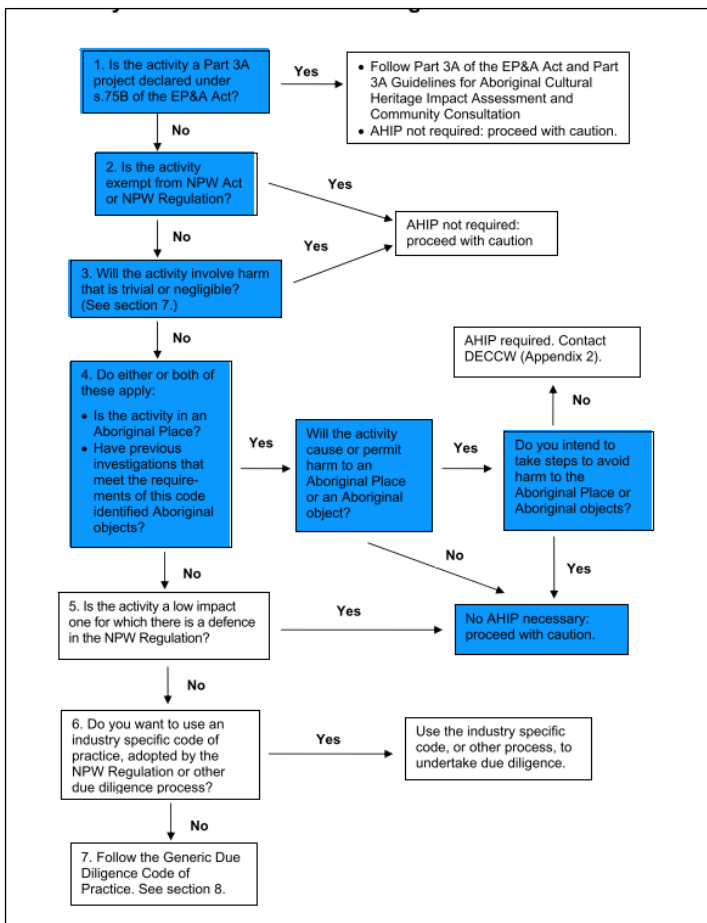


Figure 17: Due Diligence Code of Practice pathways flow chart

Provision of any Proposed Planning Instruments

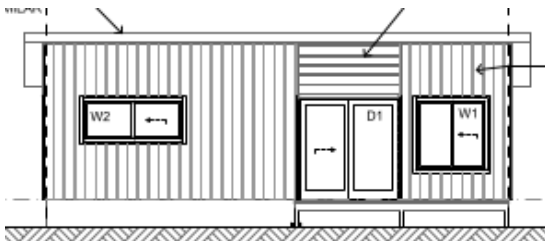
There are no other proposed planning instruments applying to this site which are relevant to the proposed development.

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

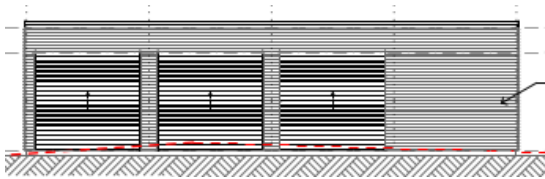
In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	Response/Acceptable Solution
A3 Public Notification	9/06/2021 - 30/06/2021 – extended to match advertising. Submissions are discussed further in the body of this report.
B1 Rural localities, Towns & Villages	
1.8 – Jindabyne	Satisfactory
C General planning considerations	
C2 Design	The design of the cabins is single storey, with low

Cabin Elevation



Shed Elevation



Managers Residence Elevation



Colour Schedule - Managers Residence

Roof: Woodland Grey



Walls: Dune



profile roofs and a colour schedule, which is compatible with the surrounding natural and built environment.

The design of the cabins has applied modern alpine architecture including single storey skillion roof form, with views towards Lake Jindabyne.

Colour Schedule – Cabins

Roof: Iron Grey

Walls: Pale Eucalypt

The design of the shed is a standard design and the proposed colour is compatible with the natural and built environment.

Colour Schedule – Shed

Roof: Woodland Grey

Walls: Woodland Grey

The design of the managers' residence is in keeping with other dwelling designs found in the area and the proposed colour is compatible with the natural and built environment.

The floor layout, whilst is large in size there are no development standards which informs the size of a managers residence.

The design is single storey with the rear of the development being at ground level and the front suspended as the land slopes. As such, the design of the dwelling reflects the slope of the land and has retained the steeper parts of the lot in its natural state and requires minimal cut.

The selected materials for the construction of the cabins and manager's residence include timber frame, metal cladding, with a high level of insulation and double glazed windows paired with a concrete slab for thermal mass.

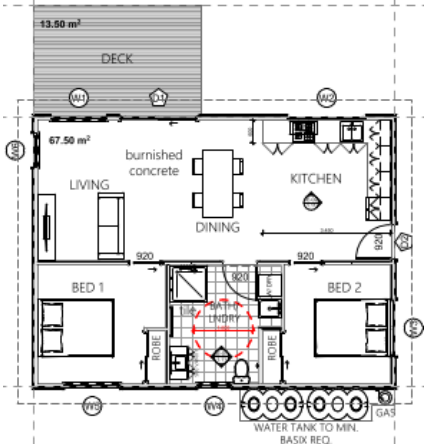
The design of the cabins have incorporated passive solar design to allow for the buildings to gain heat in winter and reduce heat in summer.

The primary energy source for the development

	will be renewable sources such as solar panels.
C3 Car-parking, Traffic & Access	<p>Complies - In accordance with Table C3. 4-2 each cabin requires one (1) space and the development requires one (1) additional space per two (2) employees.</p> <p>The proposal provides one car space per cabin and there is more than adequate space for parking alongside the manager's residence. There is also more than adequate space on the subject lot for uncovered parking options if additional car parking is required.</p> <p>Access – the property is accessed via public road, Kunama Drive</p>
C4 Heritage	<p>Complies - There are no adjoining heritage items</p> <p>An AHIMS search was carried out revealing four (4) aboriginal sites or locations within 50m of the subject site. AHIMS report 631809. Of these four site one is located within the subject property and as such the applicant has provided a Due Diligence letter. The site will be avoided and as such an AHIP and ACHAR is not required.</p>
C5 Tree preservation & Landscaping	<p>Complies - The development is proposed in an area with scattered trees and the application does not require the removal of any trees for the construction of the cabins.</p> <p>Clearing associated with the Asset Protection Zone, as per the RFS conditions, may require clearing.</p> <p>The applicant provided a Flora and Fauna Assessment Report which has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. The following recommendations pertain to the implementation of the APZ:</p> <ul style="list-style-type: none"> i. All works should be undertaken by hand-held machinery such as brush-cutters and chainsaws; ii. Where possible, exotic vegetation should be prioritised for removal over native species to achieve APZ compliance; and

	<p>iii. Groundcovers (i.e. native grasses) may remain however ground fuels are to be reduced by removing all dead vegetative material and raking and removing leaf litter and other fine fuels.</p>
C6 Signage & Advertising	<p>Complies - No signage is proposed as part of the development.</p> <p>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.</p>
C7 Natural Hazard Management	<p>Complies - The land is mapped as being bushfire prone land and has been referred to the RFS as integrated development. Under 100B of the Rural Fires Act a Bush Fire Safety Authority (BFSA) is required as the development is classified as a Special Fire Protection Purpose.</p> <p>RFS have provided conditions and a BFSA has been issued.</p>
C8 Environmental Management	<p>Complies - The property is mapped with Terrestrial Biodiversity. The location of proposed of the development selected is predominantly cleared and will require minimal vegetation removal and no significant trees.</p> <p>The development site is located close to road and existing infrastructure to minimise any associated impact and leaving the remaining parts of the property untouched.</p> <p>There is no foreseen additional disturbance, fragmentation to the biodiversity or composition of the land or habitat connectivity.</p> <p>The applicant provided a Flora and Fauna Assessment Report supporting the development.</p>
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	<p>Complies - The applicant has provided a BASIX and NatHERs report for the cabin which demonstrates compliance with the principle of efficient building.</p> <p>As discussed in the assessment of cl 7.9 of the SRLEP water is to be provided by rainwater tanks, and electricity from renewable solar power.</p>
C10 Waste management & Recycling	<p>Complies - Councils waste and recycling collection is available to the subject site.</p> <p>A condition of consent will required that a 240-litre</p>

	<p>capacity wheeled garbage bin and a 360-litre recycling bin of a type provided by Council must be provided the manager's residence of the development.</p> <p>That all bins are to be stored within the property boundary.</p> <p>With the disposal of garbage from the commercial business (eco-tourist facility) component of the development is the responsibility of the operator and requires service from either Council or a commercial agreement with a waste disposal contractor.</p> <p>No waste or garbage is to be burnt or buried on site (other than compostable materials).</p> <p>The developer shall ensure that arrangements are put into place and evidence provided to Council prior to the commencement of use.</p>
<p>E1 Tourist Accommodation</p>	
<p>4. Eco-tourist Accommodation</p>	<p>Complies</p> <p>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.</p> <p><u>Site Design</u> – the proposed materials are considered to be sympathetic to the surrounding environment and will blend with the landscape.</p> <p>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.</p> <p><u>Parking</u> - There is more than adequate provision for parking on the site. One (1) car park is proposed per cabin which is in accordance with the DCP.</p> <p><u>Education and awareness</u> – The development proposes to provide written information regarding the location of key natural and cultural on-site features at the BBQ area.</p> <p><u>Access</u> – Direct access to public road Kunama Drive</p> <p><u>Management</u> – The development proposes accommodation of forty (40) and in accordance</p>

	<p>with the requirements of the DCP an on-site manager's residence has been proposed.</p> <p>Conditions relating to the DCP apply to the consent in terms of use of the eco tourist facility.</p> <p><u>Occupation Rates</u></p> <p>The development consists of ten (10) cabins to be used as an Eco-Tourist Facility and a manager's residence.</p> <p>The proposed cabins are a two (2) bedroom design and will be conditioned to sleep a maximum of four (4) people each.</p> <p>The proposed manager's cabin is a five (5) bedroom design.</p> <p><u>Contributions apply at a rate of:</u></p> <ul style="list-style-type: none">• 0.29ET per room for the Eco tourist cabins (0.29 ET x 20 (10 cabins with 2 bedrooms each))• ET x 1.29 (Manager's residence)
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Impacts of the Development - Environmental, Social and Economic

Access, transport and traffic

The subject lot is accessed from a public road (Kunama Drive) which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard to service this development as such no upgrades are required by the developer.

Easements/88B Restrictions on Use

The site is benefited and burdened by an easement to drain water and sewer. The area of the easement will be utilised for access to the tourist units from Kunama Drive.

Bushfire Assessment

The land is mapped as bushfire prone land and has been referred to the RFS as integrated development. Under 100B of the Rural Fires Act a Bush Fire Safety Authority (BFSA) is required and one has been issued.

Impacts on supply of utilities

The cabins have been designed utilising environmentally sustainable principles and solar panels are proposed, which will reduce the demand for electricity. The development is subject to both s7.11 developer contributions under the EP&A Act and s64 Water and Sewer contributions under the Local Government Act to mitigate the additional demand for council's services. These conditions will be payable in stages with conditions included in the draft conditions of consent to

ensure payment of these contributions prior to the issuing of the construction certificate for the applicable stage.

Heritage

AHIMS search 631809 revealed four (4) aboriginal sites or locations within 50m of the subject site one of which is located within the subject property and as such the applicant has provided a Due Diligence letter. The site will be avoided and as such an AHIP and ACHAR is not required.

There are no adjoining locally listed heritage items.

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.

Flora and fauna & Consideration of Threatened Species

The development is proposed in an area with scattered trees and the application does not require the removal of any trees for the construction of the cabins.

Clearing associated with the Asset Protection Zone, as per the RFS conditions, may require clearing however it is not considered to significantly impact on native vegetation.

The applicant provided a Flora and Fauna Report which has included a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report.

Waste facilities and controls

The proposed development will be connected council's sewer infrastructure and as such contributions will be payable by the developer.

Waste will be disposed of either by Council services or a commercial agreement with a waste disposal contractor.

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 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 manager's should they occur. Appropriate conditions of consent have been included to ensure compliance with these requirements.

Safety, security and crime prevention

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 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 manager's should they occur. Appropriate conditions of consent have been included to ensure compliance with these requirements.

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 manager's should they occur. Appropriate conditions of consent have been included to ensure compliance with these requirements.

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 forty (40) persons to be accommodated. In addition to the tourist accommodation, there is also a five (5) bedroom manager's residence proposed.

The maximum number of tourists permitted at one time will be forty (40), this is similar to the recent approval for a property on an adjoining property, being 80 Kunama Drive.

The approval consisted of eight (8) x 3 bedroom serviced apartment (solely for the purpose of Tourist and Visitor accommodation) with a total 72 guests able to be accommodated.

There are 16 existing approved serviced apartments with the surrounding streets of Kunama Drive Lakeview Terrace and Heysen Drive. Under changes carried out at a State level all existing approved residential premises have the ability to be used for short term rental accommodation (STRA) without the approval of Council. The proposed development however is to be centrally managed with the number of guests restricted to that which has been approved ensuring that its social impacts are reduced.

Given the established tourist accommodation options along Kunama Drive and within the immediate surroundings the proposal is considered to be reasonable in the locality.

Impacts on aboriginal heritage

AHIMS search 631809 revealed four (4) aboriginal sites or locations within 50m of the subject site one of which is located within the subject property and as such the applicant has provided a Due Diligence Report. The site will be avoided and as such an AHIP and ACHAR is not required.

Planning Agreements

There are no planning agreements or draft planning agreements applicable to this property.

Any matters prescribed by the EP&A Regulation 2000.

Clauses 92(1), and 93 are not applicable to this application

Submissions

Snowy Monaro Planning and Development Community Participation Plan 2019 requirements and the relevant statutory regulations required notification of the development. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days.

The application was also publicly advertised.

Eleven (11) submissions were received all objecting to the proposed development.

The submissions are attached to the report with consideration of the issues raised below.

Officer Response to Issues Raised by Submission 1

Appropriateness of Development on the site

It was raised that the subject land is 2.04 hectares and does not meet the minimum lot size of 5 hectares. The minimum lot size referred to in clause 4.1 of the SRLEP 2013 relates to Council's ability to consent to the erection of a dwelling on the land (that the land has a "dwelling entitlement") this does not apply in this instance as the development applied for is not a dwelling but an eco-tourist facility. As the lot does not meet the required minimum lot size the subject land does not enjoy a dwelling entitlement and Council could not consent to only a "dwelling house" on the site.

This clause does not apply as there is no required minimum lot size for Eco-tourist development prescribed in the SR LEP 2013. The Manager's residence proposed is "ancillary" to the eco-tourist facility and cannot be occupied without the operation of the tourist facility.

The applicant provided a Flora and Fauna report which showed that there are areas of significant vegetation located on the site. The location of the proposed development is located outside these areas so as to minimise the impact. Additionally the report recommended that any all future landscaping within the subject property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion. This will allow the facility to contribute to the restoration of the site. This has been included as a proposed condition of consent.

In addition an aboriginal site has been identified on the subject land and a condition of consent will ensure that the site be preserved, this will add a cultural element to the facility which could be drawn upon.

The Flora and Fauna Assessment Report has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. These recommendations have been incorporated into the draft conditions of consent.

The design of the proposal has located all development to on previously disturbed land which will ensure that existing significant vegetation is not impacted. Should the design have located the development to be within the vegetation the requirements of the clearing of the APZs would have a significant impact of the vegetation.

The cabins will provide an alternative accommodation option for visitors to the area and as such could free up approved dwellings to be used for long term residential use.

Privacy and Noise

Given to the 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.

The proposed setback for the cabins is 10m. There is no minimum required setback for Eco-tourist developments, however it is considered that a 10m setback is satisfactory. The adjoining residential development is required to have a minimum setback of 900mm along the rear and side of the allotment. Given the single storey nature of the proposed cabins and the dwelling design been developed on the adjoining residential allotment is 2 stories there are no foreseen

unreasonable visual impacts.

Due to the bushfire mitigation reasons the applicant will not be planting screening plants adjacent to the services easement but will be erecting a fence with the neighbouring properties to create a screened barrier to the development.

Impact of increased traffic on safety along Kunama and Jerrara Drive

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Developer Contributions

In accordance with the Snowy River Contribution Plan 2008. The developer will be required to pay contributions. At a rate of 0.29ET per eco-tourist room and 1.29ET for the Manager's residence.

S7.11 contributions, contribute to the following areas;

1. Bushfire
2. Regional Waste Management
3. Community Services and Facilities
4. Shared Pathways
5. Open Space and Public Art
6. Sports field
7. Shared Trails

S305 contributions, contribute to water and sewer infrastructure.

The conditions of consent requiring these contributions are PCC_01 & PCC_02

Officer Response to Issues Raised by Submission 2

Managers Residence

The required minimum lot size for the subject property is 5ha which the land does not meet.

Whilst the zoning of the subject lot is E3 the adjoining land to the north and east is RU5 (Village) zoning with a minimum lot size of 700m². The subject property is serviced by the same infrastructure as the adjoining allotments including council's water and sewer. Therefore it is considered that the size of the lot can support a maximum of 50 people.

It is noted that the proposed managers residence is initially located in cabin 3 and then the permanent manager's residence is proposed as part of the final stage once all 10 cabins have been constructed. With accommodation for up to 40 people the SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a managers residence.

Design

The design is considered to be consistent with other development within the area with a gable roof line and use similar materials such as colorbond cladding. The proposed colours will blend

with the natural and built surroundings ensuring that the development does not dominate the landscape.

Protection and management of 'area with special ecological, scientific, cultural or aesthetic value'

The applicant provided a Flora and Fauna Assessment Report which showed that there are areas of significant vegetation located on the site. The location of the proposed development is located outside these areas so as to minimise the impact. Additionally the report recommended that any all future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion. This will allow the facility to contribute to the restoration of the site. This has been included as a proposed condition of consent.

In addition an aboriginal site has been identified on the subject land and a condition of consent will ensure that the site be preserved, this will add a cultural element to the facility which could be drawn upon.

Limit range of development that does not have an adverse effect on those values

The provided Flora and Fauna Assessment Report has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. These recommendations have been incorporated into the draft conditions of consent.

The design of the proposal has located all development to on previously disturbed land which will ensure that existing significant vegetation is not impacted. Should the design have located the development to be within the vegetation the requirements of the clearing of the APZs would have a significant impact of the vegetation.

Compatible with Rural land uses.

The development is located adjacent to residential zones (RU5) to the north and east, a Recreation zone (RE2) to the west and Rural zone (RU1) to the south. There are no foreseen impact to the rural lands to the south given the location of the East Jindabyne reservoir and Kosciuszko Road separating the land uses.



Impact on the surrounding locality or landscape

The proposed setback for the cabins is 10m. There is no minimum required setback for Eco-tourist developments, however it is considered that a 10m setback is satisfactory. The residential development to have minimum setback of 900mm along the rear and side of the allotment. Given the single storey nature of the proposed cabins and the predominant dwelling design being developed on the adjoining residential allotment is 2 stories and will still enjoy views towards the mountains as such there are no foreseen unreasonable visual impacts.

The development of the cabins are located in a previously disturbed area which cannot be seen from the lake or the adjoining recreational zoned land and the location of the proposed managers residence has been sited so as to not dominate the skyline and the colour choices will blend with the landscape.

Due to the bushfire mitigation reasons the applicant will not be planting screening plants adjacent to the services easement but will be erecting a fence with the neighbouring properties to create a screened barrier to the development.

'providing high quality tourist development that is small scale, low impact and sympathetic to the unique landscape setting and scenic qualities of the area', the proposal is neither high-quality or small scale

The development has been designed to be sympathetic to the landscape by siting all development only in previously disturbed areas and not requiring extensive clear for APZs to occur none of the cabins or residence have been proposed within the significant vegetation on the site.

The cabins are single story in nature and comprise of 2 bedrooms. The development of ten cabins to accommodate 40 people on a 2 ha allotment is considered small scale as the cabins are compact, will not dominate the landscape any more than the two story developments on the adjoining residential lot and is considered to be less impact that the 8 x 3 bedroom serviced apartments approved on 80 Kunama Drive.

Proposal of a Shipping container

The proposed location of the shipping container is located so as to not be visible from the adjoining residential allotments once the construction of the shed has been completed.

The proposed shed and shipping container will provide storage option for the owner or manager to store items required for carrying out site maintenance and repairs around the facility. It is therefore considered that the shipping container and proposed shed will be a positive development.

Conflict of Interest

Whilst the author of the Statement of Environmental Effects is a previous employee of council, the person no longer works for Council and is now working as a private planning consultant. The application was lodged with council after the person had ceased working for Council and has not been part of the assessment process. As such there is no conflict of interest.

Officer Response to Issues Raised by Submission 3

Minimum Lot Size

It was raised that the subject land at 2.04 hectares does not meet the minimum lot size of 5 hectares. The minimum lot size referred to in clause 4.1 of the SRLEP 2013 relates to Council's ability to consent to the erection of a dwelling on the land (that the land has a "dwelling entitlement") this does not apply in this instance as the development applied for is not a dwelling but an eco-tourist facility. As the lot does not meet the required minimum lot size the subject land does not enjoy a dwelling entitlement and Council could not consent to only a "dwelling house" on the site.

This clause does not apply as there is no required minimum lot size for Eco-tourist development prescribed in the SR LEP 2013. The Managers residence proposed is "ancillary" to the eco tourist facility and cannot be occupied without the operation of the tourist facility.

It is noted that the proposed managers residence is initially located in cabin 3 and then the permanent manager's residence is proposed as part of the final stage once all 10 cabins have been constructed. With accommodation for up to 40 people the SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a manager's residence.

Whilst the zoning of the subject lot is E3 with a minimum lot size of 5Ha, the land immediately adjoining to the north and east is RU5 (Village) zoning with a minimum lot size of 700m². The subject property is serviced by the same infrastructure as the adjoining allotments including council's water and sewer. Therefore it is considered that the size of the lot can support a maximum of 50 people.

Lack of positive impacts required under E3 zoning objectives

The applicant provided a Flora and Fauna Assessment Report which showed that there are areas of significant vegetation located on the site. The location of the proposed development is located outside these areas so as to minimise the impact. Additionally the report recommended that any all future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion. This will allow the facility to contribute to the restoration of the site. This has been included as a proposed condition of consent.

In addition an aboriginal site has been identified on the subject land and a condition of consent will ensure that the site be preserved, this will add a cultural element to the facility which could be drawn upon.

The provided Flora and Fauna Report has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. These recommendations have been incorporated into the draft conditions of consent.

The design of the proposal has located all development to on previously disturbed land which will ensure that existing significant vegetation is not impacted. Should the design have located the development to be within the vegetation the requirements of the clearing of the APZs would have a significant impact of the vegetation.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Visual Impact

The proposed setback for the cabins is 10m. There is no minimum required setback for Eco-tourist developments, however it is considered that a 10m setback is satisfactory. Given the single storey nature of the proposed cabins and the predominant dwelling design being developed on the adjoining residential allotment is 2 stories and will still enjoy views towards the mountains as such there are no foreseen unreasonable visual impacts.

The development of the cabins are located in a previously disturbed area which cannot be seen from the lake or the adjoining recreational zoned land and the location of the proposed managers residence has been site so as to not dominate the skyline and the colour choices will blend with the landscape.

Due to the bushfire mitigation reasons the applicant will not be planting screening plants adjacent to the services easement but will be erecting a fence with the neighbouring properties to create a screened barrier to the development.

Land and Environment Court decision – DA0014/2016

The development application referred to by the submitter is not on the subject land, nor is the proposal for a residential subdivision of the site which was the subject of the referred to case. This proposal is for the development of an eco-tourist facility where the value of the vegetation can be appreciated by guest, maintained and improved by the owners and managers. The development as proposed has far less impact than that which was subject to the case referred to in the submission. It is considered that the development of an eco-tourist facility on this site is a suitable use of the land which will ensure that the site can be appreciated to its full potential.

Officer Response to Issues Raised by Submission 4

Site Design

The design of the proposal has located all development to on previously disturbed land which will ensure that existing significant vegetation is not impacted. Should the design have located

the development to be within the vegetation the requirements of the clearing of the APZs would have a significant impact of the vegetation.

Due to the bushfire mitigation reasons the applicant will not be planting screening plants adjacent to the services easement but will be erecting a fence with the neighbouring properties to create a screened barrier to the development.

Environmental impact – visual impacts

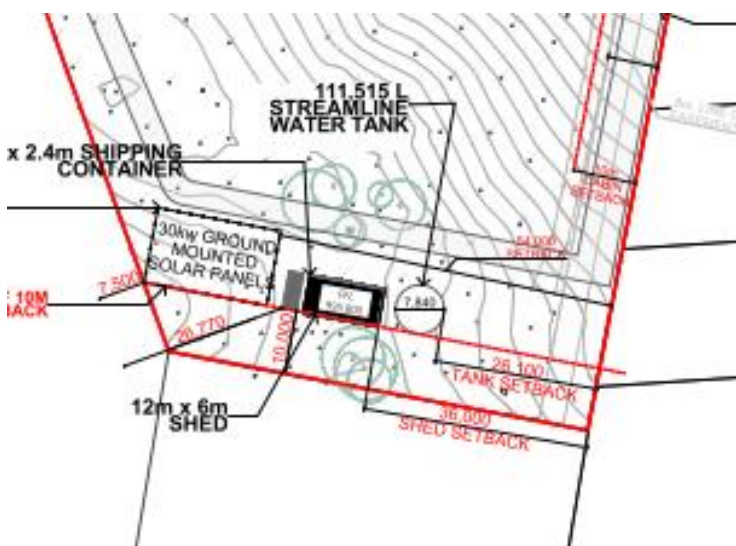
The proposed setback for the cabins is 10m. There is no minimum required setback for Eco-tourist developments, however it is considered that a 10m setback is satisfactory. Given the single storey nature of the proposed cabins and the predominant dwelling design being developed on the adjoining residential allotment is 2 stories and will still enjoy views towards the mountains as such there are no foreseen unreasonable visual impacts.

The development of the cabins are located in a previously disturbed area which cannot be seen from the lake or the adjoining recreational zoned land and the location of the proposed managers residence has been site so as to not dominate the skyline and the colour choices will blend with the landscape.

Due to the bushfire mitigation reasons the applicant will not be planting screening plants adjacent to the services easement but will be erecting a fence with the neighbouring properties to create a screened barrier to the development.

Environmental impact – solar panel impacts

The proposed location of the solar panels is in the south western corner of the subject lot and over 50m away from the eastern property boundary. The optimal orientation of solar panels is to the north and not orientated towards the residential allotments to the east. In addition there is existing vegetation which will further screen the panel from the east. As such there are no foreseen unreasonable impacts and a solar study was not required.



Works already commenced

A site visit was carried out. The works which have been carried out were considered to be within the development standards of the State Environmental Planning Policy (Exempt and Complying Codes) 2008, Subdivision 15 Earthworks, retaining walls and structural support.

Environmental foot print

The provided Flora and Fauna Assessment Report has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. These recommendations have been incorporated into the draft conditions of consent.

The design of the proposal has located all development to on previously disturbed land which will ensure that existing significant vegetation is not impacted. Should the design have located the development to be within the vegetation the requirements of the clearing of the APZs would have a significant impact of the vegetation.

In addition an aboriginal site has been identified on the subject land and a condition of consent will ensure that the site be preserved, this will add a cultural element to the facility which could be drawn upon.

Antisocial Behaviour & Security

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 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 manager's should they occur. Appropriate conditions of consent have been proposed to manage the impact of the development on surrounding properties.

Social Fabric

The maximum number of tourists permitted at one time will be forty (40), this is similar to the recent approval for a property on an adjoining property, being 80 Kunama Drive.

The approval consisted of eight (8) x 3 bedroom serviced apartment (solely for the purpose of Tourist and Visitor accommodation) with a total 72 guests able to be accommodated.

There are an additional 16 approved serviced apartments on Kunama, Lakeview Terrace and Heysen Drive. Given the established tourist accommodation options along Kunama Drive and within the immediate surroundings the proposal is considered to be reasonable in the locality. The STRA SEPP allows any residential dwelling to be used for short term accommodation and will further contribute to the mix of uses experienced in East Jindabyne.

Accommodation Issues

The proposed development would be solely available for the accommodation of tourist and visitors to the region. It would be reasonable to relate the increase of dedicated tourist accommodation the reduced need for long term residential dwellings to be used for short term tourist accommodation and return to long term occupation rather than tourist accommodation.

Safety

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Noise

Given to the 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 manager's should they occur.

The driveway into the site and accessing the cabins will be required through a condition of consent to be sealed so as to limit the noise created by vehicles travelling over a gravel surface.

Proximity to the boundary

The location of the proposed development has been largely positioned within areas of historically cleared land and exotic vegetation. The driveway has been positioned entirely along the existing cleared track within the subject property, minimising the potential impacts to the ecological values of the site.

The proposed distance of the cabins from the property boundary a minimum of 10m. Within the setback is the proposed driveway and screening plants. It is considered that the proposed setback is reasonable.

Landscaping

Due to the bushfire mitigation reasons the applicant will not be planting screening plants adjacent to the services easement but will be erecting a fence with the neighbouring properties to create a screened barrier to the development. Any landscaping in the development will be in accordance with the recommendations of the Flora and Fauna report and include species which enhance the property.

Education

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 Lake Jindabyne and the land has significant vegetation. This allows for a variety of nature based activities such as bird watching.

Not adjacent to areas of special ecological features

The applicant provided a Flora and Fauna report which showed that there are areas of significant vegetation located on the site. The location of the proposed development is located outside these areas so as to minimise the impact. Additionally the report recommended that any all future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion. This will allow the facility to contribute to the restoration of the site.

Community Consultation

The developer is not legally required to undertake independent community consultation prior to applying to council for development approval. As part of council assessment the development was both neighbour notified and public advertised in accordance with the Snowy Monaro Planning and Development Community Participation Plan 2019. The submissions received are considered in the assessment of the application.

Number of Guests

The number of guests will be restricted to 40 people, 4 per cabin in accordance with the

provisions of Chapter E1 5.1.4 of the DCP.

Waste

The proposed development will be council's infrastructure and as such contribution will be payable by the developer.

Waste will be disposed of either by Council services or a commercial agreement with a waste disposal contractor.

Officer Response to Issues Raised by Submission 5

Objection to the 3 month maximum rental period

Section 4.2 Operation of Eco-tourist facilities of the DCP provides the controls regarding the operation and management of eco-tourist facilities. Dot point 5 of 4.2.1 states that the development can be solely used for the provision of temporary holiday accommodation (no more than three consecutive months). A condition of consent cannot impose a restriction that is more onerous than the DCP, as such a draft condition of consent reflects this standard.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Officer Response to Issues Raised by Submission 6

Not in keeping with surrounding development

The maximum number of tourists permitted at one time will be forty (40), this is similar to the recent approval for a property on an adjoining property, being 80 Kunama Drive.

The approval consisted of eight (8) x 3 bedroom serviced apartment (solely for the purpose of Tourist and Visitor accommodation) with a total 72 guests able to be accommodated.

There are an additional 16 approved serviced apartments on Kunama, Lakeview Terrace and Heysen Drive. Given the established tourist accommodation options along Kunama Drive and within the immediate surroundings the proposal is considered to be reasonable in the locality. The STRA SEPP allows any residential dwelling to be used for short term accommodation and will further contribute to the mix of uses experienced in East Jindabyne.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Officer Response to Issues Raised by Submission 7

Proximity to adjoining Residential Development and Minimum Lot Size

The subject land is 2.04 hectares and does not meet the minimum lot size of 5 hectares however

the minimum lot size referred to in clause 4.1 of the SRLEP 2013 relates to the approval for the erection of a dwelling house. This is not applicable to this development as the applicant is not applying for the erection of a dwelling on the site and therefore the minimum lot size provisions do not apply.

There is no required minimum lot size for Eco-tourist development prescribed in the SRLEP 2013. The manager's residence is "ancillary" to the use of the land for an eco-tourist facility and can only be occupied whilst facility operates, a condition of consent is proposed to manage this requirement.

The proposed manager's residence is initially located in cabin 3 and then the permanent manager's residence is proposed as part of the final stage once all 10 cabins have been constructed. With accommodation for up to 40 people the SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a manager's residence.

Whilst the zoning of the subject lot is E3 with a minimum lot size of 5Ha, the land immediately adjoining to the north and east is RU5 (Village) zoning with a minimum lot size of 700m². The subject property is serviced by the same infrastructure as the adjoining allotments including council's water and sewer. Therefore it is considered that the size of the lot can support a maximum of 50 people.

Impact on privacy, amenity and a sense of security

The maximum number of tourists permitted at one time will be forty (40), this is similar to the recent approval for a property on an adjoining property, being 80 Kunama Drive.

The approval consisted of eight (8) x 3 bedroom serviced apartment (solely for the purpose of Tourist and Visitor accommodation) with a total 72 guests able to be accommodated.

There are an additional 16 approved serviced apartments on Kunama, Lakeview Terrace and Heysen Drive. Given the established tourist accommodation options along Kunama Drive and within the immediate surroundings the proposal is considered to be reasonable in the locality. The STRA SEPP allows any residential dwelling to be used for short term accommodation and will further contribute to the mix of uses experienced in East Jindabyne.

Given to the 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 manager's should they occur. The driveway to the development will be required through a condition of consent to be sealed so as to limit the noise impacts of vehicles travelling on a gravel road.

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 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 manager's should they occur. Appropriate conditions of consent have been proposed to manage the impact of the development on surrounding properties.

Traffic and safety for children at bus stop

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer. The roads are

considered suitable for this use and the surrounding residential uses, it is not considered that the development will have an effect on the safety of children at bus stops as the roads are of a size and capacity to accommodate this and the surrounding residential land uses.

Excavation and site preparation commenced.

A site visit was carried out. The works which have been carried out were considered to be within the development standards of the State Environmental Planning Policy (Exempt and Complying Codes) 2008, Subdivision 15 Earthworks, retaining walls and structural support.

A draft condition of consent has included to ensure that all stormwater created within the subject site be managed within the property boundaries.

BBQ area and Education

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 Lake Jindabyne and the land has significant vegetation. 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.

The proposal has not listed specific information or education items to be provided as part of the development however it is considered given the small scale of the development that having the managers available to answer any questions is sufficient.

The BBQ is not required to provide education but provides a communal area for guests at the facility to enjoy and communal areas are considered to be in keeping with the proposed use of an Eco-tourist Facility.

Biodiversity

The applicant provided a Flora and Fauna Assessment Report which showed that there are areas of significant vegetation located on the site. The location of the proposed development is located outside these areas so as to minimise the impact. Additionally the report recommended that any all future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion. This will allow the facility to contribute to the restoration of the site.

Officer Response to Issues Raised by Submission 8

Objection to the 3 month maximum rental period

Section 4.2 Operation of Eco-tourist facilities of the DCP provides the controls regarding the operation and management of eco-tourist facilities. Dot point 5 of 4.2.1 states that the development can be solely used for the provision of temporary holiday accommodation (no more than three consecutive months). A condition of consent cannot impose a restriction that is more onerous than the DCP, as such a draft condition of consent reflects this standard.

Minimum Lot Size

The subject land is 2.04 hectares and does not meet the minimum lot size of 5 hectares however the minimum lot size referred to in clause 4.1 of the SRLEP 2013 relates to the approval for the

erection of a dwelling house. This is not applicable to this development as the applicant is not applying for the erection of a dwelling on the site and therefore the minimum lot size provisions do not apply.

There is no required minimum lot size for Eco-tourist development prescribed in the SRLEP 2013. The manager's residence is "ancillary" to the use of the land for an eco-tourist facility and can only be occupied whilst facility operates, a condition of consent is proposed to manage this requirement.

The proposed manager's residence is initially located in cabin 3 and then the permanent manager's residence is proposed as part of the final stage once all 10 cabins have been constructed. With accommodation for up to 40 people the SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a manager's residence.

Whilst the zoning of the subject lot is E3 with a minimum lot size of 5Ha, the land immediately adjoining to the north and east is RU5 (Village) zoning with a minimum lot size of 700m². The subject property is serviced by the same infrastructure as the adjoining allotments including council's water and sewer. Therefore it is considered that the size of the lot can support a maximum of 50 people.

Stormwater management

A draft condition of consent has included to ensure that all stormwater created within the subject site be managed within the property boundaries.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Officer Response to Issues Raised by Submission 9

Land Use – Eco-tourist Facility

The application as presented and the assessment carried out above has demonstrated that the site not only has areas of significant vegetation but also possesses a site of cultural significance. Furthermore that proposed accommodation is located in close proximity to Lake Jindabyne and Kosciuszko National Park for additional off-site opportunities. It has been concluded that given these values the site is appropriate to be developed for an eco-tourist facility.

Suitability

The SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a manager's residence.

The proposed shed and shipping containers will provide storage option for the owner or manager to store items to assist with carrying out site maintenance and repairs around the facility. The provision of infrastructure for the development as a whole is considered reasonable and the development at stage 1 will allow the facility to be serviced as the development moves through its stages and is not considered unreasonable.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Aboriginal Sites

AHIMS search 631809 revealed four (4) aboriginal sites or locations within 50m of the subject site one of which is located within the subject property and as such the applicant has provided a Due Diligence Report. The site will be avoided and as such an AHIP and ACHAR is not required.

Officer Response to Issues Raised by Submission 10

Biodiversity

The applicant provided a Flora and Fauna report which showed that there are areas of significant vegetation located on the site. The location of the proposed development is located outside these areas so as to minimise the impact. Additionally the report recommended that any all future landscaping within the Subject Property is to involve the planting of species associated with the naturally occurring CEEC, Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion. This will allow the facility to contribute to the restoration of the site.

Bushfire Prone Land

The land is mapped as being bushfire prone land and has been referred to the RFS as integrated development. The applicant provided further accredited bushfire assessment as per a request from the RFS.

Under 100B of the Rural Fires Act a Bush fire safety authority (BFSA) is required as the development is classified as a Special Fire Protection Purpose.

RFS have provided conditions and a BFSA has been issued (see attachment 4).

Noise

Given to the 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 manager's should they occur. The driveway to the development will be required through a condition of consent to be sealed so as to limit the noise impacts of vehicles travelling on a gravel road.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

No Building Entitlement

The subject land is 2.04 hectares and does not meet the minimum lot size of 5 hectares for the construction of a standalone dwelling house. In this case clause 4.1 of the SRLEP 2013 does not apply as the development is for an eco-tourist facility of which there is no required minimum lot size.

It is noted that the proposed managers residence is initially located in cabin 3 and then the permanent manager's residence is proposed as part of the final stage once all 10 cabins have been constructed. With accommodation for up to 40 people the SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a manager's residence.

Whilst the zoning of the subject lot is E3 with a minimum lot size of 5Ha, the land immediately adjoining to the north and east is RU5 (Village) zoning with a minimum lot size of 700m². The subject property is serviced by the same infrastructure as the adjoining allotments including council's water and sewer. Therefore it is considered that the size of the lot can support a maximum of 50 people.

Waste

The proposed development will be council's infrastructure and as such contribution will be payable by the developer.

Waste will be disposed of either by Council services or a commercial agreement with a waste disposal contractor.

Officer Response to Issues Raised by Submission 11

Appropriateness of the Development on the site

The subject land is 2.04 hectares and does not meet the minimum lot size of 5 hectares, however the minimum lot size referred to in clause 4.1 of the SRLEP 2013 relates to the approval for the erection of a dwelling house. This is not applicable to this development as the applicant is not applying for the erection of a dwelling on the site and therefore the minimum lot size provisions do not apply.

There is no required minimum lot size for Eco-tourist development prescribed in the SRLEP 2013. The manager's residence is "ancillary" to the use of the land for an eco-tourist facility and can only be occupied whilst facility operates, a condition of consent is proposed to manage this requirement.

The proposed manager's residence is initially located in cabin 3 and then the permanent manager's residence is proposed as part of the final stage once all 10 cabins have been constructed. With accommodation for up to 40 people the SR DCP 2013 requires the provision of a manager's residence and there are no development standards which inform the size of a manager's residence.

The applicant provided a Flora and Fauna Report which has identified areas of significant vegetation on the site and has provided a number of recommendations in an effort to avoid and minimise impacts on the biodiversity values associated with the proposed development. The report and the recommendations can be seen in the attachments to this report. These recommendations have been incorporated into the draft conditions of consent.

The design of the proposal has located all development to on previously disturbed land which will ensure that existing significant vegetation is not impacted. Should the design have located the development to be within the vegetation the requirements of the clearing of the APZs would have a significant impact of the vegetation.

In addition an aboriginal site has been identified on the subject land and a condition of consent will ensure that the site be preserved, this will add a cultural element to the facility which could

be drawn upon.

Traffic

The subject lot is accessed from a public road which has been designed and constructed in accordance with council design standards. Given the road has been designed to meet the requirements of being a collector road it has been assessed by council's development engineer to be an acceptable standard. No upgrades are required of the developer.

Developer Contributions

In accordance with the Snowy River Contribution plan 2008. The developer will be required to pay contributions. At a rate of 0.29ET per eco-tourist room and 1.29 ET for the Manager's residence.

The conditions of consent requiring these contributions are PCC_01 & PCC_02

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.

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCP, 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 C3 - Environmental Management
2. The use of the subject lot is a form of tourist and visitor accommodation, which has been previously established on Kunama Drive and the surrounding area.
3. The development complies with the standards of the SRLEP 2013 and the SRDCP 2013.

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 as attached to this report.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

It is not considered that the development will have an overall negative social impact when compared to the surrounding land uses. Whilst holiday accommodation can have antisocial behaviour attached this can be managed through appropriate onsite management. The proposed development has onsite management which will be available to deal with issues arising from the guests. The development is in keeping with established tourist accommodation options in Kunama Drive and surrounds and within the broader Jindabyne context as a holiday destination.

2. Environmental

The environmental impacts of the development have been considered in the assessment of the development application. A Flora and Fauna Assessment Report demonstrated that there are areas of significant vegetation located on the site however the design of the proposal has located

all development on previously disturbed land which will ensure that existing significant vegetation is not impacted. An aboriginal site has been identified on the subject land and adds a cultural element to the facility. There will be minimal excavation associated with the development and no impact on the subject archaeological site. There is no expected impact on air quality. There are no trees to be removed 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 construction of the development will have 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 eleven (11) submissions. This is in accordance with Councils Policy - "Referral of Development Applications to Council" which stipulates any development application that receives more than five (5) objections requires determination by 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.

Should the application be determined as a refusal, reasons for refusal are required to be provided by Council as per the requirements of Council Procedure – *Council Decision Contrary to Staff Recommendation*.

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8.2 DEVELOPMENT APPLICATION 10.2021.359.1 - COMMUNITY LIBRARY AND INNOVATION HUB

Record No: I21/424

RECOMMENDATION

That Council, pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)*, grants consent to DA 10.2021.359.1 for an Information and Education Facility – Community Library and Innovation Hub at 1 Thredbo Terrace Jindabyne being Lot 31 DP227005, with conditions of consent attached to this report.

BACKGROUND

Applicant Number:	10.2021.359.1 (PAN-166235)
Applicant:	Snowy Monaro Regional Council
Owner:	Snowy Monaro Regional Council
DA Registered:	12/11/2021
Property Description:	Lot: 31 DP: 227005, 1 Thredbo Terrace JINDABYNE
Area:	682.9m ²
Zone:	B2 – Local Centre
Current Use:	Vacant Land – Informal Carpark
Proposed Use:	Information and Education Facility – Community Library and Innovation Hub
Permitted in Zone:	Yes
Recommendation:	Approval with Conditions

The purpose of this report is to seek approval of an Information and education facility – Community Library and Innovation Hub at lot: 31 DP: 227005, 1 Thredbo Terrace JINDABYNE. The proposed building is constructed on a vacant parcel of land adjoining the Jindabyne Memorial Hall.

The library is defined as an Information and Education Facility which is permissible in the B2 Zone.

The application was notified to surrounding landowners and placed on public advertising as per the requirements of the Snowy Monaro Planning and Development Community Participation Plan 2019 and one submission was received, raising concerns with the removal of car parking.

It is considered that the development complies with the provisions of the Snowy River LEP 2013, Snowy River DCP 2013 and the draft Snowy Mountains Special Activation Precinct discussion Paper and it is recommended for approval with conditions.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. DRAFT Conditions of Consent (*Under Separate Cover*)
2. Plans (*Under Separate Cover*)
3. Statement of Environmental Effects (*Under Separate Cover*)
4. Redacted Submission (*Under Separate Cover*)
5. DA Form (*Under Separate Cover*)
6. Deposited Plan 227005 (*Under Separate Cover*)

SITE DESCRIPTION AND SITE HISTORY

The subject site is a vacant parcel of Council land on the corner of Kosciuszko Road and Thredbo Terrace to the rear of the Jindabyne Memorial Hall. The site is 682.9m² and is flat with no trees or significant vegetation. It is currently used as an informal car park.

The site can be serviced by reticulated water and sewer, with new connections required. The site does not enjoy any particular views however being in such close proximity to the Jindabyne Memorial Hall any development on the site is required to take into consideration the heritage value of that building. Electricity is to be provided to site via an application to Essential Energy.

There are existing formal parking areas to the rear of the site on to which the Library building will front. The site has pedestrian access from Snowy River Avenue and through the National Parks Visitor Centre complex to the west.



Figure 1 – Subject site

8.2 DEVELOPMENT APPLICATION 10.2021.359.1 - COMMUNITY LIBRARY AND INNOVATION HUB



Figure 2 – Subject site in the broader context of Jindabyne town



Figure 3 – View of the subject site from Kosciuszko Road toward the Snowy River Health Centre on Thredbo Terrace



Figure 4 – View of the site from the adjoining car parking area, looking toward Kosciuszko Road, with a view of the Lake Jindabyne Hotel and the entrance to McLure Circuit



Figure 5 – A view of the adjoining car park showing the rear and side of Jindabyne Memorial Hall and public toilet block

Previous Development Approvals

DA172/2004 – Two level office administration building & alterations & additions to existing Memorial Hall (Approved 23/01/2004)

PROPOSAL IN DETAIL

The proposal is to construct an Information and Education Facility being a Community Library and Innovation Hub ('library') on vacant land in Jindabyne town centre adjoining the Jindabyne Memorial Hall. The land is currently being used as an informal carpark.

The applicant provides the following description of the development:

The new Community Library and Innovation Hub – as described in the project brief "... will meet community, previously serviced via a mobile library service, needs for a semi-permanent library service. The new library will be a landmark in Jindabyne, demonstrating council's commitment to contemporary library and information services. It will support lifelong learning, meet the needs of its community and reflect the character of the region.

The library will focus on cultural, learning and recreational opportunities, with quiet spaces for study and information-seeking, places to collaborate and multifunction spaces for events and programs, accessible and highly visible collection display, travelling exhibitions, lectures, lifelong learning and digital literacy. It will provide a new venue for a range of community activities and appeal to people of all ages, occupations and lifestyles."



Figure 6 - A 3D perspective of the entrance of proposed building when viewed from the car parking area to the south west

The proposal is single storey with a proposed floor area of 506m². The building is a prefabricated structure which enables the development to meet a mid-2022 opening date, which is stipulated in the funding agreement for the project. Being a prefabricated building is can be moved from the site at a time in the future and moved elsewhere or be used for a different purpose.

The design of the building has been informed by the surrounding development including the Jindabyne Memorial Hall, the Visitors Centre and other alpine buildings in the township of Jindabyne. The “Alpine Style” in this case as reflected in a pitched roof and the use of colours that blend with the environment.

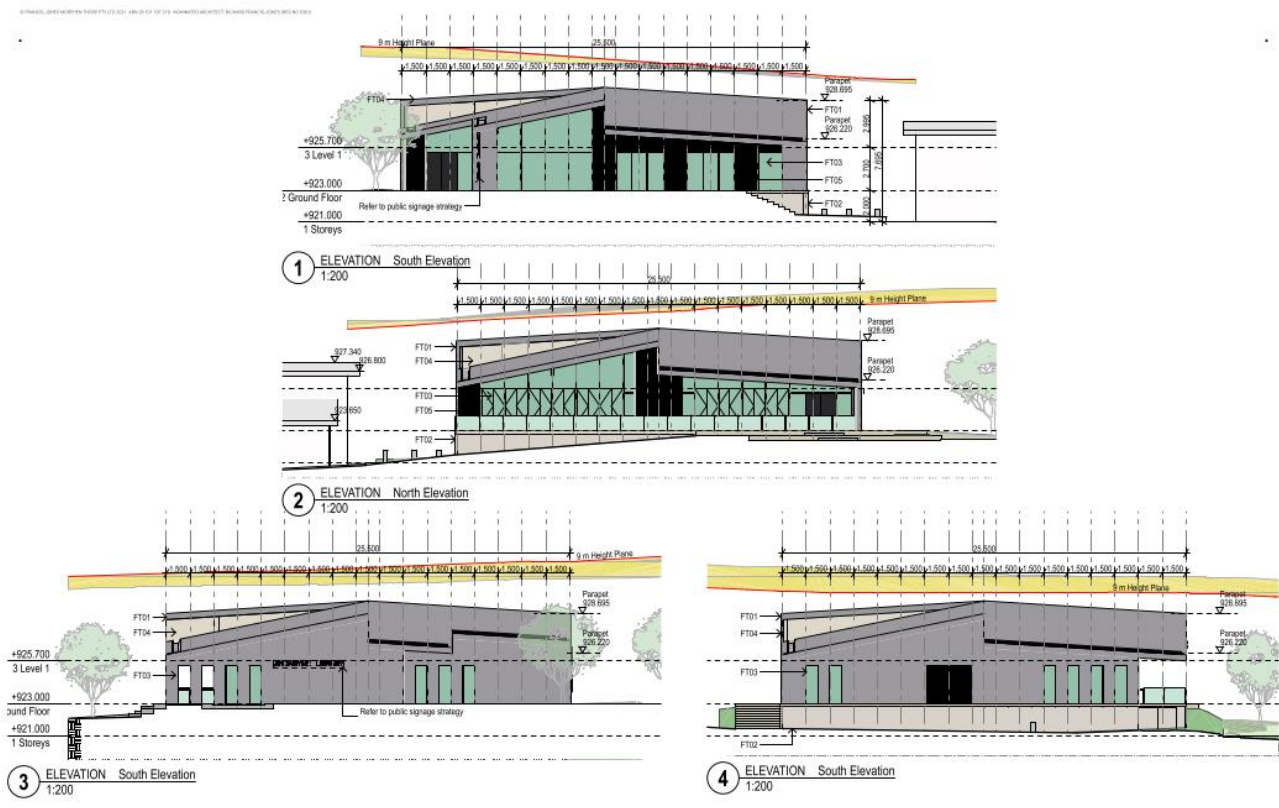


Figure 7 - Elevations of the proposed building displaying the architects interpretation of “Alpine Style”

8.2 DEVELOPMENT APPLICATION 10.2021.359.1 - COMMUNITY LIBRARY AND INNOVATION HUB

The development will include a library space/reading room (including children and youth area) able to seat 45 people, two meeting rooms with 20 and 6 seats respectively and an administration office accommodating 2 permanent and 2 temporary staff seats.

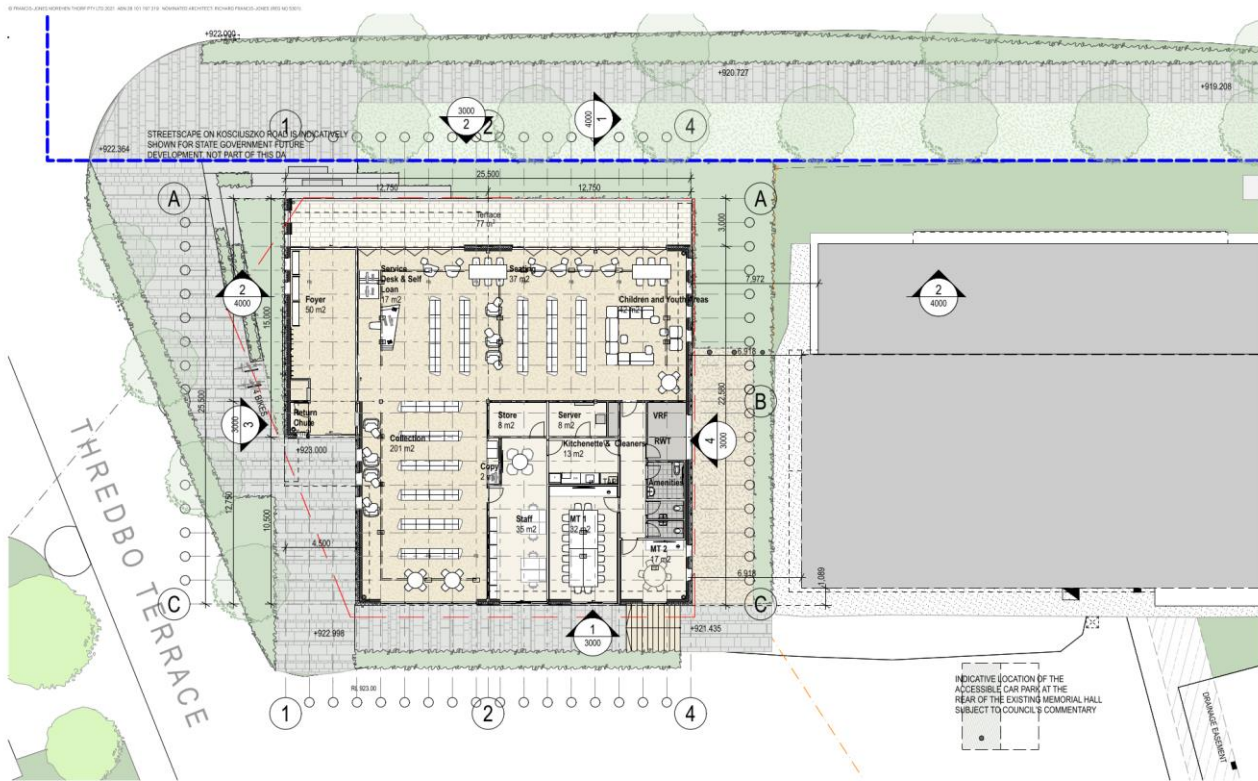


Figure 8 - Floor Plan of proposed library building

There is no parking proposed on site due to the site size and the proximity of formalised public car parking adjacent and in the Thredbo Terrace Car Park. A condition of consent has been included in the draft conditions to ensure that ten (10) spaces including two (2) accessible spaces are line-marked on the southern side of the Jindabyne Memorial Hall.

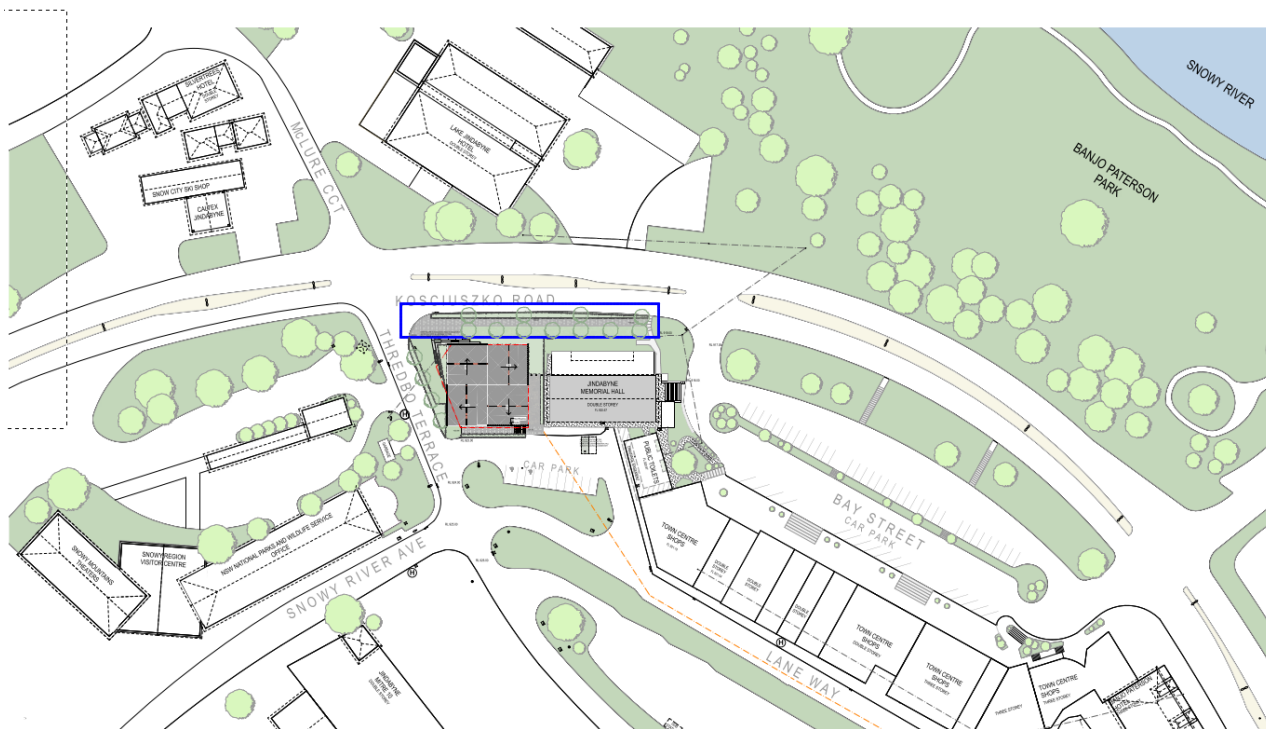


Figure 9 - Site plan

The area surrounding the site is proposed to be extensively landscaped under the Draft SAP Masterplan however this cannot be relied upon for this development application. As such the development is proposed to be landscaped in the areas of the site that are not to be utilised for the footprint of the library so as to soften the building when viewed from public areas and to provide spaces for outdoor usage by the public. Figure 8 shows the areas to be landscaped and a full landscaping plan providing species proposed and hard surfaced materials will be required to be submitted prior to the release of the construction certificate. This has been reflected in the draft conditions of consent.

ASSESSMENT

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

<p>State Environment Planning Policies (SEPPs)</p>	<p>SEPP No. 55 - Remediation of Land SEPP No. 64 – Advertising Signage State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Activation Precincts) 2020</p>
<p>Local Environmental Plan (LEP) (including draft LEPs)</p>	<p>Snowy River Local Environmental Plan 2013 (SRLEP 2013) Draft Planning Instrument - Introduction of Snowy Mountains Special Activation Precinct - Discussion Paper June 2021</p>

Development Control Plans	Snowy River Development Control Plan 2013 (SRDCP 2013)
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Section 4.15 and EP&A Act Checklist

The suitability of the site for the development:	The site is suitable for development.
The provisions of any environmental planning instrument and draft environmental planning instrument:	<p>The proposal has been assessed against the provisions of all relevant SEPP's and Snowy River Local Environmental Plan 2013 (SRLEP 2013) and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of the Draft Instrument - Introduction of Snowy Mountains Special Activation Precinct - Discussion Paper June 2021 and found to achieve an acceptable level of compliance.</p>
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 <i>EP&A Regulation 2000</i> .
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. Details of notification and submissions received are discussed 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.

REFERRALS

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).

Internal Referrals

Section	Comments
Development Engineer	No objection subject to conditions included in draft conditions of consent
Heritage Advisor	No objection

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:

The site is centrally located, it is currently vacant and being used as an informal car parking area for the surrounding business and the Jindabyne Memorial Hall. The site is in a prominent location in the centre of town visible from the Kosciuszko Road. It has existing vehicle and pedestrian linkages to the site from the Nuggets Crossing Shopping Complex and the Jindabyne Town Centre Shopping Centre. Being the last remaining vacant site in the centre of Jindabyne and on the Kosciuszko Road, it is an ideal location for the construction of an Information and Education Facility such as a library.

The provisions of any environmental planning instrument

State Environmental Planning Policies

The proposal has been assessed against the provisions of all known SEPP's found to have a suitable level of compliance.

SEPP No. 55 - Remediation of Land

Complies – Clause 7 of the SEPP requires that the consent authority must consider whether the land is contaminated when determining a development application. In this case the land is not

listed as contaminated on Councils Contaminated Lands Register and Council has no knowledge of potentially contaminating activities being carried out on the land. As such no remediation or further assessment of the land is required with respect to contamination.

SEPP No. 64 – Advertising Signage

Complies - The development proposes new signage for the library. The signage is related specifically to the use of the site for a Library, is proposed to be back lit and does not detract from the streetscape. As such it is considered that the business identification signage proposed as part of this development application comply with Clause 8 and the Schedule 1 assessment criteria contained in the SEPP.

State Environmental Planning Policy (State and Regional Development) 2011

Not applicable – Under Schedule 7 of the SEPP “Council related development” over \$5 million dollars is considered to be Regionally significant development and requires the determination of a Regional Planning Panel. The cost of works for subject development is \$2,408,450 and therefore it can be considered and determined by Council.

State Environmental Planning Policy (Activation Precincts) 2020

Not applicable at this stage – the land is identified as being within the Snowy Mountains Activation Precinct, sub precinct – Jindabyne Town Centre and Foreshore however the SEPP is yet to include the Snowy SAP. The application however is required to be assessed against the provisions of the draft documents. A full assessment against the subject document is carried out below.

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

The subject site is zoned B2 Local Centre under the Snowy River LEP 2013 ‘SRLEP 2013’.

The definition of the use under the SRLEP 2013:

Information and Education Facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

As such a Community Library and Innovation Hub is considered to meet the definition of ‘Information and Education Facility’ and an Information and Education Facility is a permitted use in the B2 zone.



Figure 10 – Zoning Map Snowy River LEP 2013

Objectives of Zone B2 - Local Centre are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for appropriate residential development in the form of shop top housing and other land uses that are complementary to, and support the vitality of, the local centre.*

The proposal for a Community Library and Innovation hub will serve the needs to the people who live in, work in and visit the local area and has the potential to provide employment opportunities at a site that is accessible. As such it is considered consistent with the objectives of the zone.

Furthermore the proposal has been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance. The following provisions from SRLEP 2013 are of relevance:

Clause 4.3 Height of building

Complies – The development is single storey and does not exceed the maximum height limit of 9m applying to the land.

Clause 5.10 Heritage conservation

Complies - Whilst the site is not heritage listed under Schedule 5 of the SRLEP 2013 it is adjoining the Jindabyne Memorial Hall which is listed as item 154 in the plan. The application was referred to Councils Heritage Advisor for comments on the design and impact of the development on the heritage item. No objections were raised by the Heritage Advisor with respect to the development. The applicant in the statement of environmental effects has referenced the location of the proposed building with respect to its impact on the heritage item and has designed the development to be sympathetic to the values of the Jindabyne Memorial Hall. It is not considered that the development will have a negative impact on the heritage value of the adjoining heritage item.

Clause 7.5 Active street frontages

Complies – The land on the subject site that is identified as “Active Street Frontage” on the Active Street Frontages Map is that frontage which bounds the established car parking area to the rear of the Jindabyne Memorial Hall. The clause seeks to ensure that business premises in the B2 Zone are accessible to the public to ensure the vibrancy of the local centre. This is reflected in the objective of the clause which is to promote uses that attract pedestrian traffic along certain ground floor street frontages. The entrance to the proposed library fronts the active street frontage area and therefore allows for a premises that will actively encourage the community to enter the site from this area.

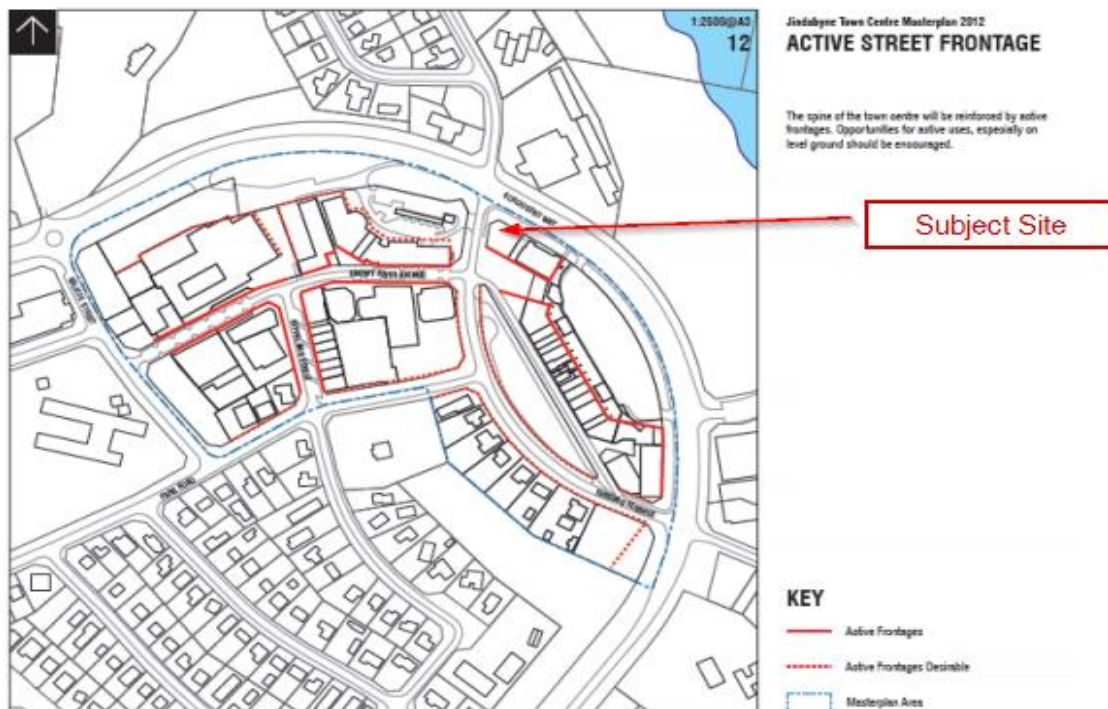


Figure 11 – Active street frontages map

Clause 7.9 Essential services

Complies – the site has access to reticulated water, sewer, stormwater, electricity and telecommunications. It is considered that adequate arrangements can be made through conditions of consent for connections to water, sewer and stormwater. The applicant is required to make arrangements for the connection of power and telecommunications to the site.

The provisions of any proposed instruments

The subject site is within the boundaries of the Snowy Mountains Special Activation Precinct ('SAP') as such the assessment of the application must take into consideration the draft master plan document, *Introduction of Snowy Mountains Special Activation Precinct - Discussion Paper June 2021* as this is considered a "proposed instrument" under the provisions of the Environmental Planning and Assessment Act 1979.

The site is identified within an "Activation Precincts SEPP – Sub Precinct", being the Jindabyne Town Centre and Foreshore Sub Precinct (Figure 12). The discussion paper proposes changes to landuse zones within the Jindabyne Town Centre and Foreshore Sub Precinct. In the case of the subject site it has been included in the proposed, Tourism Enterprise Zone. The definition of the landuse remains the same in the discussion paper and an 'Information and Education Facility' is permissible with development consent in the zone.

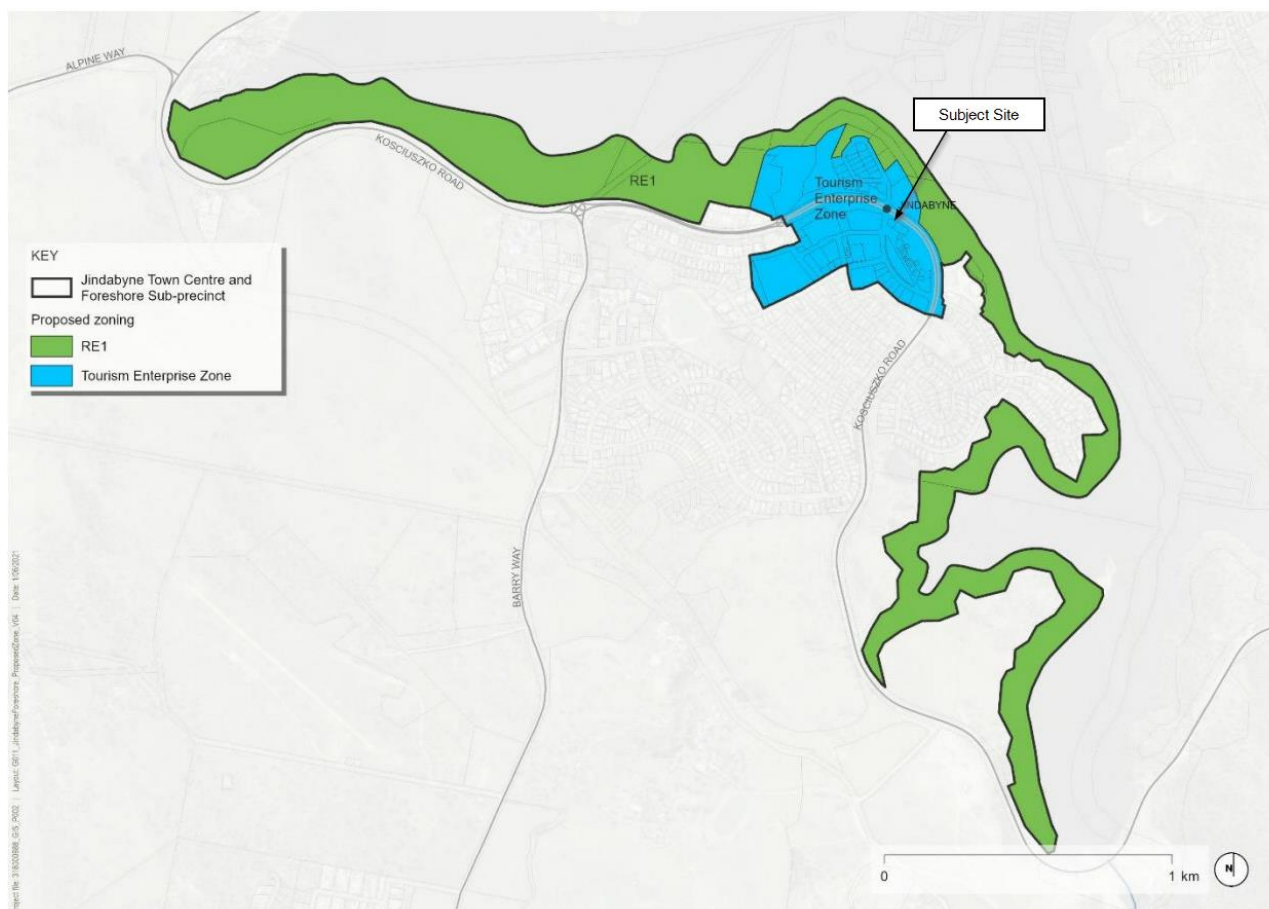


Figure 12- Proposed zone for the subject site (source: Introduction of Snowy Mountains Special Activation Precinct - Discussion Paper June 2021)

Zone	Intent of the zone
Tourist Enterprise Zone (or SP4 – Local Enterprise Zone)	<ul style="list-style-type: none"> - To promote an integrated Town Centre, including revitalisation of the public realm, strategic redevelopment and access improvements, to create a modern and vibrant ‘Alpine Village’ that supports year-round tourism and a thriving local community - To accommodate a wide range of tourist, accommodation and employment uses to service local and tourist needs. - To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way. - To ensure the intended uses are located to optimise access and integrate with surrounding public realm improvements. - To provide for recreation opportunities and appropriate businesses services and amenities in suitable locations.

Figure 13 – The intent of the Tourist Enterprise Zone (source: Introduction of Snowy Mountains Special Activation Precinct - Discussion Paper June 2021)

The intent of the zone to promote an integrated town centre including the revitalisation of the public realm is of particular relevance to the subject proposal. The provision of a community library and innovation hub will support the creation of a vibrant ‘Alpine Village’ through access to an Information and Education Facility which is not currently provided in Jindabyne. The development has been located within a precinct that has been nominated in the Draft Master Plan for community uses adjacent to a public realm improvement areas of a town plaza/square.

The objectives of the Tourism Enterprise Zone are as follows:

- *To provide a range of retail, business, recreation, entertainment and community uses to service local and tourist needs.*
- *To ensure the intended uses are located to optimise access and integrate with public realm improvements and improve connectivity with the Lake Jindabyne foreshore.*
- *To promote the unique scenic and built character of Jindabyne and the Alpine Region.*
- *To promote high quality urban design of built forms.*
- *To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way.*
- *To provide for recreation opportunities and appropriate businesses services and amenities in suitable locations.*

A Community Library and Innovation Hub is assisting the provision of a community uses to serve local and tourist needs, it is located to optimise access and integrate with the public realm improvements (such as the proposed town plaza) and promotes the built character of the Alpine Region through quality design. As such the proposal is considered to be consistent with the objectives and the intent of the zone.

The Draft Master includes a Jindabyne Town Centre Structure Plan (illustrated in figure 14) this Structure Plan identifies broad uses for sites within the town centre. The subject site has been identified as “mixed use” with a “community” overlay. This area is adjoining which is proposed to

be a new community “Plaza”. This proposal for this area to be a community hub is reflected in the intent of the Tourist Enterprise zone.

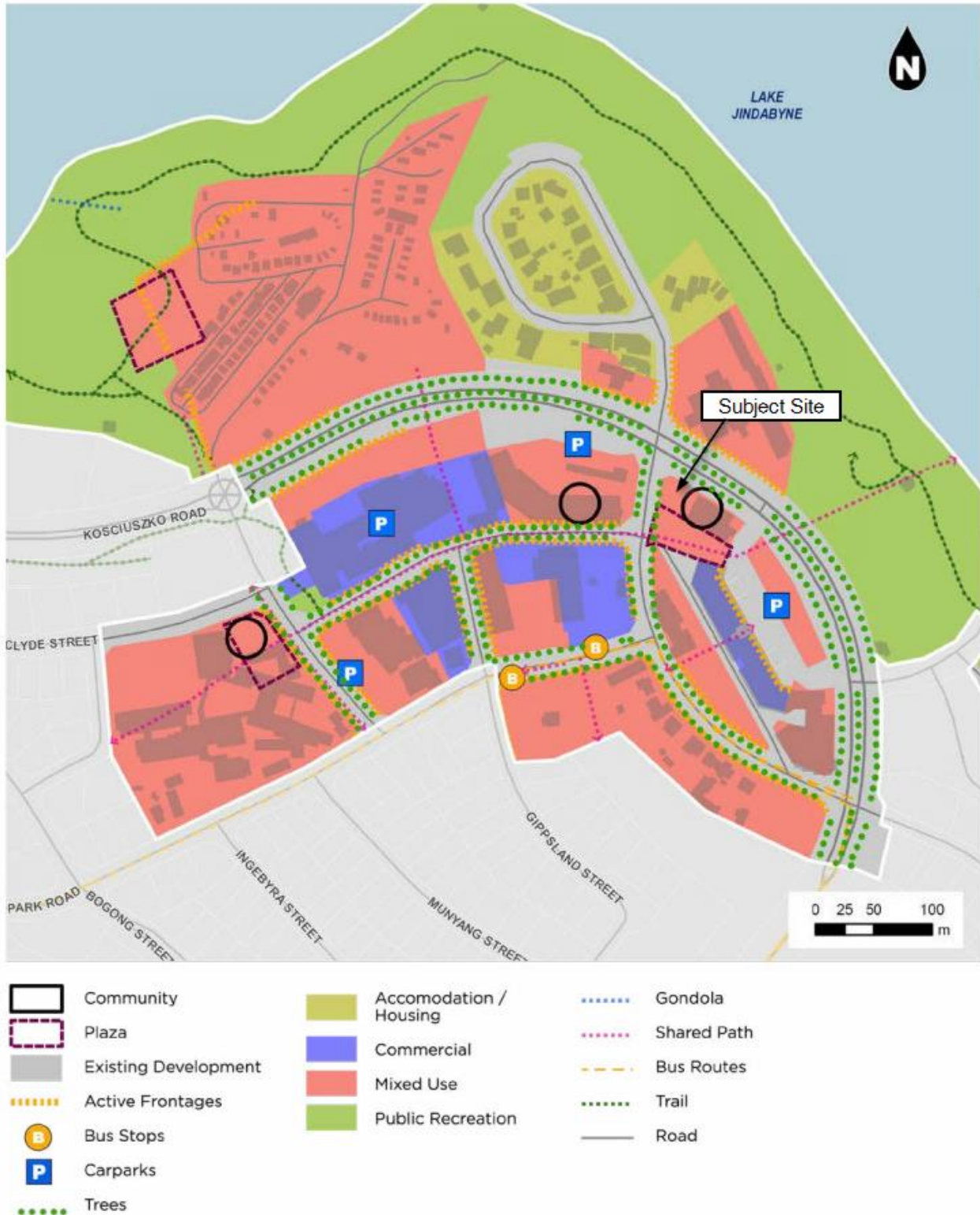


Figure 14 - Jindabyne Town Centre Structure Plan showing subject site adjoining to a proposed town plaza and community area (source: Snowy Mountains Special Activation Precinct Draft Master Plan June 2021)

The Draft Master Plan goes further in identified the site as a being for a future civic building which would include such uses as library/community uses connected to the proposed plaza/town square (figure 15 illustrates the location of the proposed plaza/town square and surrounding uses)

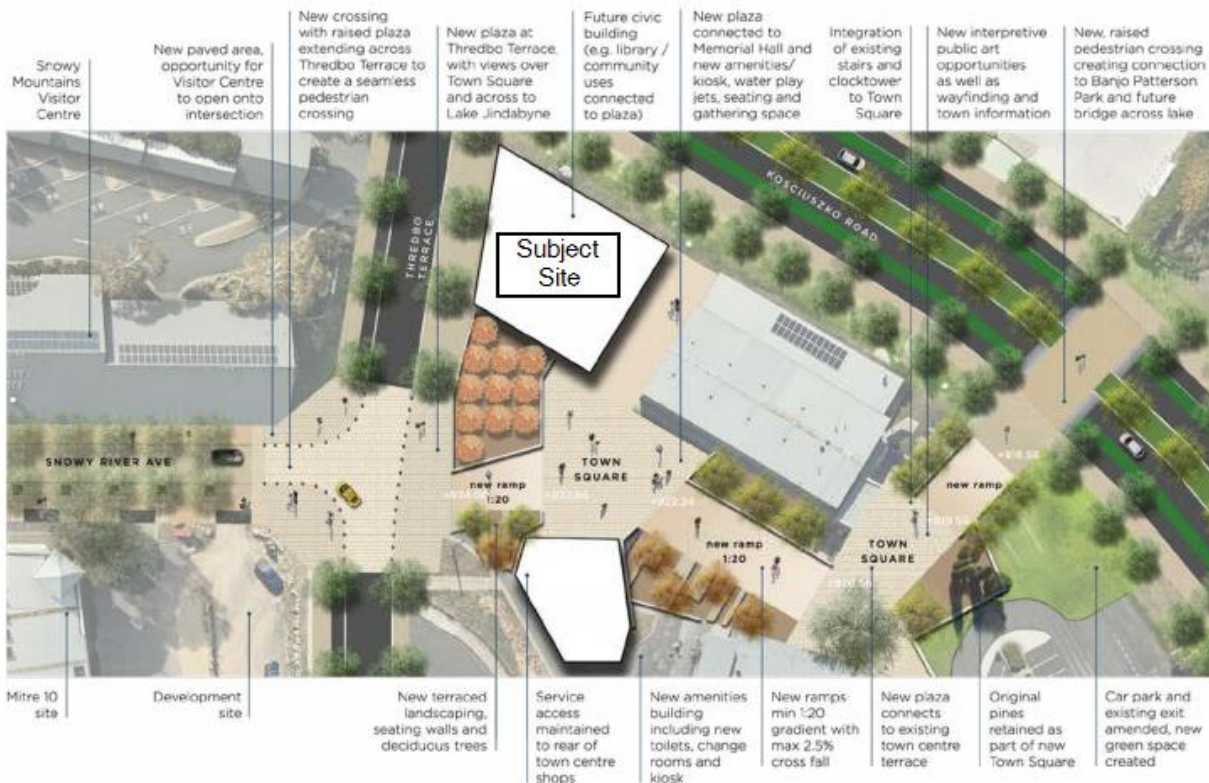


Figure 15 - Artist impression of New Town Square with location of the proposed development indicated (subject site) (source: Snowy Mountains Special Activation Precinct Draft Master Plan June 2021)

In the Draft Master Plan the new Town Square is described as:

The new Town Square will be the civic heart of Jindabyne, creating a welcoming, friendly and easy to access destination with community services and retail activity. The new Town Square will be positioned adjacent the Memorial Hall between Thredbo Terrace and Kosciuszko Road. It will connect seamlessly to Snowy River Avenue, the Visitor Centre, and Nuggets Crossing through to Gippsland Street and Kalkite Street at the western end of the town centre. The concept proposal includes:

- *New raised pedestrian crossings on Thredbo Terrace and Kosciuszko Road to connect the town centre and foreshore to prioritise active street connections*
- *A new plaza connecting the Memorial Hall to new amenities, seating and gathering space*
- ***A new civic building that includes community uses such as Library or Alpine Heritage Centre***
- *Enhanced public domain opportunities including wayfinding signage, town information, interpretative public art and landscaping*

As such it is considered that the proposed location of the Community Library and Innovation Hub is entirely consistent with the strategic direction for Jindabyne outlined in the Draft Master Plan documents.

The provisions of any Development Control Plans

The application has been assessed against the provisions of the Snowy River Development Control Plan 2013 and found to have an acceptable level of compliance, the following DCP provisions are of relevance:

A3 Public Notification

Complies - The development application was notified and advertised in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019. One submission was received and is considered below.

C2 Design

Complies – The development is consistent with the requirements of the DCP with respect to design it is proposed to include a variety of materials that are in keeping with a modern Alpine Style. The materials proposed reflect the materials used on surrounding buildings such as stone, wood and corrugated steel roofing. None of the surfaces proposed are reflective they have been chosen to be natural or untreated and where colours are used, these will have a light reflectivity index of 12% or below.



FT01



FT01



FT02



FT02



Proposed Signage - refer to signage strategy



FT03



FT04



FT04



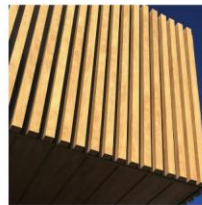
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FT03

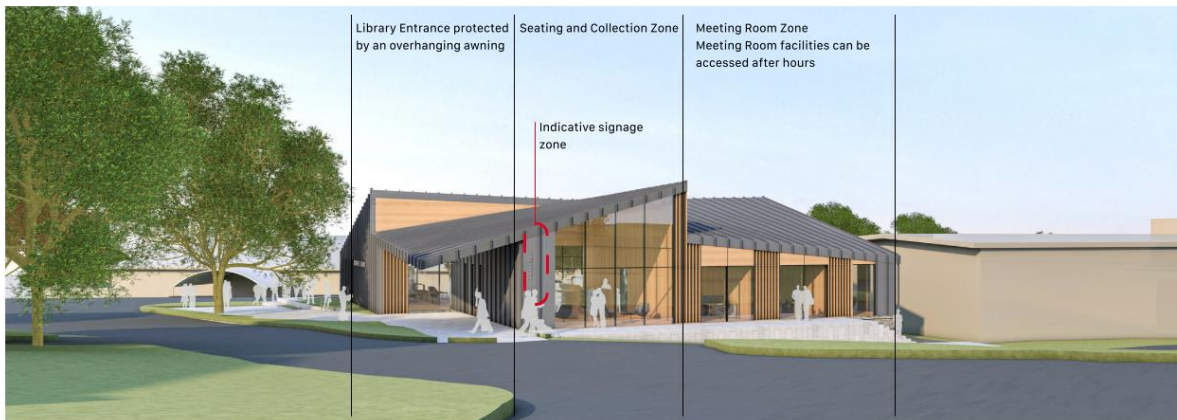


FT06



FT05

Proposed materials for the development



View from the south of the new Library Entrance

Artist impression. Refer to orthogonal drawings for additional information.

Artist impression of the building when viewed from the south toward library entrance.



View from the north looking east towards the Jindabyne Memorial Hall

Artist impression. Refer to orthogonal drawings for additional information.

Artist impression of the building when viewed from the north looking toward the Memorial Hall

C3 Car-parking, Traffic & Access

Generally Complies - The development has permanent practical legal access to the site by vehicles, bicycles and pedestrians.

The DCP requires that sufficient “onsite” parking is required to accommodate the demands of the development. In this case due to the size of the site it is not possible to provide parking for the development on the subject site. The parking will be provided in the adjoining public parking area that currently services the Jindabyne Memorial Hall.

The development does not have specific parking requirements in the table attached to the chapter. The traffic needs of an Information and Education Facility are to be assessed on merit, with a Traffic/parking assessment prepared by a qualified traffic specialist to accompany the development application.

In this case the applicant provided a Traffic Impact Assessment prepared by Stantec Australia to meet the requirements of the DCP.

The report bases its analysis on a capacity of 50 people (45 patrons and 5 staff), and that it will replace the current mobile library servicing the town. It describes the current parking situation in the town as a mix of on-street, off-street and private parking shown in the figure below:



The report acknowledges the current lack of public transport in the town. Pedestrian and bicycle linkages are described in the report.

The authors refer to the SAP processes and the potential for the site to adjoin a new town square and the impact that this will have on the subject site.

The report author concludes after analysis that:

“The car park will be retained until such time that it is transformed into a town square, with 'give way' signage and line-marking to be considered for the car park access to the unnamed laneway as part of further design development.

Given the mix of on-street and off-street car parking provided throughout the town centre and the local and state government-led regional policies and infrastructure upgrades in place to promote active and public transport, dedicated on-site parking is not considered to be necessary at the expense of providing improved public domain areas for the town square. It is also understood that Council is investigating opportunities to increase public off-street car parking supply within the town centre to cater for the seasonal demand, which can be used by patrons of the proposed development.”

Whilst the DCP does not include specific parking requirements for bicycles it is proposed that the development will include provision for the parking of four (4) bicycles.

The report concludes as follows:

Based on the analysis and discussions presented within this report, the following conclusions are made:

- 1. The proposed Jindabyne Community Library and Innovation Hub is proposed to cater for 45 patrons and five staff, and endeavours to complement the local town centre by facilitating linked trips.*
- 2. Whilst the proposal may not provide on-site parking spaces (although an accessible space is proposed to be linemarked in the existing car park), the publicly available parking supply within the Jindabyne Town Centre can cater for any additional, new demand generated by the development.*
- 3. It is recommended to provide at least four bicycle parking spaces and end-of-trip facilities to encourage active travel, in line with the vision set in the Snowy Mountains Special Activation Precinct Draft Master Plan.*
- 4. Having regard to the relatively low site traffic generation and notably the likely operating hours of the proposal, the development is not expected to compromise the safety or operation of the surrounding road network.*

As such it is considered that the applicant has met the requirements of the provision as they have demonstrated through a Traffic Impact Assessment that there is sufficient parking surrounding the site to facilitate the development.

C4 Heritage

Complies – The site is not heritage listed however it adjoins a local heritage item being the Jindabyne Memorial Hall. The application was referred to Councils Heritage Advisor for comment and no objection was raised regarding the design and no negative impact on the value of the heritage item was identified.

C5 Tree preservation & Landscaping

Complies – the applicant has stated that due to site constraints the scope of landscaping works are not extensive as the built footprint covers the majority of the site.

The applicant has described the landscaping proposed as follows:

South: New forecourt landscaping will include soft landscaping and paving to provide on grade access to the entrance.

East: The area between the new Library and the Jindabyne Memorial Hall will provide a paved access way to access the plant/service areas and soft landscaping to mitigate the changes in level. Views and access will be maintained through to the north.

North: Although outside of the site boundary, a transition zone of landscaping will be provided to align with the proposed Snowy Mountains Special Activation Precinct (SAP).

West: The area to the west includes the new covered access way to the site which will be paved and modifications to the adjacent footpath zone to provide 2 accessible parking spaces.

This description and the plan provided with the application are adequate to satisfy the provisions of the DCP however a full landscaping plan showing species and treatments will be required as a condition of consent. This will ensure that the indicative landscape treatments proposed in the application documentation can be fully detailed and realised on the site.

<p>There is landscaping shown on the perspective drawings and the floor and site plans which extends beyond the site within the road reserve of the Kosciuszko Road, these works are not part of this development approval and will be not be undertaken as part of this development. They are indicative only and relate to proposed landscaping that has been indicated in the draft SAP planning documents.</p> <p>The landscaping with in the lot boundary of the Jindabyne Memorial Hall can be undertaken by Council without development approval under the provisions of the SEPP (Infrastructure) 2007 and SEPP (Exempt and Complying Development Codes) 2008.</p>	
<p>C6 Signage & Advertising</p> <p>Complies – The signage proposed will be “building identification signage”, it has been assessed against the provisions of SEPP 64 and considered to meet the requirements of the SEPP therefore meeting the requirements of the DCP.</p>	
<p>C8 Environmental Management</p> <p>Complies – The development will be required to have appropriate sediment and erosion control on site during construction. Due to the type of construction proposed there will be minimal site disturbance by way of excavation. Appropriate conditions of consent have been proposed to ensure compliance.</p>	
<p>C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal</p> <p>Complies – the development has been designed with an enhanced approach to sustainability. The prefabricated structure will have carbon benefits through the use of cross laminated timber and finishes will be selected to meet current sustainability benchmarks. The proposed building will include LED lighting, renewable solar power, grey water reuse for irrigation and toilet flushing and water efficient fittings and fixtures and WSUD (Water Sensitive Urban Design) concepts will be implemented for the landscape design.</p>	
<p>C10 Waste management & Recycling</p> <p>Compiles – The development will incorporate waste and recycling receptacles as required by Councils Waste Department. A Construction Management Plan including how waste is to be managed through construction will be a condition of the development consent.</p>	
<p>F1 Jindabyne Town Centre</p> <p>The site is mapped as being within the “Jindabyne Town Centre” and therefore the relevant provisions of Chapter F1 applies.</p>	
F1.1-1 Views, Vistas & Landmarks	Complies – The applicant provided a view analysis which demonstrated that the identified view corridors are maintained.
F1.1-2 Active Site & Street Frontages	Complies – As the development is an Information and Education Facility being a library many of the principles of active street frontages do not apply to the development. It will however be visible from the street with a frontage that is easily identifiable as a library with its entrance clearly defined to all for easy pedestrian access to the site.
F1.1-3 Street Corners	Complies – The building has been designed to be a “building in the round” meaning that it has three dominant elevations to present to each of the street frontages (one of which being the internal car park

	<p>“street”). The design of the building reflects those around it and creates a civic precinct between the Jindabyne Memorial Hall and the National Parks Visitor Centre.</p>
F1.1-5 Safety, security & crime prevention	<p>Complies – As the development is for a library which has considered safety in its design. The north and south facades are highly visible will large expanses of glazing overlooking the public spaces. The main entrance to the Library is located at the mid-point to the western facade providing an open forecourt which is also highly visible from Thredbo Terrace. A clear line of sight is possible through the Library at the main entrance.</p> <p>All public domain areas adjacent to the Library will be well lit. All non-public areas will be clearly identified and access controlled. Large expanses of external walls are minimised. The western wall adjacent to the entrance is solid however this is highly visible and will be used for building signage. The eastern wall adjacent to the Jindabyne Memorial Hall is solid, however access to this area can be limited should it be deemed necessary with fencing. However appropriate lighting would be a preferred option and allow more “eyes” into the area especially at night.</p>
F1.1-7 Universal Design/Accessibility	<p>Complies - The development will be required to comply with current accessibility standards as it is new design which is required to meet the requirements of the National Construction Code and associated legislation.</p>
F1.2-1 Vehicle access & parking	<p>Complies – Under the provisions of Chapter C3, there are no specific off street parking requirements listed in the table for Information and Education Facilities. The DCP requires these to be assessed on merit with a Traffic/parking assessment prepared by a qualified traffic specialist. The applicant has provided a Traffic Impact Assessment to accompany the development application.</p> <p>In the report the consultants reviewed the existing and proposed use of the site, including traffic generation, parking and movement. It was concluded that <i>“the publicly available parking supply within the Jindabyne Town Centre can cater for any additional, new demand generated by the development.”</i></p>
F1.2-2 Pedestrian and cycle access	<p>Complies – the development will have no negative impact on pedestrian and cycle access to the site, this will remain as is existing and improved in the case of footpaths around the site which are incorporated into the landscaping planned for the development (where they fall within the Council road reserve) . There is also additional bicycle parking proposed on the site.</p>
F1.3-1 Height	<p>Complies – the development is within the 9m height limit applicable to the site. The provision in the clause requiring 3.6 metre ceiling height is for commercial and retail uses and therefore does not apply to a community building. However the majority of the building will meet this</p>

	requirement.
F1.3-3 Setbacks	<p>Complies – the development is consistent with the setbacks of the adjoining development and the pattern of the street. Both the northern and the southern setback aligns with the setback of Jindabyne Memorial Hall which is consistent with the Build to Lines and Setbacks diagram in the DCP. The built form to the west aligns with the site boundary, with the exception of the roof form which protrudes over the boundary.</p> <p>The siting of the Library provides a strong corner/end to the block and also relates to the alignments of the adjacent Visitors' Centre.</p> <p>All ground level setbacks will be landscaped.</p> <p>Loading will be provided to the south of the site using the existing car park.</p>
F1.4-1 Building facades & articulation	<p>Complies – the applicant provided an architectural design statement in the Statement of Environmental Effects which adequately addresses the requirements of the DCP. The façade of the building provides for interest when viewed from the street and is designed to reflect the civic nature of the building.</p>
F1.4-2 Building entrances	<p>Complies – the entrance of the Library addresses one of the street frontage and is easily identifiable by the community. It is proposed that the entrance not be on the Kosciuszko Road so as to improve accessibility to the site for pedestrians and vehicles.</p>
F1.4-3 Solar access, overshadowing & natural daylight	<p>Complies – the applicant provided shadow diagrams demonstrating compliance with the requirements of the DCP and ESD. Being a single storey design it does not overly impact on the public spaces adjoining the site. Material selection will consider ice and slippage in shade areas.</p>
F1.4-4 Awnings	<p>Complies - The roof overhang forms an awning at the entrance to the Library. An awning is not provided to the south, whilst a future awning is not precluded the design of the building is considered appropriate without the addition of an awning on the southern elevation. As the pedestrian access directly to the south of the site is outside of scope of this development application as the main pedestrian focus is to the south west only. Under awning lighting will be provided.</p>
F1.4-5 Signage & advertising	<p>Complies – the development has been assessed against the provisions of SEPP 64 and an acceptable level of compliance has been demonstrated.</p>
F1.4-6 Materials and finishes	<p>Complies – The development utilises a variety of materials and colours that are in keeping with the Alpine architectural style. The design and finishes are in keeping with the existing character of the area and the use the site as a civic building.</p>
F1.5-1 Open space	<p>Complies - The landscape design proposes paved new footpath for easy access and circulation around the site, raised planters with seating bleachers at the north-western corner of the building for public use and</p>

	<p>access to the buildings verandah. Buffer planting is provided between the new library building and the existing memorial hall.</p> <p>The main entrance to the Library is complemented by raised planters, native alpine planting areas, concrete seating steps and adjacent footpath at the north-western corner of the site becomes a publicly accessible open space. It offers a variety of uses such as passive seating, in formal outdoor gathering, and a secondary access/egress from the Northern verandah.</p> <p>The north facing library verandah looks over Banjo Patterson Park to Lake Jindabyne to maximise solar access.</p>
F1.5-2 Landscape design	Complies - the site plan and floor plan provided indicates new planting and which will soften the development from the street a full landscaping plan is to be required as per a condition of consent.
F1.5-3 Deep soil zones	Complies – the applicant has indicated that the planting will be on grade with deep soil zones incorporated in the design to allow for the planting of trees that will grow to be mature trees.

Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic

The site has adequate public access for vehicles, pedestrians and bicycles. There is no proposed parking to be provided on site and the development is proposed on land which is currently used as an informal parking area. Whilst the area is not considered to be an existing “car park” it has been used for this purpose traditionally and the erection of a building on the site will have an impact on the general parking provision in the town.

One (1) submission was received in objection to the development with parking being the main focus of the concerns raised. The issues with parking in general in the township of Jindabyne cannot be mitigated just by the refusal of this development application. Furthermore the removal of the informal spaces currently used for overflow parking on the subject site will not significantly increase the issues felt with parking especially during the winter season. There are other options for increased parking provision in the town and the sterilisation of this site as just a car park is not considered a positive outcome for the town. The road reserve of Thredbo Terrace adjacent to the undeveloped land near the Mitre 10 could be established as on street parking in the future. As part of the further stages of the approved development on the Mitre 10 site the developer will be required to install this on street parking. Whilst this is part of the development approval for that site, it is a Council road reserve and as such parking could be established there outside of a development application process. As such there are other opportunities in town in the vicinity to the subject site for more parking to be established.

Whilst the SAP process is still yet to be finalised the draft documents do indicate that the subject site is proposed to be used for civic buildings in combination with the development of a town

square. This has the effect of further removing parking from the area and will need to be assessed holistically when that development is being planned.

The applicant was required to produce a Traffic Impact Assessment as per the SRDCP 2013 and it concluded the following:

Based on the analysis and discussions presented within this report, the following conclusions are made:

- 1. The proposed Jindabyne Community Library and Innovation Hub is proposed to cater for 45 patrons and five staff, and endeavours to complement the local town centre by facilitating linked trips.*
- 2. Whilst the proposal may not provide on-site parking spaces (although an accessible space is proposed to be linemarked in the existing car park), the publicly available parking supply within the Jindabyne Town Centre can cater for any additional, new demand generated by the development.*
- 3. It is recommended to provide at least four bicycle parking spaces and end-of-trip facilities to encourage active travel, in line with the vision set in the Snowy Mountains Special Activation Precinct Draft Master Plan.*
- 4. Having regard to the relatively low site traffic generation and notably the likely operating hours of the proposal, the development is not expected to compromise the safety or operation of the surrounding road network.*

As such it is considered that the applicant has demonstrated through a Traffic Impact Assessment that there is sufficient parking surrounding the site to facilitate the development.

Heritage Impacts on aboriginal heritage

The impacts on the neighbouring locally listed heritage building have been discussed previously in the report. There is no known Aboriginal cultural heritage on the site however an unexpected finds condition has been included to ensure protection of artefacts should they be found during construction or site works.

Flora and fauna & Consideration of Threatened Species

The site a disturbed infill site with no vegetation on the property as such no impact on Flora and Fauna and Threatened Species will occur.

Noise and vibration, Air quality, pollution and microclimate impacts (eg odour) and impacts during construction

The proposed use of the site will have minimal noise impacts and no air quality pollution or micro climate impacts. There may be some construction impacts including noise and dust however these will be only during the construction phase and can be managed through appropriate conditions of consent.

Safety, security and crime prevention

The application has considered safety and security in the design the north and south facades are highly visible will large expanses of glazing overlooking the public spaces. The main entrance to the Library is located at the mid-point to the western facade providing an open forecourt which is also

highly visible from Thredbo Terrace. A clear line of sight is possible through the Library at the main entrance.

All public domain areas adjacent to the Library will be well lit. All non-public areas will be clearly identified and access controlled. Large expanses of external walls are minimised. The western wall adjacent to the entrance is solid however this is highly visible and will be used for building signage. The eastern wall adjacent to the Jindabyne Memorial Hall is solid, however access to this area can be limited should it be deemed necessary with fencing. However appropriate lighting would be a preferred option and allow more “eyes” into the area especially at night.

Social impact

It is considered that the development will have a positive social impact by providing a static library service to Jindabyne. At present there the only library service to the town is a mobile library and a small selection of library books available at the Jindabyne Neighbourhood Centre. The development will enhance the area surrounding the Jindabyne Memorial Hall and improve the streetscape in the area which is currently used for informal parking.

Economic impact

The development is a grant funded proposal that is being constructed in a short time frame to meet these obligation. This combined with the provision of some trades positions and the employment of library staff will have a positive impact on the area.

Planning Agreements

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.5.

Any matters prescribed by the regulations

It is considered that the application complies with the relevant provisions of the regulation.

Submissions

The proposed development was 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. One (1) submission was received and is attached to this report.

Summary of Submissions

Submission – issues raised	Assessing Officer response
Library and innovation hub will be constructed without parking on site for up to five staff and 45 patrons. The subject site has been used for overflow parking for a number of years. Concerns that the SAP will further impact on parking provision in the town. Concerns that this will lead to a cumulative impact of parking issues in the CBD. That the library should be located in another	The applicant has provided with the development application a Traffic Impact Assessment as required by SRDCP 2013. The study has concluded that the development will have minimal impact on parking provision in the town and that the parking required by the development can be accommodated within the current parking available in Jindabyne. Many of the issues raised in the submission are outside of the scope of the assessment of this

<p>area or should be constructed with parking under the building.</p> <p>The development should not go ahead until the parking issues in the CBD of Jindabyne are addressed.</p> <p>A mitigation measure should be to restrict the removal of parking on the southern wall of the Memorial Hall which have been shown as removed in the plans for the development.</p>	<p>development application. The proposals for the removal of car parking in the CBD and the development of a “town square” are the subject of the SAP project. How the parking provision for the overall town will be determined as part of that project is as yet unknown and is it not reasonable to restrict the development of the community library due to future plans which at present are in draft form. Further assessment of the parking needs of the town are being considered by the SAP project at present and as yet further mitigation measures have not been made public. Any changes to parking by the SAP would need to consider this proposed development should it be approved.</p> <p>A draft condition of consent has been proposed to ensure that the spaces adjacent to the southern wall of the Jindabyne Memorial Hall are to be maintained and line marked.</p>
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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

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCP, Codes and Policies. 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 attached to this report.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The development will have a positive social impact by providing a static library service to Jindabyne. At present there the only library service to the town is a mobile library and a small selection of library books available at the Jindabyne neighbourhood Centre. The development will enhance the area surrounding the Jindabyne Memorial Hall and improve the streetscape in the area which is currently used for informal parking.

2. Environmental

There are limited environmental impacts the site is a degraded vacant lot which is used for parking. There are no significant trees or vegetation on the site that will be impacted by the development. The proposal will improve the environment with the planting of vegetation around the building. Environmental impacts during construction can be managed through appropriate conditions of consent.

3. Economic

The development is a grant funded proposal that is being constructed in a short time frame to meet these obligations.

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 Recommendation*.

8.3 DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)

Record No: I21/428

RECOMMENDATION

That

- A. Pursuant to Clause 4.6 of the Snowy River Local Environmental Plan 2013, Council supports the variation to the maximum height limit applying to the site as requested by the applicant.
- B. Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to DA 10.2021.311.1 for Additions to Existing Hotel Accommodation (New Building containing 16 Rooms) and associated car parking, relocation of existing signage structure and access on Lot 3 DP 533566, 48 Kosciuszko Road Jindabyne with conditions of consent attached to this report.

BACKGROUND

Applicant Number:	DA 10.2021.311.1
Applicant:	Tony Freeman
Owner:	Michael Malouf
DA Registered:	01/10/2021
Property Description:	Lot 3 DP 533566 48 Kosciuszko Road Jindabyne
Property Number:	250662
Area:	10 500m ²
Zone:	B2 Local Centre
Current Use:	Lake Jindabyne Hotel
Proposed Use:	Tourist and Visitor Accommodation - Additions to Existing Hotel Accommodation (New Building containing 16 Rooms) and associated car parking, relocation of existing signage structure and access.
Permitted in Zone:	Yes
Recommendation:	Approval with Conditions

The purpose of this report is to seek approval for a new freestanding two storey building, plus mezzanine at the Lake Jindabyne Hotel. The new building will contain 16 hotel rooms, basement car parking accommodating 15 parking spaces. The proposal will utilise the existing parking area

for the 16th space. The development will require the relocation of an existing signage structure and an existing access.

The development will be located within the existing Lake Jindabyne Hotel site fronting Kosciuszko Road. The applicant has stated that the development will utilise the exiting hotel operations with no increase in staff numbers.

The application was notified and publicly advertised for a period of 21 days and two submissions in objection were received outside of the notification period. The issues raised were related to concerns with car parking provisions and the perceived overdevelopment of the site. These submissions are considered in the body of the report.

Due to an encroachment of the building height into the 9m height limit as set by the Snowy River LEP 2013 the applicant has applied for a variation under the provisions of clause 4.6 of the plan. As the height proposed is greater than a 10% increase to the permissible limit this application must be determined by Council and not under delegated authority.

The application was referred to Transport for NSW as the development fronts a state controlled road. The response received included conditions of consent which have been included in the draft conditions attached to this report.

The development has been considered against the requirements of section 4.15 of the Environmental Planning and Assessment Act and has achieved an acceptable level of compliance. The specific clauses applicable to the development are summarised below.

It is recommended that the development (including the variation under s4.6 of the LEP) be approved with conditions.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. Draft Conditions of Consent (*Under Separate Cover*)
2. Plans (*Under Separate Cover*)
3. Statement of Environmental Effects (*Under Separate Cover*)
4. 4.6 Variation Request (*Under Separate Cover*)
5. Transport for NSW Response (*Under Separate Cover*)
6. Submissions (*Under Separate Cover*)
7. Site Photographs (*Under Separate Cover*)
8. DA form (*Under Separate Cover*)
9. Deposited plan (*Under Separate Cover*)

SITE DESCRIPTION AND SITE HISTORYThe proposal is infill development within the existing site occupied by the Lake Jindabyne Hotel. Built in the 1960's the Lake Jindabyne Hotel has 39 hotel rooms, a bar, restaurant, conference facilities and a drive through bottle shop. A Return and Earn facility also occupies the northern part of the site.

The Lake Jindabyne Hotel is centrally located and is in close proximity to the Jindabyne Town Centre and Nuggets Crossing shopping centres. The site is situated on the corner of Kosciuszko

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)

Road and McLure Circuit and is bounded by Banjo Patterson Park and the Lake Jindabyne foreshore. Banjo Patterson Park is a heritage listed item of local significance and directly across the Kosciuszko Road from the development is the Jindabyne memorial hall which is also listed as a heritage item of local significance.

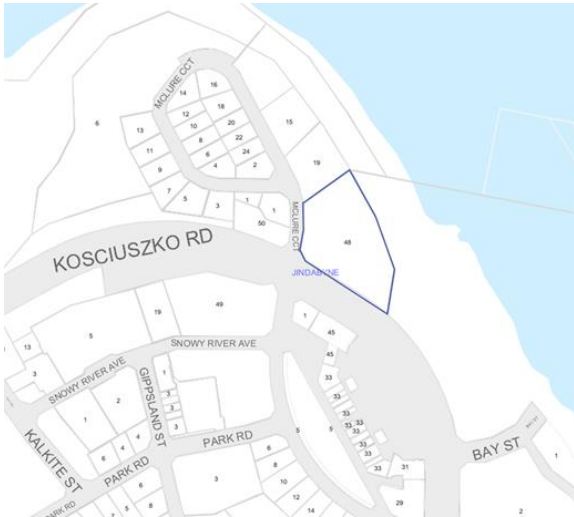


Figure 1: Location map



Figure 2: Site aerial

PROPOSAL IN DETAIL

The Development Application submitted seeks consent for the following proposed works:

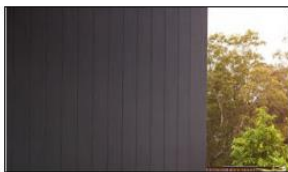
- A freestanding two storey building, plus mezzanine, containing an additional 16 hotel rooms
- Basement car parking that can accommodate 15 car spaces and the existing car parking spaces being utilised for the 16th space
- Exiting access is proposed to be relocated closer to the eastern boundary of the site
- The existing approved signage is proposed to be relocated from the southern side of the exiting service driveway to the northern side.

The proposed building is designed in an Alpine Chalet Style to be constructed using a mixture of rendered masonry walls, weatherboard and timber and stone accents. The Colorbond roof is proposed to have a pitch of 30 degrees in keeping with this style and the area is proposed to be appropriately landscaped to soften the building when viewed from Kosciuszko Road.

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
 3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)



Figure 3: 3D montage of proposed addition to hotel



PAINTED EXTERNAL CLADDING
 DARK PAINTED SCYON FIBRE CEMENT CLADDING



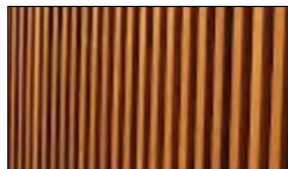
ROOFING
 MONUMENT COLORBOND CLADDING



SILVER BIRCH



TYPICAL RENDERED WALLS
 DARK PAINTED RENDER



TIMBER FENCES
 BLACKBUTT OR SIMILAR LOOK



GREVILLIAS
 FIREWORKS



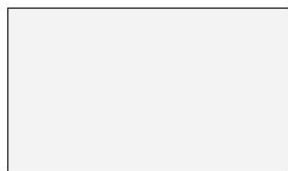
GREVILLIAS
 LADY O



GREVILLIAS
 BONNY PRINCE CHARLIE



STONE WALLS
 TO MATCH EXISTING



PAINTED WINDOWS/DOORS
 TO MATCH EXISTING



LOMANDRA TANIKA



DANIELLA TASMAN
 LILY



NATIVE VIOLETS

LANDSCAPING

Figure 4 : External colour schedule and proposed landscaping species.

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
 3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)

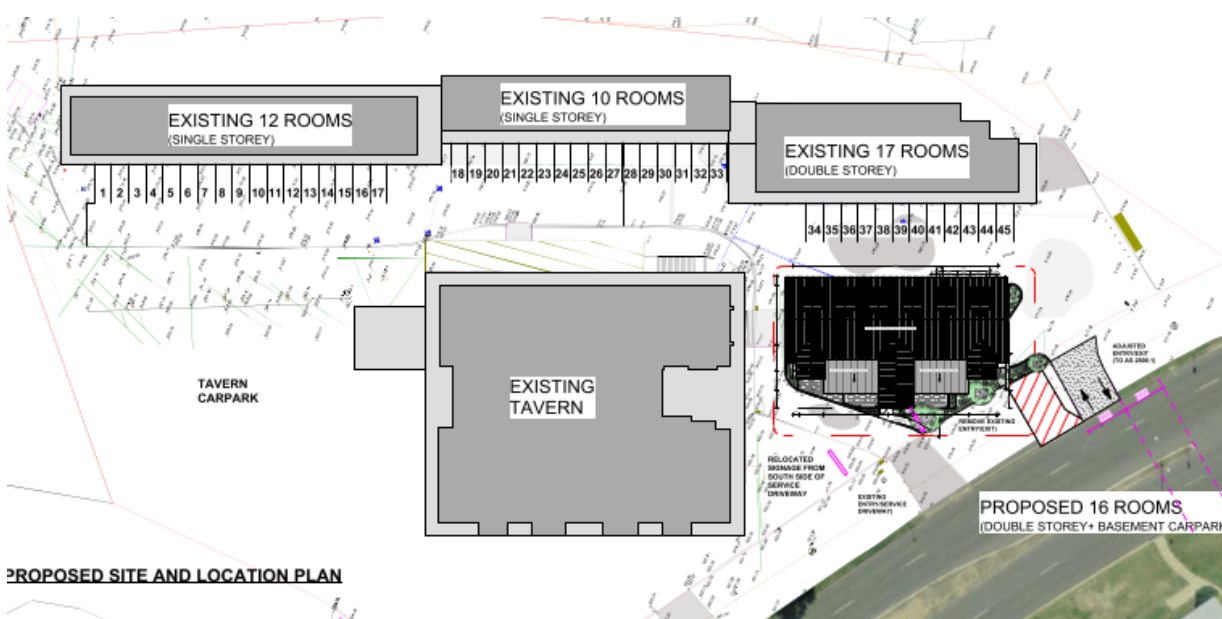


Figure 5: Site Plan

ASSESSMENT

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

<p>State Environment Planning Policies (SEPPs)</p>	<p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy (Activation Precincts) 2020</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p>
<p>Local Environmental Plan (LEP) (including draft LEPs)</p>	<p>Snowy River Local Environmental Plan 2013</p>
<p>Development Control Plans</p>	<p>Snowy River Development Control Plan 2013</p>

Section 4.15 and EP&A Act Checklist

<p>The suitability of the site for the development:</p>	<p>The site is generally suitable for development.</p>
<p>The provisions of any environmental planning instrument and draft environmental planning instrument:</p>	<p>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.</p> <p>The proposal has been examined in detail against the provisions of the SRLEP 2013 and is</p>

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)

	<p>considered to achieve an acceptable level of compliance.</p> <p>The applicant is seeking a variation to the maximum building height under s4.6 of the LEP, this variation is considered reasonable in this instance and is recommended to be accepted as proposed. Further discussion of the variation is carried out below.</p>
The provision of any development control plan:	The application generally complies with the provisions of the SR DCP 2013.
Any matters prescribed by the regulations:	The application generally complies with the <i>EP&A Regulation 2000</i> .
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. Details of notification and submissions received are discussed 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.

REFERRALS

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 deemed not to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979. However the application was referred to Transport for NSW for their comment as the development has access to a state controlled road.

State or Federal Agency	Comments
Transport for New South Wales	<p>The following comments were received:</p> <p><i>“Transport for NSW has assessed the Application based on the documentation provided and would raise no objection subject to conditions on the basis that the Consent Authority ensures that the development is undertaken in accordance with the information</i></p>

	<p><i>submitted as amended by the inclusion of the conditions listed in Attachment 1”</i></p> <p>The TfNSW response has been included as an attachment to this report and the conditions included in the draft conditions of consent.</p>
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Internal Referrals

Section	Comments
Development Engineering	Response received. No objection to the development and conditions of consent have been provided.

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);
- Proposed 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	<p>The site slopes away from road down to the foreshore reserve and Lake Jindabyne.</p> <p>Extensive development and earthworks have occurred on the site over time. The resulting site is tiered with flat sections provided for parking and existing buildings.</p>
Significant vegetation	The land is already disturbed and developed. The removal of one tree is proposed.
Adjoining development	<p>The adjoining development is a mix of residential developments and Council owned recreational land.</p> <p>There are also numerous approvals for tourist and visitor accommodation within the area.</p>

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)

Suitability of proposed works / building	The surrounding land uses are consistent to the proposed development being a residential and tourist and visitor accommodation.
Streetscape	The proposal is considered to be compatible with adjoining development as the surrounding land is a mixture of residential, tourist and visitor accommodation and recreational land uses.
Stormwater disposal	Stormwater would be managed within the existing system.
Services	The development is connected to council's reticulated water and sewer system. The development also utilises solar energy. The development is subject to developer contributions as per the Snowy River Development Contributions Plan 2008, to mitigate the additional demand on council services.
Views	The proposed addition is on the low side of Kosciuszko Road and presents in the same visual plane as the existing Hotel building. The visual impact from the road and foreshore will be positive.
Contamination	Nil identified.
Bushfire	Not applicable
Flooding	Nil impact.
Vehicular access	The site has coinciding legal and practical access from a public (Kosciuszko Road). Relocation of the access has been proposed with conditions for TfNSW received.
Easements and restriction on use	Nil
Aboriginal sites	Nil identified
Threatened species	Not applicable
Grasslands	Not applicable

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 following SEPPs are of particular relevance to the proposal:

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site has been in commercial use as tourist and visitor accommodation since the early 1960's. There is no reason to believe there would be any contamination of the land.

State Environmental Planning Policy (Activation Precincts) 2020

The subject site whilst within the proposed Snowy Mountains Special Activation Precinct is not yet included in the SEPP, further discussion of the draft Master plan as it relates to the subject site is carried below.

State Environmental Planning Policy (Infrastructure) 2007- ISEPP

The subject development does not trigger a definition of “Traffic Generating Development” under the provisions of the ISEPP however it has been referred to TfNSW for their comment and any recommended conditions of consent as the property is accessing a state controlled road.

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

The subject site is zoned B2- Local Centre under the Snowy River LEP 2013 (SRLEP) Tourist and visitor accommodation is permitted with consent.

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following —

- (a) *backpackers’ accommodation,*
 - (b) *bed and breakfast accommodation,*
 - (c) *farm stay accommodation,*
 - (d) *hotel or motel accommodation,*
 - (e) *serviced apartments,*
- but does not include—*
- (f) *camping grounds, or*
 - (g) *caravan parks, or*
 - (h) *eco-tourist facilities.*

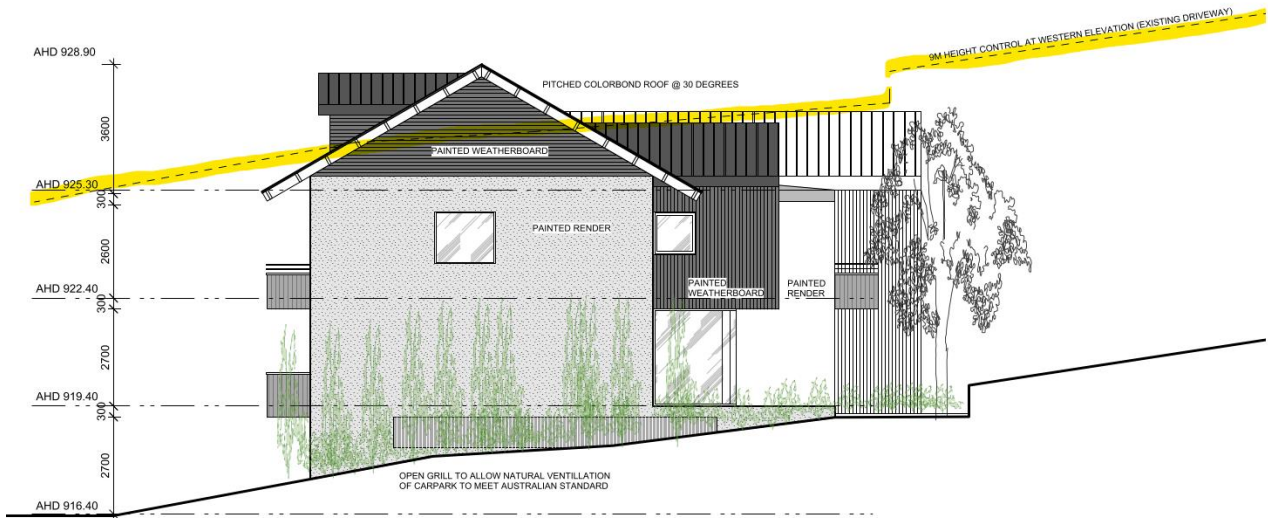
The proposal is consistent with the aims and objectives of the SRLEP 2013.

The proposal has been examined in detail against the provisions of Council’s SRLEP 2013 and has been found to achieve an acceptable level of compliance. The following provisions from SRLEP 2013 are of relevance and have been assessed for compliance:

Clause 4.3 Height of building

The development does not comply - A portion of the roof of the development exceeds the maximum height limit of 9 metres. A request to vary the standard in accordance with clause 4.6 has been received. The assessment of the variation request is discussed under the considerations of clause 4.6 below.

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
 3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)



PROPOSED NORTH ELEVATION



Figure 6 – Extent of height exceedance on the Northern and Western Elevations

Clause 4.4 Floor space ratio

The development complies–The whole development site has an FSR of 0.5:1. This is based on the gross floor area of the proposed development and the existing buildings being 4, 000sqm and a site area of 10, 500sqm. This translates to a FSR of 0.4286:1 which meets the development standard set by the SRLEP 2013. This is significantly under the maximum FSR allowable on the site.

Clause 4.6 Exception to development standards

The applicant has provided a written request to Council which seeks to justify the contravention of the development standard required under Clause 4.3 (Height of Building). The maximum height of the new building is proposed to be 12.24m which exceeds the maximum building height applying to the site by 3.24m for a portion of the building.

The applicant has provided the following reasons for exceeding the development standard:

The site of the existing hotel and proposed addition is essentially an 'island', bounded by Kosciuszko Road to the South, McLure Circuit to the West and the foreshore and lake to the North and East. The isolated positioning results in minimal potential for impact to adjoining properties. There are no privacy impacts. There are no solar access impacts or overshadowing to existing buildings either on the site or in the foreshore reserve due to the proposed additions being sited to the South of the site adjacent to Kosciuszko Road. The proposed addition will have some limited solar impact on the pedestrian path along Kosciuszko Road however the building predominately meets the 9m height control on this elevation and the impact is minimal given it is the Southern Elevation.

There are several view corridors to and from the site which have been considered in this assessment:

- *From the Old Town back over the foreshore area to the Lake and mountains beyond.*
- *From Kosciuszko Road as the approach into Jindabyne Town Centre.*
- *From the foreshore area back into Jindabyne Town Centre.*
- *From the proposed development out to the Lake and mountains.*

It is important to note that the main view corridors from public spaces are to either side of the site and existing development.

The popular Jindabyne Old Town is opposite the proposed development on the high side of street. There are significant views from this site back to the lake and mountains beyond. These are predominately through the undeveloped foreshore area. The siting of the proposed addition below the road gives the impression it is nestled down in the site and provides a gentle transition in heights across the buildings on site down to the foreshore. With the proposed addition not exceeding the established height of the existing hotel the impact to views is minimal. It is fair to say these views will be improved with the proposed alpine style providing interest and high-quality design and finishes to complement the view.

The views back to the Town Centre from the foreshore park and associated pedestrian path will be improved with the primary bulk of the proposed addition being shielded by the existing hotel rooms between the addition and Lake Jindabyne. The addition will again assist in smoothing the transition of the eye from the foreshore back across the buildings to the Town.

The proposed addition will be most visible from Kosciuszko Road when travelling West. It will provide improved streetscape with the modern design and high-quality material palette selected to build on the history of and enhance the local area. As shown in the 3D montage prepared to support the development application the combination of siting, materials and landscaping will provide an excellent outcome for the site and the entry journey into a revitalised Town Centre for Jindabyne.

The applicant has provided the following justification as to why compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the application:

The height of the existing main Lake Jindabyne Hotel building that fronts Kosciusko Road and establishes the streetscape is 928.96 AHD. The proposed freestanding addition adjacent to the main building is 928.90 AHD at its highest point – lower than the existing building. The exceedance of the height control is primarily due to the fall across the site. The streetscape is not negatively impacted by the proposal as it is consistent with the established height as seen from the street. Further, the height limit on the high side of the street opposite the proposed development is 12m which presents a further scale issue for the area given the topography and natural fall to the lake. This exceedance in height on the low side of the street will serve to bridge that gap and bring a gentler and even flow to the buildings steeping down the site to the lake.

The exceedance of the height control can be attributed to the steep alpine pitch of the rooves and the fall of the site away from the road being on the low side of the street. The West Elevation with the 9m height line as measured from the front boundary gives the most accurate perception of the height of the proposed building and shows two thirds of the main roof form under the height limit with only the southeast corner exceeding the height limit in a minor way. The main exceedance is to the rear of the proposed building where the roof features, including the 30-degree pitch and dormer windows contribute to the additional height. These design elements do not contribute significant bulk and scale or cause negative impact to the streetscape being at the rear of the building. When viewed from the foreshore they present as a cluster of buildings with attractive design elements as the height is softened by the other buildings within the complex stepping down the site.

The proposed development is compatible with the height bulk and scale of the existing character of the locality. In terms of the proposals compatibility with the desired future character it is noted that Jindabyne Town Centre is in the midst of a transition period with the recognition of its potential for growth and identification as a Special Activation Precinct. The development of the Jindabyne Master Plan and establishment of the Tourism enterprise Zone is likely to see an increase in heights densities and land uses and as such a modern well design development such as is proposed will be consistent with future desired character.

The applicant has provided the following as justification on planning grounds for contravention of the development standard:

Tourist and visitor accommodation is a permissible use and consistent with the objectives of the B2 Zone. The proposal is compliant with the Councils setbacks and density controls. The proposal does not alter but rather enhances the surrounding town centre environment and the Kosciusko Road Streetscape. It provides for the expansion of a local business activity to serve the needs of visitors, provide employment opportunities, and is well positioned to take advantage of existing transport, walking and cycling routes and local facilities. It will contribute to and support the vitality of the Jindabyne Town Centre and the local area. The proposal is therefore consistent with the relevant objectives for development in the B2 Zone.

The height of the existing main Lake Jindabyne Hotel building that fronts Kosciusko Road and establishes the streetscape is 928.96 AHD. The proposed freestanding addition adjacent to the main building is 928.90 AHD at its highest point – lower than the existing building. The exceedance

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· *The exceedance of the height control can be attributed to the steep alpine pitch of the rooves and the fall of the site away from the road being on the low side of the street. The West Elevation with the 9m height line as measured from the front boundary gives the most accurate perception of the height of the proposed building and shows two thirds of the main roof form under the height limit with only the southeast corner exceeding the height limit in a minor way. The main exceedance is to the rear of the proposed building where the roof features, including the 30-degree pitch and dormer windows contribute to the additional height. These design elements do not contribute significant bulk and scale or cause negative impact to the streetscape being at the rear of the building. When viewed from the foreshore they present as a cluster of buildings with attractive design elements as the height is softened by the other buildings within the complex stepping down the site.*

· *The slope, both across and down the site has significant impacts on the designated height limit. The size, location and fall of the site along with the bulk and scale and positioning of the existing buildings on site mean the site is capable of accommodating a taller building form that that envisaged under Council's controls without resulting in any adverse amenity impacts on adjoining public reserve or streetscape.*

It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6 (3).

The applicant has demonstrated that the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives of the zone, by stating that:

Even though the proposal results in a non-compliance with the development standard, as demonstrated above, the proposal is consistent with the objectives of the development standard and as such is in the public interest

It is considered that the applicant has provided reasonable grounds for the variation to the development standard as required by clause 4.6 of the SRLEP2013 and the height of the building as proposed is considered reasonable in this instance. As such the variation is supported.

The assumed concurrence of the Secretary is applicable in this case however due to a departure from the standard of more than 10% the determination must be made at a level higher than that of the delegated assessing officer.

Clause 7.9 Essential services

The development complies - As the proposal is for infill development within a tourist accommodation site the application complies with the provision of this clause with respect to adequate provision of essential services.

The provisions of any proposed instruments

The site falls within the Snowy Mountains Special Activation Precinct Boundary as such consideration of the development against the draft Snowy Mountains SAP Discussion Paper 2021 ('SM SAP DP') is required. The site of the proposed development is located within the Jindabyne Catalyst Precinct which is made up of five sub-precincts and includes a range of new development types and land uses. The site is in the Jindabyne Town Centre and Foreshore Sub-Precinct which will be the centre of business, community and tourist activities including the Lake Jindabyne Foreshore Trail.

The SAP Masterplan proposes the provision of a New Town Square directly opposite the proposed development in conjunction with the memorial hall.

These proposed changes are consistent with the development proposed.

Under the Draft the following applies to the land:

- Proposed zone for the subject land: Tourism enterprise zone (Special Purposes SP4)
- Definition of land usage under SM SAP Discussion Paper 2021: Tourist Accommodation
- The proposal is permissible with development consent from Council pursuant to Zone *Tourism Enterprise Zone* of the SM SAP Discussion Paper 2021.

Table 2 Intent of the zones within the Snowy Mountains Special Activation Precinct

Zone	Intent of the zone
Tourist Enterprise Zone (or SP4 – Local Enterprise Zone)	<ul style="list-style-type: none"> - To promote an integrated Town Centre, including revitalisation of the public realm, strategic redevelopment and access improvements, to create a modern and vibrant 'Alpine Village' that supports year-round tourism and a thriving local community - To accommodate a wide range of tourist, accommodation and employment uses to service local and tourist needs. - To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way. - To ensure the intended uses are located to optimise access and integrate with surrounding public realm improvements. - To provide for recreation opportunities and appropriate businesses services and amenities in suitable locations.

The proposal is deemed to promote an integrated town centre due to the infill nature of the development. The building is to be constructed and finished in keeping with the alpine village feel, in addition to providing more accommodation to support year round tourism.

The development location allows for services and infrastructure to be delivered in an orderly way. The public realm will be improved, as the development will contribute positively to the streetscape.

The location of the hotel addition will help serve the needs of visitors and is well positioned to take advantage of existing transport, walking and cycling routes and local facilities.


The proposal is considered to be consistent with the aims and objectives of the draft discussion paper.

The provisions of any Development Control Plans

The application has been assessed against the provisions of the Snowy River Development Control Plan 2013 and found to have an acceptable level of compliance. The following DCP provisions are of relevance:

Provision	Response/Acceptable Solution
A3 Public Notification	The application was notified and advertised in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019. Two (2) submissions were received outside of the notification period. They have been considered below.
C2 Design	
C2.1-5 Building Design	Complies – The new building will positively impact the streetscape as the proposal is of a high quality architectural design. The proposed addition is on the low side of Kosciuszko Road and presents in the same visual plane as the existing hotel building. The colour and material palette proposed is muted with natural colours and textures that blend with the environment and is non-reflective.

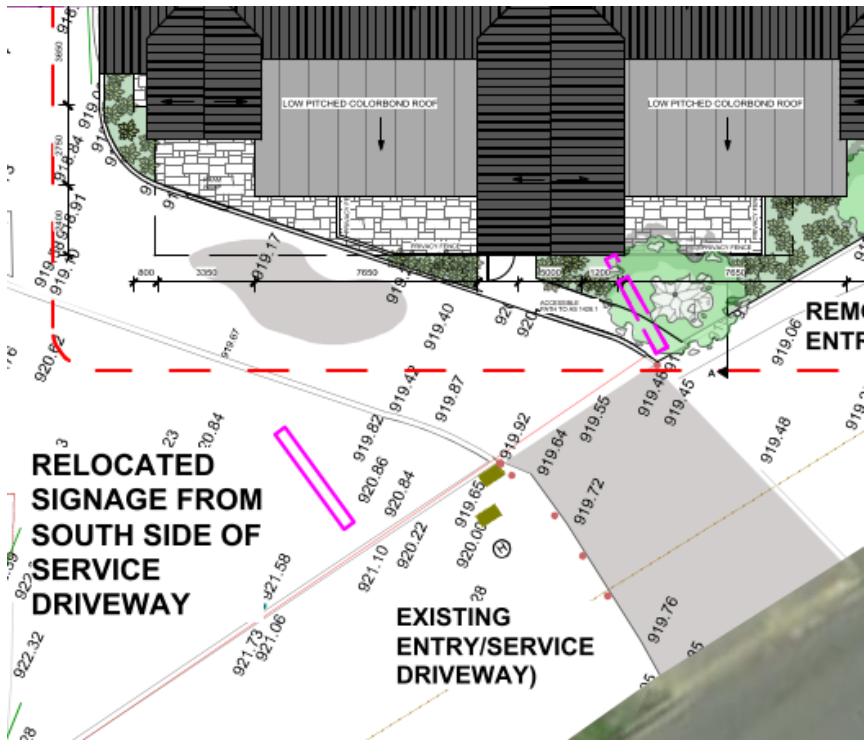
8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
 3 ACCOMMODATION (NEW BUILDING CONTAINING 16 ROOMS)

<p>C2.1-6 Landscaping</p>	<p>Complies - The application included a landscaping plan which proposes plantings that will soften the building when viewed from Kosciuszko Road. In addition to the proposed landscaping a condition of consent has been included in the draft conditions for the landscaping plan to be extended to include the existing development. This will tie the new structure with the existing buildings. This extended landscaping plan will be required to be submitted for Council approval prior to the issue of the construction certificate.</p>  <p>Excerpt of the landscaping plan submitted with the development application.</p>
<p>C3 Car-parking, Traffic & Access</p>	
<p>C3.1-1 Permanent and Practical Legal Access</p>	<p>Complies - The development has access from a public road. TfNSW have provided conditions of consent for the relocation of the existing driveway.</p>
<p>C3.1-5 Adequacy of Access</p>	<p>Complies - The proposed vehicular access to the site is considered appropriate for the new hotel building.</p>
<p>C3.2-1 Pedestrian and Cycle Access</p>	<p>Complies - The development will not impact on the existing pedestrian and cycle access in and around the site. Footpaths impacted by the construction of new access points will be reinstated upon completion of the development and managed through the construction phase by way of the appropriate approvals under the s138 of the Roads Act.</p>

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<p>C3.3-1 Design</p>	<p>Complies - The proposed parking area has been designed in accordance with Councils car parking design specifications and allows for vehicles to enter and leave the site in a forward direction.</p> <p>New driveway crossovers are proposed and appropriate conditions will be included to ensure compliance with Council standards in this regard.</p>
<p>C3.3-2 Safety</p>	<p>Complies - The proposed parking area has considered the safe movement of vehicles and pedestrians adequately.</p>
<p>C3.3-3 Landscaping</p>	<p>Complies - The applicant has proposed appropriate landscaping to soften the look of the parking area, when viewed from Kosciuszko Road.</p>
<p>C3.4-1 Car Parking</p>	<p>Complies - The DCP requires, 1 parking space per unit/room; and 1 parking space per two employees for Hotel/Motel Accommodation.</p> <p>The development proposes sixteen spaces, (one per room) fifteen of these are to be accommodated within the new building and the sixteenth in the existing outdoor parking area. No spaces have been allocated to employees.</p> <p>The applicant has stated in the statement of Environmental effects that:</p> <p><i>“The proposed development is comparatively small-scale addition to an existing operational tourist and visitor accommodation business, the Lake Jindabyne Hotel. The hotel has in place an existing staffing, cleaning, security, hours of operation, waste management, stormwater and the like. The business will continue to operate as normal with the additional 16 rooms added into the existing system and therefore don’t require additional parking for staff.</i></p> <p>The parking provisions of the existing development and the proposal are considered further in detail below.</p>

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<p>C5 Tree preservation and Landscaping</p>	<p>Complies- A detailed Landscape Plan was submitted with the development application. The proposed landscaping aims to soften and complement both the proposed development and the existing buildings on site, as well as making a positive contribution to the streetscape. Species selected are native to the area where possible and suited to the alpine climate.</p> <p>Landscaping will be conditioned to extend further into the site to facilitate a seamless transition from the old and new development.</p>
<p>C6 Signage and advertising</p>	<p>Complies - Signage is approved and in place for the existing Lake Jindabyne Hotel. The existing approved signage is proposed to be relocated from the southern side of the existing service driveway to the northern side as demonstrated in the plans submitted.</p> 
<p>C8 Environmental Management</p>	<p>Complies - The application included an appropriate sediment and erosion control plan and construction management plan. Appropriate conditions of consent have been included to ensure compliance.</p>

C9 Energy & Water, Efficiency, Water Supply & Effluent Disposal	Complies - The development has been designed to be energy efficient. The site is connected to reticulated water and sewage and has existing telecommunications and electricity.
C10 Waste Management & Recycling	Complies - There is an existing waste enclosure area and commercial waste management systems are in place. No significant changes to waste generation or management is participated. The proposed addition will continue to use the existing system.

Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic

Tavern parking

There is a long history of development on this site with additions and land use changes affecting the car parking provisions. The original tavern and units were built in the 1960's, as such they were subject to prior development controls and the parking provision was deemed adequate when the tavern was originally built.

Currently the parking associated with the tavern can accommodate 37 vehicles. It is acknowledged that there have been issues related to overflow parking for this existing use which have impacted the neighbouring streets. The proposed development is for accommodation and does not seek to extend or increase the uses associated with the tavern as such whilst it can be acknowledged that this is an ongoing issue for the site as a whole it is not a consideration specifically related to this development application. There is distinct and clear disconnect between the hotel and tavern car parking, as such on balance it is considered unlikely that the taverns inadequate parking impacts the parking of the hotel units.

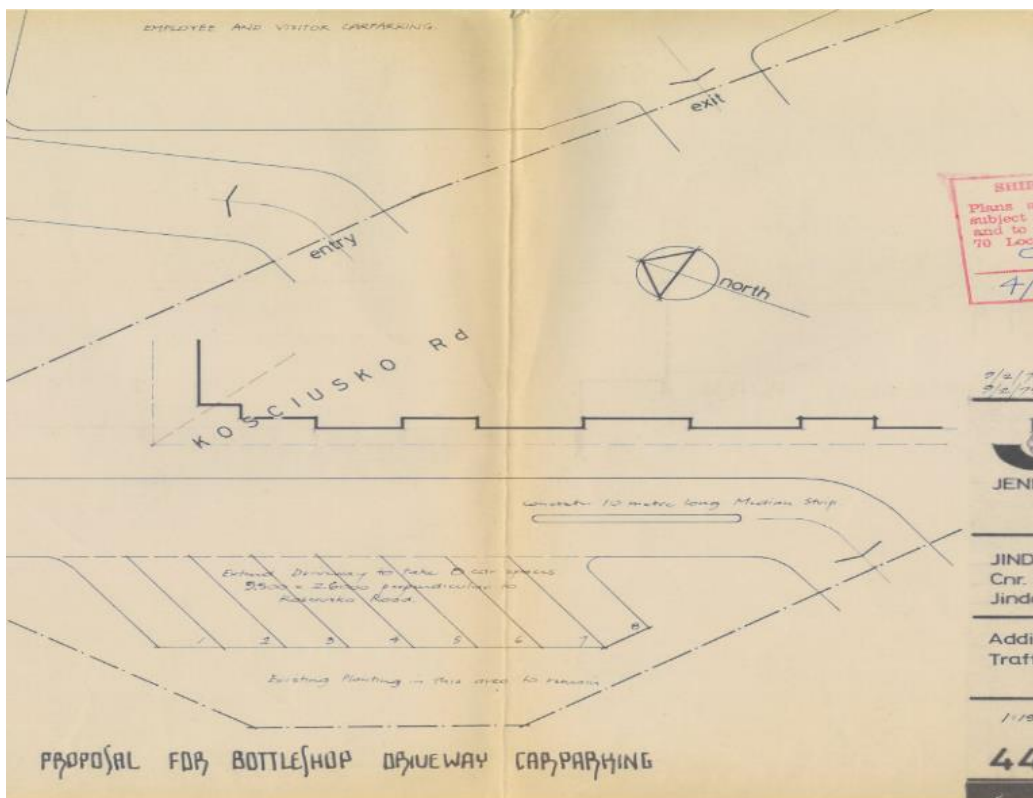
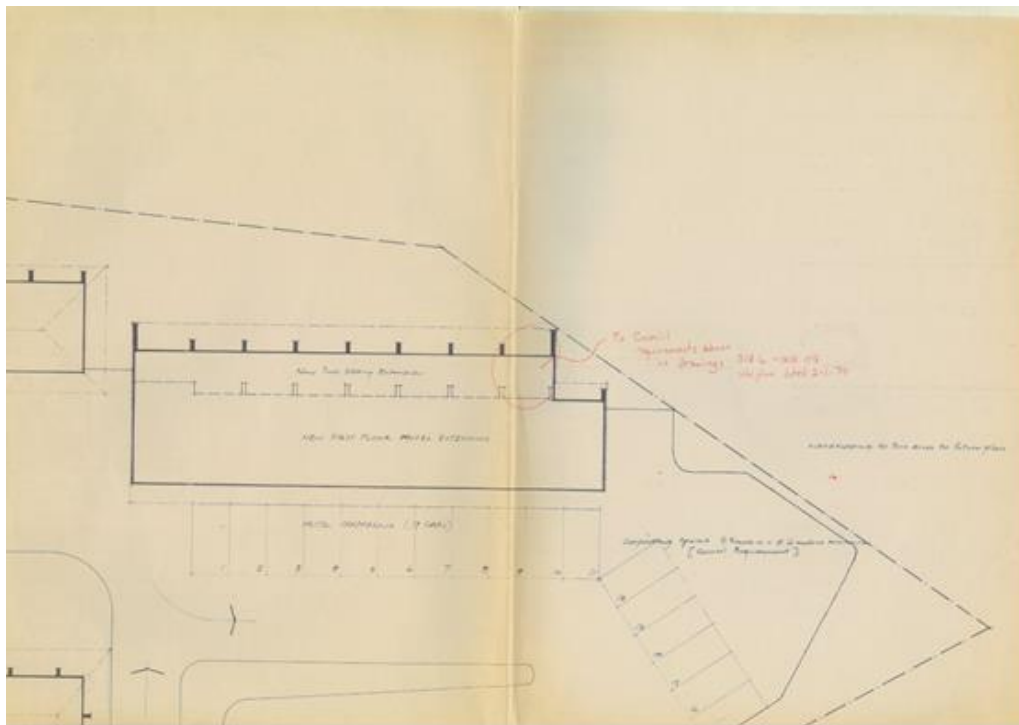
Units parking

The Development application being assessed is for 16 units and 16 car parks with the basement accommodating 15 carparks (2 dedicated as accessible only) and one car park will be outside utilising the existing surplus. Presently the 39 hotel rooms are accommodated by 45 car parking spaces. As the DCP requires one space per room there is a surplus of 6 spaces currently onsite, one of which is proposed to be utilised for this development. With respect to staff parking as the development is proposed to be managed as part of the existing accommodation no additional staff spaces are required.

Southern Car parking

The 1979 plans for the site illustrate that the southern car park where the addition is proposed was for visitors and employees. As such a request for further information was sent to the applicant to provide a response to the proposal utilising this area.

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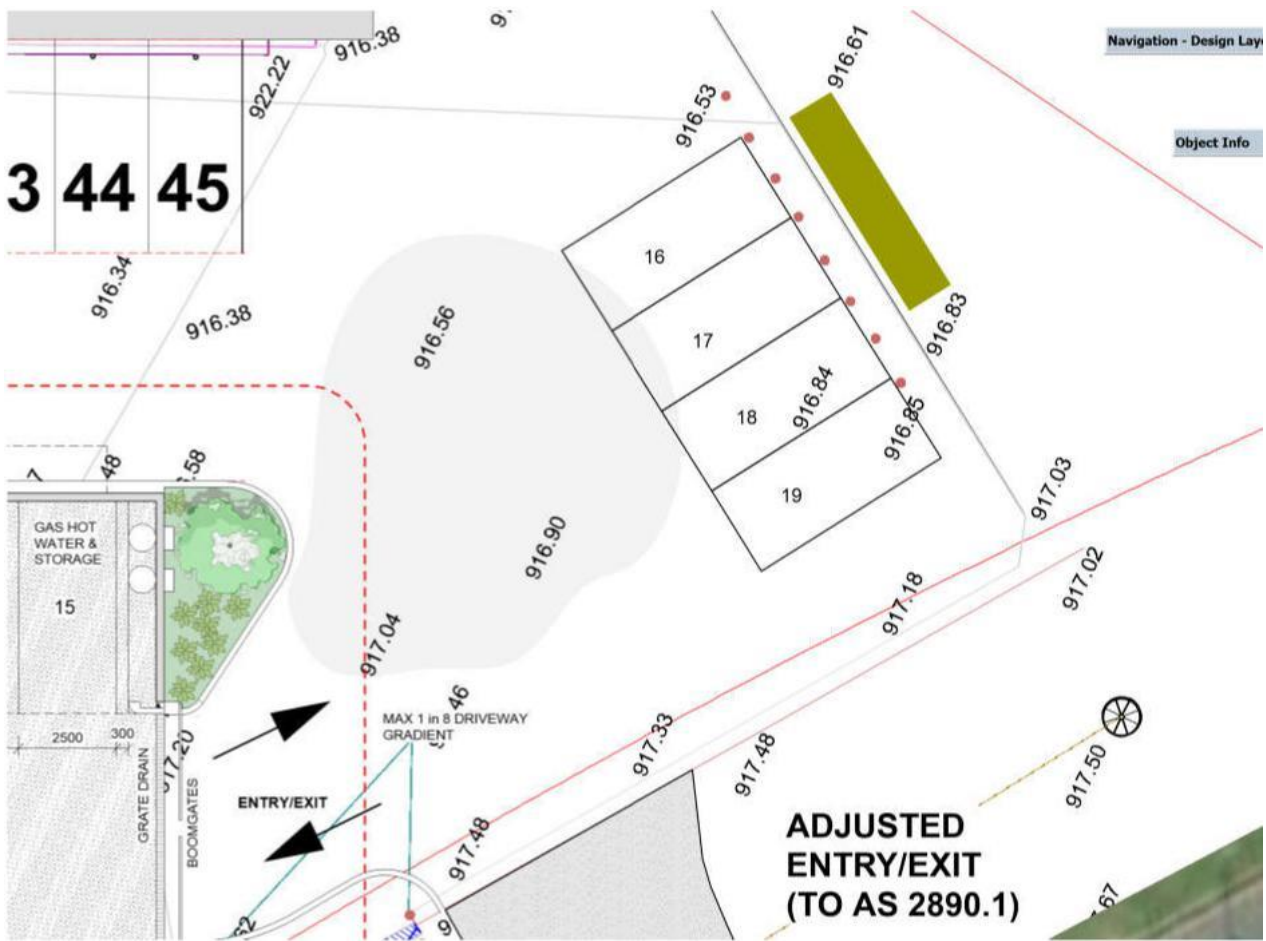


DA4/79 stamped plans for the extension of the Block 3 units

The applicant responded as follows:

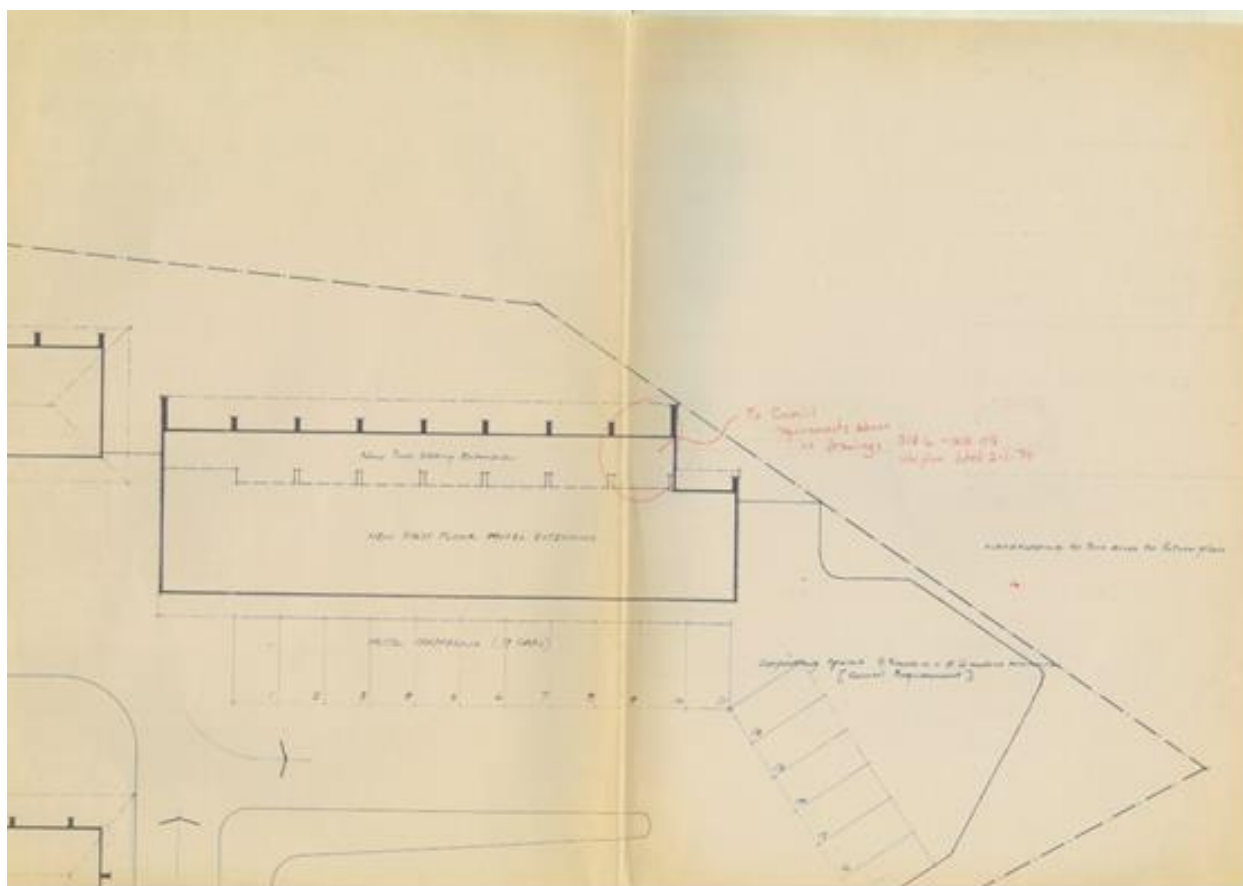
“The southern carpark area, the subject of the main objection, contains enough space for 3 standard parking spaces with the appropriate access and turning space required under the Australian Standards for off street parking. This is represented in the diagram below;

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Plan showing the relocation of the existing three spaces plus the one additional space allocated to the new accommodation building.

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Excerpt from DA4/79 stamped plans

The area on the southern boundary proposed to be utilised for the relocation of the existing three spaces and the additional space allocated to the proposed accommodation building was approved for parking previously under an approval issued in 1979. This area was never formalised as parking however it is shown on a stamped plan associated with an extension carried out on the site at that time. This inconsistency was raised with the applicant and the following response was received to justify the adequacy of the parking proposed:

At the time the requirement as shown on that plan you sent me was for spaces to be 5.5m x 2.6m which was the size for spaces under the DCP. The current DCP for parking requires spaces that meet the Australian Standard which are 5.4m x 2.4m. As such the layout I have provided where we linemark the motel spaces shows that using the current Australian Standards as required by the DCP, shows that we can provide a lot more spaces than previously.

There are 39 existing rooms which had one space per room and the overflow area for motel guests and employees in the proposed footprint of the new hotel of 3 spaces. That makes 42 required spaces previously. We are adding 16 rooms and so now need 58 spaces for the rooms, previous employees, plus an allowance for 1 more staff member which makes a total of 59.

On the attached plan I have demonstrated that we have the ability to provide up to 52 spaces externally (in part as we have moved the exit driveway and due to the size requirements of the

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
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Australian Standard) and we have the additional 15 undercover. As such we could achieve up to 67 if necessary.

As such could the Consent be conditioned to provide the minimum of 59 spaces (39 for existing rooms + 3 for employees + 16 for new rooms + 1 additional employee). “

In conclusion the proposed development is considered to meet the requirements of SRDCP 2013 and should be considered separately from any ongoing issues identified with the existing tavern use on the site. The impact of potentially inadequate parking for the tavern is not a valid consideration when assessing the parking requirements of the proposed accommodation building. A condition reflecting the parking requirements of the DCP has been included in the draft conditions of consent attached to this report.

Visual Impacts

Architectural design

As the existing tavern and accommodation blocks were constructed in the 1960's and 1970s their built form reflects the architecture of these time periods. The proposed building whilst a modern design has incorporated elements of the existing structures (stonework, weatherboards and metal roofing) allowing it to be distinctly different but at the same time reflect what came before.

This variation in style allows for a juxtaposition of the new development of modern alpine design with the older examples of alpine architecture in Jindabyne. The style and design of the building complies with the design elements of the SRDCP 2013 and the ideas reflected in the draft Master Plan documents. Having a new building on a site which fronts the Kosciuszko Road provides added interest to the streetscape which is predominated by older alpine architecture.

Height

The height will present the same as the existing tavern and is on the lower side of Kosciuszko Road



The proposed building in relation to the existing tavern height

The development whilst large it does not obstruct views, nor will it overlook or overshadow adjacent properties. The development has a varied architectural form that will lead to interest

when viewed from the street and it will be adequately landscaped with mature trees that will also help to soften its impact. It is considered that the construction of the new hotel building will have a positive impact on the streetscape.

Flora and fauna & Consideration of Threatened Species

No impact is foreseen on native flora or fauna or threatened species. The development is infill construction on an existing disturbed block of land with minimal vegetation removal needed to facilitate construction.

Social and economic impact

The development is considered to have a positive social impact providing for an expansion of visitor and tourist accommodation. The development is considered to have a positive economic impact on the local area providing for a number of construction and related trades positions and will allow for an increase in tourists in appropriate accommodation facilities which has overall benefits for the community.

The applicant has outlined the following as the social and economic benefits of the proposal:

“While the town of Jindabyne, and the Hotel itself, caters for a large number of visitors during the winter ski season, there is also demonstrated increasing numbers of visitors for recreational activities during summer. Summer activities include water skiing, boating, fishing, sailing, kayaking, swimming, and wakeboarding, rowing and diving. The foreshore around the town of Jindabyne is the access point for most of these activities. In addition, the foreshore also provides a focus for land-based activities such as walking, cycling, jogging, play, picnicking, camping and community events.

The tourism industry is a vital component of the Snowy Region and there has recently been a significant increase in drive from all levels of government and local business and community to increase year-round tourism activities, facilities and services.

To proposed expansion will provide business security and allow positive economic growth for a long standing, local Jindabyne business and contribute to strategic objectives of supporting year round tourism growth.”

Planning Agreements

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.5.

Any matters prescribed by the regulations

It is considered that the application complies with the relevant provisions of the regulation.

Public Submissions

8. DEVELOPMENT APPLICATION 10.2021.311.1 TOURIST AND VISITOR ACCOMMODATION – ADDITIONS TO EXISTING HOTEL
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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 “21” days. No submissions were received within the notification period, the following two objections were received outside of the notification period.

The issues raised each submission has been summarised below with a consideration from the assessing officer. The full submissions are attached to the report.

Submission	Consideration
<p><u>Submission One</u></p> <p>Car parking Provisions</p> <p>Vehicular movements</p> <p>Height of the development</p> <p>Public space</p> <p>Overdevelopment of the site</p> <p>Building design</p>	<p>The parking provided for the new development has been assessed against the provisions of the DCP and considered compliant. There have been many additions and variations to the subject site since its original construction. These additions and their parking provisions have been considered and discussed in depth previously in this report. The application is for an addition of 16 hotel rooms with 16 new car parking spots. As the car parking of concern is for the tavern it is not a valid consideration in the assessment of this development application.</p> <p>The height is the same as the existing tavern and is on the low side of Kosciuszko Road, therefore there will not be any negative impacts on views to and from the lake.</p> <p>The public space objection is not applicable as the site private property therefore cannot be claimed as public space.</p> <p>The external colour schedule and design is not in keeping with the existing hotel, however, due to the age of the development it would be unreasonable for the design to match a building built 60 years ago. The development does pick up on elements of the existing design and will once landscaped clearly show it is part of the existing Lake Jindabyne Hotel complex. As such it is considered that the design is a satisfactory juxtaposition of new and old.</p>
<p><u>Submission Two</u></p> <ul style="list-style-type: none"> • Parking and local amenity – parking overflow • Overdevelopment of the site • Profits over the community • Height • Snowy Mountains SAP 	<p>The submission raised concerns with a lack of parking in general at the Lake Jindabyne Hotel. A full review of the parking provisions for the Hotel and associated accommodation was undertaken as part of the assessment and it was determined that the parking meets the requirements of the Snowy River DCP 2013 (SRDCP 2013).</p> <p>The area to be developed is not an area dedicated on any previous plan for customer parking for the tavern/pub. As such the proposed building is not removing any dedicated customer car parking spaces for patrons of that part of the existing development. The building includes basement parking for all but one of the new units with the 16th space being provided within in an area where spaces can be formalised to meet the overall parking requirements of the accommodation portion of the site.</p>

	<p>Local amenity objection has a focus on the existing tavern/pub development on the lot. These issues are outside of the scope of this assessment which is limited to the provision of a new accommodation building. There are no building works or increased usage proposed for the existing tavern/pub as part of this development application.</p> <p>If this consent was granted the hotel would have 55 rooms and 59 dedicated car parking spaces. This would allow for up to eight employees to be able to work in the hotel. As the development application has stated that existing operation will remain in terms of staffing the car parking provisions are considered adequate.</p> <p>The view impact of the height of the building has been satisfactorily justified by the applicant in the variation request. As the addition will be on the same height plain as the existing hotel it is considered the impact is minimal.</p> <p>The development does not exceed the allowable floor space ratio for the site and is responsive to existing building setbacks. As such it is not considered that the site is being overdeveloped.</p> <p>The SAP has been considered as part of the assessment of this application. It must be noted that the subject site is private property and as such it is not considered to relate to requirement for public land.</p>
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CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCP, Codes and Policies.

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 attached.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

It is not considered that the development will have undue social impacts. The proposed development is an addition to an existing tourist and visitor accommodation premise and is in keeping with the surrounding dominant land uses.

2. Environmental

The environmental impacts of the development have been considered in the assessment of the development application. Due to the infill nature of the development the site is already considered disturbed. There will be minimal excavation associated with the development. There is no expected impact on air quality. There are no 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.

4. Civic Leadership

Under the provisions of the EP&A Act the Secretary of the Department of Planning Infrastructure and Environment allows Council (including its delegates) to determine applications where there are variations to development standards. This “assumed concurrence” has limits and in the case where a numerical standard is being varied by more than 10% this determination cannot be made by a delegate of Council. As such due to the variation in this case to the building height being more than 10% the determination of the development application must be made by Council and not under delegated authority.

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.

Should the application be determined as a refusal, reasons for refusal are required to be provided by Council as per the requirements of Council Procedure – Council Decision Contrary to Staff Recommendation (attached to this report).

8.4 DEVELOPMENT APPLICATION 10.2021.342.1 OUTDOOR SEATING AREA LOCATED ON FRONT PAVED AREA ON PREMISES

Record No: I21/430

RECOMMENDATION

That Council pursuant to section 4.16 (1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)*, grants consent to DA 10.2021.342.1 for Outdoor dining in the road reserve Highdale carpark Berridale immediately adjacent to Lots 2, 3 and 4 SP19973, Jindabyne Road Berridale, with draft conditions of consent attached to this report.

BACKGROUND

Applicant Number:	10.2021.342.1
Applicant:	Jennifer Stevenson
Owner:	Snowy Monaro Regional Council
DA Registered:	26/10/2021
Property Description:	Road Reserve Highdale carpark Berridale immediately adjacent to Lot 2, 3 and 4 SP19973
Property Number:	256409
Area:	46.2sqm
Zone:	RU5- village
Current Use:	Retail premise
Proposed Use:	Retail premise
Recommendation:	Approval with conditions

The purpose of this report is to seek approval for a partial use of the road reserve in front of the Highdale Shopping Centre in Berridale. The area is proposed to be used for outdoor dining to cater for the patrons of the Coolamatong Snowy Mountains Country Club ('the club'), situated within the shopping centre.

The subject area forms part of the road reserve subject to Council's recent streetscape works in Berridale.

The outdoor dining will extend the club's area to serve alcoholic drinks, soft drinks and food. Picnic tables will be used to cater to the patrons and the area will be defined using barriers made from steel and wood.

The application was notified to the adjoining landowners for a period of 14 days, with one (1) submission in support received.

The Development Application is being referred to council for determination in line with council's Policy "Referral of Development Application 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 consent be granted subject to conditions.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. Draft Conditions (*Under Separate Cover*)
2. Plans (*Under Separate Cover*)
3. Deposited Plan (*Under Separate Cover*)
4. Statement of Environmental Effects (*Under Separate Cover*)
5. Response to Further Information Request (*Under Separate Cover*)
6. TfNSW response (*Under Separate Cover*)
7. Police response (*Under Separate Cover*)
8. DA Form (*Under Separate Cover*)
9. Submission in support (*Under Separate Cover*)

SITE DESCRIPTION AND SITE HISTORY

The site is identified as Road Reserve Highdale carpark Berridale immediately adjacent to Lot 2, 3 and 4 SP19973 and is located within the central business precinct of Berridale adjoining a shopping centre known locally as "Highdale Shops". The site has an area of 42m², it directly abuts the Highdale Shops with direct frontage to a large Council carpark. The site is accessed from Jindabyne Road through the carpark.

The surrounding area is characterised by a mix of residential development, tourist accommodation and commercial/retail uses.



Figure 1: Subject Site

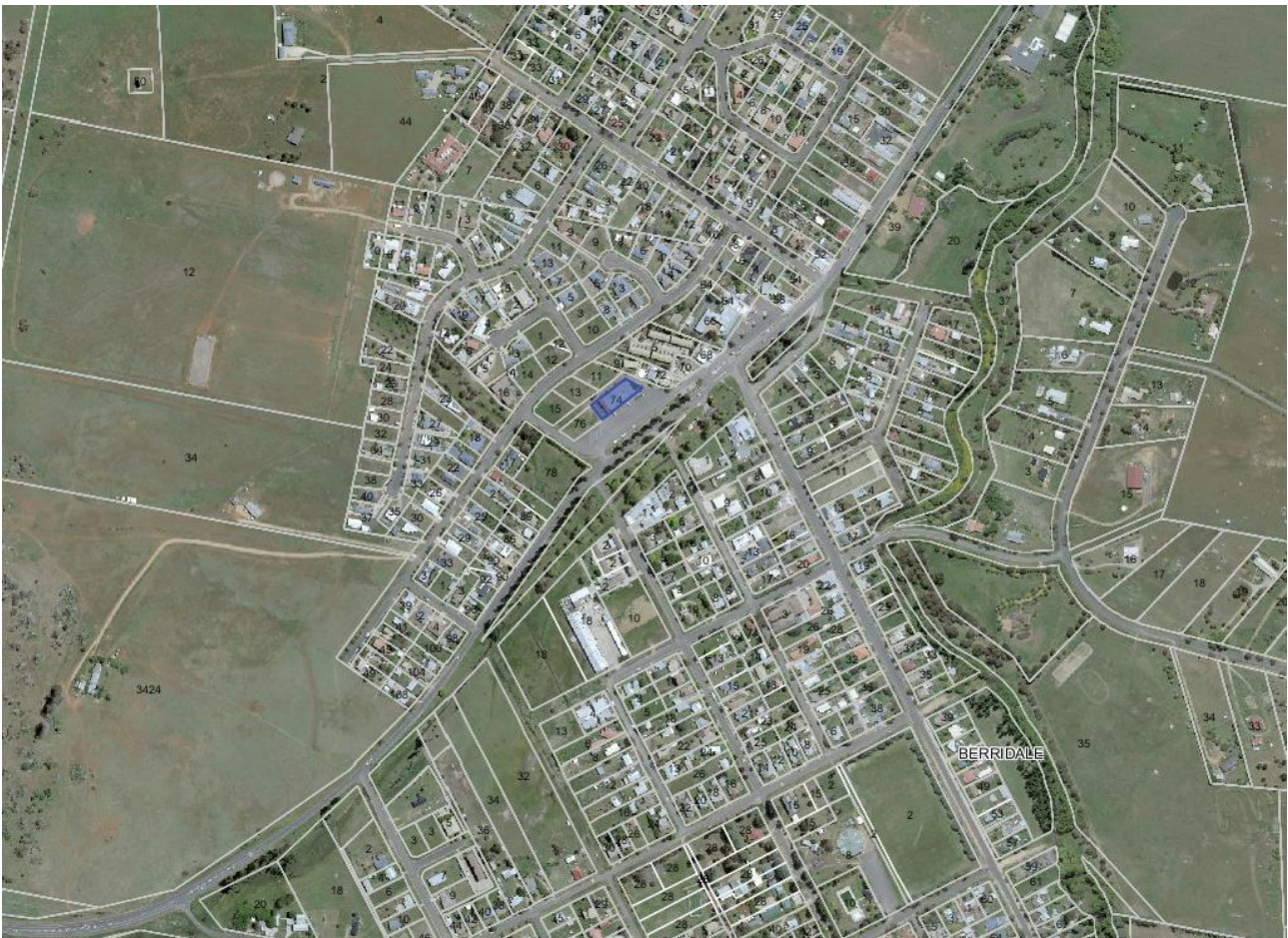


Figure 2 Subject site in relation to Berridale

Car park upgrade

Snowy Monaro Regional Council, at its Ordinary Council Meeting, held on 16 July 2020, resolved to allocate funds toward the 'Upgrade of Highdale Shopping Centre Carpark, Berridale'.

The initial concepts for upgrading Highdale Carpark were first identified in the Berridale Landscape Masterplan. This plan emanated from an extensive consultation process with the Berridale community in 2014/2015.

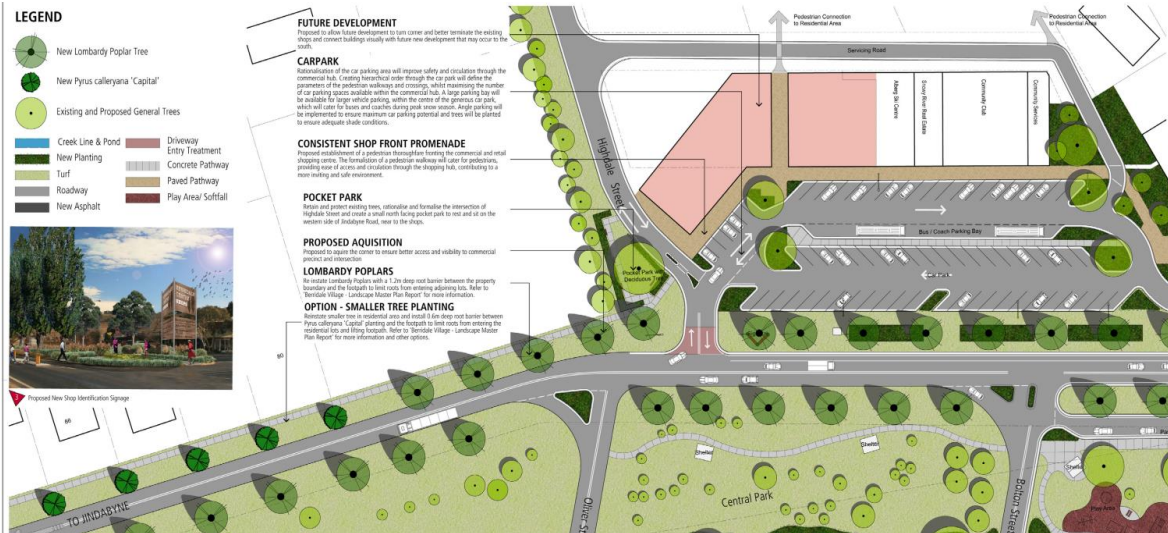
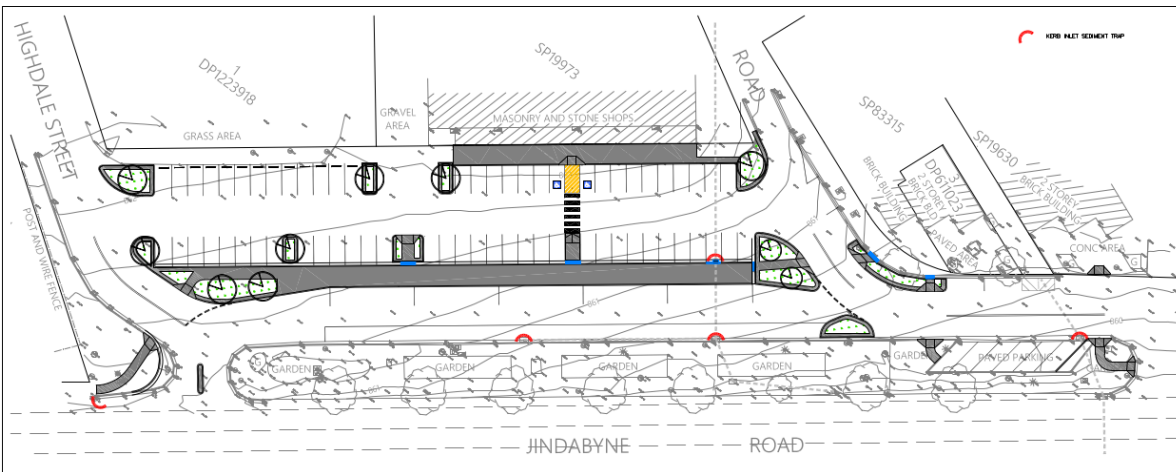


Figure 3 Berridale Masterplan 2014/2015

Highdale shopping centre proposed carpark improvement upgrades



SRDCP 2013 Part F2 - The Berridale Village Centre Plan was drafted to control existing and future development in Berridale. The Berridale Landscape Masterplan, seeks to:-

- Encourage good design that creates a functional and attractive commercial core.
- Encourage landscaping that breaks up built forms and enhances the character of the Village.
- Respect the existing heritage items within Berridale.
- Encourage pedestrian activity and expand on the range of uses that engage with and activate the streets.
- Encourage outdoor dining opportunities.
- Cater for safe and accessible streets and open spaces.

- Provide adequate and convenient car parking without compromising the street and landscaping character and minimising vehicle and pedestrian conflicts.
- Promote walking and cycling throughout the Village.
- Ensure signage is in keeping with the Village ideals and enhances the streetscape.
- Provide a pleasant outlook to and from the Village Centre

Overall the proposed development is in support of the Berridale Village Centre Plan objectives. As it encourages outdoor dining activities, encourages pedestrian activities and enhances the character of the village.

PROPOSAL IN DETAIL

The proposal seeks to extend the clubs area to include outdoor dining and improve the use of the area with picnic tables, pot plans and barriers.

Alcohol, soft drinks and food will be consumed by patrons in the proposed outdoor dining location. The opening hours of the club for patrons to use the outdoor dining will be from 12pm to 9pm Monday to Sunday.

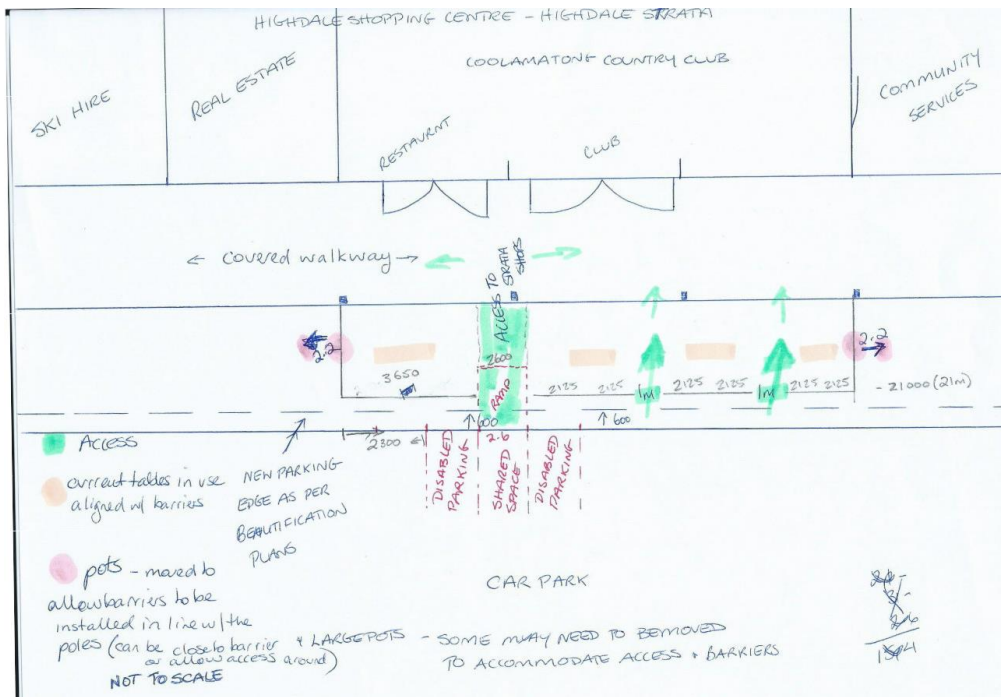


Figure 4 Development proposal



Figure 5 Proposed barriers



Figure 6 Existing picnic tables which will remain



Figure 7 Existing pot plants that will remain

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 Environmental 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 site is generally suitable for development.
The provisions of any environmental planning instrument and draft environmental planning instrument:	<p>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.</p> <p>The proposal has been examined in detail against the provisions of SRLEP 2013 and has been found to achieve an acceptable level of compliance.</p>
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 <i>EP&A Regulation 2000</i> .
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 by the applicant.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was notified, no objections were received. One submission in support of the proposal has been received.
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.

REFERRALS

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 however a referral to TfNSW was undertaken for their comment.

State or Federal Agency	Comments
Transport for NSW	Response received, no objection to the development. Conditions of consent have been provided.
NSW Police	Response received, no objection to the development.

Internal Referrals

Section	Comments
Property	Response received, no objection to the development and conditions of consent have been provided.

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);
- Proposed 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

The site currently has informal outdoor seating arrangements as such the proposal is in keeping with the existing use of the site.

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 found to have a suitable level of compliance.

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

The subject site is zoned RU5 – Village under the Snowy River LEP 2013 ‘SRLEP 2013’. Retail premises are a permitted use in the zone. The proposal is consistent with the aims and objectives of the SRLEP 2013.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

The proposal has been examined in detail against the provisions of Council’s LEP and has been found to achieve an acceptable level of compliance. The following provisions from SRLEP 2013 are of relevance:

Clause 4.3 Height of building

Complies.

Clause 4.4 Floor Space Ratio

Complies.

Clause 4.6 Exception to development standards

Not Applicable.

The provisions of any proposed instruments

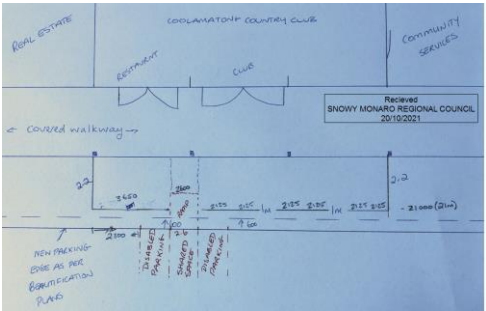
There are no other proposed instruments applying to this site.

The provisions of any Development Control Plans

The application has been assessed against the provisions of the Snowy River Development Control Plan 2013 and found to have an acceptable level of compliance. The following DCP provisions are of relevance:

Provision	Response/Acceptable Solution
A3 Public Notification	<p>The application was neighbour notified in accordance with the Snowy Monaro Development and Planning Community Participation Plan 2019 between 18/08/2021 - 01/09/2021.</p> <p>There was one (1) submission of support received.</p> <p>Submission is addressed below.</p>

B1 Rural localities, Towns & Villages	
2 Berridale village	Complies – It is considered that the proposal is in keeping with the vision for Berridale. It is considered that the proposal will add to the village atmosphere and attractiveness of Berridale and the surrounding landscape. As it will enhance both the visual and community ‘heart’ of the village. It is foreseen that the proposal will have a positive effect on the visual amenity of the town centre and will support the sense of community spirit.
C General planning considerations	
C2 Design	Complies- the design is considered satisfactory.
C3 Car-parking, Traffic & Access	Complies - The proposal will be serviced by the Highdale carpark. The Highdale carpark is part of the Berridale Beatification Project and the approved carpark layout has a total of 60 car spaces and 2 disabled car spaces. The existing commercial businesses that also utilise the carpark are a Ski Hire and the Councils Community Services Department. The peak periods of these businesses are varied and it is considered that the conflict between existing customers and new customers for the proposal will be minimal.
E3 Commercial & Retail Development	
1. Retail Premises, Wholesale Supplies & Rural Industries	
E3.1-1 Land Use Compatibility	Complies – The Berridale MasterPlan supports the proposed land use.
E3.1-2 Environmental Impacts	Complies - The proposed development is located away from water courses and there are no foreseen environmental impacts. The subject property is not located on, adjoining or utilising areas of environmental significance. The proposed development will not contaminate local land or water as there are no hazardous chemicals or uses proposed.
E3.1-3 Transport Infrastructure	Complies - The proposed development will utilise the existing parking infrastructure, which has access to Jindabyne Road and creates a safe area through separation of vehicles and pedestrians from the main road. The existing infrastructure allows vehicles to enter and exit the commercial precinct in a forward direction.

Outdoor Dining & Trading	
<p>E3.2-1 Location and layout of footpath trading</p>	<p>Complies – The applicant has adequately demonstrated that the existing levels of public access and safety will be maintained for the footpath and the adjacent road. It is considered that there will be no unreasonable impacts on amenity or streetscape.</p> <p>The existing footpath will remain accessible along the entirety of the frontage of the Highdale Shops.</p> <p>The proposal has over 0.6m setback from the kerb and is abutting a disabled parking space.</p>
<p>E3.2-2 Use of a Public Place for the Sale and Display of Merchandise</p>	<p>N/A – No sale or display of merchandise is proposed.</p>
<p>E3.2-3 Use of a Public Place for Footpath Dining</p>	<p>Generally Complies -</p> <p>The DCP requires that tables, chairs, umbrellas, pot plants and other necessary outdoor dining furniture may be placed only on that part of the footpath directly adjacent to the commercial premises. The proposal as presented situates the tables, chairs and landscaping elements directly adjacent to the existing club. None of the elements are proposed to extend past the site boundaries.</p>  <p>The application is seeking approval to affix barriers to the pavement. This is considered to be reasonable in this instance to allow for permanence of these structures.</p> <p>Umbrellas and furniture are not permitted to extend past the designated licence area, the proposal does not include umbrellas and none of the furniture is proposed to extend past the licence area.</p> <p>The picnic benches and barriers proposed have been illustrated in the development application. They are considered to be of an appropriate aesthetic quality that meets with the streetscape principles of the area.</p>

	<p>The DCP requires that all tables, chairs and other outdoor furniture be removed from the public place when the premises are closed. In this case the application is seeking to vary this requirement as it would be unreasonable for the heavy picnic benches of the type proposed to be moved each night and the barrier structures will be permanently affixed to the ground. This combined with the positioning of the tables outside of pedestrian traffic, this noncompliance is considered minor in nature.</p> <p>The DCP requires that the structures/tables be removed at the expiration of the approval period, in this case this can be managed through a licence for the use of the Council footpath area and as such no restriction on the consent is required.</p> <p>There are public picnic tables in close proximity of the site which are available to the public and the proposal does not restrict the use of these facilities.</p> <p>Food and drink preparation equipment is not permitted on a public place and as such a condition of consent has been included to address this requirement.</p> <p>The application does not seek approval for entertainment or amplified music, however an application may be submitted under the Local Government Act for this in the future.</p> <p>The development is seeking to extend its licensed liquor area to cover the new seating. The application was referred to NSW Police for their comment and no objections were raised. The extension of the liquor licence will be a matter for the Office of Liquor Gaming and Racing. Appropriate conditions of consent have been proposed regarding liquor licences.</p>
<p>E3.2-4 Furniture and fittings</p>	<p>Complies - The proposal includes sturdy furnishing. The barriers will be defined. No advertising signage is proposed on the barriers. No umbrellas are proposed.</p>
<p>E3.2-5 Amenity</p>	<p>Complies - The proposed outdoor dining is considered to have minimal negative impacts on the amenity of nearby residents. It is located an adequate distance from existing residential dwellings within a commercial precinct.</p> <p>The Club will provide adequate lighting and heating for patrons and will not cause a nuisance to surrounding development.</p>

	<p>Being in close proximity to the club, noise, litter and general cleanliness can be managed appropriately by the club staff.</p> <p>No additional toilet facilities are required as adequate toilet and sanitary facilities are provided for staff and public including an ambulant toilet within the club.</p> <p>Additional public toilets are across Jindabyne Road in the Berridale Lions Park.</p>
F2 Berridale Village Centre	
1.3 Development Objectives for the Berridale Village Centre	<p>Complies - The development as proposed will provide a sought after amenity through the provision of outdoor dining to service the residents of Berridale and the tourism industry in the Snowy Mountains.</p> <p>The proposed development has been designed to be complementary to the characteristics of the existing buildings within the Berridale Village Centre. The provision of outdoor dining is considered to enhance the existing streetscape.</p> <p>The street interface and an active pedestrian environment will add to the walkability of the commercial precinct servicing the township of Berridale.</p>
2.2 Heritage Conservation	Complies- The site is not identified as a heritage item nor is it located within a heritage conservation area.
3 Development & Design Controls	
3.1 Urban Form	
F2.1-1 Views, vistas & landmarks	Complies - The proposal will have no foreseen impacts on significant views and is considered to maintain the established streetscape characteristics.
F2.1-2 Active site & street frontages	<p>Complies- The street interface is located at ground level and can be accessed directly from the footpath, as such is considered to have satisfactory accessibility.</p> <p>The proposed pedestrian area will be consistent with the adjacent pedestrian areas, trading activities, existing public utilities, landscaped areas and open spaces to provide consistent pedestrian access and promote a walkable Village Centre.</p>
F2.1-5 Safety, security & crime prevention	<p>Complies - The development does not incorporate blind or dark alcoves, stairwells and provides a direct line of site to car parking and common areas.</p> <p>The entrance to the development is clearly visible from</p>

	<p>the street and adequate lighting is proposed as part of the development.</p> <p>The elevation on the Highdale street end of the development has appropriate wall treatments to discourage graffiti.</p>
F2.1-7 Universal design/accessibility	Complies - Provisions for people with disabilities have been adequately considered through the development proposal.
3.2 Traffic, access, parking and servicing	
F2.2-1 Vehicle access & parking	Complies - No increase in gross floor area is proposed as such the existing car parking is considered sufficient.
F2.2-2 Pedestrian & cycle access	Complies - Entrance of the club and the restraint will remain visible.
3.4 Building exterior	
F2.4-6 Materials & finishes	Complies- The selected tones and materials proposed are considered to be complementary to the existing commercial premises on surrounding allotments.

Likely impacts of the development – environmental, social and economic

Access transport and traffic

The site is accessed off Highdale Street and Jindabyne Road. The council owned Highdale car park is located along the eastern boundary and accessible pedestrian footpaths. As such, the parking provision is considered to satisfactorily meet the objectives of the DCP and have suitable accessible parking spaces close to the proposed development.

Heritage

The site is not identified as a heritage item nor is it located within a heritage conservation area. Nevertheless, the site adjoins local heritage items Jindabyne Road 'cultural streetscape', however no building work is proposed.

Safety, security and crime prevention

The development is considered to have been designed to promote safety, security and crime prevention. The development does not incorporate blind or dark alcoves, stairwells and provides a direct line of site to car parking and common areas. The entrance to the development is clearly visible from the street and adequate lighting is proposed as part of the development.

Site and internal design issues

There are no foreseeable negative impacts of vehicle or pedestrian activity, the outdoor dining has been designed to ensure to allow the flow of foot traffic is not impeded.

Planning Agreements

There are no planning agreements or draft planning agreements applicable to this property.

Any matters prescribed by the EP&A regulation 2000.

It is considered that the application complies with the relevant provisions of the regulation.

Submissions

The application was neighbour notified in accordance with Snowy Monaro Planning and Development Participation Plan 2019 requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of "14" days.

The application was publicly advertised, in accordance with Snowy Monaro Planning and Development Participation Plan 2019 and the relevant statutory regulations.

One (1) formal submission was received in support of the development.

The issues raised in the submission were as follows:

Submission	Response
The above application has my full support. Our town of Berridale is desperate for a low cost venue that local rate payers can frequent, be they retirees, tradies or young families. The happy chatter of children and families on a Friday Nights has been sadly missed. I close by and I have had no issue with noise or bad behaviour from patrons of the Club in the 16 years that I have called Berridale my home.	This submission is in support of the development.

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.

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.

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 attached.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The development is considered to have a positive social impact, through providing outdoor dining opportunities. Outdoor dining gives people a way to reconnect and socialise while following social distancing rules.

2. Environmental

There will be minimal excavation associated with the development. There is no expected impact on air quality. There are no trees to be removed 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 development is considered to have a positive economic impact on the local area providing as the country club will be able to increase their outdoor trading space to maximise the number of customers that they can serve, while adhering to State Government's guidelines, including social distancing and density requirements.

4. Civic Leadership

The application is referred to Council for determination rather than being determined by staff under delegation, as the development is located on Council owned land.

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 Recommendations.

8.5 DEVELOPMENT APPLICATION DA10.2021.361.1 - COVERED BBQ AND SEATING

Record No: I22/3

RECOMMENDATION

That Council, pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)*, grants consent to DA 10.2021.361.1 for a Covered BBQ and seating at Ryrie Street, Michelago being Lot 6 DP 11158, with conditions of consent attached to this report.

BACKGROUND

Applicant Number:	10.2021.361.1
Applicant:	Michelago Regional Community Association
Owner:	Snowy Monaro Regional Council
DA Registered:	15/11/2021
Property Description:	Lot 6 DP 11158, Ryrie Street, Michelago
Area:	7672m ²
Zone:	RE1 – Public Recreation
Current Use:	Recreational use (oval, tennis courts, playground)
Proposed Use:	Install BBQ & shelter and picnic tables & shelters (BCRRF Grant)
Permitted in Zone:	Yes
Recommendation:	Approval with Conditions

The purpose of this report is to seek consent for the installation of a covered BBQ area along with two sets of tables with bench seats at Michelago Oval and recreational area, Ryrie Street, Michelago (Lot 6 DP 11158).

The application proposes to utilise the area closest to the tennis courts within close proximity to the toilet facilities. The development is sympathetic of the Railway Station Significant Heritage area and will provide a facility which is not currently available to residents and visitors. The proposed facilities are planned so as to encourage recreational use and tourism that will support the growth of Michelago.

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 Cooma-Monaro Local Environmental Plan 2013 and Cooma-Monaro Development Control Plan 2014 and it is recommended that conditional consent be granted.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. Draft Conditions of Consent (*Under Separate Cover*)
2. Plans (*Under Separate Cover*)
3. Statement of Environmental Effects (*Under Separate Cover*)
4. DA Form (*Under Separate Cover*)
5. Deposited Plan (*Under Separate Cover*)

SITE DESCRIPTION AND SITE HISTORY

The site is part of a parcel of council owned lots for recreational use. There is an existing tennis court, shed, club house and toilet block on the site. Adjoining lots contain a playground, cricket ground, walking track and sheltered park benches. The land lies within the Railway Station Significant Heritage area which is across Ryrie Street from the park.



Figures 1 & 2 Area to be developed



Figure 3 - Subject Site

MICHELAGO TENNIS CLUB

PROPOSED BARBEQUE AMENITIES:

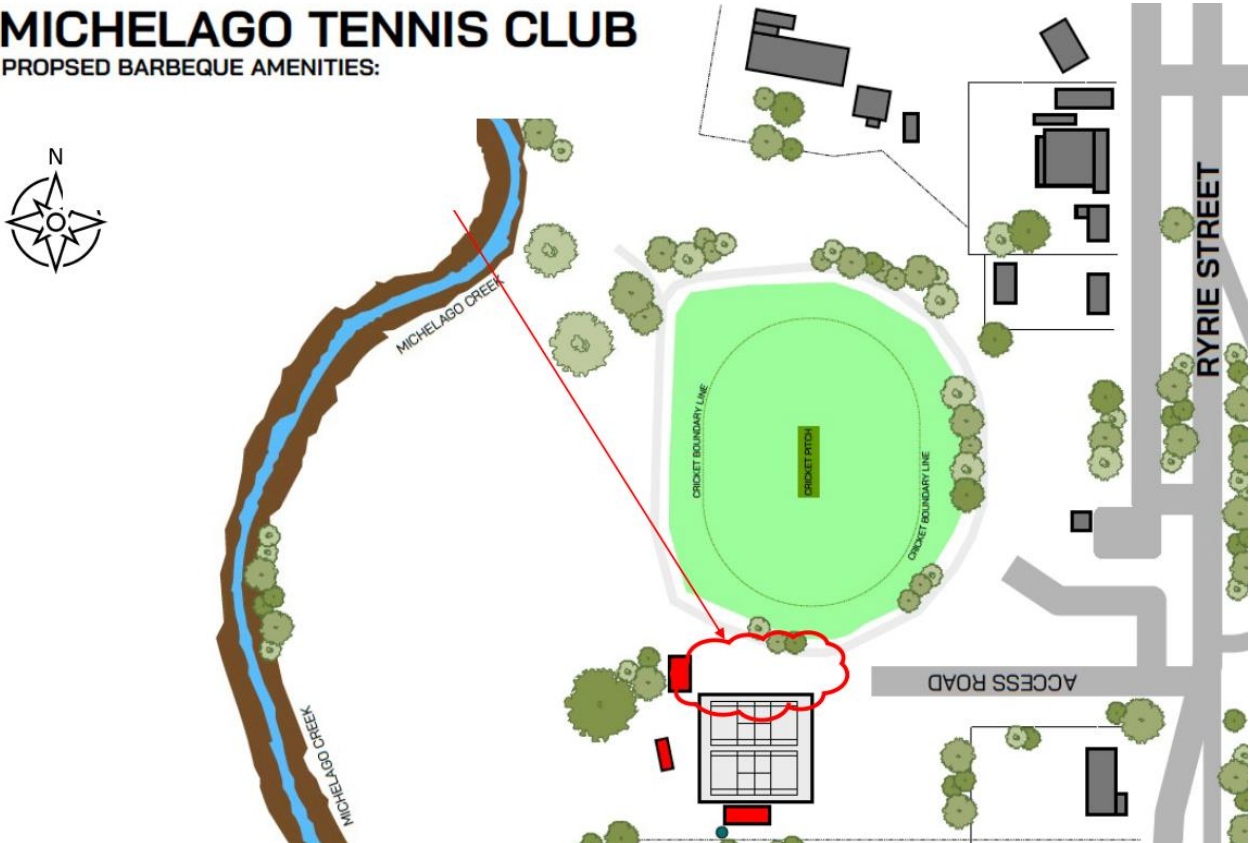


Figure 4 – Location Plan

Previous Development History

Council records have identified the following approvals on the site:

- Toilet block DA98/240 Approved 27/10 98;
- Tennis Practice wall 2001/CA-388 approved 5/11/2001;
- Tree removal near creek DA122/2002 approved 30/09/2002;
- Installation of lighting at tennis courts DA172/2013 approved 5/06/2013.

PROPOSAL IN DETAIL

The application proposes to install a barbeque and two sets of tables and benches, all with shade coverings that match the current shade covering near the existing playground on the same site.



Figures 5 & 6 Examples of proposed structures

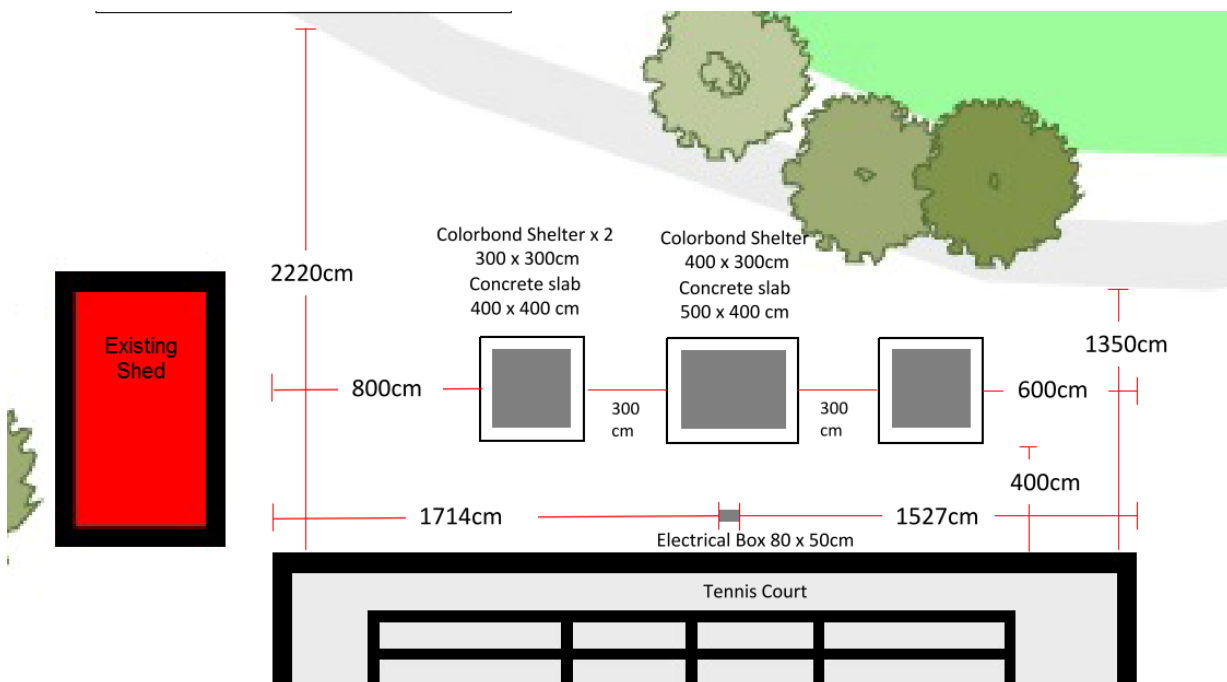


Figure 7 – Site plan

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)	Cooma-Monaro Local Environmental Plan 2013.
Development Control Plans	Cooma-Monaro Development Control Plan 2014.

Section 4.15 and EP&A Act Checklist

The suitability of the site for the development:	The site is generally suitable for the development.
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 CMLEP 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 plans.
Any matters prescribed by the regulations:	The application generally complies with the <i>EP&A Regulation 2000</i> .
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. The cumulative impacts of the development negate any time, space, nibbling or synergistic effects.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was not notified or advertised.
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.

REFERRALS

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 was not deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

No external referrals were required

Internal Referrals

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

Section	Comments
Land and Property	No objection to the development as proposed.

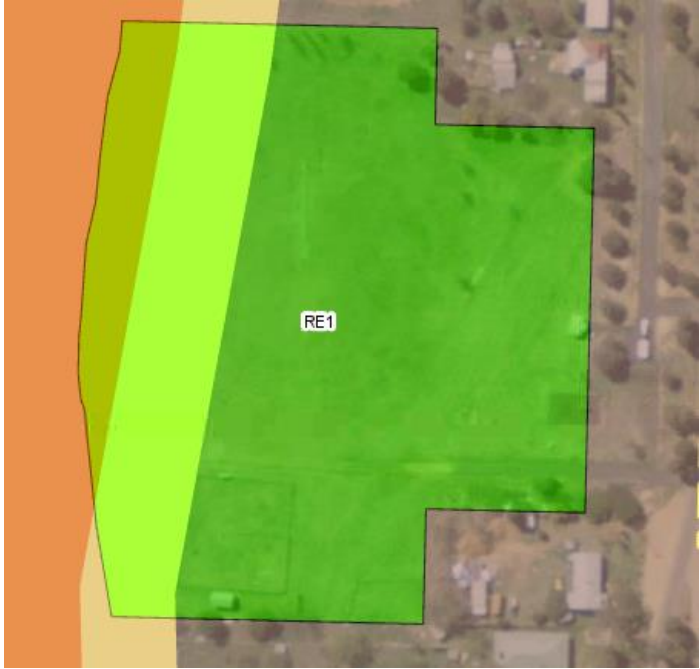

LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

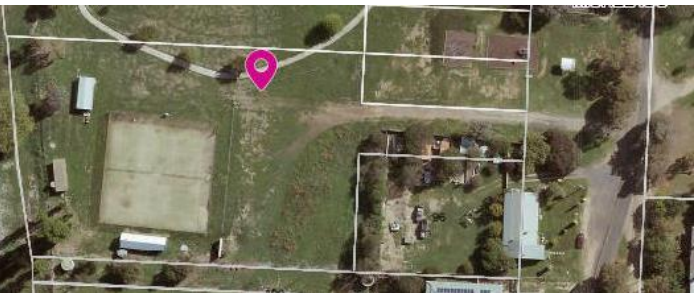
As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below:

- 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	There is a small slope toward the front of the site near Ryrie Street but the area outlined for the proposal is relatively flat.
Significant vegetation	There is no significant vegetation.
Adjoining development	Consistent with development for the site.
Suitability of proposed works / building	Generally acceptable having regard to constraints of the land.
Streetscape	There is no immediate streetscape for which the proposal will impact. The proposal is generally

	compatible with adjoining development.
Stormwater disposal	On-site via detention.
Services	Electricity / water existing on site.
Views	Nil impact to and from site.
Contamination	Nil identified.
Bushfire	<p>The area to the rear of the subject site is classified as bushfire prone. The proposal poses no threat or issues.</p> 
Flooding	<p>The site is subject to flooding, however the development will not be impacted due to its nature and construction materials.</p> 
Vehicular access	The site has existing legal and practical access via Ryrie Street to a grassed parking area.

	
Easements and restriction on use	No easements or restrictions on use are in place.
Aboriginal sites	<p>Land and Property where referred to for advice in terms of any Native Title implications for the development. The following response was received: <i>“Consent was obtained from NSW Aboriginal Land Council prior to the Michelago Region Community Association submitting their Development Application.</i></p> <p><i>Mogo LALC were contacted and invited for a site inspection however no response was received after 28 days which we take to indicate no objections.”</i></p>
Threatened species	Nil identified on-site.
Grasslands	Nil identified on-site.
Rivers/streams	Toward the rear of the site there is a small creek that does not impact the proposal.
Effluent disposal	Managed on-site. Not relevant to the proposal.
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 found to have a suitable level of compliance.

Permissibility of the development under the Cooma Monaro Local Environmental Plan 2013

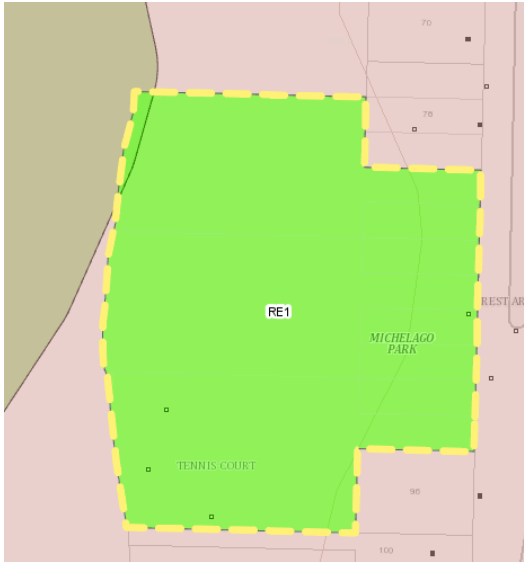
The land is zoned RE1 – Public Recreation, the development is ancillary to the use of the land for a *recreation area* being:

a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

As such the proposal is permissible with consent in the RE1 Zone and has been found to be consistent with the aims and objectives of the plan.

The proposal has been examined in detail against the provisions of Council’s Cooma Monaro LEP 2013 (“CMLEP 2013”) and has been found to achieve an acceptable level of compliance. The following provisions from CMLEP 2013 are of relevance:

Provision	Response
PART 1 Preliminary	Satisfied.
PART 2 Permitted or prohibited development	Permitted.
PART 5 Miscellaneous provisions	
Clause 5.21 Flood planning	The proposal is consistent with the objectives of this clause and poses no risk to life or property.
PART 6 Additional local provisions	
Clause 6.4 Groundwater vulnerability	Complies – no impact expected with no earthworks or excavation proposed.
Clause 6.6 Riparian land and watercourses	Not applicable – The proposal is outside of any riparian waterway identified area.
	
Clause 6.10 Essential Services	Electricity can be provided to the proposed site. Access and toilets is both practical and legal.

The provisions of any proposed instruments

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

The provisions of any Development Control Plans

The application has been assessed against the provisions of the Cooma Monaro Development Control Plan 2014 and found to have an acceptable level of compliance, the following DCP provisions are of relevance:

Provision	Response
2 General Development Controls	
2.4 Crime and Safety	The proposal is consistent with the objectives and requirements of this clause with no change to the existing crime and safety expected.
2.5 Vehicular access and roads	The existing access and parking for the site is compliant and consistent with the objectives. No changes proposed.
2.6 Stormwater	Stormwater generated by the proposal is expected to have minimal impact and can be managed on site.
6. Provisions for Specific Locations	
6.1 Bushfire Prone Land	The site is bushfire prone land but not applicable to the proposal.
6.4 Flood Prone Land	Complies - The proposal is consistent with the requirements of this clause and will pose no threat to property or life. Consideration of electrical placement may need to consider flood impacts.
6.5 Heritage	Complies - The proposal is consistent with the objectives of this clause and poses no risk to the heritage significance of the area but is more likely to enhance, encourage and promote the use of the heritage area.
6.6 Groundwater vulnerable land	Complies – The proposal poses no impact to the groundwater vulnerability of the area.

Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic	The proposal has sufficient parking and access to accommodate any additional users for the BBQ and associated facilities. It is expected that there is only minimal additional load on existing parking infrastructure.
Bushfire Assessment s4.14	The proposal is in a low risk bushfire area as the recreational land is open maintained grassland within a residential area also consisting of maintained lots. The proposal does not create any further risk.

Impacts on supply of utilities	Minimal impacts to the supply on utilities is expected. The BBQ can be connected to existing electricity available near the Tennis court.
Heritage	The proposal is located within a railway heritage significant area but is not identified or listed as being heritage significant. The proposal supports the heritage significance of the area and encourages users to the area for recreational use of the Heritage area.
Water supply and potential impacts on surface and ground water	No impacts expected. The proposal will be three (3) small slab on ground blocks and require no substantial earthworks.
Soils	No impacts expected. The proposal will be three (3) small slab on ground blocks and require no substantial earthworks.
Flora and fauna & Consideration of Threatened Species	No impacts expected – there are no identified significant flora or fauna species on site.
Waste facilities and controls	Any waste generated from the development will be transported to a Council facility at the cost of the developer. Ongoing waste management will be maintained through existing bins provided on site that are maintained and cleared by Council/contractors.
Noise and vibration	Minimal impacts and disturbance to neighbouring residence during construction expected and on-going use will also be minimal/consistent with current use.
Safety, security and crime prevention	The proposal will create no additional impacts on the safety, security and crime within the area.
Social impact in locality	The proposal will encourage community engagement and is likely to have a positive impact on the social impacts of the locality.
Economic impact in locality	The proposal will create additional opportunities for the site to be utilised either for private or community recreational engagement, adding to the social and economic potential of the Michelago recreational area.
Impacts during construction	Impacts during construction have been identified as having minimal effect on the adjoining properties during construction and no impact on the use of surrounding recreational equipment on the site during construction.

Impact on pedestrian movements and safety	The proposal will have minimal impact on pedestrian movements and safety with the only concern being the toilet block access which will need to be fenced appropriately during construction.
Impacts on aboriginal heritage	No impacts on the heritage significance of the area expected appropriate conditions of consent regarding unexpected finds will be included.

Planning Agreements

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.5.

Any matters prescribed by the regulations

It is considered that the application complies with the relevant provisions of the regulation.

Submissions

The proposed development was not required to be notified as per the requirements of the Snowy Monaro Planning and Development Community Participation Plan 2019.

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

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 of:

1. The proposal is compliant with the development standards of the Cooma-Monaro LEP 2013 and Cooma-Monaro DCP 2014.
2. The structure will foster growth in a well-established 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.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The proposed development is considered to have a positive social impact with the introduction of cooking facilities and additional seating opening the recreational area up for additional family, visitor and community uses.

2. Environmental

The proposed development is considered to have no negative environmental impacts. 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 is considered to have a positive economic impact on the local area providing facilities for visitors and the community a like creating overall benefits for the community.

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 Recommendation*.

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9.1.1 APPOINTMENT OF DELEGATES TO COMMITTEES FOR THE PERIOD TO SEPTEMBER 2023

Record No: I22/47

OFFICER'S RECOMMENDATION

That Council:

- A. Nominate councillor or CEO representative/s to those committees that it wishes to continue representation on.
- B. Dissolve inactive committees; Flood Risk Management, Koala Management Plan, Recreational Facilities, Snowy Monaro Tourism, Waste Management, Water and Sewer.

ISSUES

Councils uses a range of mechanisms to guide it in making decisions. One method used are committees. These are referred to as internal committees, and consist of councillors, staff or external people or bodies. There are a range of ongoing committees set up to consider different aspects of matters to provide input to the Council to assist in decision making. As they often inform the governing body on matters there is generally a councillor on these committees.

Council also maintains links with a range of community based and other organisations via representation on relevant committees. Such representation is usually by appointment of either elected members or members of staff as delegates. These are referred to as external committees, as they are established by a separate organisation where Council is invited or required to attend.

The previous Council elected to be delegates on a number of committees, outlined in the table (See Annexure 1: List of Committees).

The table in Annexure 1 outlines the terms of reference/purposes for the committees, whether a Councillor is required and the status (whether the committee is active/inactive) and the meeting frequency as required in the committee's Charter. This report provides recommendations to Council regarding each committee.

Council should consider the committees it wishes to continue representation, with reference to the factors outlined in Annexure 1.

New committees may be considered for specific purposes. However it is preferable for any project or undertaking of council to have sufficient stakeholder engagement programs and reporting requirements to reduce the need for ongoing committees. In the event a new committee is deemed necessary each should have a clear set of measurable actions to complete and a finite lifespan set out at inception in the charter.

In certain circumstances the Mayor is the designated representative unless the responsibility is delegated. These committees are flagged in the table in Annexure 1.

Following are the committees it is recommended Council elect delegates to. Those positions that are appointed and do not need appointment by Council are marked with an asterisk (*)

9.1.1 APPOINTMENT OF DELEGATES TO COMMITTEES FOR THE PERIOD TO SEPTEMBER 2023

External

Committee name	Delegate	Active (Y/N)	Frequency of meeting
ANU Medical School - Community Advisory Committee	X 1 Councillor	Y	Once a year
Boco Rock Community Fund Committee	Mayor (Chair)*, CEO,* 1 Councillor representing the former Cooma-Monaro Shire LGA, 1 Councillor representing the former Bombala Shire LGA	Y	Minimum 3 times per year
Boco Rock Community Fund Sub Committee	Delegates are as appointment to the Boco Rock Community Fund Committee.	Y	Minimum 3 times in the year of a new committee term
Bundian Way Advisory Committee	1x Councillor or CEO	Y	1st Thursday every second month
Canberra Region Joint Organisation of Councils (CRJO)	Mayor* & CEO*	Y	4 times per year
Community Safety Precinct Committee	X1 Councillor	N	Organised direct with Mayor
Cooma Correctional Centre Community Consultative Committee	X1 Councillor	Y	TBC
Country Universities Centre Board	Mayor*	Y	Third Thursday of each month
District Bushfire Management Committee	X1 Councillor	Y	TBC
Jindabyne Liquor Accord	X1 Councillor	N	When required
Local Traffic Committee	X1 Councillor	Y	last Thursday of every second month
Monaro Regional	X1 Councillor	Y	2nd Thursday

9.1.1 APPOINTMENT OF DELEGATES TO COMMITTEES FOR THE PERIOD TO SEPTEMBER 2023

Committee name	Delegate	Active (Y/N)	Frequency of meeting
Interagency Committee			every 2nd month
NSW Government's Asbestos Coordination Committee #	X1 Councillor	Y	Quarterly
Snowy Monaro Local Emergency Management Committee	CEO *	Y	Quarterly
South East Arts Board	X1 Councillor	Y	3 times per year
Southern Regional Planning Panel##	Mayor & CEO 1 x Alternative	Y	TBC

The NSW Government's Asbestos Coordination Committee (NACC) meets quarterly and members will be expected to contribute effectively to the development and implementation of the whole-of-government strategy on asbestos management in NSW.

It is critical that the LGNSW representative has a strong understanding of conference-endorsed LGNSW policy relating to asbestos, and an appreciation of the asbestos issues facing the whole sector, including both metropolitan and rural and regional councils.

Asbestos related topic areas that the committee member will need expertise in or the ability to gain expertise on are as follows:

- work health and safety
- contaminated land management
- council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities at residential premises
- waste management and regulation.

Appointments are for a period of two years, and there is remuneration as per the public service commission guidelines. Members are appointed by the EPA in accordance with Schedule 2 of the Protection of the Environment Administration Act 1991.

Membership on the Southern Regional Planning Panel is addressed in section 4 of the Sydney and Regional Planning Panels Operational Procedures:

4.1 Members: Two council members are appointed by each council.

4.4 At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

9.1.1 APPOINTMENT OF DELEGATES TO COMMITTEES FOR THE PERIOD TO SEPTEMBER 2023

4.5 Selection of Council Members: Each council determines how their members are selected. In selecting members, councils should have regard to any conflicts of duties that would be created for a person nominated to the Planning Panel if they are in any way responsible or involved in the assessment of matters to be determined by the Panel or involved in voting or deliberating on matters that come before the Panel.

Council's previous resolution has been to elect the CEO and the Mayor.

It is proposed that the following external committees no longer have formal representation of councillors on them.

Committee name	Active (Y/N)	Comment
Delegate Progress Association	N	Previously the Delegate Progress Association had a representative of council on their committee. However, the Association has stated it does not require a Council representative on the committee, Councillors may attend these meetings by invitation.
Granite Hills Windfarm Community Consultative Committee	N	The Granite Hills Windfarm project has been cancelled. Council is not required to elect a delegate to this committee, as it is not active.
Monaro Regional Housing Forum	Y	It is suggested a Councillor representative would be more beneficial on the Housing and Social Services Advisory Committee.
Snowy Mountains Neighbourhood Centre	Y	A Councillor would need to become a member of their Board; this would require them to act as a governing member of the incorporated association.

The following are the internal committees that is it recommended continue.

Committee name	Delegate	Active (Y/N)	Frequency of meeting
Audit, Risk and Improvement Committee	X1 Councillor	Y	Quarterly
Youth Council	X1 Councillor	Y	4 times per year
Reconciliation Action Plan Working Group	X1 Councillor	Y	4 times per year
Cemeteries Committee	x1 Councillor	Y	Quarterly
Community Services	X1 councillor	Y	Quarterly

9.1.1 APPOINTMENT OF DELEGATES TO COMMITTEES FOR THE PERIOD TO SEPTEMBER 2023

Committee name	Delegate	Active (Y/N)	Frequency of meeting
Cooma Saleyards	x2 Councillors	N	Needs to be re-activated
Snowy Monaro Arts & Cultural Committee	X1 Councillor	Y	Quarterly
Snowy Monaro Biosecurity (Weeds)	X2 Councillors	Y	Quarterly
Yamaga Sister City	Mayor	N	When required
Housing and Social Services	X1 Councillor	Y	TBC

The following committees are recommended not to continue.

Committee name	Active (Y/N)	Comment
Flood Risk Management Committee	N	<p>Council received grant funding from Department Planning Industry and Environment (DPIE) to undertake flood studies. A requirement of this funding was to establish a Flood Risk Management Committee. The principal objective of this committee was to assist the council in development and implementation of a management plan.</p> <p>The flood study is now finished and the management plan was adopted by Council in September 2021. The committee is no longer required.</p>
Koala Management Plan	N	<p>This committee was formed to assist with the formulation of a koala plan of management for the Cooma-Monaro Local Government Area in accordance with the project funded by the NSW Environmental Trust from 2012 to 2015.</p> <p>It is no longer required.</p>

9.1.1 APPOINTMENT OF DELEGATES TO COMMITTEES FOR THE PERIOD TO SEPTEMBER 2023

Committee name	Active (Y/N)	Comment
Recreational Facilities	N	The Charter is old (under the old Cooma-Monaro structure) It is focused primarily on issues only in Cooma. When the new framework for committees is implemented, a report is to go to Council to consider a more regional focused Recreational Facilities committee. A new Charter should be drafted and implemented to ensure each community (not just Cooma) is represented equitably. The committee last met in February 2021
Snowy Monaro Tourism Committee	N	This committee is inactive.
Inclusion Action Committee	N	This committee is inactive.
Waste Management	N	The committee was formed to address stakeholder concerns during the formative period of the amalgamated council when contentious issues regarding service and fee changes were proposed. The services and fees have since been resolved.
Water and Sewer	N	The committee was formed to address stakeholder concerns during the formative period of the amalgamated council when contentious issues regarding service and fee changes were proposed. The services and fees have since been resolved.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity	Low	Low	Yes
External Political Environment	Low	Low	Yes
Financial Sustainability	Low	Low	Yes
Legislative Governance and Compliance	Low	Low	Yes
Reputation and Image	Low	Low	Yes
Service Delivery	Low	Low	Yes

Asset Management and Economic Activity

Supporting and maintaining membership on s355 management committees will mitigate the risk of facilities and other assets falling into disrepair and/or mismanagement through regular updates on current state and potential issues. Appointment of a councillor is not seen to change the risk level.

External Political Environment and Reputation and Image

Maintaining contact with local and regional networks and engendering public participation in decision making will enhance Councils connection to various stakeholders

Council maintains links with a range of community based and other organisations via representation on relevant committees. Delegates have a responsibility to Council, as its representative, to vote in accord with Council policy and to keep Council informed of the activities of the committee in question.

Financial Sustainability

Active management of committees will assist in identifying financial risk to assets and inform asset management plans.

Legislative Governance and Compliance

Maintaining committees under s355 of the Local Government Act, enables council to delegate functions to certain committees which allows them to undertake activities that council may not otherwise be able to resource. Further the committees assist council in monitoring its various compliance obligations. For example, there is legislation which mandates Council's membership on particular external committees (outlined in the table in Annexure 1).

Service Delivery

The dissolution of committees that are not providing value will reduce resourcing requirements and enable greater focus on service provision for council staff to support the existing committees.

FINANCIAL IMPACTS

Provision has been made in the 2023 budget for the Mayor and Council to undertake civic duties as required. This budget includes representing Council on a number of external and internal advisory committees.

Executive support to the Mayor and Council is provided within the existing budget allocations.

Reimbursement of expenses for Councillors to attend committee meetings is detailed within the relevant policy.

RESPONSIBLE OFFICER: Coordinator Governance

OPTIONS CONSIDERED

Two alternative options were considered. The first was to retain the committees that are inactive. The second was to retain only minimal committees

Retention of the committees that are not meeting and for which staff could not provide a reason that the committee was providing value were not retained as it creates increased confusion as to

what committees the Council has and more information to track. If it is considered that an issue needs to be dealt with by committee in the future a committee can easily be established.

Staff identified that the majority of the existing committees were providing value in discussing and developing the response to issues within those service areas. Removal of the bulk of committees was therefore not recommended as it was seen to lead to poorer decisions and lower levels of engagement in decision making by the Council.

IMPLEMENTATION PLANS

Communication of representation and the status of a committee will be provided by the Executive Office following council's decision.

Support for the various committees will be provided on a needs basis by the Governance team and Executive Office.

To provide improved and consistent support and guidance to those committees delegated a function by Council (under s355 of the Local Government Act 1993) a draft Manual has been developed and will be distributed to Councillors prior to adoption by Council. This support will include a cyclic review of committee charters, and confirm the roles and responsibilities.

EXISTING POLICY/DECISIONS

AUDIT, RISK AND IMPROVEMENT COMMITTEE 10 December 2021

COMMITTEE RECOMMENDATION

ARIC1/21

That the Audit, Risk and Improvement Committee:

B. Request the following actions:

- 1) The nominated ARIC representative Councillor has finance knowledge.

Legislative Requirements

There are a number of committees established that consider and discuss matters that fall under legislation, for example; Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act.

BACKGROUND

Delegates generally have voting rights as representatives of Council on such committees, although the extent of this does vary between committees. Delegates have a responsibility to Council, as its representative, to vote in accord with Council policy and to keep Council informed of the activities of the committee in question.

By appointing delegates, Council is delegating authority to those persons to act on its behalf in accordance with the provisions of s355 (e) of the Local Government Act 1993. The delegation of power by Council is exercised under s377 of the Act. It is further noted Council is precluded under s377 from delegation of its powers to employees other than to the Chief Executive Officer (CEO).

Only the CEO (s378) may delegate those of his powers to an employee of Council, which have been formally delegated to him by Council. Thus, where a staff appointment is to be made, the delegation from Council will show the CEO as the delegate and where delegated by the CEO, the name of the employee of Council.

At the 16 November 2017 ordinary Council meeting, resolution no. 270/17, Council determined the following criteria for Advisory and Management Committees.

Definition of Advisory and Management Committees

<i>Criteria to determine whether Advisory or Management</i>	<i>Advisory Committee</i>	<i>Management Committee</i>
<i>Funding</i>	<i>Council manage the funding.</i>	<i>Management Committee manages their own funding. Council provides assistance with Grant applications</i>
<i>Councillor Representation</i>	<i>At least one Councillor representative that chairs the meeting with an alternate.</i>	<i>Committee may or may not have a Councillor representative.</i>
<i>Council Staff Representation</i>	<i>Relevant staff member/s required on Committee</i>	<i>Committee may or may not have Council staff member/s on the Committee, however relevant liaison staff member is required to be identified.</i>
<i>Committee Representation from Community</i>	<i>Define preferred committee member skills for expression of interest.</i>	<i>Committee members often determined by interest in the facility.</i>
<i>Reporting to Council</i>	<i>Committee reports Quarterly to Council – can choose to report more frequently as required.</i>	<i>Committee reports to Council annually, can choose to report to more frequently as required.</i>
<i>Charter</i>	<i>Required</i>	<i>Required</i>

ATTACHMENTS

1. List of Committees

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
	Aboriginal Liaison Committee	Provides a forum to liaise with traditional custodians on a number of issues.	Y	N	Once a school term	No action required. Wait for completion of review per resolution 214/20	Resolution 214/20, items D; Defer a decision regarding the Aboriginal Liaison Committee, pending any recommendations that might ensue from, the Reconciliation Action Plan Working Group concerning best practice ways to provide representation for the indigenous peoples through our LGA.
	ANU Medical School - Community Advisory Committee	This committee was formed as a communication link between the ANU Medical School and the community. Meetings of the Board are held once a year at the ANU in Canberra.	X1 Councillor	Y	Once a year	Elect delegate	
	Boco Rock Community Enhancement Fund Committee 2022 – 2024	The Community Enhancement Fund is a condition of the Boco Rock DA. The purpose of the fund is to support community projects in the areas of the former Bombala and Cooma-Monaro LGAs. The committee administer the distribution of the funds provided by the developer of the wind farm.	Mayor (Chair), CEO, 1 Councillor representing the former Cooma-Monaro	Y	Minimum 3 times/year	Elect 2 delegates	The Boco Rock wind farm is located approx. 6 Km west of Nimmitabel, in the former Bombala and Cooma-Monaro LGAs. The funds from this program are restricted to the former Bombala and Cooma-Monaro LGAs.

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
			LGA, 1 Councillor representing the former Bombala LGA				
	Boco Rock Community Fund Sub Committee	Elect Community members for the Boco Rock Community Fund Committee	Delegates are the elected Boco Rock Community Fund Committee	Y	Minimum 3 times per year	Nil action required	Minimum 3 times in the year of a new committee term The next meeting is scheduled for 1pm, 22 February 2022.
	Bundian Way Advisory Committee	The Committee is accountable to Eden LALC and is responsible for: - Drafting Strategic Planning documents for review and endorsement by Eden LALC and will make recommendations for amendments and/ or additions to endorsed documents as and when required. - Monitoring and reporting on progress against the Bundian Way Master Plan and associated Action Plan, draft any	N	Y	1st Thursday every second month	Elect delegate	The committee consists of partner organisations and agencies, both government and non-government and at least one rep. form the ELALC Board. The charter does not specify the need to have a Councillor, Council may choose to appoint the CEO, who may then delegate to the most appropriate staff member.

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
		amendments and/or additions to the Plan's for consideration and endorsement by Eden LALC and provide scheduled reports regarding activity and progress action the Plans. <ul style="list-style-type: none"> - Providing evidence based advice on the establishment of the nodes across the length of the Bundian Way. - Submitting all evidence based project recommendations to Eden LALC for consideration and authorisation prior to any action taking place. - Providing support to identify external investment for development of the Bundian Way and brokerage support with investigating and pursuing such investment at the express direction of Eden LALC. - Assisting in project development and with the preparation of funding submissions, when directed by Eden LALC. - Supporting partnership relationships between Eden LALC and government and non-government agencies and advocating for Eden LALC and the Bundian Way in dealing with these agencies. 					

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
		<ul style="list-style-type: none"> - Providing reports and advice on adhoc matters relating to the Bundian Way as requested by representatives of Eden LALC (E.g.: Bundian Way Manager, LALC Staff, Board of Directors). - Maintaining an accurate record of all actions; including outstanding and achieved matters. - Maintaining an accurate and up-to-date members register and mailing list. - Keeping and up-dating records of committee actions and outputs. 					
	Canberra Region Joint Organisation of Councils (CRJO)	The CRJO provides a forum for councils, State agencies and other stakeholders to work together at a regional level to identify shared priorities. This will help to deliver important regional projects, delivering better outcomes for communities through: <ul style="list-style-type: none"> - Regional strategic planning and priority setting - Intergovernmental collaboration - Regional leadership and advocacy 	Mayor	Y	4 time per year	Not continuing role of Mayor	

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
	Community Safety Precinct Committee	2018 Minutes last known activity	Y	N	Organised direct with Mayor	Elect delegate	last know activity in 2018
	Cooma Correctional Centre Community Consultative Committee	<ul style="list-style-type: none"> - To outline procedures for the establishment and operation of voluntary Community Consultative Committees at each Correctional Centre - Assist in development and maintenance of a positive relationship with the local community - To provide a forum for local community consultation and comment on correctional programs and procedures 	Mayor	Y		Not continuing role of Mayor	
	Country Universities Centre Board		Mayor	Y	Third Thursday of each month	Not continuing role of Mayor	
	Delegate Progress Association		N	Y	Second Thursday of the month	Formally withdraw from Committee	Previously the Council elected a representative to the Delegate Progress Association. The Delegate Progress Association has confirmed they do not require a Council representative on the committee, however any

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
							Councillor may attend these meetings as a non-member.
	District Bushfire Management Committee	<p>The purpose of the BFMC is to provide cooperative interaction between organisations, agencies and the community for coordinated bush fire management in the BFMC's area.</p> <p>BFMC responsibility and objectives are grouped into the following themes:</p> <ul style="list-style-type: none"> - Preparation of plans - Coordination/cooperation between organisations/agencies - Consultation/communication between organisations/agencies and the community - Facilitation and education - Monitoring and reporting - Provision of local advice/opinion 	X1 Councillor	Y	TBC	Elect delegate	
	Granite Hills Windfarm Community Consultative Committee	Provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific state significant project. A Community Consultative Committee is not a decision-making or regulatory body: it performs an advisory and consultative role.	Y	N	-	Formally withdraw	The Granite Hills Windfarm project has been cancelled. Council is not required to elect a delegate to this committee, as it is not active.

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
	Jindabyne Liquor Accord	This is an industry based organisation working to introduce practical solutions to liquor-related problems with an aim to reduce alcohol-related issues, anti-social behaviour and violence centring on the Jindabyne area	X1 Councillor	N	When required	Elect delegate	Last met October 2021. Meetings are by invitation when requested.
	Local Traffic Committee	<ul style="list-style-type: none"> - Provide advice on the process for the transfer of regional roads and the review of the road classification policy framework for the NSW road network; - Identify eligible roads that could be transferred to the NSW Government; - Provide advice and make recommendations to government on the prioritisation of any regional roads for transfer to the NSW Government; - To consult with councils and other key stakeholders on the transfer of regional roads and the future road classification policy framework for the NSW road network; - Provide an analysis of the financial implications of recommended road transfers for both the NSW Government and local councils, particularly as to how this may affect 	X1 Councillor	Y	last Thursday of every second month	Elect delegate	Established under delegation from RMS

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
		grants and financial assistance councils currently receive; - Ensure consideration is given to maintaining local employment in roads maintenance works, such as through Roads Maintenance Council Contracts; - Ensure a balanced and logical approach to the allocation of state and regional roads; and, - Ensure recommendations in relation to the potential transfer of regional roads and the classification policy framework for the NSW road network are based on sound economic and planning principles that support the customer and network outcomes identified in Future Transport 2056.					
	Monaro Regional Housing Forum	Explores options for affordable housing within the region and liaises with relevant government departments.	N	Y	3rd Wednesday every 3rd month	Recommend a Councillor rep. on the Housing and Social Services s355 Advisory Committee. And formally withdraw from this committee.	Historically, a Councillor has sat on this committee. If Council choose to maintain a delegate on this committee it is recommend that delegate be the same Councillor as the Housing and Social Services s355 Advisory Committee.

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
	Monaro Regional Interagency Committee	<ul style="list-style-type: none"> - The Monaro Regional Interagency is a forum for a wide range of community service providers across the LGA to meet, network and exchange information and support. Members include community based organisations, state and federal government departments and local government. - To co-ordinate and mutually support the pursuit of common aims and objectives - To identify and address unmet community needs 	X1 Councillor	Y	2nd Thursday every 2nd month	Elect delegate	
	NSW Government's Asbestos Coordination Committee (NACC)	<p>The purpose of the NACC is to drive a strategic and coordinated approach to asbestos management in NSW to protect human health and the environment. This includes:</p> <ul style="list-style-type: none"> - Developing a whole-of-government strategy on asbestos management in NSW - Monitoring the implementation of the strategy and trouble-shooting any risks, delay or blockages to progress - Engaging with the best evidence of the day to drive continuous 	X1 Councillor	Y	Quarterly	Elect delegate	<p>The NSW Government's Asbestos Coordination Committee (NACC) meets quarterly and members will be expected to contribute effectively to the development and implementation of the whole-of-government strategy on asbestos management in NSW.</p> <p>The membership on this committee is a 2 year term. In 2021 Council elected a delegate</p>

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
		improvement to asbestos management - Championing the importance of asbestos safety in NSW.					for the 2 year term. The delegate will sit on this committee for the remainder of the 2 year term, ending in 2023.
	Snowy Monaro Local Emergency Management Committee	Established under Part 2, Division 3, Section 28 of the State Emergency and Rescue Management (SERM) Act 1989. The Committee is responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area for which it is constituted.	N	Y	Quarterly	No action required	The CEO is the Chair of this committee, s28 of the SERM Act. The SERM Act was amended in 2007 to exclude Councillors on these committees.
	Snowy Mountains Neighbourhood Centre	Situated in Jindabyne, this organisation helped to connect the community and provided a focus for a range of community activities.	N	Y	-	Formally withdraw	A Councillor would need to become a member of their Board; this would require them to act as a governing member of the incorporated association.
	South East Arts Board	- to support the cultural development of the South East; - to manage and develop audiences for a regional program of arts and cultural development; - to provide a forum to address arts and cultural development issues for the South East;	X1 Councillor	Y	3 times per year	Elect delegate	Recommended the same rep as Arts and Cultural s355

Annexure 1: List of Committees

External	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
		<ul style="list-style-type: none"> - to facilitate skills development and support for organisations, groups and individuals involved in the arts whilst recognising their autonomy; - to initiate strategic projects for regional cultural development; and - to facilitate development of the arts and cultural industries within the South East 					
	South East Australian Transport Study Group (SEATS)	Provides highly co-ordinated and influential advocacy for the development of transport infrastructure in the South Eastern Australia region that supports economic development and the prosperity of its constituents.	N	Y	-	No action required	Council is no longer a member
	Southern Regional Planning Panel	This panel assesses designated developments within the area.	Mayor & CEO	Y		Note continuing role of the Mayor and CEO	Previously has been the CEO (who meets the requirements) and the Mayor. It is also recommended that council nominate an alternative delegate.

Annexure 1: List of Committees

Internal Advisory	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
	Audit, Risk and Improvement Committee (ARIC)	The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and assistance to SMRC, on risk management, the control framework, legislative compliance, internal audit and external accountability responsibilities.	X1 Councillor	Y	Quarterly	Elect delegate	ARIC resolution 41/21 requests the Councillor representative has financial knowledge.
	Youth Council	<ul style="list-style-type: none"> - To advocate for the needs of young people and provide a mechanism for their participation and involvement in decision making on community issues. - To act in an advisory and consultative capacity to Council and staff on matters affecting young people in the community. - To enhance the profile of young people in the Region; encouraging the community to develop an appreciation of young people and the contributions they make to the local area 	X1 Councillor	Y	4 times per year	Elect delegate	
	Waste Management	The committee was formed to address stakeholder concerns during the formative period of the amalgamated council when contentious issues regarding service and fee changes were	X1 Councillor	N	-	Dissolve committee	

Annexure 1: List of Committees

Internal Advisory	Committee name	Purpose	Councillor or Mayor required	Active (Y/N)	Frequency of meeting	Recommendation	Comment
		proposed. The services and fees have since been resolved.					
	Water and Sewer	The committee was formed to address stakeholder concerns during the formative period of the amalgamated council when contentious issues regarding service and fee changes were proposed. The services and fees have since been resolved.	X1 Councillor	N	-	Dissolve committee	
	Reconciliation Action Plan Working Group	Develop a Reconciliation Action Plan (RAP) for SMRC.	X1 Councillor	Y		Elect delegate	This working group consists of staff and a councillor. It was established in 2020 to develop a Reconciliation Action Plan (RAP) for SMRC, under the framework developed by Reconciliation Australia.
	Inclusion Action Committee		N	N		Dissolve committee	This committee is not active. A Disability Inclusion Action Plan is being drafted, the need for an inclusion committee could be considered following adoption of this plan.

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
	Cemeteries Committee	<ul style="list-style-type: none"> - Consider, discuss and advise on specific issues related to the management and future direction of Council's cemeteries. - Liaise with Council on a range of cemetery issues with a focus on strategic level management. - May at times be called upon to provide advice and recommendations on Council policies, procedures and processes that impact on cemetery management. - Council may seek comment on major projects being undertaken in Council Cemeteries. - Have an understanding of budgets and budget constraints. - Work within the guidelines of the <i>Cemeteries & Crematoria Act 2013</i>. 	x1 Councillor	Y	Quarterly	Elect delegate	
	Community Services	The purpose of the Committee is to assist Snowy Monaro Regional Council to facilitate community engagement and governance to ensure that Council is attuned to the needs and preferences of	X1 councillor	Y	Meets quarterly	Elect delegate	

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
		<p>the community and has input such as local knowledge as well as religious, cultural and heritage perspectives.</p> <p>With reference to Community Support Services and Residential Aged Care the Committee shall:</p> <ul style="list-style-type: none"> - Consider, discuss and advise on specific issues related to the current and future needs of the programs and services. - Consider the views of the community as to the need for improvements in the above mentioned areas to ensure that the needs of community members and residents are a priority. - Liaise with Council on a range of strategic issues including issues raised within the community. - At times be called upon to provide advice and recommendations on Council policies, procedures and processes that affect or impact programs and services. - Provide Council with relevant reporting and commentary on projects and initiatives being undertaken. 					

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
		- Work within the guidelines of the <i>Aged Care Act 1997, Quality of Care Principle 2014</i> , Aged Care Quality Standards and this Charter.					
	Cooma Saleyards	To provide strategic advice on the development and promotion of Cooma Regional Livestock Selling Centre	x2 Councillors	N	-	Elect delegates	This committee has not met since 2016. Council appointed 2 councillors to this committee in March 2021, but has not held a meeting.
	Flood Risk Management Committee	The principal objective of the committee is to assist the council in the development and implementation of a flood management plan for the area.	Councillor	N	-	Dissolve	Council received grant funding from Department Planning Industry and Environment (DPIE) to undertake flood studies. A requirement of this funding was to establish a Flood Risk Management Committee. The principal objective of this committee was to assist the council in development and implementation of a management plan. The flood study is now finished and the management plan was adopted by Council in September 2021. The

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
							committee is no longer required.
	Koala Management Plan	This committee was formed to assist with the formulation of a koala plan of management for the Cooma-Monaro Local Government Area	N/A	N	-	Dissolve	This committee was formed to assist with the formulation of a koala plan of management for the Cooma-Monaro Local Government Area in accordance with the project funded by the NSW Environmental Trust from 2012 to 2015. It is no longer required.
	Recreational Facilities	To develop recreational facilities strategies for the Shire to meet the residents' and users' needs by: <ul style="list-style-type: none"> - Identifying current facilities and users - determining current and future demands for facilities - development of management plans for Council-owned and operated facilities - review management plans for recreation services adopted by Council - development of pricing policies for Council-operated facilities 	X1 Councillor	N	-	Dissolve.	<ul style="list-style-type: none"> - The Charter is old (under the old Cooma-Monaro structure) - It is focused primarily on issues in Cooma only - When the new framework for the s355 committees is implemented, a report is to go to Council to implement a more regional focused Recreational Facilities committee - They haven't had a meeting since February 2021

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
		- providing an avenue for the community to participate in development of the strategies for Council-owned and operated facilities					- Recommended this committee be disband and reviewed as a region wide committee following the adoption of 355 framework.
	Snowy Monaro Arts & Cultural Committee	The committee was established to support the implementation of the Snowy Monaro 2040 Strategic Plan and result in Delivery and Operational Plans, particularly: <ul style="list-style-type: none"> - Community Outcome Two: Our regions' diverse cultural identify is preserved, and we foster creative expression and spaces <ul style="list-style-type: none"> o Strategy 2.1: Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity o Strategy 2.2: Support and promote the arts recognising the broad and diverse contribution it makes to community identity and wellbeing 	X1 Councillor	Y	Quarterly	Elect delegate	It is recommended the delegate for this committee also be the delegate for the South East Arts Board.

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
	Snowy Monaro Tourism Committee	<ul style="list-style-type: none"> - Represent the tourism industry, provide advice and make recommendations to Council on matters relating to tourism, the development of tourism and the future of tourism in the Snowy-Monaro LGA. - Specifically the Committee will support the implementation of the Snowy Monaro Destination Management Plan 2019 	X1 Councillor	N	-	Dissolve	This committee is currently inactive. It is not fit for purpose in its current state.
	Snowy Monaro Regional Biosecurity (Weeds) Advisory Committee	<ul style="list-style-type: none"> - To provide a regional forum to develop strategies and make recommendations to Council, Land Management Agencies, Community Groups and Landholders for the implementation of weed control programs. - To provide the forum by which information and strategies are actively shared between Council and the Community through the committee's membership - To initiate and participate in regional programs and to actively encourage participation of other stakeholders where benefits flow to the Council and participating stakeholders. Each 	X2 Councillors	Y	Quarterly	Elect delegates	

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
		<p>program is to be considered on its merits.</p> <ul style="list-style-type: none"> - To provide input into State, regional and local weeds strategies where such strategies influence the management of weeds within the LGA. - To present a common approach to Government in applications for grant funding for invasive weed control on the Snowy Monaro. 					
	Yamaga Sister City	Provide strategic direction and assistance to Snowy Monaro Regional Council (SMRC), in promoting and developing sister city relationships between Cooma and Yamaga Councils through programs that encourage cultural and educational exchanges, and funding for youth and young person educational opportunities and other suitable projects.	Mayor	N	When required	Note continuing role of the Mayor	
	Housing and Social Services	The purpose of the Committee is to assist Snowy Monaro Regional Council to share information and coordinate a response to the acute and chronic shortage of accommodation and housing across the	X1 Councillor	Y	Yet to meet	Elect delegate	Established in July 2021, council resolution 167/21.

Annexure 1: List of Committees

Advisory	Committee name	Purpose / Terms of reference	Councillor or Mayor required	Active (Y/N)	Frequency of meetings	Recommendation	Comment
		region and the associated impacts socially. With reference to this coordination and response, the Committee shall: <ul style="list-style-type: none"> - Identify and articulate the issues relating to housing and accommodations shortages in the region - Form a strategic avenue for advocacy and lobbying to address housing and accommodation shortages in the region - Offer information and ideas to Council and external stakeholders - Prioritise issues and actions relating to housing and accommodation shortages in the region - Provide an avenue for high level and strategic collaboration on housing issues 					

Annexure 1: List of Committees

NB: There are a large number of committees managing facilities all across the region. Due to the nature of these it is recommended that rather than appointing councillors to each of these committees that councillors may attend committees as visitors.

Management	Committee name	Purpose
	Adaminaby School of Arts Hall	To have care, control and management for the relevant Council facility
	Bibbenluke Hall and Sportsground	
	Bombala Exhibition Ground Management	
	Bombala Racecourse and Recreation Ground	
	Bombala Railway Land Development	
	Bombala Tennis Club	
	Bredbo Hall	
	Bungarby Memorial Hall Preservation	
	Cathcart School of Arts	
	Craigie Hall	
	Dalgety Hall Management Committee	
	Dalgety Showground (interface)	
	Delegate & District Pre-School	
	Delegate Early Settlers Hut	
	Delegate School of Arts	
	Delegate Sportsground	

Annexure 1: List of Committees

Management	Committee name	Purpose
	Jindabyne Memorial Hall	To have care, control and management for the relevant Council facility
	Jindabyne Shared Trails	
	Jindabyne Sportsground and Recreation Areas Management Committee	
	Kybeyan Hall	
	Michelago Hall	
	Mila Country Club	
	Nimmitabel Hall	
	Nimmitabel Showground Management	
	North Ridge Reserve	
	Numeralla Hall	
	Old Cooma Grasslands Reserve	
	Peakview Hall	
	Smiths Road Hall	

Annexure 1: List of Committees

Project*	Project name	Purpose	Councillor required	Active (Y/N)	Comment
	Aitchison House (Berridale)	Collaborate with council for the preservation of the Aitchison House Cottage in Berridale.	N	TBC	This committee was re-defined as a project committee in 2017. While not a requirement, a Councillor may attend meetings as a visitor.
	New Jindabyne Library Project Control Group	Working group to inform project scope.	N	Y	The Library will be delivered by 30 June 2022 a councillor is not required on this committee.
	Bombala Arts and Innovation	Working group to inform project scope	N	Y	While not a requirement, a Councillor may attend meetings as a visitor if invited.
	Adaminaby Project	Working group to inform project scope	N	TBC	While not a requirement, a Councillor may attend meetings as a visitor if invited.
	Rural Land Use Strategy	Draft land use strategy	N	Y	Internal project committee

*Project committees are identified as short term activity committees that will cease following the completion of the objective.

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9.2.1 APPROVAL FOR CAPITAL UPGRADE OF PEAK CREEK BRIDGE AND DEEP CREEK BRIDGE UNDER THE NSW FIXING COUNTRY BRIDGES ROUND 1 FUNDING PROGRAM.

Record No: 122/78

OFFICER'S RECOMMENDATION

That Council

- A. Agree to accepting the replacement bridges at Peak Creek and Deep Creek as new infrastructure.
- B. Approves inclusion of the capital upgrade of Peak Creek Bridge on The Snowy River Way and Deep Creek Bridge on Mila Road in the 2021-22 Operational Plan
- C. Allocate a capital expenditure budget of \$1,667,954 and a capital revenue budget of \$1,667,954 towards the projects.

ISSUES

Council has secured funding to replace some existing infrastructure that is already at the end of its effective life. Under the deed agreement for gaining the grant the acceptance of the upgraded assets is required through a resolution of Council.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	High	Low	Yes
Economic Activity	Medium	Low	Yes
Environmental Security	Low	Low	Yes
External Political Environment	High	Low	Yes
Financial Sustainability	High	Medium	Yes
Health and Safety	Medium	Low	Yes
Legislative Governance and Compliance	Medium	Low	Yes
Reputation and Image	High	Low	Yes
Service Delivery	High	Low	Yes

Each risk type listed above is assessed as being lower that the current risk with approval of these two bridge upgrades

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	Nil.	
Estimated Annualised Net Cost	Nil.	

9.2. APPROVAL FOR CAPITAL UPGRADE OF PEAK CREEK BRIDGE AND DEEP CREEK BRIDGE UNDER THE NSW FIXING COUNTRY
1 BRIDGES ROUND 1 FUNDING PROGRAM.

	Amount	Details
Current Annualised Net Cost	Nil.	
Capital Investment	\$1,667,954 (combined)	Total of FCB R1 Funding – No Council contribution required
Capital Funding Source	\$1,667,954 (combined)	Total of FCB R1 Funding

The grant replaces existing bridges at the end of their life with replacements. These are bridges that the Council would otherwise need to replace from its own funds, which are not sufficient to upgrade all the infrastructure currently past the optimal replacement point.

RESPONSIBLE OFFICER: Manager Corporate Projects

OPTIONS CONSIDERED

Undertaking the much needed upgrades using Council funds is not feasible. Grant covers full costs of both projects

IMPLEMENTATION PLANS

Contracts will be let for the replacement of the bridges. Resources are available to project manage these construction contracts.

Engagement will consist of informing the impacted community as required when the construction has impacts on access and informing the community of the success in gaining grants to replace infrastructure and thus reducing the short term burden on the community to fund the backlog. Both projects are scheduled for completion by June 30th 2022

EXISTING POLICY/DECISIONS

N/A

BACKGROUND

Peak Creek Bridge on The Snowy River Way and Deep Creek Bridge on Mila Road have been identified as needing replacement. The replacements were submitted under the NSW "Fixing Country Bridges" (FCB 1) funding program.

Value of the Grant for Peak Creek Bridge is \$1,148,700 and for Deep Creek Bridge is \$519,253.80.

Both applications were successful and funding deeds under the grant have been offered to SMRC, reviewed and signed by CEO.

In accordance with the deed Councils acceptance of the upgraded assets is required. The project also needs to be added into the current Operational Plan and budget.

9.2. APPROVAL FOR CAPITAL UPGRADE OF PEAK CREEK BRIDGE AND DEEP CREEK BRIDGE UNDER THE NSW FIXING COUNTRY
1 BRIDGES ROUND 1 FUNDING PROGRAM.

ATTACHMENTS

1. 2021 04 19 - Fixing Country Bridges Program - Funding Deed - Signed by CEO Peter Bascomb



Fixing Country Bridges Program

Funding Deed

between

Transport for NSW

ABN 18 804 239 602

and

Snowy Monaro Regional Council

(ABN 72 906 802 034)

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Schedule 1 – Memorandum of Understanding between Councils Template

Schedule 2 – Project Design and Technical Requirements

Schedule 3 – Financial Milestones

Schedule 4 – Scope of works to be delivered for the Project

Schedule 5 – Simplified Project Plan and Project Benefits

Attachment A – Contract Statement template

Attachment B - Milestone Certificate

Attachment C – Project Status Report

Attachment D - Final Project Report

Parties

This deed is made between

Transport for NSW (ABN 18 804 239 602) of 231 Elizabeth Street, Sydney NSW 2000 (**TfNSW**)

and

the Council described in item 1 of the Key Details below (**Council**).

Background

- (a) The Fixing Country Bridges Program (**Program**) has been developed to provide funding for timber bridge replacements across regional and rural NSW.
- (b) Council has applied to TfNSW for funding to replace one or more priority timber road bridges. The application for funding has been successful and the Project works will be carried out by Council as the asset owner in accordance with the terms of the Program and this Deed.
- (c) This deed sets out the terms on which the Council has agreed to carry out the Project and TfNSW has agreed to contribute Funding for the Project.

Key Details

Item 1	Council details	
	Council name:	Snowy Monaro Regional Council
	ABN:	72 906 802 034
	Address:	81 Commissioner Street, Cooma NSW. 2630

Item 2 (clause 1.1)	Project	
		Project Description
	MOU required with the following council/s and/or Joint Organisations	
	Group 1	Nil
	Group 2	1) Peak Creek Bridge, The Snowy River Way, Bungarby – and as more fully described in Schedule 4
		<ul style="list-style-type: none"> • Bega Valley Shire Council • Eurobodalla Shire

TfNSW Funding Deed

		2) Deep Creek Bridge, Mila Road, Craigie – and as more fully described in Schedule 4	Council <ul style="list-style-type: none"> • Queanbeyan Palerang Regional Council • Shoalhaven City Council • Snowy Monaro Regional Council.
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Item 3 (clause 1.1)	TfNSW Project Funding		
		Funding	Co-contribution by Council or other parties
	Group 1 Project	Nil	Not applicable
	Group 2 Project	1) Peak Creek Bridge, The Snowy River Way, Bungarby - \$1,148,700.00	• Nil
2) Deep Creek Bridge, Mila Road, Craigie - \$519,253.80		• Nil	

Item 4 (clause 12)	Reports	
	Reports required	Report due
	1) Milestone Certificate Ref: Clause 12(a)(i) and Attachment B	Required as a condition precedent to the payment for a Financial Milestone
	2) Project Status Report Ref: Clause 12(a)(iv) and Attachment C	Monthly
	3) Final Project Report Ref: Clause 12(a)(v) and Attachment D	Within 3 months of Project Completion

Item 5 (clause 1.1)	TfNSW's Representative Ms Sam Knight, Director South
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Item 6 (clause 1.1)	Council's Representative Mr Peter Bascomb, The General Manager
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TfNSW Funding Deed

Item 7 (clause 30(a))	Notices TfNSW: 90 Crown Street, Wollongong NSW 2500 Email: southlocalgovernment@transport.nsw.gov.au Council: PO Box 714, Cooma NSW 2630 Email: council@snowymonaro.nsw.gov.au
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Agreed terms

1. Definitions and interpretation

1.1 Definitions

In this deed, unless the contrary intention appears:

Actual Costs means the actual costs incurred by Council in delivering the Project without Council applying any margin.

Approvals means all consents, approvals, licences permits, certifications and other authorisations required by Law.

Background Intellectual Property means pre-existing or independently developed Intellectual Property Rights belonging to or vesting in or licensed (outside of this deed) to a Party which a Party has a right to use at the commencement date of this deed;

Business Day means any day other than a Saturday, Sunday or public holiday in NSW.

Co-contribution means any funding obtained by Council for the purpose of a Project, from any other source other than the Funding.

Confidential Information of a Party means any information (whether owned by them or not):

- (a) that is, by its nature, confidential and has been designated by the disclosing party as confidential in the information or document;
- (b) that the receiving party knows or ought to know is confidential, including:
 - (i) where the receiving party is Council:
 - (A) information relating to the policies, strategies, practices and procedures of TfNSW or the State of New South Wales and any information in Council's possession relating to the New South Wales public service;
 - (B) information relating to other contractors of TfNSW; and
 - (C) security classified information; and
 - (ii) where the receiving party is TfNSW, the financial, corporate and commercial information of Council,

but does not include information that:

- (c) is in the possession of a party without restriction in relation to disclosure before the date of receipt; or
- (d) has been independently developed or acquired by the receiving party.

Consequential Loss means any:

- (a) loss of income, loss of revenue, loss of profit, loss of financial opportunity, loss of investment return, loss of business opportunity, loss of contract, loss of goodwill, loss of use or loss of production (whether the loss is direct or indirect);
- (b) loss, damage, cost, expense or liability that is:
 - (i) special;
 - (ii) not a loss, damage, cost, expense or liability that may be fairly and reasonably be considered to arise naturally (being according to the usual course of things) from the breach or relevant matter; or
 - (iii) not fairly and reasonably contemplated by both TfNSW and Council at the Effective Date as the probable result of the breach or relevant matter, whether present or future, fixed or unascertained, actual or contingent.

Council's Representative means the party named in item 6 of the Key Details.

Deed means this deed and any schedules and attachments to this deed.

Final Project Report means the final report provided by Council on completion of each Project to satisfy the requirements of the Gate 4 Financial Milestone, in the form set out in Attachment D.

Financial Milestone means, for each Project, a milestone listed in Schedule 3.

Force Majeure Event means any of the following causes provided that they are outside the reasonable control of the affected party and could not have been prevented or avoided by that party taking all reasonable steps:

- (a) act of God, earthquake, cyclone, fire, explosion, flood, landslide, lightning, storm, tempest, drought or meteor;
- (b) war (declared or undeclared), invasion, act of a foreign enemy, hostilities between nations, civil insurrection or militarily usurped power;
- (c) act of public enemy, sabotage, malicious damage, terrorism or civil unrest;
- (d) confiscation, nationalisation, requisition, expropriation, prohibition, embargo, restraint or damage to property by or under the order of any government or government authority; or
- (e) a labour dispute other than a labour dispute that only involves the party's personnel.

Funding or Funds means the total maximum amount to be contributed by TfNSW for a Project specified in Item 3 of the Key Details.

Gate 3 Milestone Date means the date that is 12 months from the date of this Deed or such other date determined in accordance with this Deed.

Gate 4 Milestone Date means the date that is 24 months from the date of this Deed or such other date determined in accordance with this Deed.

Group 1 Project means each Project described as a Group 1 Project in Item 2 of the Key Details.

Group 2 Project means each Project described as a Group 2 Project in Item 2 of the Key Details.

GST Law has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Instalment means, for each Financial Milestone, the amount calculated by applying the percentage specified in Schedule 3 for that Financial Milestone to the Funding.

Intellectual Property Rights means all present and future industrial and intellectual property rights conferred by statute, common law or equity and includes copyright, trade marks, patents, designs, circuit layout rights, trade secrets, inventions and other results of intellectual activity in the industrial, commercial, scientific, literary and artistic fields whether non-registrable, registered or patentable.

Interest means interest calculated at an interest rate equal to the general interest charge rate for a day pursuant to section 8AAD of the *Taxation Administration Act 1953* (Cth), plus 1%, on a daily compounding basis.

Joint Organisation has the meaning given in the *Local Government Act 1993* (NSW).

Key Details means the section of this Deed headed "Key Details".

Milestone Certificate means a certificate in the form set out in Attachment B.

MOU has the meaning set out in clause 4.2(b)(ii).

Project means the project to design, construct and commission a replacement of the existing timber road bridge or bridges described in Item 2 of the Key Details.

Project Manager means the project manager appointed by Council in respect of each Project for the purposes of this Deed and notified to TfNSW from time to time.

Project Status Report means, in respect of each Project, the report that Council provides on a monthly basis to TfNSW from the date of the Funding Agreement until the date of completion of that Project, in the form set out in Attachment C.

Records means all documents, reports, plans, drawings, computer disks, specifications, data and all other materials in both hard and electronic formats and all copies and extracts of the same.

Simplified Project Plan and Project Benefits means the plan prepared by Council in respect of each Project in the form set out in Schedule 5.

Technical Requirements means the matters set out in Schedule 2.

TfNSW's Representative means the party named in item 5 of the Key Details.

WHS Legislation means:

- (a) the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2017* (NSW); and
- (b) all other laws relating to work health and safety which apply in New South Wales.

Works means the physical works to be designed and constructed for each Project as described in Schedule 4.

1.2 Interpretation

In this Deed, unless the context requires otherwise:

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- (a) headings are for convenience only and do not affect the interpretation of this Deed;
 - (b) a reference to a word or expression in the singular form includes a reference to the word or expression in the plural form and vice versa;
 - (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
 - (d) a reference to a clause, section, attachment or party is a reference to a clause or section of, or an attachment or party to this Deed;
 - (e) a reference to this Deed includes the attachments to this Deed;
 - (f) a reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them;
 - (g) a reference to dollar or \$ is to Australian currency;
 - (h) no rule of construction applies to the disadvantage of a party on the basis that the party put forward this Deed or any part; and
 - (i) anything in this Deed after the words 'include' or 'for example' or similar expressions does not limit what else is included.

2. Term and Nature of Deed

2.1 Term

This Deed commences on the date that the last party signs this Deed and will continue for 27 months after the Deed commences, unless extended under clauses 4.4(b)(i), 4.4(c) or 4.4(d), or terminated earlier in accordance with this Deed.

2.2 Risk and Cost

- (a) Without limiting clause 13, Council accepts all risks associated with the design, construction and commissioning of each Project, and complying with its obligations under this Deed, including the risk that the final cost of a Project is more than the Funding.
- (b) TfNSW is not responsible for the provision of any money or resources in excess of the Funding specified for a Project.

3. Payment

- (a) Subject to the terms of this Deed, TfNSW must provide Council with funding for each Project:

TfNSW Funding Deed

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- (i) for an amount not exceeding the amount specified in item 3 of the Key Details; and
 - (ii) in Instalments upon satisfaction of each Financial Milestone as specified in Schedule 3.
- (b) If Council considers that a Financial Milestone has been satisfied, Council must submit to TfNSW:
- (i) a correctly rendered tax invoice/payment claim;
 - (ii) a completed Milestone Certificate; and
 - (iii) all supporting documentation specified in Schedule 3.
- (c) Within 15 Business Days of receiving a notice from Council under clause 3(b), TfNSW must either:
- (i) if satisfied (acting reasonably) that the Financial Milestone has been achieved, and subject to clause 3(f), pay Council the Instalment for that Financial Milestone; or
 - (ii) if not satisfied that the Financial Milestone has been achieved, notify Council that the Financial Milestone has not been achieved.
- (d) If Council receives a notice under clause 3(c)(ii), Council may submit a further notice under clause 3(b) and clause 3(c) will apply again.

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- (e) For the purposes of this Deed, an invoice/payment claim is not correctly rendered unless the invoice/payment claim:
- (iii) states the amount claimed in the invoice/payment claim is due for payment in accordance with clause 3 and Schedule 3;
 - (iv) states the amount claimed in the invoice/payment claim is correctly calculated under this Deed;
 - (v) states the approved Funding allocation for the Project, the total expenditure to date on the Project, and the total Funding paid to date for the Project;
 - (vi) states the projected cash flow for the Project (if any);
 - (vii) states the current due date for completion of the Project and the percentage completion of the Project to date;
 - (viii) includes the relevant TfNSW project number (WBS and/or Purchase Order) and is set out in a manner that identifies the specific Project and Financial Milestone;
 - (ix) is addressed to "Transport for NSW" with attention to the TfNSW Representative;
 - (x) is accompanied by a completed Contractor Statement in the form set out in Attachment A in respect of the period to which the invoice/payment claim relates; and
 - (xi) is certified by Council's authorised delegates as follows:
 - (A) a finance delegate that certifies the expenditure shown on the invoice/payment claim for payment has been actually incurred and only relates to the Project described; and
 - (B) an engineering delegate that certifies the work has been executed in accordance with appropriate prevailing standards and conforms to sound engineering practice and applicable legislation.
- (f) If TfNSW considers that an invoice/payment claim is not correctly rendered, TfNSW must issue to Council a notice setting out the reasons and identifying any issues that are in dispute and/or further documents required to substantiate the amount claimed.
- (g) TfNSW may inspect the Project and make other reasonable enquiries (including carrying out an audit) to satisfy itself that a Financial Milestone has been achieved. Council must co-operate with TfNSW and facilitate any such inspection and enquiry, including by providing access to site/s and Records.

4. Project

4.1 Design and construction obligations

- (a) Council must obtain all Approvals required for each Project.
- (b) Council must ensure that the design and construction of the Works complies with:
 - (i) the requirements of this Deed, including but not limited to the Technical Requirements; and
 - (ii) all relevant Approvals and Laws.

4.2 Additional requirements for Group 2 Projects

- (a) Council must comply with the requirements of this clause 4.2 in relation to each Group 2 Project.
- (b) Council acknowledges and agrees that it is a condition of providing Funding for each Group 2 Project that Council must:
 - (i) conduct a joint tender process with the councils and/or Joint Organisation specified in item 2 of the Key Details before entering into a contract for design and construction, or construction only, of the Works;
 - (ii) enter into a Memorandum of Understanding (**MOU**) with other councils and/or a Joint Organisation specified in Item 2 of the Key Details to agree the process for issuing, evaluating and accepting the joint tender. A sample MOU template is provided at Schedule 1; and
 - (iii) comply with the requirements of the *Local Government Act 1993* and the *Tendering Guidelines for NSW Local Government* dated October 2009.

4.3 Progress and timing

- (a) Council must diligently progress each Project to achieve the Financial Milestones in accordance with Simplified Project Plan and Project Benefits and the terms of this Deed.
- (b) Council must achieve:
 - (i) the Gate 3 Financial Milestone by the Gate 3 Milestone Date; and
 - (ii) the Gate 4 Financial Milestone by the Gate 4 Milestone Date.
- (c) If the Gate 3 Financial Milestone is not achieved by the Gate 3 Milestone Date then:

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- (i) TfNSW may terminate this Deed by giving written notice to Council; and
 - (ii) neither TfNSW or Council owes each other any further obligation under this Deed from the date of receipt of the notice.

4.4 Delay and extensions of time

- (a) If for any reason Council:
 - (i) is unable to commence the Project or to continue the Project; or
 - (ii) forms the reasonable opinion that the timeframes specified in clause 4.3(b) will not be met,then Council must promptly provide written notice to TfNSW setting out the cause of the delay, relevant facts, and the expected effect on achievement of the Gate 2 Financial Milestone and/or the Gate 4 Financial Milestone.
- (b) Following receipt of Council's notice under clause 4.4(a), TfNSW must determine, in its absolute discretion:
 - (i) that the Gate 3 Milestone Date and/or the Gate 4 Milestone Date are extended, including details of the revised date or dates and the Term of this Deed will be extended accordingly; or
 - (ii) not to grant an extension of the Gate 3 Milestone Date and/or the Gate 4 Milestone Date,and provide written notice to Council of that determination.
- (c) TfNSW may, in its absolute discretion and without any obligation to do so, extend the Gate 3 Milestone Date or the Gate 4 Milestone Date at any time and for any reason and the Term of this Deed will be extended accordingly.
- (d) For a Group 2 Project, TfNSW will agree to an extension of time to the Gate 3 Milestone Date and/or the Gate 4 Milestone Date and the Term of this Deed will be extended accordingly, if:

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- (i) Council's contractor for the Group 2 Project has been granted an extension of time under the terms of its contract with Council;
 - (ii) Council has given notice to TfNSW within 10 Business Days of the extension of time being granted to Council's contractor and advising of the details of the delay, its causes and the amount of extra time claimed corresponds with the extension of time granted to Council's contractor.

5. Subcontracting

- (a) Council is responsible for ensuring the suitability of any subcontractor it engages to undertake Work on the Project and for ensuring that such Work meets the requirements of this Deed.
- (b) Council must ensure that any contractor engaged by it in connection with this Deed holds and maintains appropriate insurances in accordance with Council policies and good industry practice for the delivery of works similar to the Works.
- (c) Council is responsible for all acts and omissions of subcontractors as if they were those of the Council and Council indemnifies TfNSW against all costs, expenses, and/or liabilities incurred by TfNSW in connection with the acts or omissions of any subcontractors.

6. Management of funding

- (a) The Funding provided by TfNSW must be spent by Council solely:
 - (i) for the Project; and
 - (ii) in accordance with this Deed.
- (b) The salary levels and allowances for any staff involved in the Project are to be based on award rates. Council must ensure that award provisions are applied in relation to all employees funded either wholly or in part by Funding.
- (c) All Project related income which is generated through the Funds (including bank interest, revenue from the sale of Project material, etc) must be applied towards the Project by Council and must be fully disclosed in Council's financial statements and records.
- (d) Details of the sale, disposal or write-off of any asset acquired with Funding during the term of the Project must be included in Council's financial statements and records.
- (d) Council must not use the Funding to:

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- (i) pay any wages or other benefits to Council's employees who do not perform Work for or on the Project; or
 - (ii) make a loan, gift or donation.
- (e) Council must:
- (i) keep full and accurate financial accounts and Records relating to the Project and the Funding that separately identifies the Funds from other income for the Project and enables expenditure on the Project to be verified.
 - (ii) All receipts and payments related to the Project and the Funding are to be identified in Council's accounts and reported in accordance with this Deed by reference to the Project so that at all times the Funds and their use are clearly identifiable;
 - (iii) do all things necessary to ensure that all payments from the Funds that Council makes to third parties are correctly made and properly authorised and that Council maintains proper and diligent control over the incurring of all liabilities; and
 - (iv) ensure that Funds provided by TfNSW are deposited and held in an account in Council's name, and which Council solely controls, with a bank or credit union carrying on banking business in Australia and only withdrawn and applied for liabilities of Council in relation to the Project.
- (f) This clause 6 survives the expiration or termination of this Deed.

7. Repayment of Funding

- (a) Where TfNSW reasonably determines that the Project (or part of the Project) is unable to be performed by Council to meet the Financial Milestone timeframes and/or to meet the requirements of this Deed, then with the exception of Funding that has already been spent or committed for the Project in accordance with this Deed, the Funding must be:
 - (i) refunded by Council to TfNSW within 10 Business Days of a written notice from TfNSW; or
 - (ii) otherwise dealt with as directed in writing by TfNSW (in its absolute discretion).
- (b) Where TfNSW reasonably determines that Funds have not been spent by Council on the Project in accordance with this Deed, then the Funding must be refunded by Council to TfNSW within 10 Business Days of a written notice from TfNSW.

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- (c) Where TfNSW reasonably determines that the Actual Costs of construction for the Project totals less than the Funding provided by TfNSW for the Project, then at TfNSW's absolute discretion that portion of the savings must be:
 - (i) refunded by Council to TfNSW within 10 Business Days of a written notice from TfNSW; or
 - (ii) otherwise dealt with as directed in writing by TfNSW.
 - (d) Interest is payable on any amount not paid to TfNSW when due and payable under this clause 7.
 - (e) Nothing in this clause affects a party's right to terminate this Deed or TfNSW's right to suspend this Deed.

8. Design review

- (a) Council must submit the design for the Project to TfNSW, prior to commencing any Work on the Project.
- (b) TfNSW may within 10 Business Days of receipt of the design for the Project provide comment on it, but is under no obligation to do so. Council is not obligated to incorporate into the design any comments that may be provided by TfNSW.
- (c) Council acknowledges that TfNSW does not owe any duty of care to Council to review or make comments on the design or any variations to it.
- (d) Neither comments by TfNSW, or any failure to comment by TfNSW, or any other act or omission by TfNSW will lessen or otherwise affect:
 - (i) Council's warranties, or any of its other liabilities under this Deed or otherwise according to Law; or
 - (ii) the rights of TfNSW whether under this Deed or according to Law.

9. Intellectual Property Rights

- (a) All Intellectual Property Rights of the parties existing before the date of this Deed will be retained by the relevant party.
- (b) Each Party hereby grants to the other Party a royalty-free, non-exclusive and perpetual licence to use its existing Intellectual Property to the extent necessary to carry out the Project.
- (c) In respect of:

TfNSW Funding Deed

- (i) **Intellectual Property Rights in all modifications made to TfNSW existing Intellectual Property Rights made by Council or its subcontractors; and**
- (ii) **all other Intellectual Property Rights created by Council or its subcontractors in undertaking the Project,**

Council grants TfNSW a non-exclusive perpetual irrevocable and royalty-free licence to:

- (iii) use, reproduce, modify and communicate to the public anywhere in the world and for any purpose connected with the business of TfNSW;
- (iv) permit any person to assist TfNSW to do any of the things referred to in paragraph (iii) above; and
- (v) sublicense any of the rights described in paragraph (iii) or (iv) above to any person.

10. Variations

- (a) Council must not vary the Project or the Works except with the prior written approval of TfNSW.
- (b) Council will not be entitled to any additional Funding from TfNSW in connection with any Project or Works variation approved pursuant to clause 10(a).

11. Records

- (a) Records and accounts maintained for the Project must be retained by Council until at least 7 years after the later of either:
 - (i) completion of the Project; or
 - (ii) the last date on which Funds are provided under this Deed.
- (b) Council must make those Records and accounts available for inspection and/or audit as and when reasonably requested by TfNSW, a regulator, any external auditor or advisor or any of their authorised representatives during normal business hours. Copies and extracts of any Records may be taken for these purposes.
- (c) Council must permit TfNSW to inspect or appoint a third party to inspect Council's premises to confirm compliance with this Deed and must provide all appropriate resources and all reasonable assistance required by any person conducting any inspection and/or audit, and fully co-operate with that person in good faith.
- (d) This clause 11 survives the expiration or termination of this Deed.

12. Reporting

- (a) At the times specified in item 4 of the Key Details, and at other times when reasonably requested, Council must provide TfNSW with the following (each in a form satisfactory to TfNSW):
 - (i) a Milestone Certificate;
 - (ii) an audited detailed statement of income and expenditure in respect of the Funding, which must include a statement verifying that the financial accounts are true and correct, and a statement of the balance of Council's account;
 - (iii) an audit statement that the Funding was expended solely for the Project and in accordance with this Deed;
 - (iv) a monthly Project Status Report;
 - (v) a Final Project Report; and
 - (vi) any other report/s listed in item 4 of the Key Details.

13. Title, insurance and operation and maintenance

- (a) TfNSW and Council acknowledge and agree that at all times the Works are owned by Council and that any materials and/or equipment removed from the site as part of the demolition activities for the Project will remain Council assets.
- (b) Council must:
 - (i) ensure that at all times it has appropriate insurance policies in place for the Project and the Works, that accord with insurance policies generally effected by Council in relation to such Projects and Works; and
 - (ii) where proceeds of insurance are recovered in connection with the loss of, or damage or destruction to, such Works, apply such proceeds solely toward reinstatement of the Works unless otherwise agreed by TfNSW.
- (c) Council takes all risk and is solely responsible for:
 - (i) the delivery of the Project and all costs associated with the Works the subject of the Project;
 - (ii) defects and omissions in the Works;
 - (iii) the Works otherwise not being in accordance with the requirements of this Deed; and

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- (iv) the ongoing operation and maintenance of the Works.
 - (d) This clause 13 survives the expiration or termination of this Deed.

14. Third parties, project interfaces and community liaison

- (a) Council is responsible for liaising with all relevant third parties in relation to the Project and the Works, including:
 - (i) owners or occupiers of adjacent or affected land or property; and
 - (ii) utilities and other service providers.
- (b) Council is responsible for and must undertake all required community liaison activities to ensure that the community is satisfied with the proposed Project and, in doing so, must comply with all reasonable requirements of TfNSW.
- (c) Council is responsible for managing all project interface issues arising out of or in connection with the Project and the Works.

15. Taxes, duties and government charges

- (a) Subject to clause 15(b), Council must pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with this Deed, the Project or the Works.
- (b) If GST is payable on any supply made under this Deed, for which the consideration is not expressly stated to include GST, the recipient of that supply agrees to pay to the supplier an additional amount equal to the GST at the same time that the consideration for the supply is to be provided. However:
 - (i) the recipient need not pay the additional amount until the supplier gives the recipient a tax invoice or an adjustment note; and
 - (ii) if an adjustment event arises in respect of the supply, the additional amount will be adjusted to reflect the adjustment event and the recipient or the supplier (as the case may be) must make any payments necessary to reflect the adjustment.

All expressions used in this clause which are defined in the GST Law have the meanings given to them in the GST Law.

- (c) Notwithstanding anything stated to the contrary in this Deed:

TfNSW Funding Deed

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- (i) the imposition or levy of any taxes, duties and government charges in connection with this Deed, the Project or the Works (as stated clause 15(a)); and/or
 - (ii) the liability to pay, or the payment of, any GST (pursuant to clause 15(b)),

will not cause the Funding to exceed the amount of Funding specified for the Project.

16. Force Majeure

- (a) A party does not breach this Deed and is not liable to the other party for a delay or failure to perform an obligation to the extent it results from a Force Majeure Event provided that the party affected by the Force Majeure Event gives the other party a written notice which:
 - (i) sets out details of the Force Majeure Event;
 - (ii) identifies the nature and extent of the obligations affected by the Force Majeure Event;
 - (iii) advises the period of time during which the affected party estimates that it will not be able to perform or will be delayed in performing its obligations; and
 - (iv) provides details of the action that it has taken or proposes to take to remedy the situation.
- (b) A party affected by a Force Majeure Event must:
 - (i) take all reasonable steps to avoid, remove or limit the effects of the Force Majeure Event on its performance of the suspended obligations as quickly as possible; and
 - (ii) promptly re-commence performing the suspended obligations as soon as reasonably possible and notify the other party when this occurs.
- (c) If a delay or failure to perform a party's obligations due to a Force Majeure Event exceeds 20 Business Days, or if TfNSW reasonably considers the Force Majeure Event will not cease within that period, TfNSW may immediately terminate this Deed on notice to Council.

17. Termination

- (a) If:
 - (i) Council fails to fulfil, or is in breach of, any of its obligations under this Deed, and does not remedy the failure or breach

within 15 Business Days of receiving a notice in writing from TfNSW to do so; or

- (ii) in relation to this Deed, Council breaches any legislative requirement that it is unable to remedy within 15 Business Days of the breach; or
- (iii) an administrator is appointed under Division 6 of Part 2 of Chapter 9 of the *Local Government Act 1993 (NSW)*,

then, in the case of any one or more of these events, TfNSW may immediately terminate this Deed by giving written notice to Council.

- (b) Where TfNSW terminates this Deed under clauses 17(a) or 17(d), TfNSW will be entitled to recover from Council any part of the Funds which:
 - (i) have not been spent or committed for expenditure on the Project in accordance with this Deed and payable by Council as a current liability (written evidence of which must promptly be provided by Council) by the date on which the notice of termination given under clause 17(a) is taken to be received; or
 - (ii) have not, in TfNSW's reasonable opinion, been expended by Council in accordance with the terms and conditions of this Deed.
- (c) If Council does not repay to TfNSW the amount referred to in clause 17(b) within 10 Business Days of receipt of the notice of termination (or if a different period is stated in the notice of termination, that period) Council must also pay TfNSW Interest on the outstanding amount. The amount set out in the notice, and Interest owed under this clause will, without prejudice to any other rights available to TfNSW under this Deed or otherwise at law or in equity, be recoverable by TfNSW as a debt due to TfNSW by Council.
- (d) TfNSW may terminate this Deed for convenience by giving not less than 60 days' written notice to Council. If Council is able to demonstrate to TfNSW's reasonable satisfaction that prior to receiving notice of termination under this clause 17(d) Council has spent or committed Funding for the Project in accordance with this Deed, then TfNSW must reimburse Council for that Funding. Council must take all reasonable steps to mitigate the expenditure referred to in this clause 17(d) and TfNSW will not be required to pay Funding to the extent that the expenditure could have been avoided or reduced by taking such steps. Council must provide TfNSW with evidence reasonably satisfactory to TfNSW with evidence reasonably satisfactory to TfNSW to substantiate any claim under this clause 17(d).

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- (e) Clauses 17(b) and 17(c) do not limit or exclude any of TfNSW's other rights, including the right to recover any other amounts from Council on termination of this Deed.

18. Acknowledgment and publicity

- (a) Council must at all times comply with the NSW Government Funding Acknowledgment Guidelines for recipients of NSW Government infrastructure grants.
- (b) Council must acknowledge that TfNSW and the NSW Government contributed funding to the Project in each public announcement and publication Council makes that relates to the Project.
- (c) Council must notify TfNSW prior to each public announcement or publication Council makes about this Deed or the Project.
- (d) TfNSW reserves the right to publicise and report on the Project and the provision of Funding to Council. TfNSW may do this by referring to the Funding provided to Council for the Project in media releases, public announcements and publications including annual reports.
- (e) Council must invite TfNSW and the Minister for Regional Transport and Roads to attend any official opening and/or press related coverage for the Project.
- (f) Prior to commencing construction Works, Council must install signage that acknowledges TfNSW Funding contribution in relation to the Project. Council must consult with TfNSW regarding the sign's design and wording to ensure it meets the requirements of TfNSW.

19. Compliance with laws and TfNSW policies

- (a) Council must ensure compliance with all legislative requirements and authority approvals, and must obtain all authority approvals relevant to this Deed, the Project or the Works.
- (b) Council must ensure the delivery of the Project is authorised in accordance with the *Environmental Planning and Assessment Act 1979* (NSW).
- (c) Council must, in carrying out its obligations under this Deed, comply with any of TfNSW's policies as notified, referred to or made available by or on behalf of TfNSW to Council in writing from time to time provided those policies are consistent with the performance of this Deed.
- (d) Council must comply with, and must ensure and procure that all of its employees and contractors comply with, all the requirements of the

WHS Legislation and any other requirements relating to work health, safety and rehabilitation management.

20. Dispute resolution

- (a) Subject to clause 20(d), the parties agree not to commence any legal proceedings in respect of any dispute arising under this Deed until the procedure provided by clause 20(b) has been exhausted.
- (b) The parties agree that any dispute arising out of or in connection with this Deed will be dealt with as follows:
 - (i) If a party believes a dispute has arisen between the parties, that party must provide the other party with a written notice setting out the nature and details of the dispute;
 - (ii) If a dispute is notified under clause 20(b)(i), each party must nominate a senior representative with appropriate authority to negotiate on behalf of the party to attempt to resolve the dispute.
 - (iii) the parties have 15 Business Days (or such extended time as the parties may agree in writing) from the receipt of the notice referred to in clause 20(b)(i) to reach a resolution or to agree that the dispute is to be submitted to mediation or some alternative dispute resolution procedure; and
 - (iv) if:
 - (A) following the expiry of the 15 Business Days (or such extended time as the parties may agree in writing) referred to in clause 20(b)(iii), there is no resolution of the dispute, or agreement on the submission of the dispute to mediation or some other alternative dispute resolution; or
 - (B) there is a submission to mediation or some other form of alternative dispute resolution procedure, but there is no resolution within 20 Business Days of the submission, or such extended time as the parties may agree in writing before the expiration of the 20 Business Days,then, either party may commence legal proceedings.
- (c) This clause 20 does not prevent a party from instituting proceedings to enforce payment due or seeking injunctive or urgent declaratory relief.
- (d) Despite the existence of a dispute, both parties must (unless requested in writing by the other party not to do so) continue to perform their respective obligations in accordance with this Deed.

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- (e) This clause 20 survives the expiration or termination of this Deed.

21. Legal relationship

Council acknowledges that:

- (a) its employees, officers, volunteers, partners and advisers will not by virtue of this Deed, be or for any purpose deemed to be employees, partners or agents of TfNSW; and
- (b) it must not purport to represent TfNSW in connection with the carrying out of the Project and it is not empowered to act on behalf of or to bind TfNSW in any way.

22. Entire agreement, variation and severance

- (a) This Deed records the entire agreement between the parties in relation to its subject matter.
- (b) No variation of this Deed is binding unless it is agreed in writing and signed by the parties.
- (c) If at any time any provision of this Deed is or becomes illegal, invalid, void or unenforceable for any reason, all other provisions which are self-sustaining and capable of separate enforcement will, to the maximum extent permitted by law, be and contribute to be valid and enforceable.

23. Waiver

- (a) Waiver of any provision of, right under or breach of, this Deed:
- (i) must be in writing signed by the party entitled to the benefit of that provision, right or breach; and
- (ii) is effective only to the extent set out in the written waiver and shall operate as a single waiver only.

24. Assignment and novation

- (a) Council must not assign or novate this Deed, or its rights, obligations and interests under this Deed, without the prior written approval of TfNSW.
- (b) TfNSW may assign or novate this Deed, or its rights, obligations and interests under this Deed to another NSW Government agency, without the need for obtaining the prior written approval of Council.

25. Counterparts

This Deed may be executed in any number of counterparts which together constitute one Deed.

26. Further assurance

Each party must, at its own expense, do all things and execute all documents necessary to give full effect to this Deed and the transactions contemplated by it.

27. Applicable law and jurisdiction

- (a) The laws of New South Wales govern the terms of this Deed.
- (b) Both parties agree to submit to the non-exclusive jurisdiction of the courts of New South Wales.

28. Confidential Information

- (a) A party who receives Confidential Information ("**Recipient**") must not disclose the Confidential Information supplied by the other party ("**Discloser**") to any person except:
 - (i) its representatives who require the Confidential Information for the purposes of this Deed; or
 - (ii) to enable the Recipient to obtain professional advice in relation to this Deed; or
 - (iii) with the consent of the Discloser; or
 - (iv) if the Recipient is required to do so by law or by a lawful requirement of any government or governmental body, authority or agency having authority over the Recipient or by a stock exchange; or
 - (v) if the Recipient is required to do so in connection with legal proceedings relating to this Deed or other agreement between the parties; or
 - (vi) if the Recipient is TfNSW it is disclosed to the Transport Secretary and/or Ministers of the NSW government.
- (b) If the Recipient discloses the Discloser's Confidential Information under clause 28(a)(i) or 28(a)(iii) then:
 - (i) it must use its best endeavours to ensure that persons receiving the Confidential Information from it do not disclose

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- the information except in the circumstances permitted in clause 28(a);
- (ii) the Discloser may at any time require the persons receiving the Confidential Information to give written undertakings relating to the non-disclosure of the Confidential Information and the Recipient must arrange for all such undertakings to be given promptly; and
 - (iii) the Recipient must reserve the right to demand immediate delivery of all documents or other materials in its possession, power or control or in the possession, power or control of the third party who has received Confidential Information from it containing or referring to that Confidential Information.
- (c) The Recipient must not use the Discloser's Confidential Information except for the purpose of exercising the Recipient's rights or performing its obligations under this Deed or any other agreement between the parties.
- (d) On the Discloser's request, the Recipient must immediately deliver to the Discloser or destroy all documents or other materials containing or referring to the Confidential Information which are in its possession, power or control, or in the possession, power or control of persons who have received Confidential Information from the Recipient, except to the extent that:
- (i) the Recipient requires the Confidential Information for the purpose of performing its obligations or exercising its rights under this Deed or other agreement between the parties; or
 - (ii) the Recipient is otherwise entitled to retain the Confidential Information.
- (e) Except as otherwise agreed or required by law, any regulatory authority or stock exchange, neither party may disclose the terms of this Deed to any person other than its Representatives on a confidential basis.

29. Representatives and Project Manager

- (a) Council must always ensure that it has a nominated representative (who is notified and acceptable to TfNSW acting reasonably) who has full authority to act on behalf of Council. An instruction or direction given to the Council Representative will be deemed to be an instruction or direction given to Council.
- (b) Council must deal with TfNSW's Representative, or such other representative as may be notified by TfNSW to Council from time to time.
- (c) Council must nominate a Project Manager who is the TfNSW contact for each Project. Council may nominate a new Project Manager from time to time and must notify TfNSW promptly of any change.
- (d) Notices provided to TfNSW by the Project Manager under this Deed are binding on Council.
- (e) At the date of this Deed, the representatives of the parties are the nominated contact persons specified in Items 5 and 6 of the Key Details.

30. Notices

- (a) Any notices contemplated by this Deed must be in writing and delivered to the relevant address or sent to the facsimile number or email address shown in Item 7 of the Key Details (or to any new address, facsimile number or email address that a party notifies to the other).
- (b) A notice given in accordance with clause 30(a) is taken to be received:
 - (i) if hand delivered, on delivery;
 - (ii) if sent by pre-paid post, 5 Business Days after the date of posting, unless it has been received earlier; or
 - (iii) if sent by or email, the earlier of when the email is opened by the recipient and the next Business Day after the time at which it enters the recipient's system (provided that the sender does not receive a delivery failure or out of office message).

31. No fetter

This Deed does not in any way unlawfully restrict or otherwise unlawfully affect the unfettered discretion of TfNSW or Council to exercise any of their functions and powers pursuant to any legislation.

TfNSW Funding Deed

32. Survival

Unless otherwise stated in this Deed, any clause capable of continuing to apply after the Project is completed or terminated for any reason will do so.

TfNSW Funding Deed

EXECUTION

Executed by the parties as a deed.

Executed for and on behalf of Transport for NSW (ABN 18 804 239 602) by its authorised delegate in the presence of:

Signature of Witness

Signature of Authorised Delegate

Print Name (block letters)

Print Name (block letters)

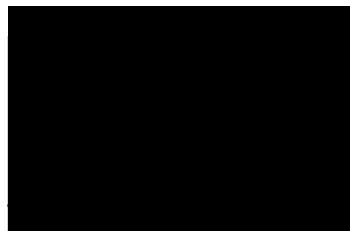
Position held by TfNSW delegate

Date of signature:

[Empty box for date of signature]

Insert date of signature

Executed for and on behalf of Snowy Monaro Regional Council (ABN 72 906 802 034) by its authorised officer in the



Jessica Entwiss

Print Name (block letters)

Peter BASCOMB

Print Name (block letters)

CEO

Position held by Council Authorised Officer

Date of signature:

19/4/21

Insert date of signature

TfNSW Funding Deed

Schedule 1– Memorandum of Understanding between Councils Template

Schedule 2 – Technical Requirements

1. Council must ensure that the Project is designed and constructed in accordance with all relevant:
 - (a) Australian Standards;
 - (b) Austroads Guidelines; and
 - (c) TfNSW Technical Supplements (where directed by TfNSW).

2. Unless prior written approval has been obtained from TfNSW, the Works must be constructed to comply with the following specific standards and directions:
 - (a) AS5100;
 - (b) SM1600; and
 - (c) TfNSW Bridge Technical Direction BTD2014/01, found at:
https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-directions/btd2014_01.pdf

3. All designs that include the installation or removal of regulatory devices (including signs and line markings) must be endorsed by the Local Traffic Committee prior to Council proceeding.

4. One or more road safety audits may be required for certain projects. Council is to confirm the road safety auditing requirements at the project development stage. Council is responsible for undertaking any required Road Safety Audits according to the Guidelines for Road Safety Audit Practices and to address all corrective actions. Any audits must be undertaken by an accredited and independent audit team.

Schedule 3 – Financial Milestones

GATE	PROJECT GROUP	% OF FUNDING TO BE PAID	FINANCIAL MILESTONE	DOCUMENTATION TO BE PROVIDED TO TFNSW
GATE 1	Group 1 Project	15%	Executed Funding Deed and provision of completed Simplified Project Plan and Project Benefits	Milestone Certificate including provision of: - Executed Funding Deed; and - Completed Schedule 5 Simplified Project Plan and Project Benefits.
	Group 2 Project		Executed Funding Deed and fully executed Council MOU and provision of Simplified Project Plan and Project Benefits	Milestone Certificate including provision of: - Executed Funding Deed; and - Fully executed Council MOU; and - Completed Schedule 5 Simplified Project Plan and Project Benefits.
GATE 2	Group 1 and 2 Projects	15%	Completion of design and approval	- Milestone Certificate including provision of: - Completion of design (e.g. 30% design for Design & Construction tender); and - approval (e.g. council record such as minutes).

9.2.1 APPROVAL FOR CAPITAL UPGRADE OF PEAK CREEK BRIDGE AND DEEP CREEK BRIDGE UNDER THE NSW FIXING COUNTRY BRIDGES ROUND 1 FUNDING PROGRAM.

TfNSW Funding Deed

GATE	PROJECT GROUP	% OF FUNDING TO BE PAID	FINANCIAL MILESTONE	DOCUMENTATION TO BE PROVIDED TO TFNSW
GATE 3	Group 1 and Group 2 Projects	60%	Commencement of construction	Milestone Certificate including provision of: - Updated Schedule 5 Simplified Project Plan and Project Benefits; and - Photographic evidence of commencement of construction; and - Photographic evidence that signage has been installed that acknowledges TfNSW's Funding contribution to the Project.
GATE 4	Group 1 & Group 2 Projects	10%	Project completed and open to traffic	Milestone Certificate including provision of: - Acceptable Final Project Report.

Schedule 4 – Scope of Works to be delivered for the Project

Project Name	Project Scope
Peak Creek Bridge - The Snowy River Way, Bungarby	The scope of the works include: <ul style="list-style-type: none"> • All required survey, geotechnical, and hydrological investigations as required to determine the extent of all footing/pile designs for the new bridge including the pavement design for any adjustments to the approaches. • All WHS, Traffic and/or Pedestrian Control Plans, Fisheries Permits, Section 138 Applications, DBYD, or other Permits/Documentation required for all contracted or subcontracted activities • Detailed engineering designs for a replacement 68 tonne capacity bridge, designed in accordance with current AS (/NZS) 5100:2017 Series Bridge Design standard including road alignments; and bridge and adjacent waterway erosion protection details. • Construction of designed bridge including any by-passes • Provide Design and Construction Compliance Certification.
Deep Creek Bridge - Mila Road, Craigie	The scope of the works include: <ul style="list-style-type: none"> • All required survey, geotechnical, and hydrological investigations as required to determine the extent of all footing/pile designs for the new bridge including the pavement design for any adjustments to the approaches. • All WHS, Traffic and/or Pedestrian Control Plans, Fisheries Permits, Section 138 Applications, DBYD, or other Permits/Documentation required for all contracted or subcontracted activities • Detailed engineering designs for a replacement 68 tonne capacity bridge, designed in accordance with current AS (/NZS) 5100:2017 Series Bridge Design standard including road alignments; and bridge and adjacent waterway erosion protection details. • Construction of designed bridge including any by-passes • Provide Design and Construction Compliance Certification

Schedule 5 - Simplified Project Plan and Project Benefits

Financial Forecast

Please provide an initial financial forecast of the expected dollar value of Works to be completed each month of the financial year against each project. Note that this financial forecast is NOT cumulative.

Project Name:													
Financial year	Funding offered	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2020/21													
2021/22													
2022/23													

Project Milestone Dates

Please provide key project milestone dates for each project as outlined below.

Project Delivery Milestone				
Environmental Assessment Determined	Detailed Design Approved & Tender Accepted	Commence Construction	Finish Construction and Open for Use	Submission of Post Completion Report

Project Benefits

Please provide a brief description of proposed benefits to be realised for each project.

Project name:		
Improvement	Examples	Council comment
Maintenance work brought forward (in years)	Eg 3 years of backlog work completed	
Social benefits to community	Eg Community access to schools, shopping facilities, regional towns	
Economic benefits to community	Eg Improved delivery for freight, agriculture, industry, tourism or benefits to the local community as a result of local employment opportunities.	
Job Numbers	Number of full-time positions directly employed on the project (including contractors). This can be counted through Council's contract management system or via a manual head of positions employed on the project. Number of new positions created as result of the project.	

TfNSW Funding Deed

ATTACHMENT A – CONTRACTOR STATEMENT TEMPLATE

(Clause 3(c)(vii))

Softcopy available at: <http://home.rta.nsw.gov.au/forms/categories/contractandroadworks/45062893.pdf>

ATTACHMENT B – MILESTONE CERTIFICATE

[WBS/Project name] – REQUEST FOR MILESTONE PAYMENT

In accordance with the agreed Project Milestone schedule for the project, I certify that the **[Insert Milestone/Gate event]** has been achieved. I request payment of **\$x,xxx,xxx** as agreed in the Project Milestone Schedule in the *Project Funding Agreement*.

I have provided the following evidence and other supporting documentation to claim for payment:

(Delete Irrelevant Detail)

- Gate 1 – Financial Milestone - 15%
 - Group 1 - Executed Funding Deed, Schedule 5 Simplified Project Plan and Project Benefits
 - Group 2 - Executed Funding Deed, MoU and Schedule 5 Simplified Project Plan and Project Benefits
- Gate 2 – Financial Milestone - 15%

Group 1 and Group 2 - Completion of design (e.g. 30% design for Design & Construction tender) and approval (e.g. council record such as minutes)
- Gate 3 – Financial Milestone - 60%
 - Group 1 and Group 2 – Updated Schedule 5 Simplified Project Plan and Project Benefits, Photographic evidence of Commencement of Construction, Photographic evidence that signage has been installed that acknowledges TfNSW's Funding contribution to the Project..
- Gate 4 – Financial Milestone - 10%
 - Group 1 and Group 2 – Submission of acceptable Final Project Report including photographic evidence and final certificate of expenditure.
- Any additional supporting information (at councils discretion):

Yours Sincerely,

Signed: Date: / /

Name: Position Title:

Council:

ATTACHMENT C – PROJECT STATUS REPORT

Project Name/WBS:	
Council:	
Report Month:	[Insert Month and Year]

Amount expended to date	\$	
Project Status	<p><i>Examples:</i></p> <p>Timing:</p> <ul style="list-style-type: none"> The project is generally on-time; or The project is behind / ahead by XX months and is expected to finish construction in MM/YY. <p>Costs:</p> <ul style="list-style-type: none"> Total project cost is still valid; or Total project costs are now expected to be significantly different. Total project cost is now expected to be \$ XXX. <p><i>Provide a brief status on the project – generally, if the project is progressing well or close to expectations</i></p>	
Any significant factors/risks identified to project delivery	<p><i>Provide comment if there is any risk or issue identified – if no significant issue/risk, N/A</i></p> <p><i>If there is a major delay or risk then provide detailed information and contact your TfNSW Representative to discuss as soon as possible.</i></p>	
Key Status updates	<p><i>Examples:</i></p> <ul style="list-style-type: none"> Design and approval document completed by MM/YY; Tender documents publicly issued on DD/MM/YY; Successful tender accepted DD/MM/YY; Next Steering Group scheduled for DD/MM/YY; Funding acknowledgement signage erected; Construction on site started DD/MM/YY; Road open to traffic on DD/MM/YY; or Submission of Post-Completion report expected in MM/YY; <p><i>Provide minimum 3 key status updates,</i></p>	
Stimulus Reporting Updates Communication	Number of Jobs	<p><i>Example;</i></p> <p>- XX employees engaged full time/contracted for delivery of project</p>
	Communication and stakeholder engagement	<p><i>Example:</i></p> <p>- Who was engaged, when this occurred and what was discussed.</p> <p>- Local publicity, newspaper articles, press releases etc. please attach copies of articles or website links.</p>
	Upcoming Ministerial Opportunities	<p><i>Example:</i></p> <p>Opening ceremony planned for DD/MM/YY, Ceremony, public display or event scheduled for DD/MM/YY; Minister / local MP invited;</p>
	Overall Stimulus Outcomes	<p><i>Example:</i></p> <p>- Specific safety outcomes</p> <p>- Specific Benefits or support realised by community/economy</p>

Please send a copy to your **TfNSW Local Government team** by the 5th of each month.
Report completed by:

Name: Position Title:

Signature: Date: / /

ATTACHMENT D – FINAL PROJECT REPORT

Transport for NSW (TfNSW) will not authorise payment of the final milestone until acceptance of the Post Completion Report and supporting documentation. If required, TfNSW may ask Council to revise the submitted report before accepting it.

Project Name/WBS:	
Council:	

Scope

Provide details of all changes to the scope following Project approval* for comparison purposes, including descriptions of the original Project scope approved (see funding agreement), any scope change and the rationale for the change:

Original Scope	Scope change	Rationale for change

*Unapproved changes to scope and quality will require further investigation by TfNSW. Payment of the final milestone may not occur until approval is granted.

Cost

Please provide details of the finalised project costs below and attach completed final certificate demonstrating actual project expenditure as supporting documentation.

Project Cost Category	Cost (GST Excl)	Comments
Client Management and Oversight Costs		
Project management		
Design & investigation		
Applicant supplied insurances, fees, levies		
Property purchase price		
Property purchase transaction costs		
Environmental offsets		
Construction Costs		
Environmental works		
Traffic Management and temporary works		
Bulk earthworks		
Retaining walls		
Drainage		
Pavements		
Finishing works		
Traffic signage, signals, signals and controls		
Design (if by contractor)		
Supplementary items		
TOTAL PROJECT COST		
ORIGINAL TOTAL PROJECT COST		

TfNSW Funding Deed

Schedule

Provide dates of agreed and actual dates for construction commencement and physical completion.

Project Period as agreed on approval of the funding agreement		Actual Project Period	
Construction Start Date	Physical Completion Date	Construction Start Date	Physical Completion Date

Provide details of the rationale for changes to the construction commencement or physical completion dates and how was the impact of these changes managed.

Performance

Provide an overview of the performance of the Project in meeting project funding guidelines and requirements (e.g. information regarding cost efficiencies, KPI's, etc.). Include a table of figures if appropriate.

Innovation

Provide innovative Project delivery techniques that have resulted in positive economic, safety, social, environmental, integration or transparency outcomes (for example, use of recycled material, techniques to reduce water and energy consumption, Project delivery methods that deliver Project savings, or private funding or financing models.)

Indigenous Strategy

Was an Indigenous workforce strategy incorporated into the delivery of the Project? YES/NO

IF Yes - What were the Indigenous employment outcomes under that strategy?

Job Numbers

Number and type of positions directly employed on the project.

Stimulus Outcomes

Economic and Community:

Provide information that demonstrates safety outcomes, support provided to the local economy or benefits realised by the local community throughout project delivery and as an outcome of this project.

Freight and Connectivity:

Provide information that demonstrates increased productivity, connectivity, and/or improved access as an outcome of this project.

Resilience:

Provide information that demonstrates increased resilience for the community as an outcome of this project (Increased flood heights, flame proofing, etc.)

Additional Project Data

Relevant data should be provided for the purposes of evaluating the program by Transport for NSW.

Construction Timing	Date Construction started		(DD / MM / YYYY)
	Date Construction completed		(DD / MM / YYYY)
Detour	Length of any detour removed		KM
High Mass Limits	Length of any additional heavy vehicle access opened up		KM
Load Limits	Load limit prior to project		Tonnes
	Load limit following project		Tonnes
SM1600	Was SM1600 applied to this project?		Yes / No

Optional if Available - Annual average daily traffic (AADT):

Traffic volumes	Traffic volume prior to the project		AADT
	Traffic volume following project		AADT
Heavy Vehicles	Heavy vehicle traffic prior to the project		AADT
	Heavy vehicle traffic following project		AADT

Supporting Documentation

The following supporting documentation must be attached to this report to form completion of the report and provide evidence of project completion:

- Final Certificate of Expenditure
- Sufficient photographic evidence of project completion demonstrating scope of works has been achieved.

TfNSW Funding Deed

Post Completion Report Certification

By signing below you confirm that all information provided in and attached to this report is true and correct.

Signature: **Date** / /

Name: **Position Title:**

Council:

9.2.1 APPROVAL FOR CAPITAL UPGRADE OF PEAK CREEK BRIDGE AND DEEP CREEK BRIDGE UNDER THE NSW FIXING COUNTRY BRIDGES ROUND 1 FUNDING PROGRAM.

ATTACHMENT 1 2021 04 19 - FIXING COUNTRY BRIDGES PROGRAM - FUNDING DEED - SIGNED BY CEO PETER BASCOMB

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9.2.2 MONTHLY FUNDS MANAGEMENT REPORT - NOVEMBER 2021

Record No: I22/23

OFFICER'S RECOMMENDATION

That Council

- A. Receive the report indicating Council's cash and investments position as at 30 November 2021; and
- B. Receive the certificate of the Responsible Accounting Officer.

ISSUES

The effective management of Council funds to assist financial sustainability and the intangible expectations of the community.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	High	Low	No

Total cash and investments available to provide services and infrastructure to the community in accordance with the 2022 budget, Council resolutions and other external restrictions.

This report is not an indication of the long-term sustainability to fund Council's operations, instead only provides information on how the overall cash and investments held is being managed.

FINANCIAL IMPACTS

Lower yields in a low interest rate environment and adjusting expectations.

RESPONSIBLE OFFICER: Chief Financial Officer

OPTIONS CONSIDERED

Council's Monthly Funds Management Report meets the requirements of Council's Investment Policy and regulatory requirements. Investing in cash products (such as term deposits).

IMPLEMENTATION PLANS

Investment of surplus funds not required to manage short-term cash flow.

EXISTING POLICY/DECISIONS

Councils Investment Policy (SMRC258)

BACKGROUND

Council's Cash and Investments 30 November 2021:

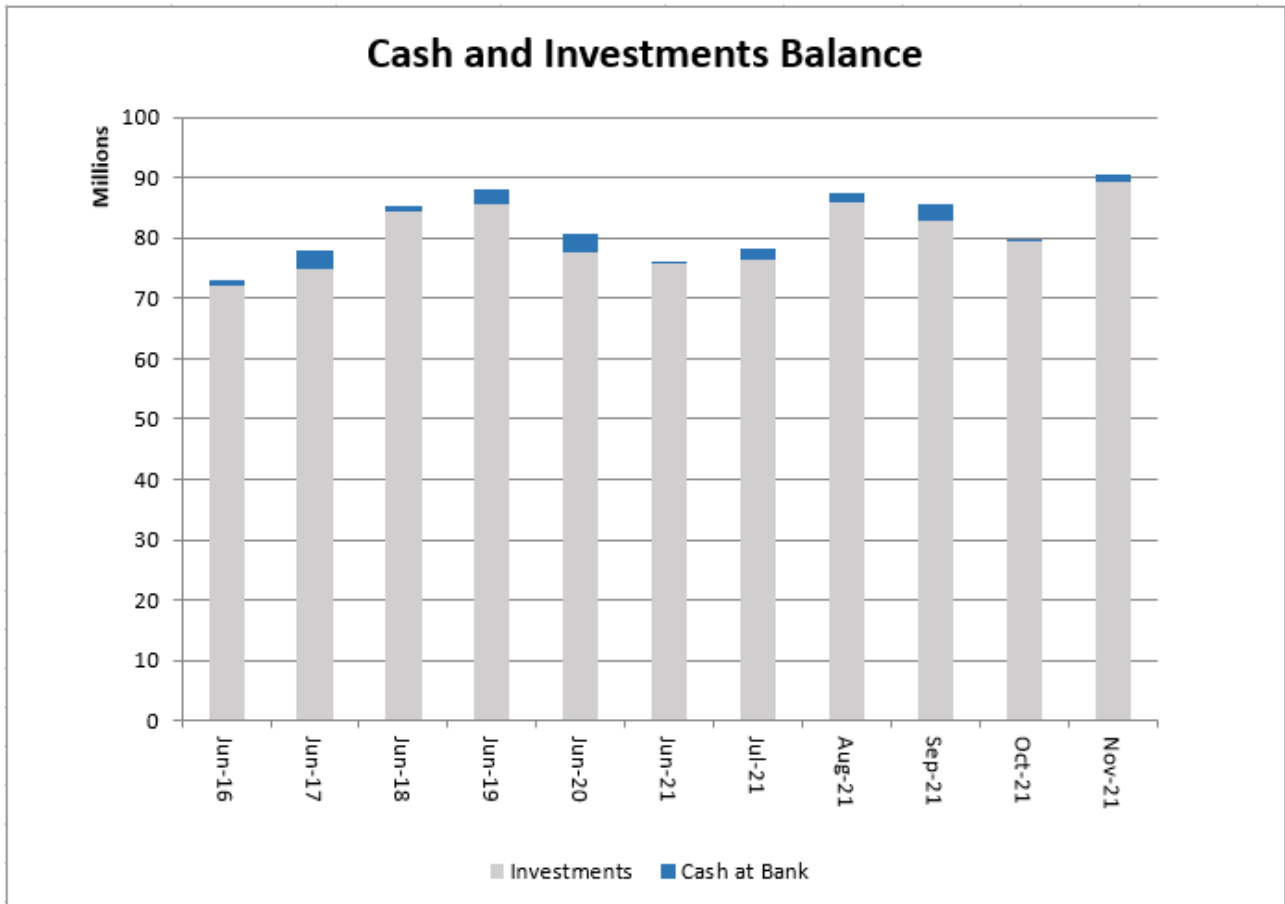
Cash at Bank	\$1,283,256
Investments	\$89,266,062
Total	\$90,549,318

Investment Register – 30 November 2021:

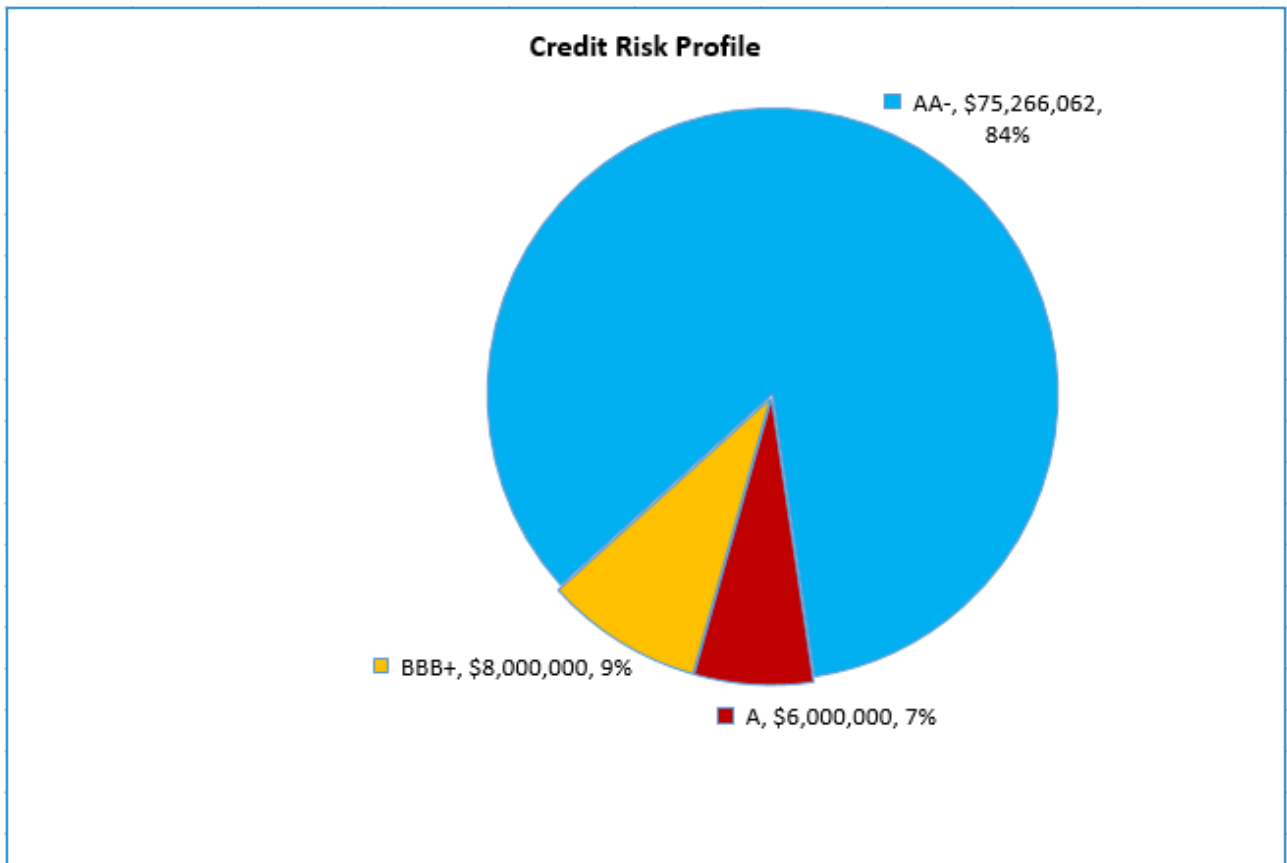
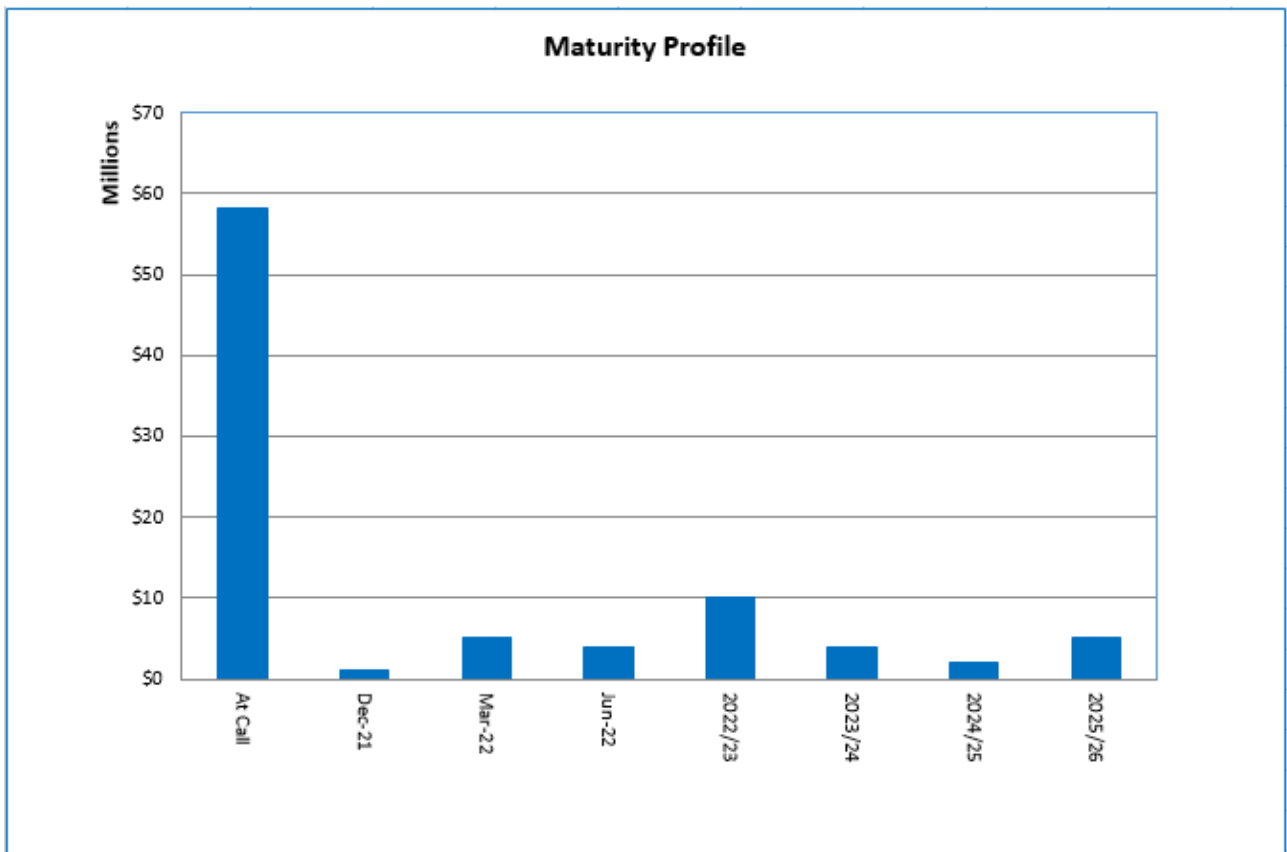
DATE INVESTED	FINANCIAL INSTITUTION	Short-Term Rating	Long-Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	National Australia Bank - At Call*	A1+	AA-	At Call	58,266,062	0.65%	At Call
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	1.00%	29-Aug-22
29-Jun-18	National Australia Bank	A1+	AA-	TD	4,000,000	0.92%	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
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
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
					89,266,062		

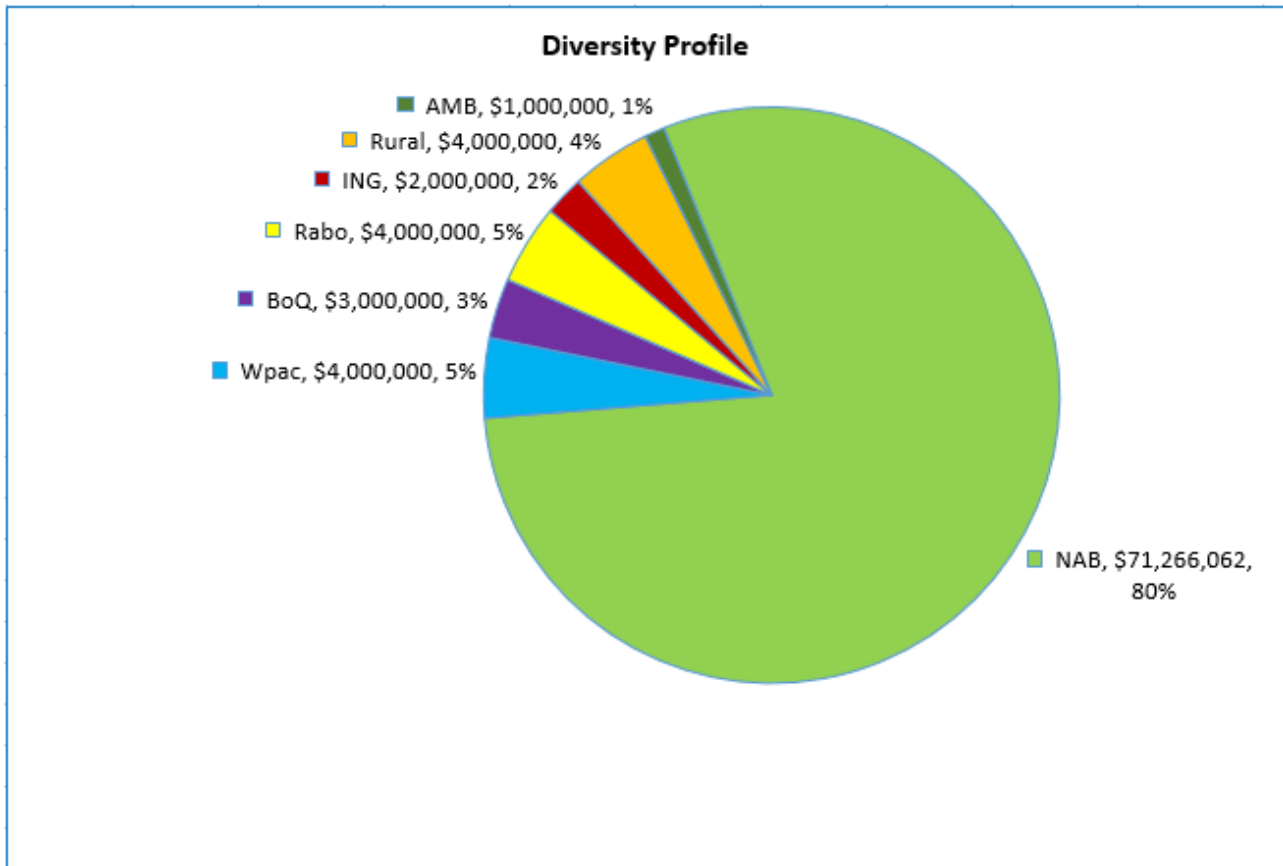
*National Australia Bank – At Call with the added loyalty bonus of 0.60% p.a. is generally higher than short to medium term deposits currently on offer.

Cash and Investments Charts:



9.2.2 MONTHLY FUNDS MANAGEMENT REPORT - NOVEMBER 2021





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
November	0.91%	0.90%	0.05%	0.85%
October	0.92%	0.88%	0.06%	0.82%
September	0.93%	0.90%	0.02%	0.88%
August	0.93%	0.94%	0.01%	0.93%
July (2021)	0.95%	0.95%	0.02%	0.93%

*The Australian Financial Market Association (AFMA)

ATTACHMENTS

Nil

9.2.3 MONTHLY FUNDS MANAGEMENT REPORT - DECEMBER 2021

Record No: I22/31

OFFICER'S RECOMMENDATION

That Council

- A. Receive the report indicating Council's cash and investments position as at 31 December 2021; and
- B. Receive the certificate of the Responsible Accounting Officer.

ISSUES

The effective management of Council funds to assist financial sustainability and the intangible expectations of the community.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	High	Low	No

Total cash and investments available to provide services and infrastructure to the community in accordance with the 2022 budget, Council resolutions and other external restrictions.

This report is not an indication of the long-term sustainability to fund Council's operations, instead only provides information on how the overall cash and investments held is being managed.

FINANCIAL IMPACTS

Lower yields in a low interest rate environment and adjusting expectations.

RESPONSIBLE OFFICER: Chief Financial Officer

OPTIONS CONSIDERED

Council's Monthly Funds Management Report meets the requirements of Council's Investment Policy and regulatory requirements. Investing in cash products (such as term deposits).

IMPLEMENTATION PLANS

Investment of surplus funds not required to manage short-term cash flow.

EXISTING POLICY/DECISIONS

Councils Investment Policy (SMRC258)

BACKGROUND

Council's Cash and Investments 31 December 2021:

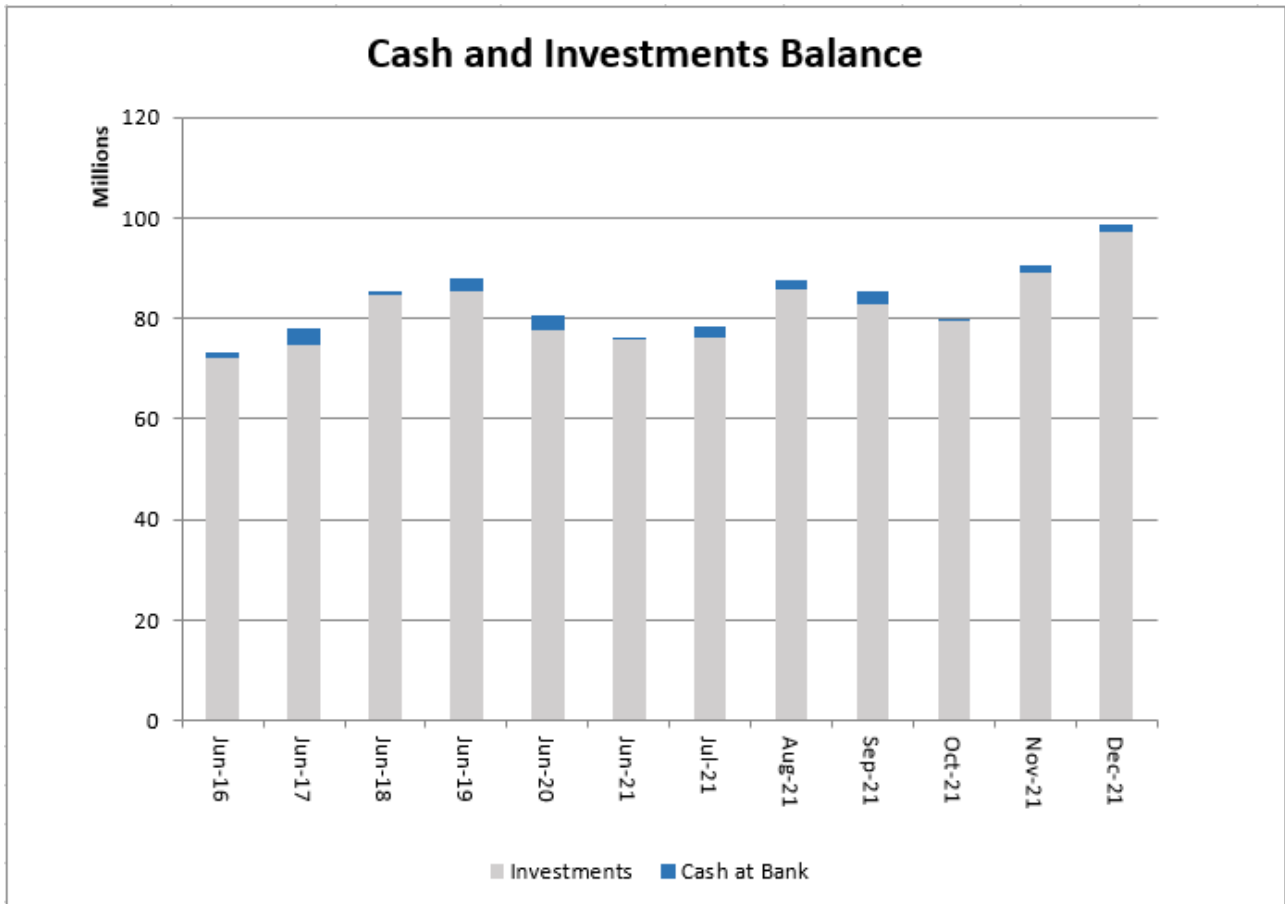
Cash at Bank	\$1,494,675
Investments	\$97,363,514
Total	\$98,858,189

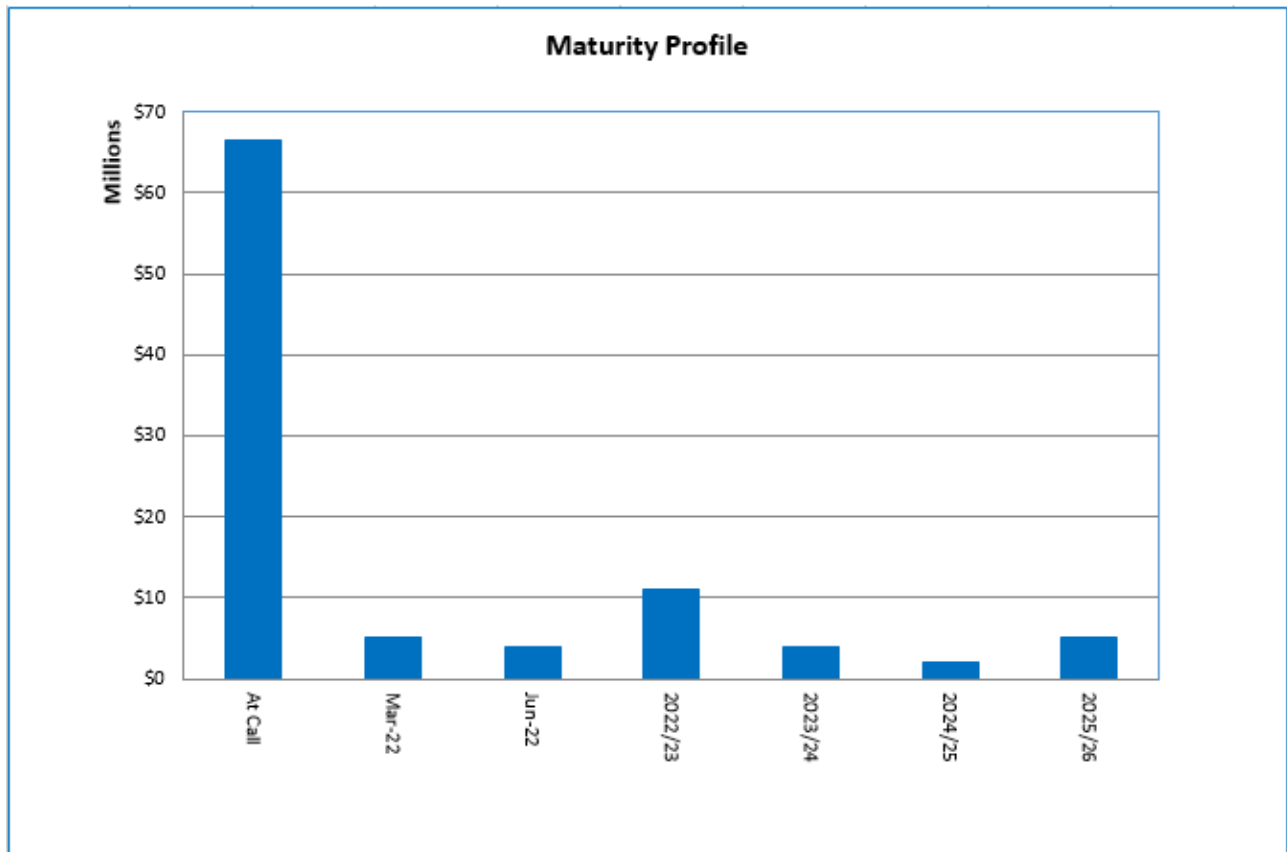
Investment Register – 31 December 2021:

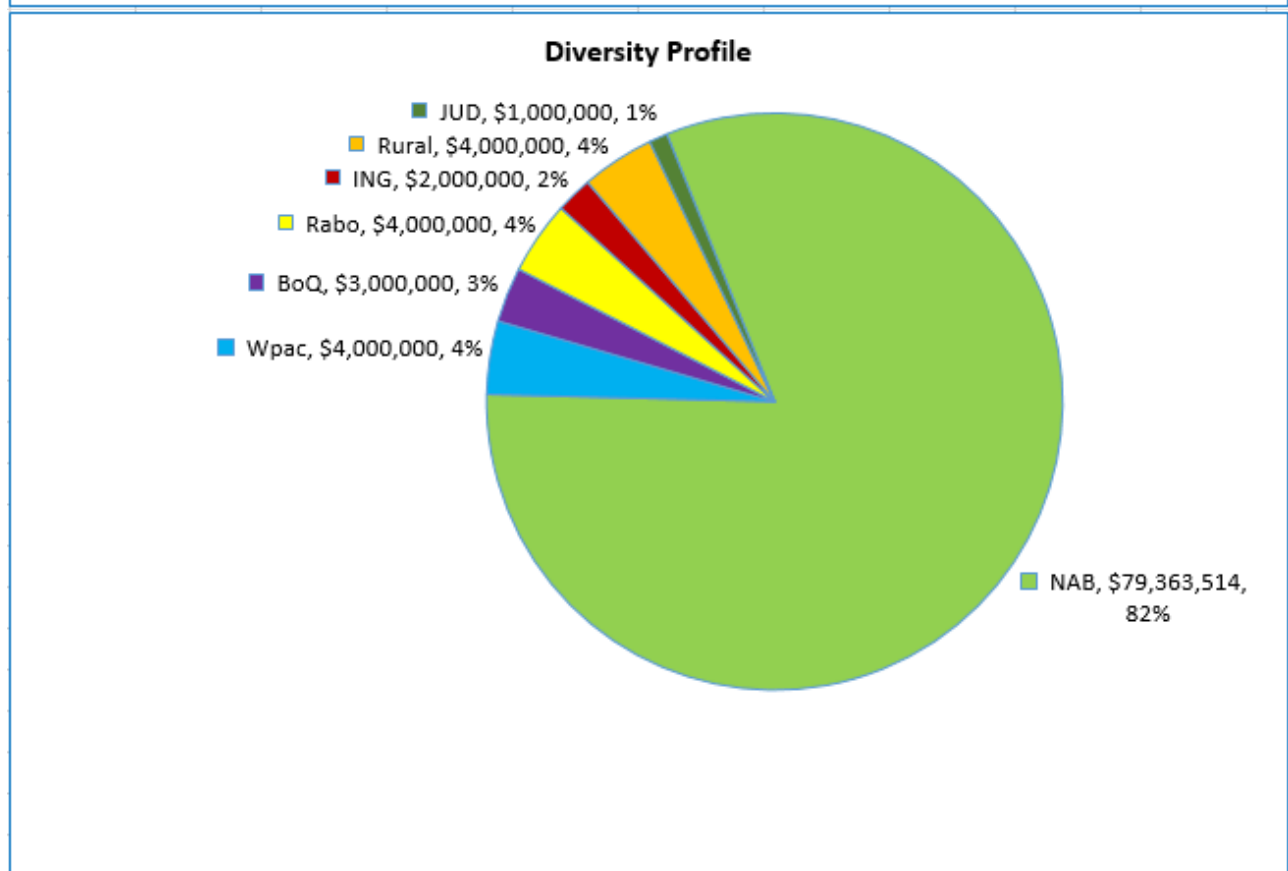
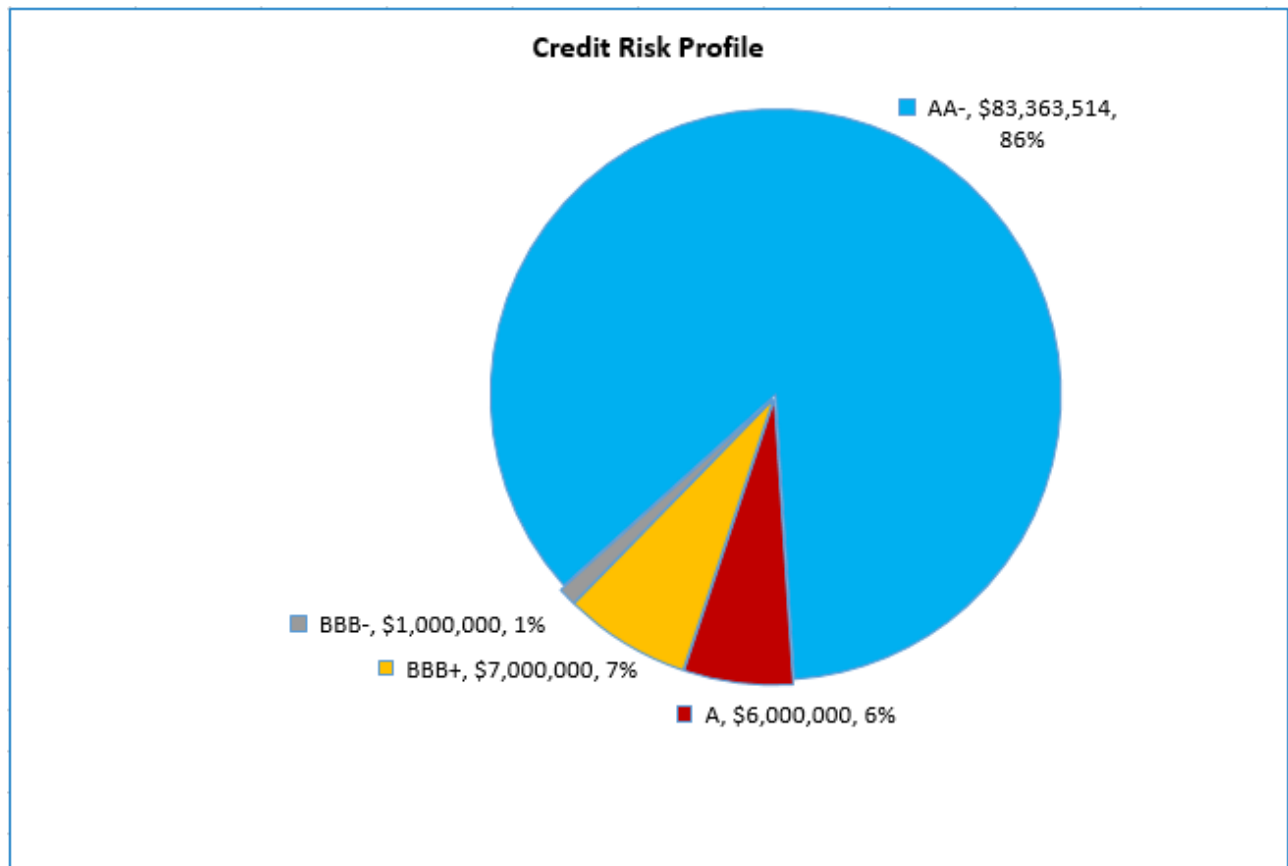
DATE INVESTED	FINANCIAL INSTITUTION	Short-Term Rating	Long-Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	National Australia Bank - At Call*	A1+	AA-	At Call	66,363,514	0.65%	At Call
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	1.00%	29-Aug-22
29-Jun-18	National Australia Bank	A1+	AA-	TD	4,000,000	0.96%	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
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
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
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
02-Dec-21	Judo Bank	A3	BBB-	TD	1,000,000	1.10%	02-Dec-22
					97,363,514		

*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:







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
December	0.89%	0.84%	0.07%	0.78%
November	0.91%	0.90%	0.05%	0.85%
October	0.92%	0.88%	0.06%	0.82%
September	0.93%	0.90%	0.02%	0.88%
August	0.93%	0.94%	0.01%	0.93%
July (2021)	0.95%	0.95%	0.02%	0.93%

**The Australian Financial Market Association (AFMA)*

ATTACHMENTS

Nil

9.2.4 MONTHLY FUNDS MANAGEMENT REPORT - JANUARY 2022

Record No: I22/55

OFFICER'S RECOMMENDATION

That Council

- A. Receive the report indicating Council's cash and investments position as at 31 January 2022; and
- B. Receive the certificate of the Responsible Accounting Officer.

ISSUES

The effective management of Council funds to assist financial sustainability and the intangible expectations of the community.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	High	Low	No

Total cash and investments available to provide services and infrastructure to the community in accordance with the 2022 budget, Council resolutions and other external restrictions.

This report is not an indication of the long-term sustainability to fund Council's operations, instead only provides information on how the overall cash and investments held is being managed.

FINANCIAL IMPACTS

Lower yields in a low interest rate environment and adjusting expectations.

RESPONSIBLE OFFICER: Chief Financial Officer

OPTIONS CONSIDERED

Council's Monthly Funds Management Report meets the requirements of Council's Investment Policy and regulatory requirements. Investing in cash products (such as term deposits).

IMPLEMENTATION PLANS

Investment of surplus funds not required to manage short-term cash flow.

EXISTING POLICY/DECISIONS

Councils Investment Policy (SMRC258)

BACKGROUND

Council's Cash and Investments 31 January 2022:

Cash at Bank	\$2,916,012
Investments	\$93,798,283
Total	\$96,714,295

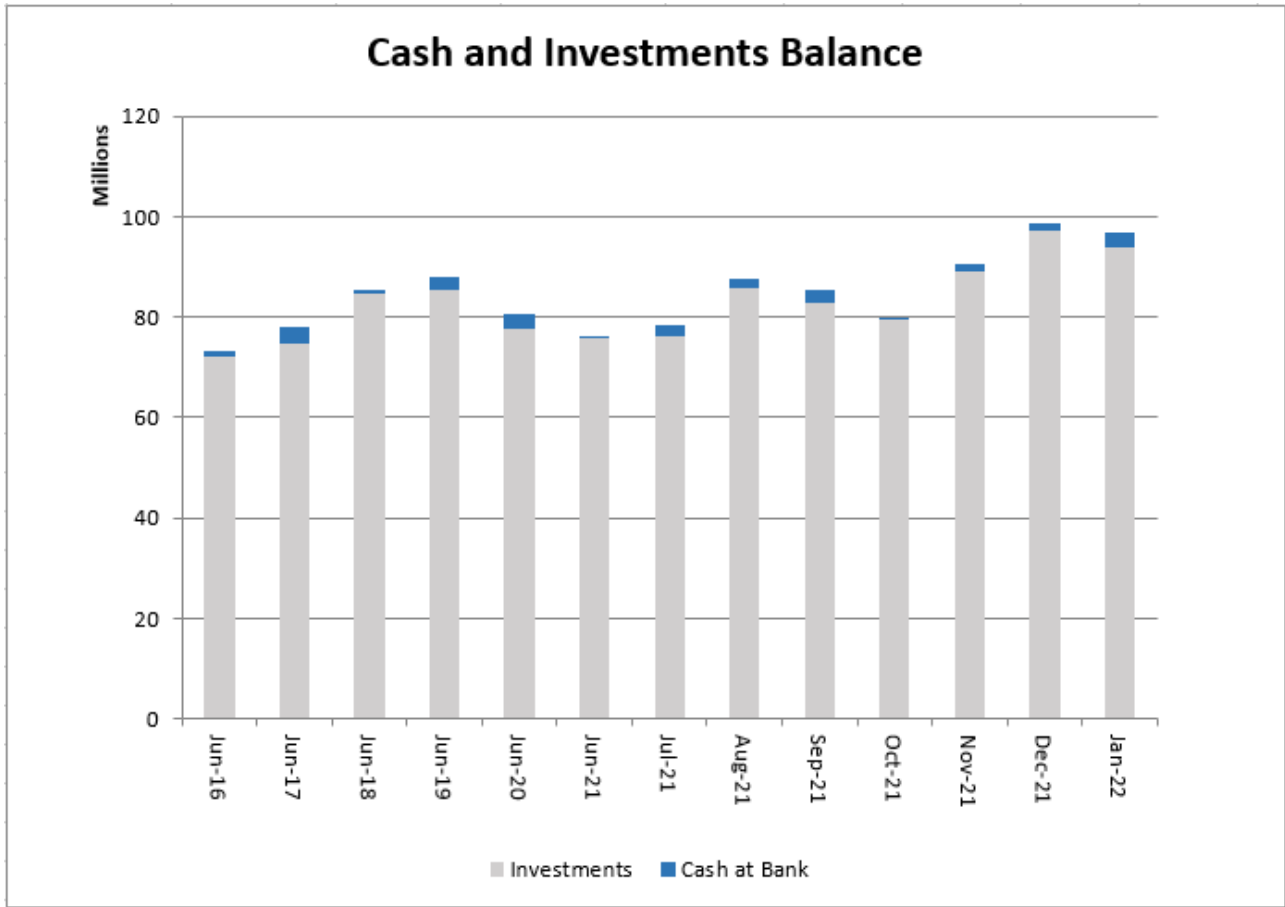
Investment Register – 31 January 2022:

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	44,477,226	0.61%	At Call
n/a	National Australia Bank - At Call^	A1+	AA-	At Call	18,321,057	0.20%	At Call
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	1.00%	29-Aug-22
29-Jun-18	National Australia Bank	A1+	AA-	TD	4,000,000	0.96%	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
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
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
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
02-Dec-21	Judo Bank	A3	BBB-	TD	1,000,000	1.10%	02-Dec-22
					93,798,283		

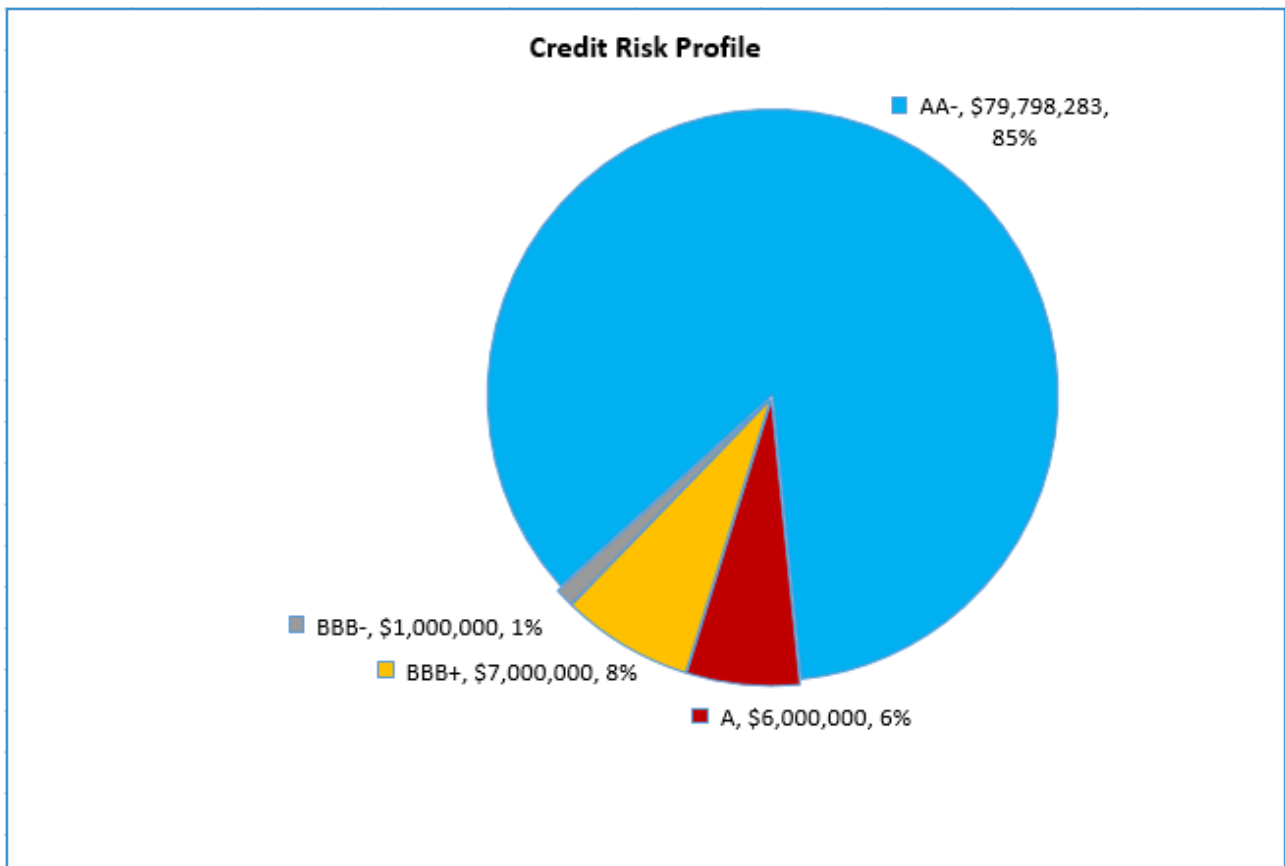
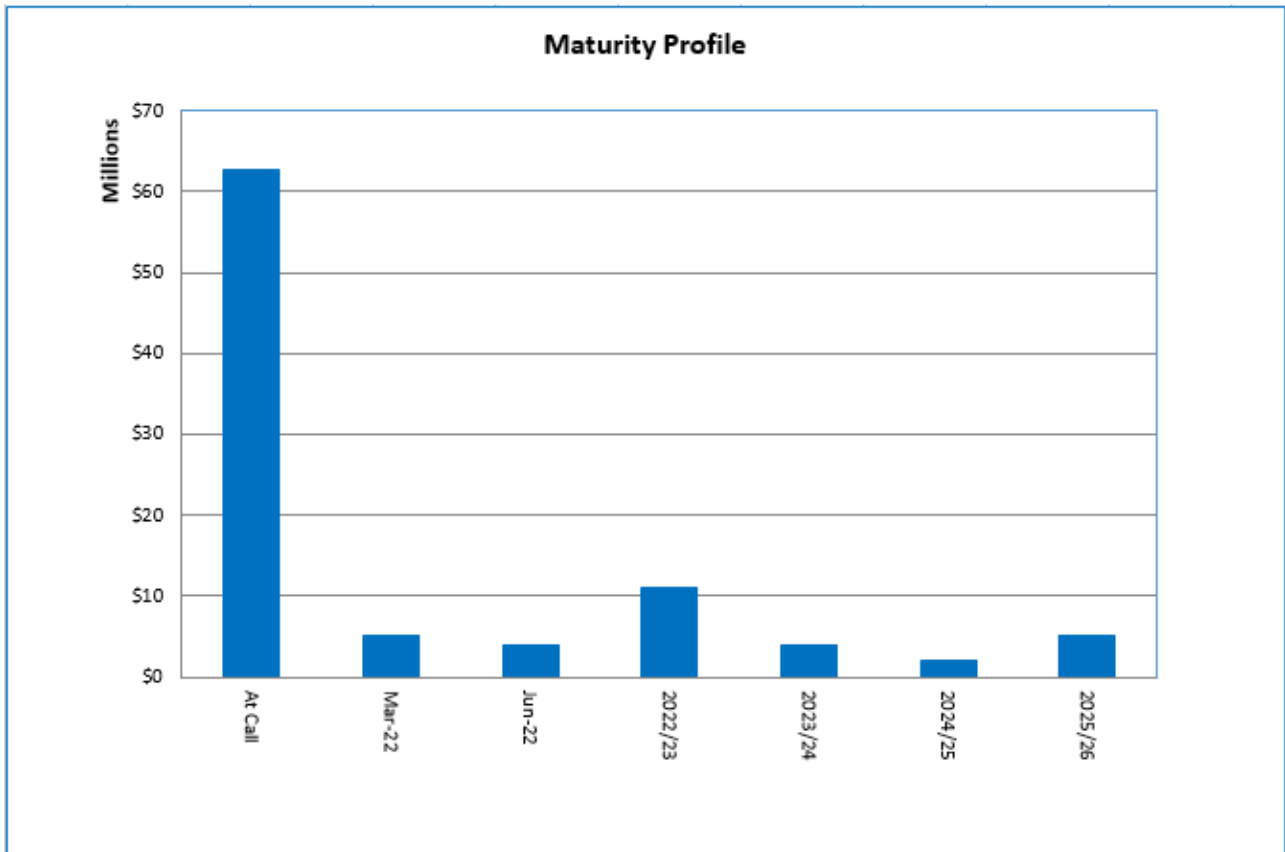
*National Australia Bank – At Call with the added loyalty bonus of 0.60% p.a. is generally higher than short to medium term deposits currently on offer.

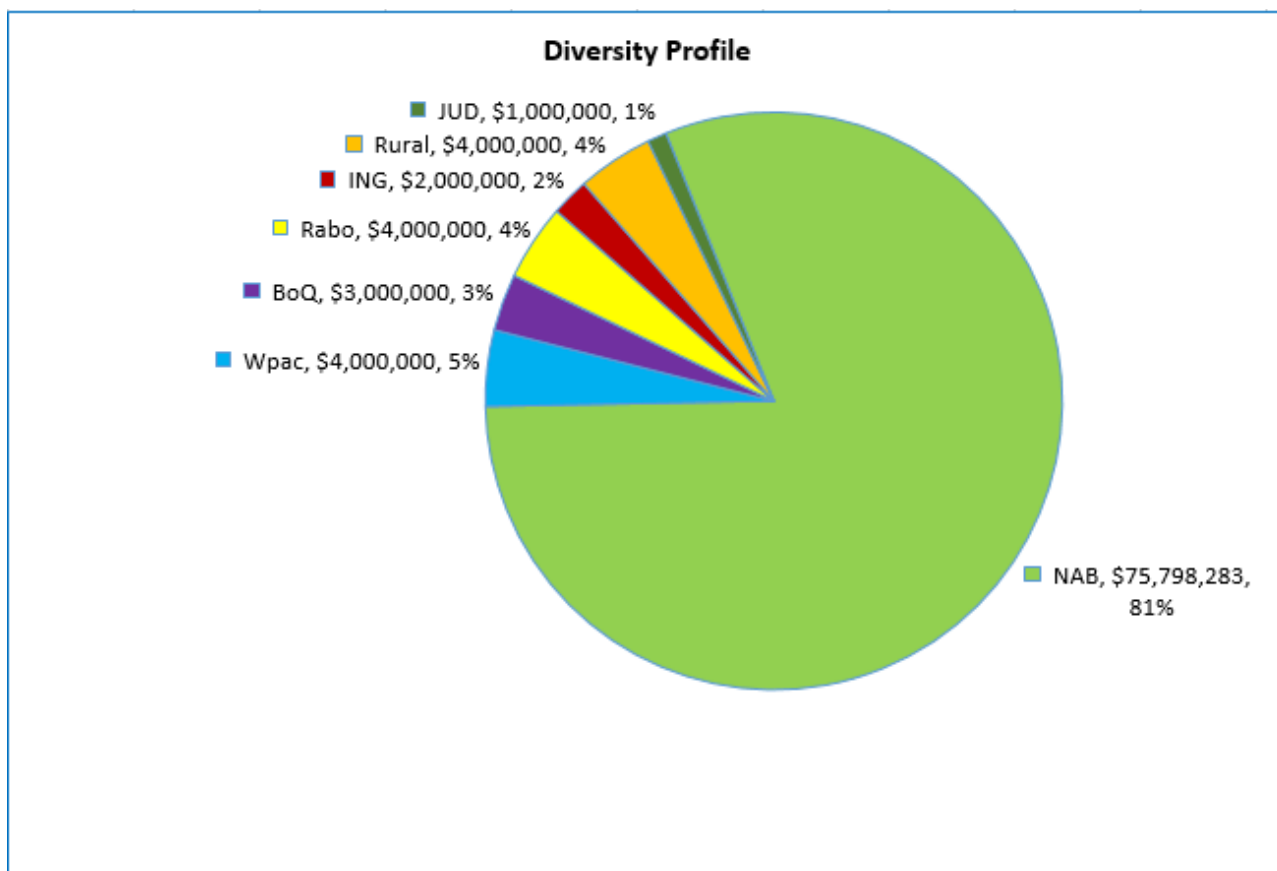
^National Australia Bank – At Call with the added loyalty bonus of 0.19% p.a. is comparable to short term deposits currently on offer.

Cash and Investments Charts:



9.2.4 MONTHLY FUNDS MANAGEMENT REPORT - JANUARY 2022





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
January	0.89%	0.86%	0.08%	0.78%
December	0.89%	0.84%	0.07%	0.78%
November	0.91%	0.90%	0.05%	0.85%
October	0.92%	0.88%	0.06%	0.82%
September	0.93%	0.90%	0.02%	0.88%
August	0.93%	0.94%	0.01%	0.93%
July (2021)	0.95%	0.95%	0.02%	0.93%

*The Australian Financial Market Association (AFMA)

ATTACHMENTS

Nil

9.3.1 ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 16 NOVEMBER 2021

Record No: I21/375

COMMITTEE RECOMMENDATION

That the recommendations of the meeting of the Local Traffic Committee held on 16 November 2021 be adopted.

BACKGROUND

The Snowy Monaro Local Traffic Committee held their meeting 16 November 2021. The Committee's recommendations are presented for Council's consideration.

The following officer's recommendation is submitted for Council's consideration.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. November Minutes

RECOMMENDATION OF THE LOCAL TRAFFIC COMMITTEE – 16 NOVEMBER 2021

7.1 5 AMOS STREET, COOMA

OFFICER'S RECOMMENDATION

That Council install 'no parking' signs outside 3 and 5 Amos Street, Cooma.

8.1 TREDEGAR ROAD, BOMBALA

OFFICER'S RECOMMENDATION

That Council investigate safety concerns at Tredegar Road, Bombala.

8.2 SMALL BAR, JINDABYNE

OFFICER'S RECOMMENDATION

That Council ensure there are restricted parking signs along Thredbo Terrace, Jindabyne to maintain emergency service access.

That Council continue to watch how parking evolves at this space and install 'no parking' signs on Park Street, Jindabyne.

9.3.1 ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 16 NOVEMBER 2021



Minutes

Local Traffic Committee Meeting

16 November 2021

**LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630
ON TUESDAY 16 NOVEMBER 2021**

MINUTES

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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 26 October 2021.....	2
5.	BUSINESS ARISING.....	2
6.	ACTION SHEET	2
7.	CORRESPONDENCE	2
7.1	5 Amos Street, Cooma.....	2
8.	GENERAL BUSINESS	4
8.1	Tredeggar Road, Bombala.....	4
8.2	Small Bar, Jindabyne.....	4
9.	MATTERS OF URGENCY.....	5
10.	NEXT MEETING.....	5

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 16 NOVEMBER 2021

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**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON TUESDAY, 16 NOVEMBER 2021
COMMENCING AT**

PRESENT:

Rebecca Copping, Roads Safety Officer
Lynley Miners, Councillor
Duncan McRae, TfNSW
Sharon Horner, TfNSW
Stephen Banner, NSW Police
Caroline Kelly, SMRC minutes

1. OPENING OF THE MEETING

The Chair opened the meeting at 9:40AM.

2. APOLOGIES

An apology for the meeting was received from Sue Haslingden.

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 LOCAL TRAFFIC COMMITTEE MEETING 26 OCTOBER 2021

RECOMMENDATION

THAT the minutes of the Local Traffic Committee Meeting held on 26 October 2021 are confirmed as a true and accurate record of proceedings.

5. BUSINESS ARISING

6. ACTION SHEET

7. CORRESPONDENCE

7.1 5 AMOS STREET, COOMA

Record No: I21/356

Responsible Officer: Road Safety Officer

Key Theme: 3. Environment Outcomes

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 16 NOVEMBER 2021

Page 3

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. Site Visit
Cost Centre	Infrastructure Administration
Project	Snowy Monaro Local Traffic Committee

EXECUTIVE SUMMARY

Council received a request from residents outside the Amos Street entrance and exit to Woolworths Cooma. There was a request for the installation of 'no parking' signs outside the adjacent residences as trucks turning into the Woolworths carpark had no room to swing and would beep at parked cars. A site visit was undertaken and tire marks were evident on the road demonstrating how large vehicle were using the entire road to turn right out the Woolworths exit.



The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council install 'no parking' signs outside 3 and 5 Amos Street, Cooma.

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 16 NOVEMBER 2021

Page 4

8. GENERAL BUSINESS

8.1 TREDEGAR ROAD, BOMBALA

Record No: I21/349

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

The Local Traffic Committee received an internal request to investigate safety concerns at Tredegar Road, Bombala.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council investigate safety concerns at Tredegar Road, Bombala.

8.2 SMALL BAR, JINDABYNE

Record No: I21/358

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. Application Form 2. Police Email
Cost Centre	Infrastructure Administration
Project	Local Traffic Committee

EXECUTIVE SUMMARY

Council received an internal request for restricted parking signage located on Park Road, Jindabyne to cater for a new bar located at the corner of Thredbo Terrace and Park Road, Jindabyne. The Local Traffic Committee reviewed this and decided no changes to parking was required. However, the NSW

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 16 NOVEMBER 2021

Page 5

Police have requested this is addressed to prevent parking along Thredbo Terrace where all emergency services are located.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council ensure there are restricted parking signs along Thredbo Terrace, Jindabyne to maintain emergency service access.

That Council continue to watch how parking evolves at this space and install 'no parking' signs on Park Street, Jindabyne.

9. MATTERS OF URGENCY

10. NEXT MEETING

The next Local Traffic Committee meeting is Thursday December 2nd 2021 in the Cooma Committee Room.

There being no further business the Chair declared the meeting closed at 10:30am.

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9.3.2 ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 25 JANUARY 2022

Record No: 122/49

COMMITTEE RECOMMENDATION

That the recommendations of the meeting of the Local Traffic Committee held on 25 January 2022 be adopted.

BACKGROUND

The Local Traffic Committee met on 25 January 2022 through Microsoft Teams. The Committee's recommendations are presented for Council's consideration and adoption.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS

1. Linemarking plan for Jerrara Drive and Camira Avenue intersection
2. January LTC Minutes

RECOMMENDATION OF THE LOCAL TRAFFIC COMMITTEE – 25 JANUARY 2022

7.1 BERRIDALE ANZAC DAY COMMEMORATION

OFFICER'S RECOMMENDATION

That Council approve the temporary road closure of Kosciuszko Road between Park Street and just after Myack Street, Berridale from 11:00am to 1:00pm on Monday 25 April, 2022. During this time the detour will remain in place via Highdale Street, Gungarlin Street and Mackay Street, Berridale for Cooma traffic and Park Street, Jindabyne for Jindabyne traffic. That Council encourage water barriers or trucks at the end of the road closures to increase safety of pedestrians from unforeseen events.

This is on the condition Councils Road Safety Officer assists Snowy River RSL Sub-branch to gain a Road Occupancy Licence for Kosciuszko Road.

7.2 BOMBALA ANZAC DAY COMMEMORATION

OFFICER'S RECOMMENDATION

That Council approve the temporary road closure of Forbes Street between Therry Street and Wellington Street, Bombala and Maybe Street from Burton Street and Caveat Street, Bombala

from 5:45am to 1:00pm on Monday 25 April, 2022. During this time the detour will remain in place via Wellington Street, Caveat Street and Therry Street, Bombala. That Council encourage water barriers or trucks at the end of the road closures to increase safety of pedestrians from unforeseen events.

This is on the condition Councils Road Safety Officer assists Bombala RSL Sub-branch to gain a Road Occupancy Licence for Maybe Street.

7.3 JINDABYNE ANZAC DAY COMMEMORATION SERVICE

OFFICER'S RECOMMENDATION

That Council approve the temporary road closure of Jindabyne Town Centre Car Park and Kosciuszko Road, Jindabyne between Thredbo Terrace and Mclure Circuit, Jindabyne from 9:00am to 10:30am on Monday 25 April, 2022. During this time the detour will remain in place via Thredbo Terrace, Jindabyne. That Council encourage water barriers or trucks at the end of the road closures to increase safety of pedestrians from unforeseen events.

This is on the condition Councils Road Safety Officer assists Snowy River RSL Sub-branch to gain a Road Occupancy Licence for Kosciuszko Road.

7.4 LINEMARKING AT THE INTERSECTION OF JERRARA DRIVE AND CAMIRA AVENUE, EAST JINDABYNE

OFFICER'S RECOMMENDATION

That Council do not approve the linemarking plan for the intersection of Jerrara Drive and Camira Avenue, East Jindabyne until the following changes are made:

- A. The STOP sign is changed to a GIVEWAY sign.
- B. The GIVEWAY linemarking is moved to the correct side of the road.
- C. The GIVEWAY sign is moved to the top of the intersection to create better sight view.

7.5 SNOWY CLASSIC 2022

OFFICER'S RECOMMENDATION

That Council do not approve the request from Yaffa Media to host the Snowy Classic Cycling Event on Saturday 26 March, 2022 in the Snowy Monaro Region until the new traffic control plan for Berridale and Jindabyne has been viewed by the local traffic committee which will allow for a contraflow and less impact on local businesses. That Yaffa Media also provide evidence of community consultation and continue to liaise with the NSW Police.

That Council approve the Risk Assessment provided by Yaffa Media.





SNOWY MONARO
REGIONAL COUNCIL

Minutes

Local Traffic Committee Meeting

25 January 2022

**LOCAL TRAFFIC COMMITTEE MEETING
HELD IN ONLINE**

ON TUESDAY 25 JANUARY 2022

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 16 November 2021.....	2
5.	BUSINESS ARISING.....	2
6.	ACTION SHEET	2
7.	CORRESPONDENCE.....	2
7.1	Berridale ANZAC Day Commemoration	2
7.2	Bombala ANZAC Day Commemoration	3
7.3	Jindabyne ANZAC Day Commemoration Service	3
7.4	Linemarking at the intersection of Jerrara Drive and Camira Avenue, East Jindabyne.....	3
7.5	Snowy Classic 2022.....	4
8.	GENERAL BUSINESS	4
9.	MATTERS OF URGENCY.....	4
10.	NEXT MEETING.....	4

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 25 JANUARY 2022

Page 2

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD IN ONLINE**

**ON TUESDAY, 25 JANUARY 2022
COMMENCING AT 9:30AM**

PRESENT: Rebecca Copping, Snowy Monaro Regional Council
Sharon Horner, Transport for NSW
Stephen Banner, NSW Police
Bradley Hughes, NSW Police
Benjamin Granger, NSW Police

1. OPENING OF THE MEETING

The Chair opened the meeting at 9:30AM

2. APOLOGIES

An apology for the meeting was received from Duncan Mcrae, Transport for NSW

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 LOCAL TRAFFIC COMMITTEE MEETING 16 NOVEMBER 2021

RECOMMENDATION

THAT the minutes of the Local Traffic Committee Meeting held on 16 November 2021 are confirmed as a true and accurate record of proceedings.

5. BUSINESS ARISING

6. ACTION SHEET

7. CORRESPONDENCE

7.1 BERRIDALE ANZAC DAY COMMEMORATION

Record No: I22/36

OFFICER'S RECOMMENDATION

That Council approve the temporary road closure of Kosciusko Road between Park Street and just after Myack Street, Berridale from 11:00am to 1:00pm on Monday 25 April, 2022. During this time the detour will remain in

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 25 JANUARY 2022

Page 3

place via Highdale Street, Gungarlin Street and Mackay Street, Berridale for Cooma traffic and Park Street, Jindabyne for Jindabyne traffic. That Council encourage water barriers or trucks at the end of the road closures to increase safety of pedestrians from unforeseen events.
This is on the condition Councils Road Safety Officer assists Snowy River RSL Sub-branch to gain a Road Occupancy Licence for Kosciuszko Road.

7.2 BOMBALA ANZAC DAY COMMEMORATION

Record No: I22/37

OFFICER'S RECOMMENDATION

That Council approve the temporary road closure of Forbes Street between Therry Street and Wellington Street, Bombala and Maybe Street from Burton Street and Caveat Street, Bombala from 5:45am to 1:00pm on Monday 25 April, 2022. During this time the detour will remain in place via Wellington Street, Caveat Street and Therry Street, Bombala. That Council encourage water barriers or trucks at the end of the road closures to increase safety of pedestrians from unforeseen events.

This is on the condition Councils Road Safety Officer assists Bombala RSL Sub-branch to gain a Road Occupancy Licence for Maybe Street.

7.3 JINDABYNE ANZAC DAY COMMEMORATION SERVICE

Record No: I22/38

OFFICER'S RECOMMENDATION

That Council approve the temporary road closure of Jindabyne Town Centre Car Park and Kosciuszko Road, Jindabyne between Thredbo Terrace and Mclure Circuit, Jindabyne from 9:00am to 10:30am on Monday 25 April, 2022. During this time the detour will remain in place via Thredbo Terrace, Jindabyne. That Council encourage water barriers or trucks at the end of the road closures to increase safety of pedestrians from unforeseen events.

This is on the condition Councils Road Safety Officer assists Snowy River RSL Sub-branch to gain a Road Occupancy Licence for Kosciuszko Road.

7.4 LINEMARKING AT THE INTERSECTION OF JERRARA DRIVE AND CAMIRA AVENUE, EAST JINDABYNE

Record No: I22/41

OFFICER'S RECOMMENDATION

That Council do not approved the linemarking plan for the intersection of Jerrara Drive and Camira Avenue, East Jindabyne until the following changes are made:

- A. The STOP sign is changed to a GIVEWAY sign.

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 25 JANUARY 2022

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- | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>B. The GIVEWAY linemarking is moved to the correct side of the road.
C. The GIVEWAY sign is moved to the top of the intersection to create better sight view.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

7.5 SNOWY CLASSIC 2022

Record No: I22/42

OFFICER'S RECOMMENDATION

That Council do not approve the request from Yaffa Media to host the Snowy Classic Cycling Event on Saturday 26 March, 2022 in the Snowy Monaro Region until the new traffic control plan for Berridale and Jindabyne have been viewed by the local traffic committee which will allow for a contraflow and less impact on local businesses. That Yaffa Media also provide evidence of community consultation and continue to liaise with the NSW Police.

That Council approve the Risk Assessment provided by Yaffa Media.

8. GENERAL BUSINESS

Council has a new report template which has impacted the way the business paper and minutes look.

9. MATTERS OF URGENCY

10. NEXT MEETING

Tuesday 22 February, 2022

There being no further business the Chair declared the meeting closed at 10:20am.

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9.3.3 APPROVE ROAD NAMES FOR TWO NEW ROADS IN A SUBDIVISION TO THE SOUTH OF DALGETY

Record No: I22/17

OFFICER'S RECOMMENDATION

That Council approve the road names Riverbend Drive and Quarry Lane to go to the Geographical Names Board to be gazetted.

ISSUES

A multi stage subdivision off Hickeys Rd between Dalgety and the quarry south of Dalgety by the Snowy River was approved in 2011 (DA application number 010.2009.03000069.001). Currently Stage 3 is being constructed including 7 lots between Hickeys Rd and the Snowy River to the west. These 7 lots require a new public road that will also provide a public access route to the Snowy River and a right of carriage way to access 3 of the lots. To gain a subdivision certificate the public road and right of carriageway need to have names approved by council and gazetted by the Geographical Names Board.

Riverbend Road and Quarry Lane were agreed to in consultation with developers and were endorsed by Council at the 18 November Ordinary Council Meeting (Item No 9.1.2) for public exhibition and to go to the Geographical Names Board for endorsements. It has since been agreed with the developers to alter the street type 'Road' In Riverbend Road to 'Drive'. The process of approving and gazetting road names is not focussed on the street type, which is largely prescribed by Geographical Names Board road naming policy. The name Riverbend is the focus of this and previous road naming reports for this subdivision.

The names Riverbend and Quarry were advertised for comment in the Monaro Post between 1st December 2021 and 29th December 2021. No submissions or objections were received. The names have both been preapproved (endorsement step has recently been updated in the Geographical Names Board road naming portal to a preapproval step) by the Geographical Names Board for use in this subdivision at the mapped locations (see attachment).

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity	Low	Low	Yes
Health and Safety	Low	Low	Yes
Reputation and Image	Low	Low	Yes
Service Delivery	Low	Low	Yes

FINANCIAL IMPACTS

Amount	Details
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9.3.3 APPROVE ROAD NAMES FOR TWO NEW ROADS IN A SUBDIVISION TO THE SOUTH OF DALGETY

Current Annualised Net Cost	0	
Estimated Annualised Net Cost	0	
Capital Investment	0	
Capital Funding Source	0	

RESPONSIBLE OFFICER: GIS Administrator

OPTIONS CONSIDERED

Initially the options River, Riverside and Riverview were all considered in place of Riverbend Road, however all options are duplicated in nearby areas of the SMRC LGA meaning a high likelihood of rejection by the Geographical Names Board. This would lead to increased time investment by SMRC staff to restart the process with a new name and delays to issuing the subdivisions certificate.

IMPLEMENTATION PLANS

Implementation will be performed by:

EXISTING POLICY/DECISIONS

Council endorsement of the road names for public advertising and to go for endorsement by Geographical Names Board occurred in the Ordinary Council Meeting of November 18th 2021 with item 9.1.2. The road names adhere to the NSW Address Policy and User Manual 2021.

BACKGROUND

A multi stage subdivision off Hickeys Rd between Dalgety and the quarry south of Dalgety by the Snowy River was approved in 2011 (DA application number 010.2009.03000069.001). Currently Stage 3 is being constructed including 7 lots between Hickeys Rd and the Snowy River to the west. These 7 lots require a new public road that will also provide a public access route to the Snowy River and a right of carriage way to access 3 of the lots. To gain a subdivision certificate the public road and right of carriageway need to have names approved by council and gazetted by the Geographical Names Board.

Riverbend Road and Quarry Lane were agreed to in consultation with the subdivision developers after considering River, Riverside and Riverview in place of Riverbend. Riverbend was selected as it had the greatest chance of approval and gazettal by the Geographical Names Board. Riverbend represents the geographic nature of the road and location, as its end point will provide the public direct access to the public land corridor along the Snowy River a short distance south of Dalgety at a prominent bend in the river. Quarry was chosen as a representation of local geographic features, relating back to the presence of a quarry a short distance south of the subdivision.

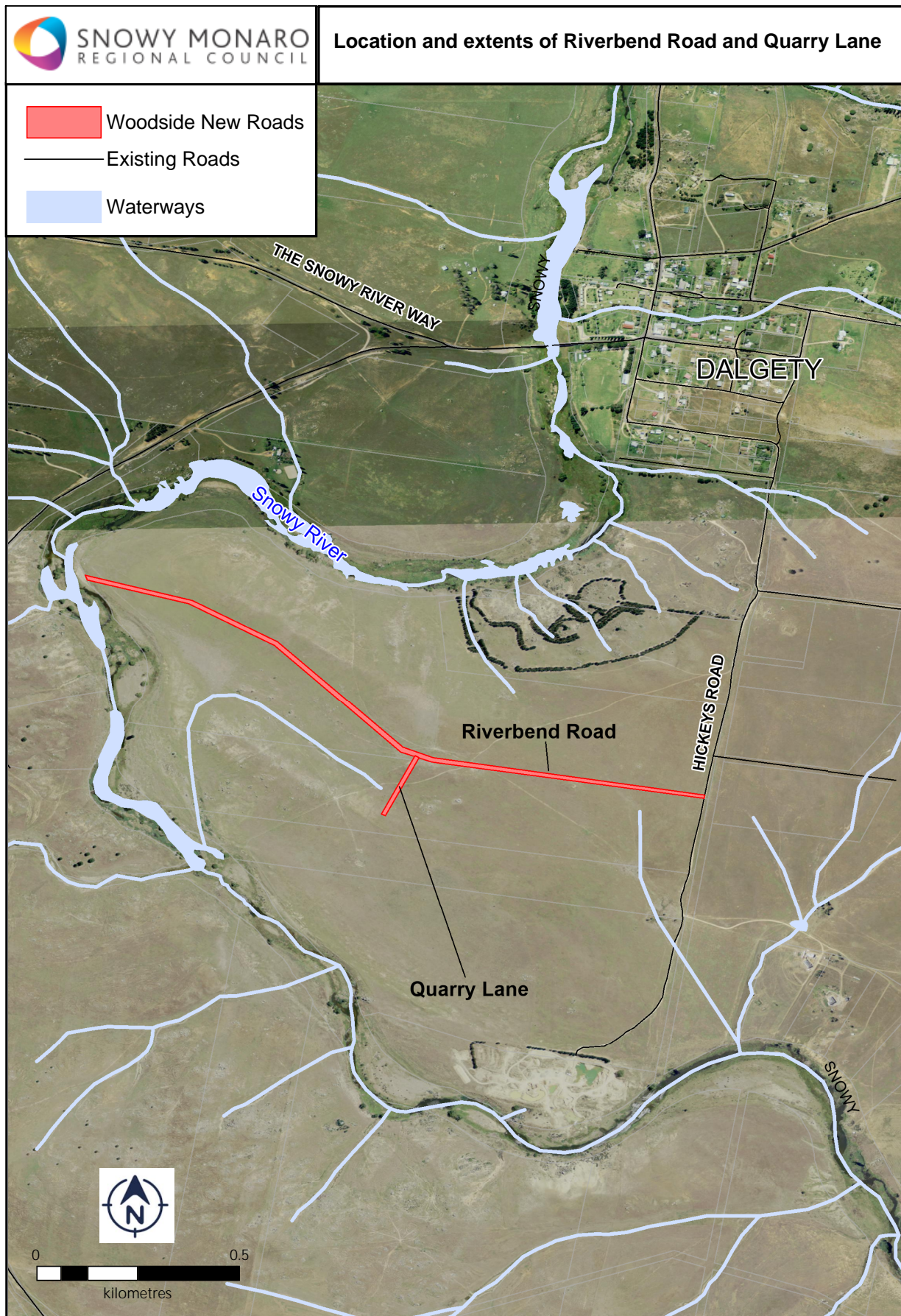
The names were endorsed by Council at the 18 November Ordinary Council Meeting (Item No 9.1.2) for public exhibition and to go to the Geographical Names Board for endorsements. It has

9.3.3 APPROVE ROAD NAMES FOR TWO NEW ROADS IN A SUBDIVISION TO THE SOUTH OF DALGETY

since been agreed with the subdivision developers to alter the street type 'Road' In Riverbend Road to 'Drive'. The process of approving and gazetting road names is not focussed on the street type, which is largely prescribed by NSW Address Policy and User Manual 2021. The name Riverbend is the focus of this and previous road naming reports and for this subdivision.

ATTACHMENTS

I



**9.3.4 COUNCIL SUBMISSION ON DRAFT STATE SIGNIFICANT AGRICULTURAL LAND MAP
PREPARED BY DEPARTMENT OF PRIMARY INDUSTRIES**

Record No: 122/72

OFFICER'S RECOMMENDATION

That Council endorse the submission (attached) in relation to the Draft State Significant Agricultural Land Mapping prepared by the Department of Primary Industries

ISSUES

The Draft State Significant Agricultural Land (SSAL) Mapping has been prepared by the Department of Primary Industries (DPI) in response to a recommendation made by the Agriculture Commissioner's Report, *'Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System'* released in July 2021. The report is focussed around the NSW planning system and therefore has implications for Council's Strategic Land Use Planning.

DPI have indicated that the development of the mapping will be an iterative process. DPI are initially seeking feedback on the methodology of the mapping, specifically what data sets may be used to better inform the mapping, in addition to those that have already been identified.

A key matter which has been raised in the submission is the lack of a supporting policy which would clarify how the mapping will be implemented. Despite this, it is understood that the mapping may have implications in terms of the growth of the towns and villages in the area as well as strategic rural land use planning.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Reputation and Image	Low	Low	Yes

There is little risk to the organisation in making a submission, however; there are greater reputational risks in not making a submission, considering the importance of agriculture and primary production to our region, along with the work Council has been doing recently on the development of a Rural Land Use Strategy to inform a comprehensive Local Environmental Plan.

FINANCIAL IMPACTS

The financial impact to Council of preparing this submission was approximately 8 hours of staff time, quantified as \$560 funded via staff wages.

There are no financial impacts to Council whether the recommendation to endorse the submission is supported or not supported.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

Consideration was given to not making a submission at all. Given the reputational risk of not making a submission, the decision was to prepare a submission.

IMPLEMENTATION PLANS

Any changes recommended by the Council will be inserted into the submission and finally the submission will be forwarded to the DPI for consideration as soon as possible after the Council meeting.

EXISTING POLICY/DECISIONS

The submission drafted is consistent with Council's Local Strategic Planning Statement, specifically Planning Priority 5 'Promote, grow and protect agricultural production and industry'. Planning priority 5 identifies a direction that Council will:

- Identify and protect prime agricultural land from fragmentation.
- Work with DPIE to obtain and map locally significant agricultural land.

BACKGROUND

The DPI are seeking feedback on the first iteration of the Draft State Significant Agricultural Land Mapping, <https://nswdpi.mysocialpinpoint.com/ssal>. This mapping has been prepared in accordance with Recommendation 3 (below) of the Agriculture Commissioner's Report, 'Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System' released in July 2021.

3. The statutory SSALUP Policy should be supported by a map of State Significant Agricultural Land (SSAL). As a starting point, the map should draw on existing and readily accessible data sets including: an expanded data set of Biophysical Strategic Agricultural Land (BSAL), irrigated lands and the North Coast Farmland mapping. Over time this should be supplemented with Identified Production Areas (see recommendation four) and other areas identified and zoned for higher value or specialised agricultural production.

- The mapping process should include a verification process, which would allow landowners to provide evidence to DPI that the land does not meet the SSAL definition. DPI would determine whether the map needs to be varied.
- DPI should exhibit an SSAL map alongside arrangements for how this land is managed, similar to the arrangements applied to the Far North Coast and Mid-North Coast Important Farmland Map.
- DPI should update the SSAL map as better information becomes available, with a formal review at least every five years.

Figure 1 Recommendation 3 of the Agriculture Commissioner's Report

During the public exhibition period, Council shared DPIs SSAL Mapping exhibition page on its Facebook page and with the Community Reference Group (CRG) established to provide input on the Draft Rural Land Use Strategy. This was to ensure that a wide variety of the community were aware and could also have input on the mapping.

9.3. COUNCIL SUBMISSION ON DRAFT STATE SIGNIFICANT AGRICULTURAL LAND MAP PREPARED BY DEPARTMENT OF PRIMARY
4 INDUSTRIES

ATTACHMENTS

1. Draft State Significant Agricultural Land Mapping Submission
 2. Agriculture Commissioner's Report - 'Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System'
-



Enquiries Brooke Davey
Our Ref SC559
 Cooma
Your Ref State Significant Agricultural Land Mapping

<insert date>

SSAL Feedback
Locked Bag 21
Orange NSW 2800

Dear Sir/Madam

State Significant Agricultural Land Mapping

Council appreciates the opportunity to provide feedback on the State Significant Agricultural Land (SSAL) package.

The following comments are based on review of the NSW Agricultural Commissioner's Report on *'Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System'* (Commissioner's Report), the draft SSAL mapping currently on exhibition, and the SSAL Mapping Data Summary Statement.

SSAL Policy

The recently published Agriculture Commissioner's report recommended that a draft SSALUP Policy support any draft SSAL mapping for consideration. Without a supporting policy framework to provide context, outline the desired outcomes of the policy and mapping, or what constitutes state significance, it is difficult to provide useful feedback on the map. We look forward to further consultation on the mapping once the draft SSAL policy and intent becomes available.

Current methodology

Council understands that the methodology and the mapping intend to identify areas with high inherent biophysical attributes and do not require any inputs or consider farm management practices. However, Class 4 land has been used in two of the models. Further consideration should be given to Class 4 land, described as having "severe limitations" and "requiring specialised management practices with high levels of knowledge, expertise, inputs, investment and technology". Is considering Class 4 land as 'state significant' consistent with the desire to map only those areas that do not require any inputs and farm management practices?

Additional matters for consideration and future iterations

Additional matters for consideration that are relevant to southern NSW includes:

SNOWY MONARO REGIONAL COUNCIL

- The timing of rainfall throughout the year may be more important than simply considering average yearly rainfall
- Rainfall reliability and variability, year to year
- Other climatic factors such as number of frost days/severe frost days which may affect growth

It is not clear from the methodology whether factors have been weighted. Still, it may be prudent to weight consistent, reliable rainfall at the right time of the year as being more important than many of the other factors assessed. Appropriate weighting of attributes is likely to improve the consistency and reliability of mapping.

It is noted that several environmental mapping layers may not have been taken into consideration or excluded from the SSAL mapping. Mapping layers which should be considered for exclusion are the:

- State Significant Wetland Mapping
- Sensitive regulated land
- Any in perpetuity conservation agreements sites or offset sites (as these are akin to National Parks).
- Set Aside Areas established in relation to a Land Clearing Permit issued by Local Land Services.

The SSAL mapping data summary sheet outlines SSAL as follows, *“biophysical attributes of SSAL represent the most capable, fertile and productive agricultural lands in the state.* While it is well known that fertile agricultural land is productive, there is no objective measure of what ‘productive’ means. Within future iterations of this mapping tool, consideration could be given to including Australian Bureau of Statistics (ABS) data on agricultural productivity in the methodology.

SMRC is currently drafting a rural land use strategy which is considering areas of regionally significant agricultural production and providing land use controls to limit land use conflict and land fragmentation. This mapping exercise has also taken into consideration ABS data to provide an objective measure of the productivity of the land, along with the biophysical values of the land.

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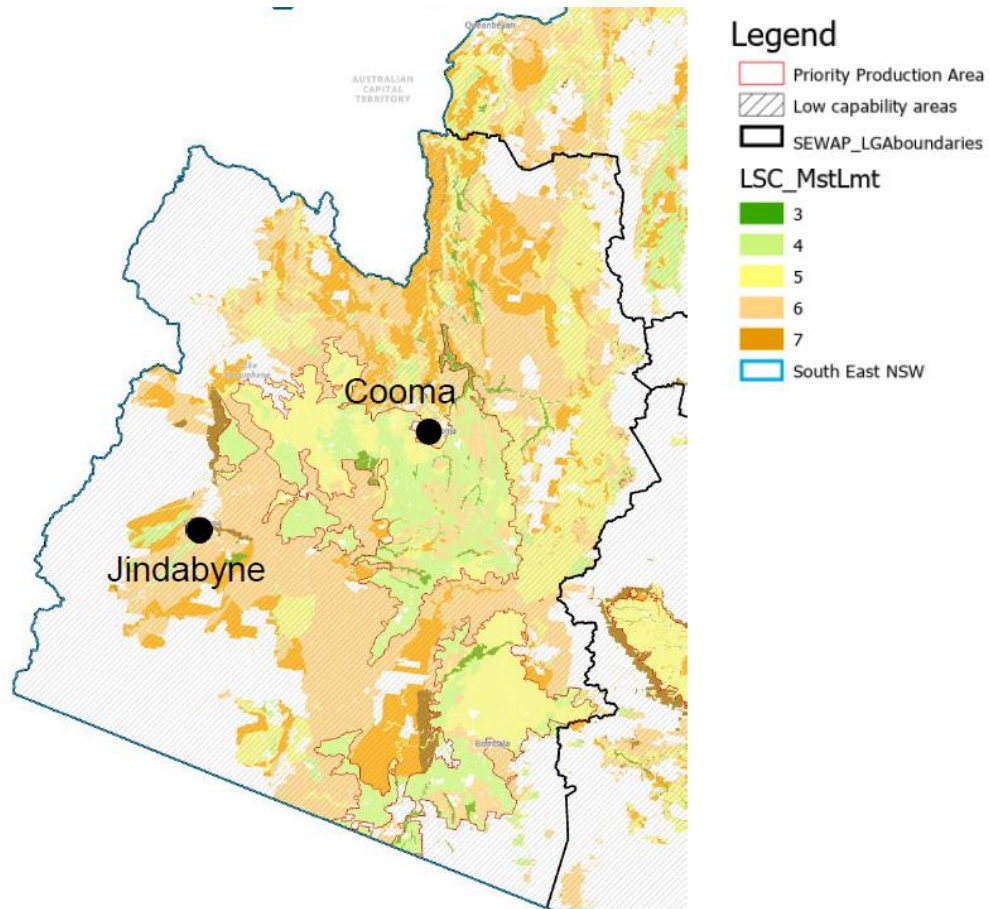


Figure 1 Regionally significant agricultural land within the Snowy Monaro Region

Consideration should be given to a hierarchy of agricultural land and differentiation between what is state significant, regionally significant and locally significant.

Data confidence

Staff note that the data confidence is low for most of the region as per the extract below. The lack of data confidence is of significant concern and suggests a need for further data collection and investigation across the Snowy Monaro. Particularly around the Bombala, Delegate, Berridale and Adaminaby areas, which may warrant further specific studies.

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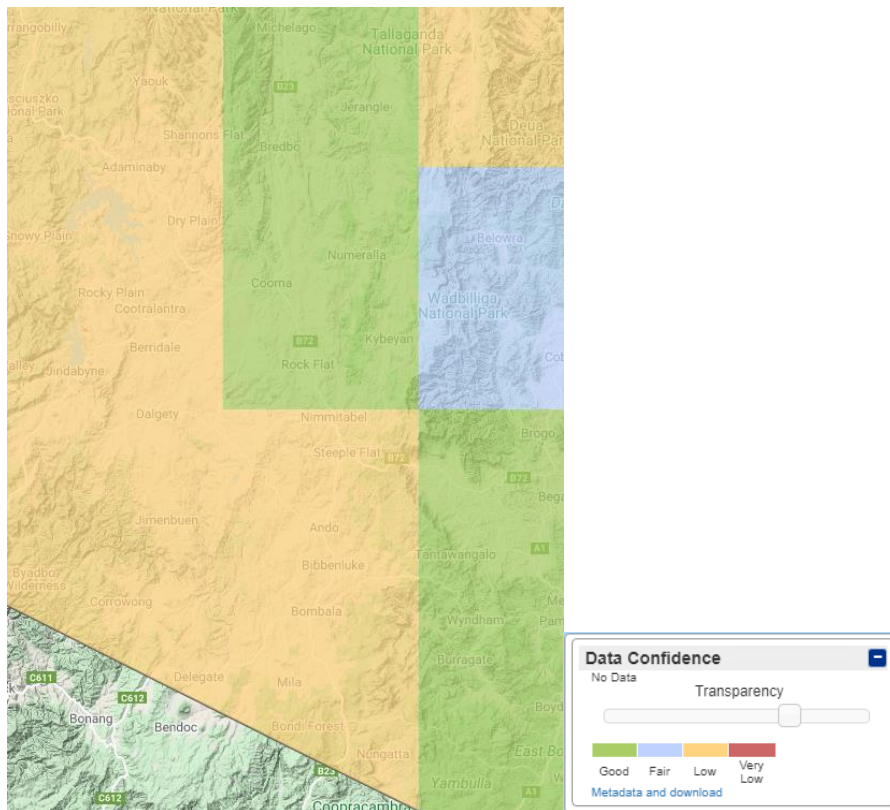


Figure 2 eSPADE v2.1 - Data confidence of state wide land and soil mapping

Council supports the undertaking identified in comments on the maps of dissolving those smaller areas (e.g. 10ha or less). It is unlikely that these areas would offer significant agricultural production value on their own. Likewise, consideration could be given to filling in small gaps between mapping as the less productive area may still be state significant when surrounded by a highly productive area.

A high number of anomalies can be seen in the online mapping tool, indicating that the methodology being used is often not accurately identifying whether land as state significant or not. It is hoped that the feedback into the mapping will lead to improvements to the modelling to allow increases confidence in the mapping and that adequate resources will be applied to ensure that high quality mapping data is available to support strategic land use planning.

Agriculture Commissioners Report

Council staff support Recommendation 1 to create an SSAL Policy to be implemented in regional plans to ensure that the state’s best quality agricultural land is integrated into local strategic planning. Though it should be noted Council holds concerns over the methodology and data reliability of the draft map as per comments above. The mapping of significant agricultural land across NSW is overdue, and it is recognised that this could be a powerful land-use planning tool.

In relation to Recommendation 3, once the SSAL map is finalised, the statutory weight could be assigned to the mapping via section 9.1 Directions to limit incompatible land uses causing land use conflict and preventing land fragmentation. As outlined above, the final mapping product should reflect highly productive areas.

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Recommendation 6 refers to revising some land use definitions to ensure they are fit for purpose. Concerning Attachment 4 of the Commissioners Report, the following comments are provided:

- Artisan food & drink industry – Supportive of this land use being decoupled from the light industry group term. This would be particularly useful in the Crackenback area zoned C3 Environmental Management, within which light industry is mandatorily prohibited despite this area supporting several existing uses of a similar nature. An alternative may be to consider the land use definitions proposed under the Agritourism and Small-Scale Agriculture Development EIE to address this issue.
- Horticulture – Supportive of new definitions which would separate those horticultural uses that would have significant visual impacts from those that do not.
- Farm building – Supportive of widening the definition of ‘farm building’. However, the Codes SEPP should provide for a wider variety of low impact ancillary farm structures.

Recommendation 10 of the Commissioner’s Report seeks to reinforce the avoidance of unplanned residential development in the rural zone, including phasing out existing holdings concessional lots and could apply to lot averaging in rural zones. Land use controls to avoid unplanned additional quasi-rural residential and hobby farm type particularly in the RU1 zone, often remote from services is commended. Finally, staff would like to see additional support and guidance for determining appropriate minimum lot sizes.

Should you have any queries regarding this application please contact Council's Strategic Planning Team on 6451 1584.

Yours faithfully



Peter Bascomb

Chief Executive Officer

Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System

A REPORT BY THE NSW AGRICULTURE COMMISSIONER



Foreword

Agriculture in NSW and generally in Australia is experiencing a resurgence – of profitability, sentiment, and interest from investors. This is making a significant difference to lives of many, and particularly those living in regional areas of the State.

The prospects for growth in food and fibre production are the strongest we have seen for many years. However, at the same time we are seeing strong underlying growth in our population, its urban footprint, and in the demand for rural residential developments. There is already significant conflict over land uses arising from these pressures and the expectation of those involved in and observing this conflict is that as these pressures grow so will the associated conflict. Conflict is a damaging experience for those involved, and affects the behaviour of those who see that their businesses are exposed to similar risks.

The planning system has the capacity to support a growth agenda for agriculture and regional NSW, and we can see from experiences in other countries and states of Australia that there are policy measures which can reduce the potential for land use conflict, with significant resulting social and economic benefits.

Staff from the Department of Primary Industries provided valuable assistance during this review. The review received 85 submissions in two rounds from many producers, their associations, councils and other interested parties. They were high quality contributions and some were the product of a significant amount of research and thought. This was supplemented by numerous discussions, structured seminars and conversations. This was the primary evidence used in the review and was essential to supporting the analysis and judgements in this report.

Daryl Quinlivan
NSW Agriculture Commissioner

15 July 2021

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1. Summary

The NSW planning system seeks to accommodate competing land uses for the benefit of the State and its residents. This means balancing very different and frequently conflicting considerations and priorities, including individual and broader community interests. For rural and peri-urban land this typically involves meeting demands for housing, industrial development, essential local and regional infrastructure and services, as well as production agriculture and conservation. It also means the provision of land for mines, quarries, and energy production and transmission. These developments may not be locally popular but are considered by the Australian, State, and local governments as essential to continuing economic and community development. The planning system also aims to maintain difficult to quantify community values such as the character of local landscapes and conservation areas.

There is a wide range of views and judgments about priority land uses and conflict arises over decisions taken in the past, those under consideration and anticipated in the future. Agricultural land use is figuring more prominently in land use planning, and there are increasing calls for a more structured and orderly way of managing planning issues affecting the agriculture sector. This is a global experience and governments are developing stronger policy responses to manage long-term land use objectives.

The main sources of these pressures are growing urban populations and an expanding urban footprint, a growing interest in rural residential development and lifestyles, and a renewed interest from producers and investors in the agriculture sector.

According to a 2019 Agrifutures report, Australia experienced a 14 per cent decline in land used for food and fibre production between 1973 and 2017, a loss of around 106 million hectares. In addition to land use change, agriculture in Australia has faced several challenges in recent years including more variable seasons, rainfall and water supply deficiencies, disruptions to market access for some products and widespread labour shortages. Despite these challenges, Australian agriculture is experiencing historically high prices, rising asset prices and investor interest. Productivity improvements and increased investment have meant the value of production has increased in spite the decline in land used for food and fibre production.

In 2017-18, NSW agricultural output was around \$13 billion, nearly 25 per cent of the value of our national production. Agriculture in NSW employs over 62,000 people,¹ mostly in the regions. It supports important downstream and upstream industries such as meat and fibre processing, milling, pressing, canneries, transport, and hospitality. It also supports complementary industries - including wineries, restaurants, and tourism - and promotes the health and wellbeing of our communities by providing access to some of the best quality produce in the world. The NSW Government is seeking to realise the growth opportunities in agriculture and supports the industry's objective of growing farmgate production to \$30 billion by 2030. Achieving this will largely depend on new investment in intensive and semi-intensive production systems. It would also support substantial growth in rural economies and employment.

¹ Binks B, Steneke N, Kruger H, Kancans R. Snapshot of Australia's agricultural workforce.

Land use change has always been central to economic development. The conversion of agricultural land to residential use will continue to accommodate NSW's growing population. The NSW Government's *Intergenerational Report 2016-17* estimates the NSW population will more than double by 2056 to 11.2 million, with net migration of around 41,000 per annum. The NSW 2041 Housing Strategy suggests that regional NSW will attract a larger share of that growth than it has in the past.

So, the two main sources of land use conflict are accelerating – increasingly intensive production practices and an expanding urban footprint accommodating this population growth. To meet the agriculture growth target and achieve the regional development that will result, the NSW Government will need to plan more assertively and explicitly for agriculture.

In the coastal and peri-urban zone this is necessary for other reasons. Viable commercial businesses based on agriculture are essential elements of the long-term pattern of land use communities and land use regulators are seeking. However, in these areas viability is a considerable challenge and will be more so as the size of these properties continues to fall. Landowners will want to operate more intensive production systems to achieve viability which in turn increases the risk of conflict. Planning agencies face enormous long-term challenges maintaining diverse land uses in these areas as the underlying forces are all moving in an opposing direction. The review's proposals to improve the management and mitigation of conflict will assist and strengthen strategic planning. However, strategic planning is only part of the solution as it won't address existing conflict and has been unable to avoid creating conflict to date. Recent experience indicates stronger planning and a new conflict reduction process are both required.

The planning system comprises a logical cascade of State, regional and local plans, and Ministerial Directions, reflecting State priorities, and regional/district and local strategic plans reflecting priorities at those levels. However, the complexity of the planning framework, dispersed decision-making, and the need to constantly resolve conflicting priorities means that planning at the strategic level struggles to direct project approvals and resolve these conflicts in a way that is sufficiently clear for the affected parties, including local governments as the main regulator in this area.

Councils wishing to prioritise agriculture do not feel that there is enough direction in the planning framework to strategically plan effectively for future agricultural land use. Furthermore, rural zones are often treated as a 'default zone' where conflicting and competing land uses are clustered together. There is insufficient guidance or incentive to cluster agriculture or provide appropriate land use settings to avoid conflict. A recommendation in this report is for a review of the permissible uses in the rural zones with the aim of refining the objectives to prioritise agriculture in the RU1 Primary Production zone across NSW.

The planning system can recognise agricultural land use explicitly, improve consistency of decisions made about this land and increase the confidence of current and future producers in their business planning. Policy settings that take advantage of the positive underlying economic fundamentals will make a lasting contribution to the health of our regional economies and communities. The recommendations in this report propose adjustments to the planning system to improve the regulatory environment for the agriculture sector, and

measures to reduce conflict between producers and the increasing number of neighbours unfamiliar with normal production systems.

While there has been little directly relevant data available for this review, there are common perceptions and experiences among the most closely involved parties – local governments and agricultural producers and their representatives. This has provided confidence that the review has identified genuine problems and that the proposed policy measures will be effective in reducing those problems or at least their current disturbing trajectory.

There was strong agreement from all parties involved that land use conflict and problems facing agriculture in the planning system warrant strong policy responses.

Increased land use conflict is not unique to NSW or Australia. Most Australian states and developed countries generally are grappling with urban growth, land use change and its consequences. This includes serious risks to the generally shared objective of maintaining diverse landscapes and providing appropriate separation of urban centres.

Significant land use change will continue in NSW as our population increases and disperses, solar facilities expand and other uses of rural land including carbon sequestration increase their footprints. Conflict is a debilitating experience for everyone involved and has a significant economic cost. Reducing these costs is an important policy goal in achieving growth.

The 2019 Planning Institute of Australia's report *'Rural and regional (NSW)'* describes land use conflict as *'arguably the most immediate planning issue facing rural and regional NSW'*. Several councils identified this conflict as their most troublesome issue, and many observed that it was getting worse. The Commissioner also heard from investors that NSW was becoming a less attractive jurisdiction for new projects because of complexities associated with planning approval processes and the risk of becoming embroiled in this conflict. The *Right to Farm Act 2019* goes some way in addressing land use issues confronting agricultural producers. This Act created a shield preventing nuisance lawsuits from being brought in relation to a lawful commercial agricultural activity. It provides this protection against civil suits only. This does not address the bulk of the land use conflict issues facing producers where normal every day practices are subject to complaints and potentially enforcement action under the *Protection of the Environment Operations Act 1997* or the *Local Government Act 1993*.

A variety of different measures have been adopted in Australia and internationally to address land use conflict. Some other jurisdictions have extended the logic of the *Right to Farm Act 2019* to provide a defence for producers using 'normal' practices in a responsible manner against complaints. The objective is to provide clarity for both producers and nearby residents on what practices are acceptable and what can reasonably be expected if you live near production agriculture. This provides an authorised framework for decision-making by land use regulators to improve consistency and predictability. This in turn provides confidence for investors that their businesses can operate without interference while they comply with these practices.

There is an opportunity to take advantage of investors' favourable sentiment toward agriculture and the Government's focus on growth in regional NSW. Success will require policy innovations and new regulatory mechanisms that recognise the importance of land

use planning for agriculture. There is local and international evidence that agriculture can co-exist with urban populations. The Netherlands, for example, has strategically planned for the use of rural land since 1945 and is now the world's second biggest agricultural exporter despite its small landmass.²

A critical recommendation in this report is the creation of a NSW Farm Practices Panel to provide much needed clarity about acceptable operating practices and increased incentives for producers to see those practices as an essential part of preserving their future capacity to operate successful businesses.

Other recommendations in this report aim for improved information for regulators and investors, streamlining the development approval process by clarifying definitions, making better use of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Inland Code)* and digitising land use planning for farmers.

The planning system applies state-wide, but local conditions, operating realities and priorities vary widely, and this diversity is difficult to accommodate in a single system. The type and level of land use conflict, and local priorities differ dramatically across NSW. This report proposes increased adaptation of the planning system to address this diversity, particularly between inland and coastal areas. The NSW Government has already adopted this principle in creating special purpose precincts with bespoke planning measures such as the Regional Jobs Precinct and the Special Activation Precincts. The State has intervened to make decisions and streamline the development process in those areas but much of inland NSW has similar characteristics and development aspirations.

A central recommendation in this report is to develop a specific policy on agricultural land use. This would include identification of higher quality agricultural land and a State Significant Agricultural Land (SSAL) map that could be used consistently by councils and other agencies to inform strategic planning consistent with the State's growth objectives. A map and supporting policy are the first step to improving how agriculture is considered in land use planning. Once a policy and land identification are in place and have been publicly reviewed the Government should consider a statutory basis for this policy to ensure it becomes an entrenched element of case-by-case decision-making rather than guidance to assist decision-makers exercising discretion. Feedback to this review has been that "*another policy*" is unlikely to improve long-term decision-making although it is a necessary step towards this outcome.

While biophysical characteristics of land will always matter, future development will depend more on access to infrastructure and services, labour, processing capacity, connectivity, etc, and over time these considerations will need to feature more prominently in local planning and decision-making.

This report proposes short- and longer-term measures that would improve planning outcomes for agriculture and increase confidence for producers, investors, land regulators, as well as increase certainty for nearby residents about the nature of those operations. These measures would assist councils in managing their planning and conflict management functions. Councils and their staff bring considerable skill and commitment to these roles,

² Boere EJ. *Economic analysis of Dutch agricultural land use in a changing policy environment* (Doctoral dissertation, Wageningen University).

but the scale and breadth of the conflict issues in particular requires a State and system-wide approach to supplement those individual skills.

Several other issues outside the terms of reference for this review were raised by stakeholders during consultation. A few submissions and discussions during the consultations argued that the Commissioner requires statutory powers to be effective. The issue of the Commissioner's functions is a matter for the NSW Government. The only comment the existing Commissioner would make is that improving policy, systems and structures that apply across the State is likely to have a much higher return for the public and agriculture sector than applying the same resources to the resolution of individual cases, however worthy they may be. More significant, however, were the concerns from landowners and their representatives about the handling of planning processes for new energy generation and transmission facilities, and major infrastructure projects such as the inland rail construction. The report includes some comments on these issues.

2. Recommendations

1. The NSW Government should take a phased approach to adopting a statutory State Significant Agricultural Land Use Planning Policy (SSALUP Policy). Initially, a policy should be released, following a public comment process, which is implemented through Regional Plans and which councils are directed to implement through strategic planning. Once a policy has been applied through the strategic framework and is seen to be contributing to improved decision-making about agricultural land use, the NSW Government should consider adopting further 'considerations' in the PPRD SEPP to provide councils with clear direction on how to respond to developments on and around SSAL. In addition, the NSW Government should provide councils a checklist of considerations to guide development decisions that impact agricultural land.

2. The objectives, permitted land uses and application of the RU1, RU2 and RU4 zone should be reviewed by DPIE and DPI to ensure there is a clear determination of priority for agriculture (and therefore other permitted uses) in these zones. Following this review the NSW Government should ensure there are clear policies governing land use and consideration of development proposals consistent with these zone objectives.

3. The statutory SSALUP Policy should be supported by a map of State Significant Agricultural Land (SSAL). As a starting point, the map should draw on existing and readily accessible data sets including: an expanded data set of Biophysical Strategic Agricultural Land (BSAL), irrigated lands and the North Coast Farmland mapping. Over time this should be supplemented with Identified Production Areas (see recommendation four) and other areas identified and zoned for higher value or specialised agricultural production.

- The mapping process should include a verification process, which would allow landowners to provide evidence to DPI that the land does not meet the SSAL definition. DPI would determine whether the map needs to be varied.
- DPI should exhibit an SSAL map alongside arrangements for how this land is managed, similar to the arrangements applied to the Far North Coast and Mid-North Coast Important Farmland Map.
- DPI should update the SSAL map as better information becomes available, with a formal review at least every five years.

4. The NSW Government should identify and promote Identified Production Areas (IPAs) to build on existing and potential comparative advantages of different regions to promote agricultural investment and growth. DPI should consult with relevant industries and councils on their development goals for agriculture and how IPAs could be implemented across NSW.

5. DPI should work with DPIE to monitor changes in rural zones and the effectiveness of strategic plans in influencing development decisions about agriculture and report annually on findings.

- Public reporting should aim to assess the rate of conversion of land in the RU1, RU2, and RU4 to a zone where agriculture is not permissible as well as monitor the conversion of rural land through State Significant Developments. This reporting should distinguish

any land classified as SSAL. The report should identify where changes are occurring and whether these conversions are consistent with the relevant Regional Plan. Any land being converted into zones where agriculture is permissible should also be monitored to understand the net land available where agriculture is permissible. Maps could be produced by DPI land use planners at a local government-level if requested by council.

- The data from the monitoring process could be used by the Government to:
 - Establish a baseline understanding of how much and where the rural land is located;
 - Determine the trend in conversion to zones where agriculture is not permissible;
 - Assess the consistency of rezoning with Regional Plans.
- A spot audit should be included in the annual report to test the consistency of development application outcomes with the relevant strategic planning framework in that area. Councils could also use this data to assess consistency with their Local Strategic Planning Statements or other strategic plans.

6. The NSW Government should seek to reduce red-tape for agricultural development and investment by:

- **DPIE working with DPI to investigate and revise the suitability of definitions of the following terms in the Standard Instrument - Principal Local Environmental Plan:**

- Beekeeping
- Equine breeding or training establishment
- Horticulture
- Intensive livestock and plant agriculture
- Plantation forestry for carbon sequestration
- Small on-farm abattoirs
- Urban agriculture

- **DPIE working with DPI to provide clarity and guidance on how ancillary development for agriculture works in the planning framework, with specific examples.** This may include a list of 'considerations' to guide interpretation.

7. The NSW Government should adopt the principle that development controls for inland NSW should be more accommodating of agricultural operations and development, and that the Inland Code is an appropriate mechanism for implementing this principle.

- DPIE should review the Inland Code and identify opportunities to expand exempt and complying developments and other regulatory concessions following the delivery of the localised precincts (e.g., Regional Job Precincts) and experience with their policy settings or within two years using the evidence available at that time.
- The NSW Government should extend the lessons from the bespoke planning settings in the Namoi Regional Job Precinct more broadly across inland NSW, to promote investment. Elements being considered for the Namoi Regional Job Precinct include reviewing legacy dwelling eligibilities, applying consistent buffer requirements, fast-tracking development and consent pathways, minimising incompatible land uses and simplifying integrated development assessments. If successful and applicable, the lessons from IPAs could be applied across inland NSW.

8. Subject to receipt and consideration of a positive business case, the NSW Government should support the digitisation of farm development planning through the Navigating Farm Developments Platform. DPIE Planning should provide technical input and assistance to help integration with the ePlanning and spatial portals. This would simplify the development application process, maximise investment potential and improve confidence in the planning system.

9. The NSW Government should require councils to consider buffer guidelines for agricultural operations in relevant development application approval process. This mandatory consideration, implemented through the Standard Instrument LEP, should also apply the agent of change principle so that established buffers are considered in neighbouring development decisions. This principle should also guide enforcement activities and responses to complaints made against farming activities.

- DPI should review existing buffer guidelines and work with industry and councils to ensure they reflect contemporary science, best practice and meet regulatory needs. Over time this could contribute to the work of the NSW Farm Practices Panel (recommendation 12). The ability of councils and proponents to identify where buffers are in operation should be improved and the function and integrity of existing buffer conditions in development consents reinforced.

10. The NSW Government should require councils to improve the integrity and effectiveness of their rural zoning arrangements by phasing out concessional dwelling eligibilities and existing holdings clauses in the rural zones and provide appropriate support to do so. Any land holder with an existing dwelling eligibility on a concessional allotment or existing holding could be given a period of five years to submit a development application before the eligibility is extinguished.

11. DPI in partnership with relevant NSW Government agencies should implement education programs for council planners, councillors and the wider public about agricultural land use planning needs and the planning instruments that support these uses. The education programs should be targeted to the audience and aim to:

- Educate council staff and councillors to improve planning and decision-making, issues covered should include:
 - Land use conflict
 - Rural Strategic Planning
 - Buffers
 - Rural worker dwellings and the importance of supply of agricultural labour
 - The practices and needs of particular agricultural industries.
- Educate the wider public to improve understanding of rural Australia and the operations of the agriculture sector, this will include revising the Living and Working in Rural Areas Handbook.

Over time these education materials should draw on the work of the NSW Farm Practices Panel (see recommendation 12).

12. The NSW Government should establish a NSW Farm Practices Panel which would assess and where satisfied endorse industry codes of practice, and in doing so advise all interested parties on what operating practices associated with land use conflict are 'normal' and should be acceptable.

In line, with the potential role and scope outlined in Box 1 (see section 6), the panel members should not have a representative or other close association with industries which develop codes, nor with their regulation, and be supported by appropriate technical expertise. It should be voluntary for industries to submit their codes of practice for assessment and these codes can be existing or can be crafted to reflect those practices subject to complaints. In assessing codes, the panel would have regard to current evidence of good practice in situ, contemporary science, compliance with relevant contemporary law (relating to industrial noise, chemical use, odour, water use, emissions, etc.), operating practices and regulatory experience and practice in other Australian and international jurisdictions. The codes would be regularly reviewed to ensure they keep up with evolving practices and regulatory developments. While they would have State-wide application, some codes could include regional modules to reflect different operating conditions and potential for, and source, of conflict. The codes would aim to provide a 'how to comply' manual, and reinforce rather than dilute existing environmental protections.

Compliance with an endorsed code of practice should be taken into account in complaints investigations and enforcement action (that is, in prosecutions, evidence of compliance or non-compliance with a code should generally be sound evidence that the producer has complied with the law) and the codes should provide a robust and consistent basis for consent authorities formulating development approval conditions. This could assist councils or other government authorities, such as the NSW Environment Protection Authority, in responding proportionately to complaints, ensure codes set out a means of complying with regulatory requirements, and encourage industries to maintain the currency of codes of practice.

Once the model is operating and seen to be delivering benefits the Government could consider recovery of the Panel's costs from the beneficiaries.

13. DPI should establish a Council Reference Group for the purpose of bringing councils together from across NSW to share experiences of agricultural land use conflict.

Through this forum, councils could use the community of practice to develop approaches to best address land use conflict and emerging agricultural needs. This body could be a mechanism for designing a process to collect data on land use conflict impacting producers and provide updates to DPI and other agencies on their findings.

Attachment 1 sets out an implementation framework for how the NSW Government can deliver these recommendations in phases.

3. Glossary

Term	Definition
Agricultural buffers	Agricultural buffers are areas of land set aside to provide separation between agricultural and sensitive land uses to minimise the impacts of the land uses on each other. These buffers can be vegetated to form a physical and visual barrier to mitigate impacts and improve amenity.
Agricultural land use conflict	For the purposes of this report, land use conflict refers to complaints arising from noise, odour, dust, light, and spray drift from an agricultural land use. Some agricultural practices present externalities that can be sources of nuisance complaints.
Agritourism EIE	Agritourism and Small-Scale Agriculture Development Explanation of Intended Effect
AIS	Agricultural Impact Statement
BSAL	Biophysical Strategic Agricultural Land i.e., land with high quality soil and water resources capable of sustaining high levels of productivity as mapped in <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> .
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
Inland Code	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Inland Code)
IPA	Identified Production Area
Legislated strategic plan	Refers to strategic plans provided for in the <i>Environment Planning and Assessment Act 1979</i> . Includes Regional Plans, Local Strategic Planning Statements and District Plans.
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PPRD SEPP	State Environmental Planning Policy (Primary Production and Rural Development) 2019
Rural Zones	<p>RU1 Primary Production zone: A rural zone utilised primarily for primary production purposes. This includes commercial primary production, including extensive agriculture, intensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining, and extractive industries.</p> <p>RU2 Rural Landscape zone: A zone for rural land used for commercial primary production such as grazing and other forms of extensive agriculture, or intensive plant agriculture that is compatible with ecological or scenic landscape qualities due to landscape constraints.</p> <p>RU4 Primary Production Small Lot zone: A zone for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.</p>

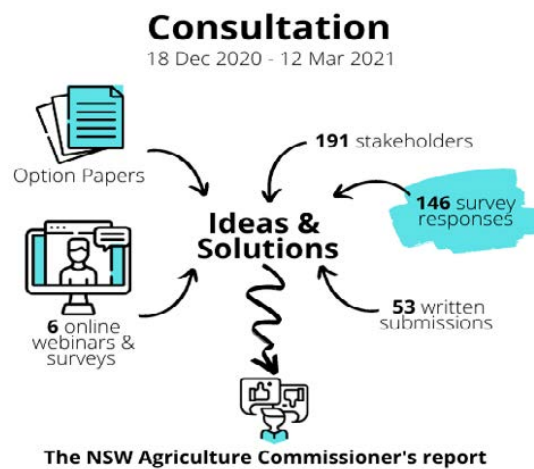
Term	Definition
SSAL	State Significant Agricultural Land
SSALUP Policy	State Significant Agricultural Land Use Planning Policy
Standard Instrument LEP	Standard Instrument - Principal Local Environmental Plan

4. Introduction

4.1 How we engaged and who participated

This project has included extensive stakeholder engagement. On 12 August 2020, an issues paper was released and explored through targeted consultation, 32 written submissions were received in response to the issues paper. Between 18 December 2020 and 12 March 2021 public consultation was conducted on an options paper which scoped solutions to the many problems facing producers in land use planning.

Public consultation on the options paper in 2021 included six online webinars where a total of 191 stakeholders attended. A survey was also made available via Facebook and the DPI website, which attracted 146 responses. A total of 53 written submissions were received from a range of council and industry groups and individuals (detail is included in **Attachment 2**). In addition to this process, the Commissioner met or spoke with many stakeholders to discuss land use planning issues for agriculture including councils, planning experts, peak industry groups, individuals, and government representatives both in Australia and abroad.



The Agriculture Commissioner would like to thank all participants for their contributions through submissions and consultations. The submissions were of high quality and essential to informing this review. The number and breadth of these submissions was sufficient to provide the Agriculture Commissioner with confidence that the judgements in this report are based on a sound understanding of the issues and the views of commercial producers, representative organisations, and land use regulators about feasible policy responses.

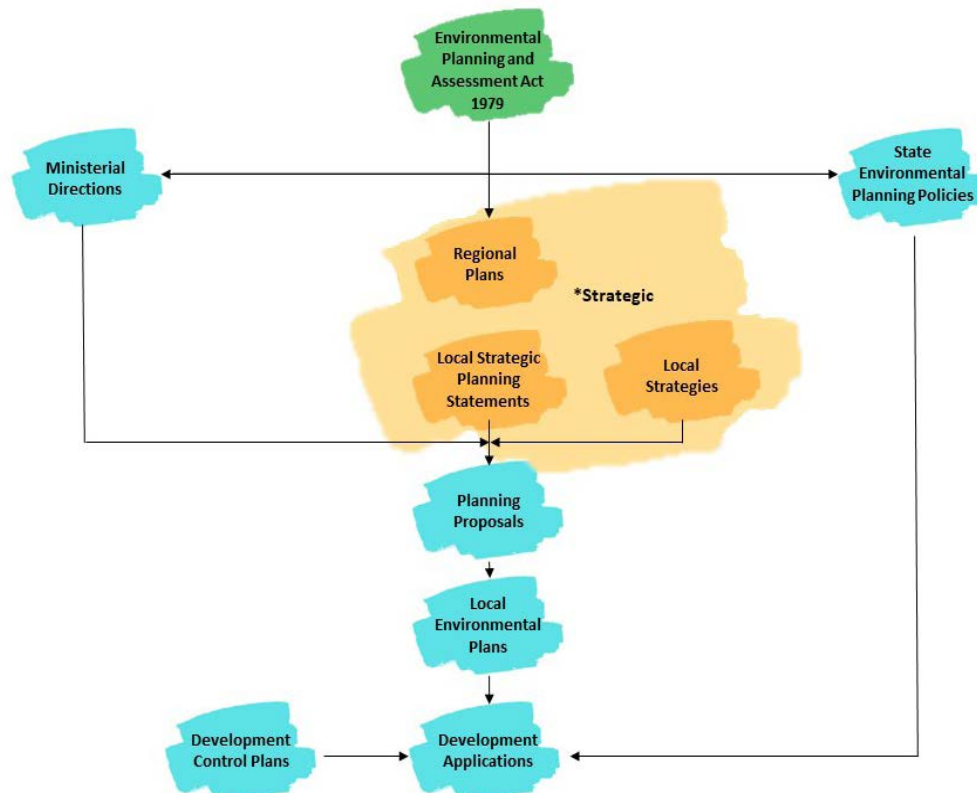
4.2 Overview of issues raised during consultation

A complex system that causes confusion

Consultation with a wide range of stakeholders revealed the challenges facing councils and land holders on agricultural land use planning and land use conflict. Concerns were raised by councils about complexity and inconsistency across various planning instruments, and rising incidence and severity of conflict about agricultural activities.

Landowners were concerned about inconsistency, protracted assessment processes and a lack of clarity on processes and requirements for development applications. Landowners and industry representatives expressed a view that there is a presumption of guilt when it comes to nuisance complaints, and that the focus is on appeasing complainants. However, it should also be noted that some complaints reflect legitimate concerns about practices that are not, or no longer, acceptable.

The *Environmental Planning and Assessment Act 1979* sets out the requirements for various layers of strategic planning that occur via Regional Plans, District Plans and Local Strategic Planning Statements (LSPs). Under the *Environmental Planning and Assessment Act 1979*, LSPs are required to implement Regional Plans. Planning proposals to amend local plans must also consider the LSPs objectives.



This hierarchy of strategic plans establishes objectives at the regional-level and then allows councils to incorporate local considerations in their planning processes. Ideally, the strategic framework should clearly articulate the intended future uses of identified rural land and recognise the role of agricultural operations on that land. This provides the context for case-by-case decision-making at the local-level. The evidence provided during this review indicates there are gaps and actual or potentially competing objectives in the strategic planning framework that can result in inconsistent interpretation and decision-making.

There is also perceived to be a disconnect between strategic planning and local decision-making on development applications which enables development to occur that is inconsistent with stated strategic objectives for agriculture. At the same time there is a growing gap between agricultural production practices and the community's understanding of modern food production systems.

The planning system has evolved over a long period of time, and as the basis for many past and anticipated commercial land use decisions, simplification is extremely difficult. However, there is merit in addressing inconsistencies and providing more direction to councils where an obligation is often seen as a 'consideration' that may or may not be followed. A good example of this is the responsibility of councils under the Ministerial Direction 1.5 to "... *minimise the potential for land fragmentation and land use conflict in rural areas...*" It was made clear from consultation that this is not seen as a direction that has precedence over other considerations or compels councils to consider the impact of encroachment on agriculture, particularly decisions that compromise existing buffers.

Agriculture and the planning framework

There is no specific land use zone for agriculture. Land uses are regulated by zones which are defined by the Standard Instrument - Principal Local Environmental Plan (Standard Instrument LEP). Each zone has a list of permissible and prohibited developments. Agricultural land is mostly zoned as RU1 Primary Production, RU2 Rural Landscape or RU4 Primary Production Small Lots, supported by zone objectives which encourage primary production. Agriculture can also occur in other zones including R5 Large Lot Residential and E3 Environmental Management which are not primarily meant for agriculture. Compared to residential or industrial zones, rural zones accommodate a broader range of development types from agriculture to residential and tourism facilities to mining and is often treated as the 'default zone' for land outside urban settlements. Therefore, they can be catch-all zones where various potentially conflicting uses can be clustered together.

In comparison to other land uses, agriculture generally requires larger tracts of land and access to natural resources such as soils and water, as well as access to markets, infrastructure, and labour. For intensive operations there is also a need to accommodate buffers to avoid impacting sensitive receptors. The current zones available to agriculture are not being consistently applied to meet those needs. While the planning framework seeks to prevent the fragmentation of rural land, this is still occurring and is inevitable to some extent. The cumulative impact of sub-division and fragmentation can have a serious impact on local agricultural production and supply chains. It can also gradually erode lot sizes so they become too small for viable agricultural businesses. The role of the rural zones in accommodating population growth, such as the NSW 2041 Housing Strategy, will always be

important but should be planned and managed in a strategic way to minimise the impact on agricultural land.

Land use regulation tries to base development decision-making on long-term community interests, but local decision-making can prioritise the financial interests of individual landowners. Landowners on undersized lots often wish to subdivide their land or sell to developers hoping to have the land rezoned for some form of urban development. The planning framework should be clear about planned and permitted future use of land and drive more consistent land use decisions through clear directives about agricultural land. This will assist over time in reducing speculation about changes in land use zoning and the resulting impact on land values.

Councils responsible for rural land work hard to plan and regulate for long-term community outcomes that include a future for agriculture. But in the absence of a clear direction defining agricultural land and how it should be managed for the longer-term, most stakeholders feel the need for a stronger State policy framework.

Changes to agricultural production

The long-term shift to more intensive production systems is inexorable and will be essential to meeting the NSW Government's growth objectives to 2030. Intensive agriculture is also the main source of conflict with surrounding land users because of the associated lighting, noise, dust, use of chemicals and odours generated by these activities.

The growth rates of some of the intensive industries over the last decade have been very impressive. Chicken is now the most consumed meat in Australia and some horticulture sectors, such as greenhouse tomatoes and blueberries, have become dietary staples. Protected Cropping Australia reports that the sector has grown more than 60 per cent annually over the last five years and now represents 20 per cent of the total value of vegetable and flower production. Other intensive operations such as feedlot preparation for slaughter have been instrumental to winning export market access for beef and attracting premium prices. Securing NSW's reasonable share of future growth in these forms of agriculture will generate substantial employment, especially in the regions, and improve the diversity and resilience of the economic base in those regions.

The NSW Environment Protection Authority (EPA) in its submission warned against significant exclusions from the current development approval process where there may be standards set for environment protection and human health. The EPA regulates some agricultural activities in accordance with the *Protection of the Environment Operations Act 1997* (POEO Act) and other environmental legislation, including the *Pesticides Act 1999*. The POEO Act identifies activities which require a licence. This includes most intensive agricultural activities such as irrigated agriculture, intensive livestock activities, and agricultural and livestock processing over certain thresholds. The EPA provides expert advice on air, water, noise, and waste considerations during the development approval process for these developments to help protect, restore, and enhance the quality of the environment. No recommendations in this report propose changes to the POEO Act.

The NSW Planning Framework can improve the confidence of current and future investors in NSW agriculture by providing assurances that well-designed projects can be approved within reasonable timeframes and not be hindered by ongoing complaints about compliant activities. The recommendations in this report would make a meaningful contribution to achieving these objectives.

Inland versus coastal planning needs

Land use planning objectives and priorities in coastal and peri-urban areas are very different to those for inland NSW, and 'agricultural land' has quite different functions. It became clear through consultation that the framework does not always recognise the different roles and needs of agriculture across NSW.

For the coastal and peri-urban zone where land use conflict is most evident, managing conflict and retaining green spaces in landscapes under pressure from a growing urban footprint is a priority issue. Communities and regulators generally share the view that urban development should be constrained and separated by other land uses including production agriculture. Planning policies reflect this objective. In coastal and peri-urban areas where urban development has been replacing agriculture there is a strong desire to maintain production agriculture for its contribution to the local landscape, supply of fresh produce and local economies. People value 'green spaces' in various forms and want them preserved to provide a diverse landscape in perpetuity. Most of this 'green space' is privately owned and highly valued land.

The value of amenity provided by green spaces is recognised by the NSW Government with a Premier's priority to build the accessibility of green public spaces for urban dwellers. But there is no government policy that recognises agricultural land in contributing to this broader amenity outcome.

The viability of small operations in these areas is a major concern. Viability can be achieved through intensive production systems, but these do not provide the bucolic landscape communities value and are the subject of most land use conflict. Councils are acutely aware of this problem and therefore encourage off farm income, value adding on farm and secondary business development to support the farming business. The NSW Government is also contributing with the recently released agritourism package. However, this type of activity can also create its own regulatory dilemmas as many proposed supplementary land use proposals are not compatible with agriculture and risk compromising production on neighbouring properties which may be facing the same viability concerns.

Like land use conflict, the viability of smaller farms near urban settlements is a global problem. Australian producers are familiar with European and US farm subsidies and other policy measures designed to preserve uncommercial agricultural land use and the resulting landscapes and communities. This is not dissimilar to some of our coastal land not being used intensively, as are the policy objectives of maintaining the landscape and 'traditional' land use patterns.

The development of protected and intensive production, particularly for horticulture is likely to be the future of viable agriculture on these smaller lots. These enterprises can co-exist with urban development if production practices are responsible and there is community

acceptance. But this will not occur organically, and the evidence provided to this review suggests that new policy and regulatory mechanisms will be required to achieve a lasting solution based on compatible land uses and practices accepted by the community.

Inland NSW, on the other hand, has great potential for further economic development in agriculture and related industries. While NSW occupies a very large area, the State has a largely urban and semiurban population and much of the agricultural production occurs close to those population centres. Inland councils share problems and concerns that are quite different to those in the coastal and peri-urban areas. Generally, and with some exceptions in areas around growing regional centres, the local communities, producers, and councils themselves are keen on economic development and improving the local and regional economic base - to support improved employment opportunities, resilience to the regular seasonal variations, and improved community services. Lower land values, less community conflict and improving infrastructure and connectivity have seen some intensive animal industries moving inland. Inland areas have a comparative advantage over coastal areas for these industries as they have more location options, space, and scope to manage conflicts through effective long-term planning and land use separation.

The NSW Government has accepted the principle that the planning system should be more receptive to new investment through locally appropriate policy settings that are being progressed through Special Activation Precincts and Regional Job Precincts.

Land use conflict

The impetus for this review came from the increasing awareness of impacts of land use conflict involving agricultural operations. Land use conflict can mean different things but in the context of this report refers to nuisance complaints, regarding, noise, odour, dust, light, and spray drift. Although there is little quantitative data about land use conflict, the data that does exist, anecdotal evidence and the views of land use enforcement agencies confirm that this is a real and increasing problem. According to the Australian Farm Institute's 2020 report *Managing Farm-Related Land Use Conflicts in NSW*, "...primary issues from these disputes are detrimental impacts on the mental health of the parties involved, fractures within communities, loss of faith in authorities and the alienation of productive land".

The messaging from councils and industry alike is clear, there is a need for the NSW Government to provide a more systemic mechanism for managing agricultural land use conflict. While councils and their staff give this issue priority and bring considerable individual skill and commitment to its management, this is no substitute for an effective system-wide arrangement that can change the worrying trajectory of land use conflict. This dilemma is not unique to NSW and other jurisdictions both nationally and internationally have moved to address the issue. There is a lot NSW can learn from looking elsewhere at established processes and adapting these mechanisms to suit the needs of local production and communities in NSW.

Renewable energy and an emerging conflict frontier

As a part of this consultation, stakeholders including the NSW Farmers Association, expressed significant concern about the development of renewable energy infrastructure and associated transmission capacity on agricultural land. This reflects concerns about landscape disturbance, impact on the value of nearby land, the potential for land use conflict and fragmentation or sterilisation of good agricultural land, uncertainty about decommissioning obligations and outcomes, and the inevitable creation of 'winners and losers.' The construction of large infrastructure amongst productive agriculture can create these risks and this is yet another example of the conflicting policy objectives that land use planning must confront. Early experience already suggests that as the scale of these investments grows dramatically positive responses to these local concerns will be important to winning community support for these necessary developments.

The NSW Government is aiming to focus renewable energy development through its *Electricity Strategy* and *Electricity Infrastructure Roadmap*. The Roadmap will deliver Renewable Energy Zones in the State's Central-West Orana, New England, South-West, Hunter-Central Coast, and Illawarra regions. This infrastructure will inevitably involve the use of agricultural land. There will be a transition phase as renewable developments respond to the opportunities in these locations, and landowners in these areas will be affected in different ways and react accordingly. The NSW Government should ensure that the impact on agricultural land is minimised where this is a realistic option, and communities are reassured about decommissioning arrangements and their other concerns where this is feasible. The DPIE is currently undertaking a public consultation process to do this.

Current projects that address some issues raised

Supporting producers to diversify

The NSW Government recently exhibited an Agritourism and Small-Scale Agriculture Development Explanation of Intended Effect (the Agritourism EIE). It proposed amendments to the NSW planning system to better enable 'agritourism' and small-scale agricultural development to be approved. It also sought to respond to natural disasters such as droughts and bushfires, and to simplify planning approvals for development or activities that have little or no environmental impact. The Agritourism EIE, once finalised, has the potential to respond to some of the issues raised during consultation, support the growth of regional economies, and assist with the viability problems confronting smaller properties. However, as noted earlier there are also genuine concerns about the risk of some agritourism ventures introducing new land use conflicts and further fragmenting the agricultural landscape. While clearly a desirable initiative care is needed to avoid unintended adverse consequences for nearby landowners.

Making the development application process clearer

DPI is running a pilot to digitise farm land use planning. This project has been initially funded by the Digital Restart Fund and offers landholders an overhead view of their property to determine the best location for proposed developments. This platform, if fully developed, could support producers and potential new investors to understand the development application process as it applies to their specific project, and streamline the approval process by ensuring they have prepared all relevant documents ahead of submitting their development application. It will also enable producers to maximise the potential of their land by giving them spatial awareness of regulatory restraints and opportunities (e.g., options for scale and positioning facilities and structures given buffer requirements). It would allow anyone to see how to work with regulatory constraints and options to maximise the capacity of new investments.

Testing locally crafted bespoke planning arrangements

The Regional Job Precincts project is an extension of the Special Activation Precinct program. Both projects provide planning support to help fast-track approvals to drive growth, investment, and development opportunities within regional NSW. The Regional Job Precinct initiative will drive local planning reform, investment, and new jobs in regional NSW. It will focus on targeted locations that are aligned with region-specific engine industries and businesses and are ready for development. The NSW Government works closely with councils to build on the long-term strategic planning work already done at a state and local-level. The Regional Job Precincts can help test different settings in the planning framework to deliver efficiencies for agriculture.

Capturing better data on the planning system

As a part of the 2020 NSW Planning Reform Action Plan, all councils will accept development applications, complying development certificate applications and post certificate applications through the NSW Planning Portal by 1 July 2021. The ePlanning portal will facilitate consistent collection of planning data which could be used to identify trends in agriculture development applications, or in development applications on agricultural land.

5. Agriculture and regional economic growth

5.1 Managing long-term productive capacity

Problem description:

There is no NSW Government policy on the priority, and preferred use, of agricultural land. As a result, many councils feel they do not have enough direction from the NSW Government on how to prioritise and plan for agriculture. Ad-hoc rezoning and approving dwellings throughout rural zones fragments the landscape which can affect land prices, impede agricultural expansion and produce conflict. The cumulative impact of this can have a serious impact on confidence to invest in local agricultural production and supply chains.

Evidence and what we heard:

There is a strong view among the agriculture sector and councils that there is a need for a NSW Government policy that recognises the importance of land for agriculture and clarifies how agricultural land use should be regulated in the planning system. Those councils with an agricultural presence looking to further promote agriculture in their local government area (LGA) expressed frustration with the lack of State-backing to prioritise agricultural land uses. Mid Coast Council pointed out that primary production and residential growth have both been targeted in the Hunter Regional Plan but that *"... there is a clear in-equity of how rural and agricultural land uses can be considered as being of equal value in both rezoning and development application processes."*

During consultation there were regular calls to 'protect' agricultural land. The measures discussed by stakeholders ranged from an outright prohibition on change of use of high-quality land to more rigorous planning and testing of proposals for converting land use, in particular to limit spill over consequences for other land users. There were several complementary objectives across stakeholder groups including:

- Growth in agricultural output
- Preservation of green space and containing urban sprawl
- Planning for new housing in a way that responds to environmental, employment and investment considerations, and population dynamics
- Planned and managed expansion of rural residential developments.

Councils recognised that there are a number of existing policies that relate to rural land including the *Local Planning Directions 1.2 Rural Zones and 1.5 - Rural Lands*, clause 5.16 in the Standard Instrument LEP, Regional Plans and local rural land strategies developed by individual councils. However, these policies are not always clear in definition or setting priorities, nor do they always compel councils to act. For example, the objectives for the RU1 zone in the Standard Instrument LEP include *'to minimise the fragmentation and alienation of resource lands,'* which while well intended, does not define 'fragmentation', 'alienation' or 'resource lands' leading to inconsistent or insufficient application of this objective. Tweed Shire Council, among others, suggested any new policy should not duplicate existing policies or create more confusion.

Councils looked for more clarity that would:

- assist and provide guidance for councils' strategic planning
- retain areas of agricultural land appropriate for local circumstances
- promote investment in agricultural activities and its associated economies
- ensure land continues to be available for long-term agricultural production to sustain Australia's growing population

A policy with a statutory requirement for consideration in all relevant planning decisions was preferred by stakeholders over a voluntary policy or guidance material because of a perception that the system already has too many policies that are not taken seriously or implemented effectively. Statutory policies that prioritise specific uses in the landscape exist, for example the NSW Oyster Industry Sustainable Aquaculture Strategy prioritises oyster farming in specific locations and sets the policy direction for operations at these sites.

Bega Valley Shire Council suggested a statutory mechanism would ensure consistency across NSW and this was supported by the Canberra Region Joint Organisation. The NSW Farmers also suggested that NSW Government agencies be subject to a policy governing the use of agricultural land. General support for a statutory mechanism was also caveated with the desire for the Government to consult with councils on the details of a policy before implementation. Cessnock City Council although supporting consistency in principle, suggested a policy should enable councils to retain local discretion. The planning framework seeks to strike a balance between local decision-making and State Government prescriptions. State intervention is usually warranted where there is a broader public interest to consider. In the case of agricultural land, there is a clear need for the State to ensure there is confidence to invest in agriculture, and to preserve mixed landscapes in areas experiencing housing growth.

"A Government policy on rural land could provide policy leadership... to reinforce region, district and local strategies."

Camden Council

"It is considered vital that the NSW Government start establishing clear policy directives with respect to rural land."

Goulburn-Mulwaree Council

"Not only would it be beneficial in its own right, it would provide a support base for councils to develop their own policies."

Wingecarribee Shire Council

DPI has expertise in land use planning affecting agriculture. Consultation explored whether it would be useful for DPI to approve (i.e., provide concurrence) or advise on non-agricultural development applications on agricultural land. The options paper also discussed if there should be a concurrence role for DPI in the decision-making process for rezoning SSAL. These options were proposed to utilise DPI's advice on contemporary agricultural practices. Submissions and other consultations generally did not support a concurrence model, as it would add another layer of complexity and consume more time in the development approval process. The Canberra Region Joint Organisation noted it would be *"...unnecessary if strong policy guidance is available for non-agricultural land development on SSAL."* Berrigan Shire Council suggested that many decisions subject to concurrence now go unanswered and that it is not a viable way to increase rigour in decision-making. There was more support for DPI taking an advisory role, which is already common practice.

In each area in which DPI could have a concurrence role (advice and decision-making) there was a strong preference for stronger policy over additional governance measures.

Consultation identified that the RU1 Primary Production zone is used inconsistently and enables conflicting land uses to be approved in that zone. The inconsistency stems from how the zone has been applied and the various land use tables used across NSW. While the objectives are mandatory, the Standard Instrument LEP also enables councils to add objectives for the zone provided they are not inconsistent with the mandatory objectives. Councils commented on which land use should be prioritised in the rural zone. The RU1 Primary Production zone allows other land uses that are already regulated by their own SEPP or unique zone, for example, forestry is permissible in RU1 but also has its own zone RU3. Tweed Shire Council pointed out that *"...zone objectives are not called up in the hierarchy of legislation and therefore may not have the weight in the NSW Land & Environment Court intended by the Department of Planning, Industry and Environment."*

Some stakeholders recommended establishing an Agriculture Zone that focuses solely on agricultural land uses. However, the problem seems to be the dilution of the intent of the RU1 Primary Production zone rather than a gap that requires a new zone to be established. Given the central role the RU1 zone plays in regulating land use for agriculture, the objectives in the RU1 Primary Production zone should be revised to ensure state-wide consistent application to preserve agricultural land use and support councils to prioritise agriculture where they choose to do so, i.e., reinforce local planning. The purpose of the RU1 Primary Production zone could be strengthened by the inclusion of mandatory objectives such as to:

- ensure the productive capacity and resource base for agriculture is recognised and managed for long-term agricultural production.
- allow the development of processing, service and value-adding industries related to agriculture and primary industry production.
- allow for non-agricultural land uses that will not restrict the use of other land in the locality for agricultural production.
- minimise the fragmentation and alienation of agricultural resource lands.
- prevent dispersed rural settlement to ensure it does not inhibit agricultural production and create unreasonable or uneconomic demands for the provision of public infrastructure or services.
- minimise conflict between land uses, particularly between agricultural land uses and other incompatible or competing land uses.

If councils applied the RU1 zone more consistently across NSW this would simplify the application of regulatory measures for RU1 land and support the monitoring of the use and change of use of this land. This would contribute to improved policy and outcomes over time.

The NSW Government first signalled an intention to develop specific planning controls for SSAL in 2008, this is retained in the *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (PPRD SEPP). The PPRD SEPP aims to ensure the ongoing viability of agriculture on that land in the broader context of social, economic, and environmental considerations. There was a clear consensus in consultation that delivering this objective will require further amendments to the PPRD SEPP.

The options paper discussed the possibility of requiring an Agricultural Impact Statement (AIS) for non-agricultural developments on good agricultural land as part of a policy. Some councils queried whether an AIS was the right vehicle for ensuring the impacts on agriculture would be adequately considered. An AIS would be drafted by a proponent seeking to make a case that there is no impact on the land proposed for development. This assessment is not impartial. Moreover, the substance of that analysis will generally be required for the DA process in any case.

'Heads of consideration' were raised as an alternative to an AIS to apply in the PPRD SEPP and improve the assessment of impacts on agriculture. Heads of consideration could focus on land identified as SSAL or the RU1, RU2, and RU4 zones in lieu of an SSAL map and aim to:

- ensure that non-agricultural development does not materially adversely impact local agricultural production.
- minimise potential land use conflict between existing agricultural land uses and activities and proposed non-agricultural development.
- avoid encroachment on agricultural buffers or provide solutions on how to minimise land use conflict.
- require proponents of non-agricultural developments to identify and mitigate the potential impacts the proposed development may impose on, or experience from agricultural land uses and activities in the vicinity (see agent of change discussion below).

This kind of direction would enable councils to continue to lead on development assessments and would not increase the decision-making timeframes.

The agent of change principle is an established principle in land use planning but is not always applied in practice. The principle places the onus on proponents of new developments to recognise and mitigate any potential impact that their development may impose on, or experience from, the normal and legal operations of existing land uses in the vicinity. This is commonly seen in residential development where neighbouring properties cannot be built in a way that impacts solar access of neighbouring properties and is also applied in Victoria around music venues and managing noise complaints.

An agent of change principle was widely supported by stakeholders in consultation and the review considers that it should be a standard consideration in development application decision-making processes. It should also apply when investigating nuisance complaints against established operators. Considering operating buffers (see section 5.5.2) of existing farms would be the beginning of integrating the agent of change principle throughout agricultural land use planning.

Some submissions suggested that NSW explore Transferable Development Rights to compensate producers affected by a State policy on agricultural land. A similar system is applied in heritage conservation in NSW and is also used in the USA to permanently purchase development rights and preserve low intensity land use. However, a system that is focussed on addressing individual landowners' interests may not prevent the erosion of green space and productive capacity of the land. The Productivity Commission's *Inquiry Report into the Regulation of Australian Agriculture* echoes this risk. For these reasons Transferable Development Rights are not a solution to the current policy problem. In any case an attempt to 'buy out' development rights on a scale sufficient to make a difference is likely to be prohibitively expensive, despite the use of this mechanism in the USA.

An outline of an example State Significant Agricultural Land Use Planning Policy is included in **Attachment 3**. This reflects the key findings and suggestions from consultation.

Key findings:

- Councils are seeking more direction from the NSW Government on how to plan for agricultural land use and this review supports that request.
- Further policy guidance is not seen as likely to be effective in directing decisions or resolving competing objectives but could be an initial step towards a stronger regime.
- A policy with statutory backing is preferred to ensure it is implemented in practice and with reasonable consistency across NSW. Once a land use policy applying to clearly identified land has been developed and has been appropriately exposed to affected parties the Government should require councils to use the policy.
- A statutory policy will assist councils in understanding the difference between agricultural land and rural land generally and guide them when planning for this land across all levels of planning and decision-making.
- In addition to a map and statutory policy, the RU1 zone objectives should be reviewed to ensure primary production is prioritised (rather than miscellaneous residual land uses). Councils could then use this zone consistently for areas of agricultural production.

Recommendation:

1. The NSW Government should take a phased approach to adopting a statutory State Significant Agricultural Land Use Planning Policy (SSALUP Policy). Initially, a policy should be released, following a public comment process which is implemented through Regional Plans and which councils are directed to implement through strategic planning. Once a policy has been applied through the strategic framework and is seen to be contributing to improved decision-making about agricultural land use, the NSW Government should consider adopting further 'considerations' in the PPRD SEPP to provide councils with clear direction on how to respond to developments on and around SSAL. In addition, the NSW Government should provide councils a checklist of considerations to guide development decisions that impact agricultural land.

2. The objectives, permitted land uses and application of the RU1, RU2 and RU4 zone should be reviewed by DPIE and DPI to ensure there is a clear determination of priority for agriculture (and therefore other permitted uses) in these zones. Following this review the NSW Government should ensure there are clear policies governing land use and consideration of development proposals consistent with these zone objectives.

5.2 Identifying and mapping State Significant Agricultural Land

Problem description:

There is no definition and identification of SSAL, which makes it difficult for councils to strategically plan for agriculture at a regional and local level. The PPRD SEPP has a vacant schedule (Schedule 1) for SSAL raising questions about the role of mapped agricultural land in the planning system.

Evidence and what we heard:

During this review consultations there was a near universal agreement on the need for an effective definition and identification of SSAL. A map is seen by planning authorities, particularly councils, as an essential component of agricultural land use planning, just as it is for other land uses. Namoi Unlimited commented that *"consistent mapping would...give investors and the community certainty about where agriculture will continue to operate."* Eighty-two per cent of survey respondents supported using a map alongside an agricultural land use planning policy. A map would provide a basis for clearer local planning and manage expectations around what land use is prioritised and where. It would also ensure that a policy is applied where it counts most by targeting a relatively small subset of rural land rather than all rural land. This would also give councils flexibility in how other rural land that is not identified and mapped may be used for other purposes including housing.

Ad hoc agricultural land mapping has been conducted for some specific purposes, and in some local and regional strategic plans because those communities wished to actively promote agricultural land use in their area. This means there are already some maps for agricultural land available at various scales and for various purposes. These include Biophysical Strategic Agricultural Land (BSAL) mapping and the Far North Coast and Mid-North Coast Important Farmland Map. Several Regional Plans committed to mapping important agricultural land in 2015 and DPI began this process but has not released a final product. This process was put on hold to determine if the map would be suitable to define SSAL. Given the reliance of the planning system on maps, some form of map will be required to make a SSALUP Policy effective.

Bega Valley Shire Council suggested the NSW Government was best placed to complete mapping but suggested collaboration with councils to ensure consistency and accuracy across NSW and to ensure that 'regionally significant' agricultural land is captured.

Other stakeholders highlighted the sensitivity of any mapping process and requested to be consulted on implementation, including the Riverina & Murray Joint Organisation, Queanbeyan Palerang and Coffs Harbour City Council. Goulburn-Mulwaree Council suggested mapping, although supported, needs to be done in coherence with strategic planning for long-term residential growth corridors. Stakeholders recognised that a standardised approach to mapping across the State might not be fully effective and any map and supporting policy should allow for fine-tuning at a local level.

Councils want a map that could be applied at a cadastral (i.e., property) scale. Tweed Shire Council pointed out that a scale of 1:100,000 could only be used at a property of at least 40ha. Current Government maps, including the BSAL map and the Far North Coast and Mid-North Coast Important Farmland Map are at a regional scale. Although a map at a regional scale may be less accurate at the margins it is still a good guide for councils to understand where that land is in their LGA so they can plan for the clustering of land uses. A regional scale map was supported by NSW Farmers.

The Far North Coast and Mid-North Coast Important Farmland Map is a good example of how a regional scale map can reduce the rate of rezoning of agricultural land. Approximately 150-200 ha of farmland mapped as State or Regionally Significant Farmland has been rezoned from rural zones between 2015-2020 (not including parcels of land less than 5ha). There is 381,998 ha of mapped State and Regionally Significant Farmland on the North Coast. By comparison, the Illawarra Shoalhaven region which has no map, saw approximately 380 ha of its RU1 and RU2 land rezoned to other uses in the same period. The North Coast converted less agricultural land despite having a dwelling target 25 per cent higher than the Illawarra Shoalhaven region.

DPI has the capacity to release a map of SSAL based on existing data sets, which include:

- An expanded BSAL dataset (which covers up to 12 per cent of the State);
- Irrigated lands; and
- Existing agricultural land mapped for its importance (i.e., North Coast farmland)

Many stakeholders emphasised the importance of a map that could capture the strategic locations critical for agriculture, such as areas with good access to infrastructure, processing facilities, labour, and markets. This emphasises that land use and its regulation cannot be an entirely static process and developments in other areas can improve the utility and productivity of agricultural land and landowner options. This would effectively create new high-quality land for producers.

The initial map for SSAL should use existing data sets as a starting point. Although the proposed SSAL map would initially capture mostly biophysical characteristics the map should be improved over time to capture these increasingly critical location characteristics and production options.

A verification process for the map data is necessary to avoid land being captured inaccurately or land being left out. Landowners should be able to provide evidence that their land does or does not meet the defining criteria to be mapped as SSAL. The adaptability of the map would enable it to be fine-tuned over time and respond to environment changes that may impact biophysical characteristics of the land.

Landholders will be keen to understand how the SSAL map interacts with their property, and perhaps more importantly whether identification as SSAL will change the development potential of their land. To ensure landowners are fully informed, DPI should exhibit the SSAL map alongside arrangements for how SSAL will be managed. This will offer stakeholders an opportunity to understand any potential consequences and comment on the proposal. The arrangements for how SSAL is managed could be based on a State-wide version of the approach taken for the Far North Coast and Mid-North Coast Important Farmland Map. It is covered by a Ministerial Direction and its objectives are:

- a) *to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,*
- b) *to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and*
- c) *to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.*

The PPRD SEPP has a vacant schedule (Schedule 1) for SSAL. Once stakeholders have confidence in the identified SSAL and map and how it will be used, the Government could consider using the SSAL map to fill the PPRD SEPP vacant schedule or removal of that schedule.

NSW Farmers suggested incorporating conservation principles and biodiversity values into mapping agricultural land. Issues regarding biodiversity are outside the scope of this project and discussed in section 5.7.1 of this report. The Environment, Energy and Science group in the DPIE recently reviewed the Biodiversity Offsets Scheme to support a better functioning market with reliable pricing of credits, and to prevent any unintended distortions in market valuations.

Improved identification and mapping of agricultural land will assist in developing better mapping of rural land generally, including conservation areas and landscapes on which agriculture and biodiversity assets co-exist.

Key findings:

- A map is needed to identify SSAL and guide planning for the use of this land.
- DPI should prepare and release a draft map, consult with councils on the map and how it will be used before it is finalised, and make a verification process available for councils and affected parties.
- Consideration of the map in legislated strategic planning processes including Regional Plans and Local Strategic Planning Statements should be mandatory.
- Arrangements for use should be based on the approach taken for the Far North Coast and Mid-North Coast Important Farmland Map.
- The map should be initially based on biophysical characteristics and other relevant existing data sets but improved over time to capture locational attributes essential to the agriculture industry.

Recommendation:

3. The statutory SSALUP Policy should be supported by a map of State Significant Agricultural Land (SSAL). As a starting point, the map should draw on existing and readily accessible data sets including: an expanded data set of BSAL, irrigated lands and the North Coast Farmland mapping. Over time this should be supplemented with Identified Production Areas (see recommendation four) and other areas identified and zoned for higher value or specialised agricultural production.

- The mapping process should include a verification process, which would allow landowners to provide evidence to DPI that the land does not meet the SSAL definition. DPI would determine whether the map needs to be varied.
- DPI should exhibit an SSAL map alongside arrangements for how this land is managed, similar to the arrangements applied to the Far North Coast and Mid-North Coast Important Farmland Map.
- DPI should update the SSAL map as better information becomes available, with a formal review at least every five years.

5.3 Recognising strategic precincts for agriculture

Problem description:

Viable agriculture is not just dependent on biophysical characteristics. Attributes such as access to infrastructure, transport services, power supply, processing facilities, markets and skilled labour are increasingly important. In many cases local culture and special expertise developed over a long period are critical to the success of local industries. Identifying locations which have these attributes could assist councils and industries to effectively cluster these industries, which can reduce costs (public and private), and commercial and regulatory risks. This is particularly relevant for intensive production systems where we expect to see significant growth.

Evidence and what we heard:

Biophysical characteristics do not capture other influences on the viability of agricultural businesses. Cowra Council pointed out that concentrating on biophysical characteristics “...is a simplistic view (that) may not truly represent the length and breadth of the importance agricultural enterprises in this Region and further west of NSW.”

The term ‘Identified Production Area’ or IPA was used in consultation to refer to the identification and mapping of locations which have demonstrated or potential capacity for specialised production systems. Examples of these frequently cited are wine, dairy, forestry, berries, poultry, pome, and stone fruit growing, where congregation provides benefits such as access to processing capacity, shared infrastructure and equipment, skilled labour, or tourism. Submissions from industries and councils considered there would be significant benefits in planning for the growth of these areas in a more focussed way to assist existing organic growth.

Both councils and industry representatives advocated for an SSAL map that identifies IPAs, with 78 per cent of survey respondents supporting or strongly supporting this approach. The Costa Group submission agreed that “the identification of production areas across the State is important to enable them to be properly considered within planning frameworks. This process must acknowledge that new agricultural technologies and more intensive farming methods do not necessarily depend on traditional agricultural values and inputs such as soil type.” Similarly, the Queanbeyan-Palerang Regional Council agreed that “identifying and mapping these production areas ensures they are appropriately catered for within the planning framework.”

The NSW Oyster Industry Sustainable Aquaculture Strategy (2016) identifies and maps areas of NSW where oyster aquaculture is a “suitable and priority outcome”. These locations were identified by considering the location, and environmental and socio-economic factors. A similar approach could be pursued for agriculture.

Stakeholder submissions weren’t specific about how IPAs should be treated in the planning framework. Cessnock City Council thought it important to make a clear distinction between state significant production areas, like the Hunter Valley Wine Region, and other more ‘generic’ agricultural land. Regulatory encouragement can both preserve the advantages businesses have operating in these areas and make the most of growth opportunities. These areas will generally be of regional rather than national significance but some bespoke planning at the

state-level, perhaps through the PP&RD SEPP and/ or Regional Plans, can provide confidence to new and existing investors.

Based on feedback from consultation, there are several factors that could define an IPA, including:

Economic	The area has established agricultural industries that contribute significantly to the regional economy.
Location	The area is the only or most suited location in the nation/state/region where that industry can operate due to a combination of climatic and locational factors.
Interdependency	The area and the industry it supports are a critical component of the supply or processing chain of related agricultural industries.
Infrastructure	The area has, or is proposed to have, significant public and private investment in infrastructure necessary for that industry in that area.

IPAs could target specific industries but would need to remain flexible and evolve in response to market demand and externalities. In doing so, IPAs would not only support historically successful industries but provide encouragement for active planning for future success.

During consultation stakeholders recommended the implementation of intensive farming precincts, specific agricultural zones, and similar concepts to use planning instruments to build on demonstrated regional and local strengths. The consultation paper discussed an option to control land uses in the rural zone, but the concept of IPAs was strongly preferred. This was especially the case for inland NSW where there is scope for significant growth of many production industries, and generally strong community support for these local industries.

Identifying IPAs would assist in ensuring appropriate provision is made for their growth and upstream/downstream needs across local government boundaries. This is a more complex mapping process and would require further development and consultation with councils to do this at a State-level. As an interim step, the IPA process could start at a smaller scale looking at specific locations or industries. DPIE is embarking on precincts policies that include locally specific planning arrangements to provide investment certainty and expedite establishment, e.g., the Regional Job Precinct in the Namoi. As an immediate step the NSW Government could use this precinct to test some of the settings suggested in this report that could then be applied across all inland NSW, IPAs, and other special growth regions elsewhere in NSW.

Planning controls that could be pursued in an IPA (and the other projects involving bespoke planning such as the Regional Job Precincts) raised during consultation include:

- **legacy dwelling eligibilities** - An IPA could introduce a sunset provision to extinguish legacy dwelling eligibilities, reducing the risk of future fragmentation and constraints on growth that councils cannot presently control. It is difficult for councils to know how many legacy dwelling eligibilities exist or where they are located. These legacy caveats can compromise the value of otherwise sound strategic planning and decision-making by councils.

- **consistent buffer requirements** - An IPA could incorporate stricter buffer requirements or 'reverse buffers' to help minimise nuisance complaints or conflict between incompatible land uses. Reverse buffers as applied in other jurisdictions such as Ontario in Canada, avoid new developments involving sensitive receptors in agricultural buffer zones. This means there is mutual recognition by both the producer and neighbour of the importance of the buffer.
- **fast-tracking development and consent pathways** - the development approval process can involve lengthy delays and significant costs for applicants. To help assist and accelerate investment in IPAs, development controls could be established to use the fast-track development and exempt and complying pathways.
- **minimising incompatible land uses** - to minimise the potential for nuisance complaints or conflict arising between incompatible land uses, an IPA planning regime could restrict incompatible land uses (e.g., residential or tourism developments).
- **streamlining integrated development processes** - the approval process for designated development could be expedited by simplifying the content of environmental assessments to target triggers relevant to a specific site.

Key findings:

- There is potential through the planning system to improve the growth prospects of agriculture in the regions.
- IPAs would be a mechanism to provide regulatory encouragement for industry development and growth in these cases.
- An IPA should encourage the clustering of regionally significant industries. They should recognise areas with existing capacity or potential for production that leverages local strengths.
- IPAs should provide regulatory encouragement for agriculture to accommodate industry development and maximise opportunities for growth.
- More consultation is needed on what should define an IPA and how it should be treated in the planning framework.
- Over time, the SSAL map should be expanded to include IPAs.

Recommendation:

4. The NSW Government should identify and promote Identified Production Areas (IPAs) to build on existing and potential comparative advantages of different regions to promote agricultural investment and growth. DPI should consult with relevant industries and councils on their development goals for agriculture and how IPAs could be implemented across NSW.

5.4 Monitoring development and change in use of rural land

Problem description:

It is not currently possible to quantify the impact non-agricultural development on 'agricultural land' has on agricultural production in NSW, and the aggregate answers may not mean very much. There is also no review process to establish the effectiveness of strategic planning in influencing development decision-making at a local level. There was a general concern from stakeholders that the small incremental nature of land use changes was obscuring a more significant cumulative change that was irreversible and inconsistent with stated policy and planning.

Monitoring and reporting on long-term trends that reflect changes to the supply of agricultural land could help establish an evidence base on the scale of the issue, assess the impact on agricultural operations, and lead to adjustments in land use policy settings, particularly in the coastal zones where retention of much of this land is so important to the long-term character of this part of NSW.

Evidence and what we heard:

Almost all stakeholders (86 per cent of survey respondents) supported the NSW Government monitoring and reporting of the loss of land where agriculture is permissible. The State and councils have no oversight of how much agricultural land is available and at what rate it is being converted to other land uses.

Berrigan Shire Council suggested that when the NSW Government is monitoring land use change it also include change in the use of rural land assessed at a point in time as 'best suited to agriculture.' Bega Valley Shire supported monitoring and reporting but suggested more investigation be done to understand what the land is used for or future capabilities. Canberra Region Joint Organisation thought monitoring and reporting on the loss of rural land is vital to making informed decisions about agricultural land use policy, but further recommended that this reporting system also incorporate and have regard to rural subdivision, which can fragment existing rural land. This idea was backed by Goulburn-Mulwaree Council which noted that monitoring "*should also include monitoring of rural subdivision and agricultural land fragmentation.*"

Rural land will be required to accommodate growing urban and rural residential populations, as well as state significant and local infrastructure. Monitoring and reporting on the changes to the stock of agricultural land should not be used to prevent development in these zones. It will help to determine if councils are making development decisions consistent with their strategic plans and the SSALUP Policy supporting the SSAL map. This data would provide a baseline to monitor the rate of change, understand where that change is occurring and provide a basis for assessing whether strategic plans need to be revised or implemented more rigorously.

Councils are currently not consistently applying the RU1 zone to agricultural areas which means a range of zones will need to be captured in a fully developed monitoring regime (including RU1, RU2 and RU4). It would be thorough to consider monitoring re-zoning across

all these zones and comparing the rates of change generally to the rates of loss of SSAL. It is also important to note that not all conversion of rural land to other zones means a loss of agricultural production. Infrastructure and connectivity improvements lift productivity opportunities for producers and where measurable should be recognised in any monitoring and reporting process.

Targets for retention of land for production were proposed in several submissions. Targets can be a key performance indicator of the success of public policies in contributing to the growth and health of regional communities. However, there is not currently an evidence base to set meaningful targets. Targets would also need to be applied on a regional and local scale to be an effective guide to decision-makers in their land use policies and decisions as regulators. As more data becomes available from the mapping and monitoring processes local targets could be considered.

Unlike monitoring changes to land use zones, monitoring land use change itself is a complicated task. Effective monitoring would rely on all councils reporting to the State when they become aware of a conversion of land use in the rural zone to some other purpose. This could not be achieved by State agencies alone. Namoi Unlimited suggested if a policy is applied voluntarily that reporting on every land use change would create complexity and 'red-tape' for councils that already recognise the value of agriculture and agricultural land.

Any monitoring and reporting arrangements need to be practical and cost effective. DPIE Planning can extract data on land use changes in the rural zones where it relates to State Significant Development or State Significant Infrastructure. DPI can also access the stock of zones across NSW using GIS software. Junee Shire Council recommended that this reporting be built into the incoming Planning Portal system to aid consistency in reporting across LGAs. It was also suggested that the NSW Government distribute planning information about rural land availability to councils to aid in strategic planning. DPIE should be ensuring all this data can be effectively captured by existing planning portals.

Key findings:

- There would be benefit in monitoring rural land change over time given the value of the assets involved and their importance to the economic and social health of rural NSW, and much of urban NSW as well.
- Monitoring local land use change is not practical at present as the NSW government does not have a single source of data on local development approvals for non-agricultural uses in zones where agriculture is permissible.
- A monitoring program should begin with the data and evidence that is available and develop over time as improvements become cost effective.

Recommendation:

5. DPI should work with DPIE to monitor changes in rural zones and the effectiveness of strategic plans in influencing development decisions about agriculture and report annually on findings.

- Public reporting should aim to assess the rate of conversion of land in the RU1, RU2, and RU4 to a zone where agriculture is not permissible as well as monitor the conversion of rural land through State Significant Developments. This reporting should distinguish any land classified as SSAL. The report should identify where changes are occurring and whether these conversions are consistent with the relevant Regional Plan. Any land being converted into zones where agriculture is permissible should also be monitored to understand the net land available where agriculture is permissible. Maps could be produced by DPI land use planners at a local government-level if requested by council.
- The data from the monitoring process could be used by the Government to:
 - Establish a baseline understanding of how much and where the rural land is located;
 - Determine the trend in conversion to zones where agriculture is not permissible;
 - Assess the consistency of rezoning with Regional Plans.
- A spot audit should be included in the annual report to test the consistency of development application outcomes with the relevant strategic planning framework in that area. Councils could also use this data to assess consistency with their Local Strategic Planning Statements or other strategic plans.

5.5 Technical amendments

5.5.1 Improving consistency in decision-making & reducing red tape

Problem description:

There are farm structures that are low risk and necessary for the productive use of the land that can require costly and time-consuming development applications even if their construction and use have no implications outside the property. This is caused by either ambiguous or absent land use definitions, confusion over the meaning of an 'ancillary development,' and arbitrary restrictions on the scale of on-farm developments. This creates inconsistency and equity concerns for agricultural businesses across the State, and 'red tape' that is no longer serving its original purpose. It almost certainly also leads to a lot of unapproved structures as the required approvals are not sought.

Evidence and what we heard:

Stakeholders including Hawkesbury Council, Riverina & Murray Joint Organisation, Byron Shire Council and Namoi Unlimited were supportive of clarifying and expanding definitions. Ninety-three per cent of survey respondents agreed there should be consistent and easily interpreted agricultural land use definitions which apply across NSW. The list of land uses in the Standard Instrument LEP does not cover all land uses relevant to agriculture, nor do the definitions comprehensively describe potential agricultural structures and activities. Some agricultural definitions were updated and clarified with the introduction of the PPRD SEPP in 2019 but significant ambiguity remains. Ambiguity in definitions leads to variations in how planning requirements are enforced across LGAs. This can deter investment by adding additional layers of complexity to varying operating standards.

Definitions of the following terms were proposed by stakeholders for **clarification** in the dictionary to the Standard Instrument LEP:

- Artisan food and drink industry
- Beekeeping
- Dairy
- Farm building
- Horticulture

Definitions of the following terms were proposed by stakeholders for **inclusion** in the dictionary to the Standard Instrument LEP:

- Agritourism
- Agricultural activities on acid sulfate soils on coastal floodplains
- Cellar door (cider)
- Essential farm infrastructure
- Equine breeding or training establishment
- Intensive farming (outside of livestock agriculture, such as insect farming)
- On-site rural workers dwellings
- Plantation forestry for carbon sequestration
- Poultry hatchery

- Responsible farming practice
- Small on-farm abattoirs or onsite processing facilities
- Urban agriculture

DPI analysed each of these definitions and has provided advice to DPIE (see **Attachment 4**). One stakeholder recommended improving the definition of onsite rural worker dwellings but there were no suggestions or analysis of the problem provided in written submissions. The issue of a lack of accommodation for seasonal workers was noted in the submission by Berries Australia but it's not clear how the current definition of this development is a hindrance. DPI would welcome further advice from stakeholders on this issue. Responsible farming practices is another definition that has been assessed as out of scope of the planning framework. A definition of 'responsible farming practices' would not comprise a land use and is therefore an operational matter rather than a regulated land use. This issue is taken up in Section 5 of this report.

The benefit of adding definitions to cover more agricultural land uses is that councils and development applicants are clear on how these land uses should be regulated. This could reduce the need for development applications – which is a saving for both proponents and councils. However, definitions may freeze an agricultural practice in time and exclude future practices. Any list of definitions will also be inadequate at the margin by omission. Improving and updating definitions should be an ongoing process.

The Cessnock City Council and the Law Society of NSW recognised the need for a 'future-proof' definition that could capture evolving structures and industries and enable producers to easily adopt new technologies and practices without the need for a Development Application. Goulburn-Mulwaree Council suggested that definitions should focus on environmental outcomes rather than the practice. While this is generally a sound principle the planning framework is built on land use definitions that define the land use and not the outcome, and this may well introduce more ambiguity and greater variability in outcomes.

It is also likely that if defined by principle or characteristics, definitions will be interpreted at a local level, unavoidably involving some inconsistency. Another option raised by Goulburn Mulwaree Council was a requirement to specify reasons why applications cannot be refused, rather than relying solely on either discretionary development assessment processes or exempt/complying mechanisms. This is an established practice in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The definition of an 'ancillary' structure was raised by multiple stakeholders. According to the Planning Circular PS 13-001, '*...if a component serves the dominant purpose, it is ancillary to that dominant purpose...*'. There is a level of uncertainty for councils in determining how to apply this concept to agricultural uses. If something is not defined, it is often assumed by councils that a development application is required rather than assuming the structure is ancillary to a use which often does not require consent. Wider application of ancillary development provisions would allow producers to develop their business facilities and structures without development approvals, but councils need further guidance when it should be used.

Hornsby Shire Council raised concerns about ancillary development permitting non-agricultural uses that would drive further land use conflict. They proposed the non-agricultural development in agricultural areas should demonstrate a 'proof of nexus' between

the land uses to warrant consent. This is a reasonable concern, but this approach could unreasonably limit producers' ability to diversify their incomes and promote their products. The application of this concept in the Hornsby Shire will be monitored for its success and could be considered at a later stage.

Expanding the exempt and complying development framework was also widely proposed as an option in consultation to support growth and improve consistency. Several councils supported more agricultural structures being included in the exempt and complying development framework, including the Yass Valley Council and the Ballina Shire Council. Suggestions raised by stakeholders that would be suitable for the exempt and complying development included:

- Netting structures, poly tunnels and analogous structures (regardless of footprint)
- Accommodation for farm workers
- Installation or re-design of shade structures or feed bunks
- Small farm dams
- Production activities and assets of processing, storage, and handling
- Educational facilities, farm tours, farm stays and accommodation and farmgate sales

DPIE is exploring the last three points above as part of the Agritourism EIE.

Interestingly, some of these options, such as netting structures, were raised as needing definitions in the Standard Instrument LEP. Fifty-nine per cent of survey respondents agreed development approval requirements for low impact, everyday farm activities should be streamlined or removed. This suggests that there is a range of agricultural activities that stakeholders would like to see freed up in the planning framework but there is no consensus on how this should be achieved.

New South Wales' 'exempt' pathway allows developments to proceed without any approvals. The 'complying' development pathway is a combined planning and construction approval for straightforward projects that can be determined by a council or an accredited private certifier. These approvals can be issued in as little as 20 days. DPIE Planning reports that a third of development applications in 2015-16, were fast-tracked through complying development pathways. However, using the exempt and complying development framework for low impact structures such as netting may still over complicate the development process by requiring private certification. It is preferred by some stakeholders that the use of the concept of ancillary development be strengthened.

Ballina Shire Council, Hornsby Shire Council, Shoalhaven City Council, and the EPA recognise the importance of balancing the need to reduce red tape and support development without being too broad where it may lead to inappropriate developments. Accommodation for farm workers is one proposal deemed unsuitable for inclusion as an exempt development in the Code because of the risk generated by the use of these dwellings for ongoing residential purposes or tourist facilities that may increase land use conflict.

Byron Shire Council thought the expansion of exempt and complying developments could allow for a more localised response – to support the use of precincts where local authorities are trying to develop industry aggregations, which could include bespoke zoning or overlay maps. The NSW Government has pursued a similar approach through the Special Activation Precincts and Regional Job Precincts. The NSW Government has also recognised the different

planning needs of inland and coastal councils with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Inland Code)* (the Inland Code). The capacity of the planning framework to respond to local needs has been proven through these processes and the scope of this local adaptation could be extended considerably.

Councils had no strong views about the effectiveness of the Inland Code in supporting agricultural development. Although it includes some agricultural structures, councils suggested that the Code is more targeted at residential development. There is therefore an opportunity for the Code to introduce more farm-specific infrastructure as an exempt or complying development in inland areas. However, it is important that the settings for complying development should reflect the risk of the development.

CASE STUDY: Silo development – essential for production

Under clause 2.32E(g) of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, a land holder is limited to construction of five silos for the purposes of storing grain. As a result, the sixth and subsequent silos trigger the need for development approval. This is clearly not a regulation that reflects modern operating practices, or even government policies which encourage drought preparedness. Silos are a required structure for most livestock and grain businesses, and it is not uncommon for a farming business to require many more than five silos. The minimal risks associated with silos can be managed through the complying development standards. The number of silos permissible under the Code should not change how the environmental risks are managed.

The discussion with stakeholders on definitions, ancillary structures and exempt and complying development has made it clear there is a need for more consistency and certainty in how agricultural developments are regulated in the planning framework.

Key findings:

- There are several agricultural practices that should be defined in the Standard Instrument LEP to enable tailored planning pathways (see **Attachment 4**).
- Land use definitions should be clear, so they are easy to use by planners but not viewed as an exhaustive list.
- Land use definitions should be reviewed regularly to reflect developing operating practices. The NSW Farm Practices Panel recommended by this review (recommendation 12) would be well placed to assist.
- There is a lack of information around when structures are 'ancillary'. Information should be made available so that it is clear to councils when structures are ancillary and when they serve their own purpose.
- Industry is looking for more consistent application of planning requirements across LGA boundaries. Removing the need for development approval for low impact structures would reduce 'red tape' and business costs.

- The Inland Code could be used more ambitiously to support streamlined development regulation of agriculture in a way that would reflect economic priorities in this part of NSW.

Recommendation:

6. The NSW Government should seek to reduce red-tape for agricultural development and investment by:

- **DPIE working with DPI to investigate and revise the suitability of definitions of the following terms in the Standard Instrument - Principal Local Environmental Plan:**
 - Beekeeping
 - Equine breeding or training establishment
 - Horticulture
 - Intensive livestock and plant agriculture
 - Plantation forestry for carbon sequestration
 - Small on-farm abattoirs
 - Urban agriculture

- **DPIE working with DPI to provide clarity and guidance on how ancillary development for agriculture works in the planning framework, with specific examples.** This may include a list of 'considerations' to guide interpretation.

7. The NSW Government should adopt the principle that development controls for inland NSW should be more accommodating of agricultural operations and development, and that the Inland Code is an appropriate mechanism for implementing this principle.

- DPIE should review the Inland Code and identify opportunities to expand exempt and complying developments and other regulatory concessions following the delivery of the localised precincts (e.g., Regional Job Precincts) and experience with their policy settings or within two years using the evidence available at that time.
- The NSW Government should extend the lessons from the bespoke planning settings in the Namoi Regional Job Precinct more broadly across inland NSW, to promote investment. Elements being considered for the Namoi Regional Job Precinct include reviewing legacy dwelling entitlements, applying consistent buffer requirements, fast-tracking development and consent pathways, minimising incompatible land uses and simplifying integrated development assessments. If successful and applicable, the lessons from IPAs could be applied across inland NSW.

5.5.2 Streamlining the development application process

Problem description:

The development application process for agriculture is complex and can often be delayed due to complaints being made by the public or councils asking for supplementary information.

Evidence and what we heard:

Landholders expressed frustration with the complexity of development applications and the ability of politically motivated and self-interested interests to influence or delay decision-making on their applications. They noted that public submissions are not always well informed but can still be influential. There was not a shared view on how to address perceived gaps in understanding in a development approval process. Seventy-three per cent of survey respondents agreed council processes should consistently consider and weight/prioritise public submissions. Councils generally argued that they do prioritise submissions that deal directly with a development's content or are from parties directly affected by the application.

It was recommended by some stakeholders that submissions on a development application provide names and addresses to ensure some accountability for the content of the submission. This would however not stop people using false details and there would be privacy concerns of sharing personal details if public submissions are published for transparency.

Cessnock Council also suggested that some residents live elsewhere and use their property as a holiday house or rental property. These residents should still be able to express concerns about developments impacting their properties despite not being permanent residents. The planning framework encourages public engagement irrespective of someone's location. This is because some developments may have wider impacts that impact the amenity of a locality that people may visit often or use for recreational or non-residential purposes.

All councils should be adopting internal policies that prioritise public submissions that are from directly affected parties and engage with the content of a development application, over those making values-based or political judgements about the development proposal. They should make those policies known to ratepayers and development proponents. It is important that all participants in a development application and approval process are accountable for their contributions.

To streamline development processes Cordina Chickens recommended that a template be adopted for intensive livestock developments which *"...recognises the operational constraints of intensive livestock agriculture and which outlines the fundamental assessment processes for such developments."* This would give producers reassurance they know what to expect from the process. There is clearly merit in a more standardised and predictable process which is largely known at the outset. Councils raised the idea of mandating pre-development meetings which can help inform a proponent of the process and required documents before

an application is lodged. However, this could add to development approval timeframes and not all councils would have the resources to provide this service.

Tamworth Council highlighted that community concerns can arise when a development application is submitted, despite earlier engagement between the proponent and the likely affected stakeholders. This can be frustrating for the proponent; if they were better informed of likely feedback, they could prepare information to support the application. Tamworth Council suggested that consultation could be required before a development application is submitted.

Consultation is mandated as a part of the development application process for State Significant Development. Requiring prior consultation for all approvals would likely be onerous and unnecessary for smaller development applications. Councils already exhibit development applications for public comment and requiring prior consultation could further slow the development application process.

Nevertheless, there are different assessment practices across councils making the development approval process difficult and unpredictable and there would be benefit from sharing these experiences in a more systematic way.

The Navigating Farm Developments platform being developed and tested by DPI at present has the potential to address some of these concerns. The platform allows proponents to determine the site options for a development on their property and to identify specific information that may be needed to support their development application. A digital platform for producers is a potential vehicle to deliver better informed applications and streamlined approval processes without burdening proponents or councils.

Key findings:

- All participants in a development application and approval process should be accountable for their contributions.
- Councils generally prioritise public submissions based on proximity and potential direct impacts. They should make their policy for handling submissions publicly available to improve confidence in their administration of the development application process.
- The development application process should be simplified for producers and standardised to the extent possible so there is increased transparency and consistency for all parties.

Recommendation:

8. Subject to receipt and consideration of a positive business case, the NSW Government should support the digitisation of farm development planning through the Navigating Farm Developments Platform. DPIE Planning should provide technical input and assistance to help integration with the ePlanning and spatial portals. This would simplify the development application process, maximise investment potential and improve confidence in the planning system.

5.5.3 Buffer guidelines and the agent of change

Problem description:

Buffers are a key tool for land use regulators in avoiding and minimising land use conflict at a property- and neighbourhood-level. Their use should be considered in all relevant development approval processes. However, there are no clear buffer rules for different agricultural industries and where buffers are applied, they are often not accepted by neighbours or in considering subsequent developments.

DPI has developed guidelines for buffer areas between certain types of agricultural operations and conflicting land uses. However, these are not mandatory and not applicable for all farming operations. They would also benefit from a review to ensure they incorporate current science and best practice from other jurisdictions

Councils are not compelled to consider agricultural buffers and there are no consequences for building within an established buffer. Construction of residences within a buffer introduces new sensitive receptors to the area and produces land use conflict.

Evidence and what we heard:

Buffers are recognised by councils as an effective tool for helping to reduce land use conflict but could be far more effective if they were supported by better analysis and applied rigorously. Rural buffers are also widely used to provide for green 'wedges' which retain some natural environment and amenity around built up areas.

Stakeholders and the 2020 Australian Farm Institute's report, '*Managing farm-related land use conflicts in NSW*' identified that buffers are not being applied and maintained consistently between LGAs. All stakeholders recognised the importance of buffers and wanted more done to improve how they are applied. Eighty-nine percent of survey respondents agreed that the NSW Government should produce further guidance to clarify and consolidate buffer requirements for various agricultural industries across all LGAs.

Both Bega Valley Shire Council and Goulburn-Mulwaree Council suggested a land use strategy explore what mandatory minimum and maximum buffers could look like. Mandatory buffers will not always be achievable, particularly in peri-urban areas where lot sizes may be too small to accommodate distance-based buffers and other mitigation measures may be necessary. Tweed Shire Council suggested that a consistent framework for buffers be established so that they can be determined in a consistent way across NSW.

Cessnock City Council and Byron Shire Council suggested that buffers should respond to changes in industry practices and reflect industry best practice. The Riverina Joint Organisation emphasised the risk of a 'one-size-fits-all' approach to buffers. Canberra Region Joint Organisation recommended consent authorities be given discretion as to the suitability of buffer distances between two developments on a case-by-case basis, imposing consent conditions to reduce the risk of land use conflict where this is possible.

The issue of developments being built within operating buffers was often raised as an issue where the 'agent of change' principle could be applied. The Department of Environment, Land, Water and Planning in Victoria conducted a review of separation distances in 2019 and identified the importance of effective buffers applied consistently and equitably in an agricultural context. The concept of self-contained buffers has been raised through this review. This process has highlighted the importance of buffer guidelines being regularly reviewed, based on best practice and taking into account community expectations.

CASE STUDY: Feedlot development stifled by neighbouring dwelling

A large feedlot development was not pursued in regional NSW due to a dwelling approval being unexpectedly sought and approved on a neighbouring commercial operating farming property.

The proposed feedlot site was well suited to the development due to its topography, water, access to labour and strong support from the local community and Council. However, during extensive consultation on the proposal, a dwelling was approved to be built near the boundary of an adjacent property, within the exclusion zone around the proposed feedlot site.

The feedlot proponent assessed that the risk of future potential land use conflict with the dwelling could jeopardise the operation of the feedlot. The Council estimated the economic loss to the area to be more than \$700 million over 10 years, with 75 direct jobs and flow-on employment opportunities for 125 in the local area and 345 in the region lost. The project proponent has other site options in other States and regions.

Stakeholders shared their experiences of established operations which suddenly became the subject of action by the council or the EPA as a result of new neighbouring or changing land uses around them that have encroached on previously established buffers. In some cases, complying development rules have enabled new dwellings to be established without the neighbouring landholder's knowledge. This has introduced new sensitive receptors and ultimately made the producer non-compliant with recommended buffer standards as well as noise and odour regulation. In other cases, there is a change in neighbouring ownership and new residents are less tolerant of the smells and noises of agricultural production which again increases the likelihood of enforcement action against producers.

Goulburn-Mulwaree Council suggested it may also be suitable to include a principle of mutual responsibility, requiring consideration of the impacts of the future development potential of adjoining land. An expression of interest style system could also be instituted to allow agricultural operations to declare an intention to use a site for intensive agricultural development to prevent such an instance from occurring, prior to lodging a development application.

Eighty-eight per cent of survey respondents agreed new developments should be responsible for accommodating buffer needs of existing neighbouring agricultural operations. The responsibility for mitigating potential nuisance from normal and legally compliant agricultural operations should ideally rest with the proponent of the new introduced land use. There will unavoidably be a need for change in some localities, and the agent of change principle may not be appropriate in all circumstances. There would need to be capacity for local judgement in applying this principle in these cases and the buffer guidelines should assist councils.

CASE STUDY: Neighbouring noise complaints impact best practice

A specialty herb and produce grower established in 2008 began using fans in 2016 to improve its production. Circulating air is considered best practice to prevent mould and fungus. Neighbours on the adjacent property have regularly complained about a constant humming noise from the fans and power generator. The neighbouring house was built in 2016.

The business is operating in accordance with its council approvals. To mitigate concerns, the business replaced all its fans with lower noise fans and reduced the number of fans. Responding to these complaints through legal costs and mitigation measures has imposed a significant financial and emotional cost on the grower.

In 2021 the NSW Land and Environment Court ruled that the noise emanating from the grower was unreasonable, and the grower was ordered to comply with an Operational Noise Management Plan to ensure the noise does not exceed more than 5dB above background noise when measured as an Equivalent Continuous Sound Level (LAeq) over 15 minutes. The grower was also required to install acoustic barriers and impose limitations on certain plant and machinery locations and operation times. There is perhaps more work to be done to understand if noise standards are set at the right levels for agriculture if it means best practice can't be followed.

CASE STUDY: Proposal to rezone land near three poultry farms to enable residential development

A 2020 planning proposal is seeking to rezone RU1 Primary Production land to RU5 Large Lot Residential and reduce the minimum lot size to enable 38 rural residential allotments. The proposed site has three poultry farms nearby. Chicken farming is an important part of the local economy.

The proposal has a high risk of causing land use conflict as the allotments are within 500m of neighbouring poultry sheds. Any resulting land use conflict will impose costs on the established producers as they may need to commission professional reports on noise and odour modelling to appease future complainants.

Applying the existing buffer guideline could help to mitigate this risk. It recommends a minimum of 1000m buffer for intensive chicken operations. At the very least, planning authorities should be considering how a buffer could be applied to suit the site.

Buffer recommendations in NSW should be reviewed to improve their scientific rigour and ensure that all industries can access these guidelines. The separation distances themselves should be able to respond to the unique circumstances of a development and the site conditions.

Other jurisdictions are working on this issue given its significance as a planning and development assessment tool, and the relevant science, along with operating practices and technologies are constantly developing.

Key findings:

- Buffers are a very important tool to reduce conflict and their effective use is seen by almost all interested parties as essential.
- Buffer guidelines should be easy to access, be based on contemporary science industry best practice, and draw on analyses and experience in other jurisdictions.
- The existing guidelines should be updated and should have more formal recognition in the planning framework. They must also be applied in a flexible way to reflect local conditions and surrounding land uses.
- A comprehensive policy for agricultural land use planning should recognise the agent of change principle and require consideration of buffers in the Standard Instrument LEP because at present it is the most used and effective case by case mechanism for minimising land use conflict.
- The agent of change principle could apply only to those zones where agriculture is permissible.
- Complaints should not be escalated if the complainant has initiated the change in land use or occupation status.

Recommendation:

9. The NSW Government should require that councils consider the use of buffers for agricultural operations in relevant development application approval process.

This mandatory consideration, implemented through the Standard Instrument LEP, should also apply the agent of change principle so that established buffers are considered in neighbouring development decisions. This principle should also guide enforcement activities and responses to complaints made against farming activities.

- DPI should review existing buffer guidelines and work with industry and councils to ensure they reflect contemporary science, best practice and meet regulatory needs. Over time this could contribute to the work of the NSW Farm Practices Panel (recommendation 12). The ability of councils and proponents to identify where buffers are in operation should be improved and the function and integrity of existing buffer conditions in development consents reinforced.

5.5.4 Planning legacies and dwelling eligibilities

Problem description:

The rural landscape is increasingly being fragmented by residential development which affects rural land values, introduces sensitive receptors potentially incompatible with agriculture and may make agricultural operations unviable. Fragmentation is mostly driven by decisions to reduce minimum lot sizes or enable dwellings on undersized lots.

Evidence and what we heard:

Fragmentation of agricultural land is one of the primary factors reducing its capacity for continuing productive agriculture and is already identified as an area of concern in the Standard Instrument LEP. However, as discussed earlier, it is not clear how councils should identify and address *'the fragmentation and alienation of resource lands.'* Fragmentation of rural land can lead to competition for the land from other land uses and *'sterilise'* future land use options. On the other hand, small lots are in demand from those seeking a rural lifestyle and can benefit local communities if provided in a planned way.

Each council can set their own minimum lot size. Usually lots below the minimum lot size do not have dwelling eligibility. However historical policies on dwelling eligibilities in some cases, remain in place despite changed local planning policies. These historical eligibilities result from planning decisions in the 1960's – 1980's, where they provided compensatory development rights (concessional allotments) and building rights (existing holdings) for landholders when planning controls were introduced.

The problem created by these eligibilities is that they can undermine local and regional planning. Significant projects consistent with local objectives can be frustrated and even prevented from proceeding by the use of these legacy eligibilities. It is difficult to know how many of these eligibilities exist or their location, which means the risks they present cannot be *'managed'* by councils. Councils would need to assess each lot and the planning instrument under which it was created to know how many exist in their area. With hundreds of thousands of lots in each LGA this would be an unsurmountable task.

The potential for dwellings to pop up randomly throughout the rural zone because of these historical settings presents a real risk to effective local strategic planning. The continued use of these dwelling eligibilities has seen adverse outcomes for agriculture and the integrity of the planning system generally. Not only are more sensitive receptors introduced to the rural landscape, but agricultural assets can be impaired. There have been attempts by councils to extinguish unused entitlements through sunset provisions, with some but limited success. Landholders who are aware of concessional arrangements on their properties naturally tend not to support the loss of these entitlements.

Larger rural lot sizes have been recommended by some stakeholders to better avoid land use conflict and provide good buffers with surrounding land uses. The minimum lot size for rural land is often a reflection of historical policy and not based on contemporary evidence. Achieving the minimum lot size does not guarantee that the land will continue to be used for agriculture as the size of the lot may not be commercially viable. There is also some evidence

that minimum lot sizes can be too large – too small to be viable for a commercial business but too large for effective hands-on management. With continuing pressure for small lots and rural residential developments policy development by councils would benefit from research into minimum lot sizes.

Key findings:

- Introducing unplanned residential activity in the rural zone should be avoided.
- New dwellings established on small lots as a result of historical dwelling eligibilities fragment the rural landscape, introduce sensitive receptors, and undermine efforts for effective local strategic planning.
- It is difficult for councils to know how many eligibilities could be activated but it is believed to be a large number, in most cases not known to the landowner or council.
- State intervention is needed to support councils to remove the transitional arrangement of concessional lots to improve the integrity of local planning.

Recommendation:

10. The NSW Government should require councils to improve the integrity and effectiveness of their rural zoning arrangements by phasing out concessional dwelling eligibilities and existing holdings clauses in the rural zones and provide appropriate support to do so. Any land holder with an existing dwelling eligibility on a concessional allotment or existing holding could be given a period of five years to submit a development application before the eligibility is extinguished.

5.6 Education

Problem description:

Land use planners prepare strategic plans and undertake assessments and make recommendations on proposals for agricultural activities or those which impact agricultural land. While professional land use planners working with the agriculture sector are generally well informed the review heard that staff turnover and local complexities mean familiarity with local production needs is an ongoing challenge for councils. Improving the capability of local planners to understand agricultural practices and planning needs would improve consideration of agriculture in the planning process. There is a separate problem with the growing detachment and gap in understanding between production agriculture and the urban and even rural residential communities close to those operations.

Evidence and what we heard:

Education was highly supported across all stakeholder groups to target a range of audiences including council planners, councillors, Government officials and the public living near agricultural operations. Eighty six per cent of survey respondents supported improving the education offering. Education is critical in assisting planners to understand the planning needs of agriculture but also to encourage peaceful co-living between different land users in the rural zone. But it was emphasised strongly that education alone is only a minor part of a solution to land use conflict, and stronger regulatory mechanisms are also necessary.

The main issues stakeholders identified as needing more education include:

- General principles for agricultural land use planning, particularly regarding the use of buffers and avoiding fragmentation.
- Determining appropriate buffer requirements for different operations.
- Operating needs of an agricultural business that must be taken into account in a development approval, such as hours of operation and vehicle movements.
- Risks involved with different types of agricultural operations, including noise and odour but also visual amenity and water use.
- Effective means of mitigating land use conflict through site planning and design.
- Understanding how to use the Land Use Conflict Risk Assessment guide.
- The reasonable expectations of agricultural producers operating near dwellings in rural and peri-urban environments.
- The reasonable expectations of those neighbouring residents and communities about local producers and their operations

DPI could offer more support to council planners on the potential impacts of new agricultural developments, and on the impacts of non-agricultural developments on agricultural operations. It is the proponent's responsibility to detail in their application the operational components of an agricultural development, but a sound assessment of that application requires knowledge of agriculture and the needs and practices of agricultural businesses. These support services could include advice on clarification of industry requirements and interpretation of planning law. Currently, DPI issues a range of guidance and information material and can support councils to understand technical elements of agricultural development applications as well as providing advice on strategic planning for rural areas.

This support could be offered through an education program. The education program could focus on two audiences:

- Local government planners and planning consultants to increase their understanding of the complexities and needs of agriculture and how these can be managed through the planning system.
- The wider public and communities adjacent to producers in particular, to improve understanding of modern agricultural practices to offset to some extent a growing detachment from rural Australia and the agriculture sector.

Ballina Shire Council recommended, in developing such programs, that particular attention be given to specific examples illustrating where understanding the particular need of agricultural enterprises might materially affect the decision-making process associated with development assessment or preparation of local strategic plans.

Improved education and awareness for new residents moving to rural areas on the realities of living in rural areas was proposed by several stakeholders to assist in addressing the growing incidence of complaints about compliant activities. Stakeholders emphasised that education and awareness should occur before a purchase is made. Some councils already attach a statement to each Section 10.7 certificate explaining what is to be expected by purchasing land in a rural-based community. It was proposed that this approach could be required across NSW. However, the Section 10.7 certificate is issued when the decision to purchase has already been made and would not deliver continued education about contemporary agricultural practice.

Key findings:

- The NSW Government through DPI should provide councils with education that supports them to understand, interpret and apply planning instruments relating to agriculture.
- Councillors also need education about how to positively plan for agriculture.
- Councils and the broader public would benefit from understanding more about agricultural operations and how this is relevant in land use planning generally.

Recommendation:

11. DPI in partnership with relevant NSW Government agencies should implement education programs for council planners, councillors and the wider public about agricultural land use planning needs and the planning instruments that support these uses. The education programs should be targeted to the audience and aim to:

- Educate council staff and councillors to improve planning and decision-making, issues covered should include:
 - Land use conflict
 - Rural Strategic Planning
 - Buffers
 - Rural worker dwellings and the importance of supply of agricultural labour
 - The practices and needs of particular agricultural industries.
- Educate the wider public to improve understanding of rural Australia and the operations of the agriculture sector, this will include revising the Living and Working in Rural Areas Handbook.

Over time these education materials should draw on the work of the NSW Farm Practices Panel (see recommendation 12).

5.7 Other matters to support the growth of agriculture and regional economies.

5.7.1 Energy, water, mining, biodiversity, forestry

Several policy areas outside the scope of this review of the planning framework were raised in submissions and broader consultations. This review has already covered a wide range of issues, and these other important issues could be addressed in further phases of a planning policy review.

Stakeholders including the NSW Farmers Association, regularly expressed significant concern about the development of renewable energy infrastructure and associated transmission capacity on agricultural land. It's clear that there is significant anxiety in some communities affected by energy and infrastructure developments. This reflects concerns about landscape disturbance, impact on the value of nearby land, the potential for land use conflict and fragmentation or sterilisation of good agricultural land, uncertainty about decommissioning obligations and outcomes, and the inevitable creation of 'winners and losers.'

There is a pressing need for this energy supply and the required transmission infrastructure. As always, those who are directly affected can be expected to have strong feelings about these projects, and they can raise policy conflicts when they are located on land currently in production. On the other hand, energy infrastructure is a source of diversified income for landowners, independent of the variable income streams associated with agriculture.

This is yet another example of the conflicting policy objectives that land use planning must confront. Early experience already suggests that as the scale of these investments grows, dramatically positive responses to these local concerns will be important to winning community support for these necessary developments.

The NSW Government has released an *Electricity Strategy and Electricity Infrastructure Roadmap* which will establish five Renewable Energy Zones - in the Central-West Orana, New England, South-West, Hunter-Central Coast, and Illawarra regions. Clustering this infrastructure is an efficient model for planning as it will minimise the physical footprint and costs. This infrastructure will inevitably involve the use of agricultural land.

There will be a transition phase as renewable developments respond to the opportunities in these locations, and landowners in these areas will be affected in different ways and react accordingly. The NSW Government should ensure that the impact on agricultural land is minimised where this is a realistic option, and communities are reassured about decommissioning arrangements and their other concerns where this is feasible. The DPIE is currently undertaking a public consultation process to do this.

There are existing review processes on some of the other matters raised during consultation including water, forestry, and mining. These include issues relating to water, mining, biodiversity, and forestry including the Regional Water Strategies, Private Native Forestry Review, and the Biodiversity Offsets Scheme. This review has not considered these issues in any detail but endorses the principle and practice that these projects should be based on rigorous regional and local planning and accepts that it is not possible to address the concerns of all affected parties.

5.7.2 Role of the NSW Agriculture Commissioner

The NSW Agriculture Commissioner was appointed in August 2020 and was asked to undertake a review of elements of the NSW planning system as they affect the agriculture sector. The Commissioner does not have any statutory powers and does not need them to undertake tasks of this nature. Individuals and organisations with an interest in these issues have been generous with their contributions and the gaps that exist in the evidence base result from the absence of data rather than unwillingness to make it available. Information gathering powers would not have improved the evidence base in this report.

A few submissions and discussions during the consultations argued that the Commissioner requires statutory powers to be effective. The key issue is what functions the Government wants the Commissioner to perform. If they are reviews aimed at improving policy and decision-making systems, such as this one, no powers beyond the Government's general and public support are required. If the Commissioner were asked to intervene in individual cases and provide a mediation or arbitration role some powers would likely be required to undertake those tasks in an efficient and timely way.

The issue of the Commissioner's functions is a matter for the NSW Government. The only comment the existing Commissioner would make is that improving policy, systems and structures that apply across the State is likely to have a much higher return for the public and agriculture sector than applying the same resources to the resolution of individual cases, however worthy they may be.

6. Reducing and managing land use conflict

6.1 NSW Farm Practices Panel

Problem description:

There is no simple, accessible, and impartial mechanism for producers, complainants and individual Councils to resolve land use conflict. The management of this important and increasingly difficult problem is therefore mostly dependant on the skill and commitment of those Councils and their staff. While this is considerable in many cases and will be important in any future management scenario, these arrangements on their own are not a sustainable way to handle a problem of this nature.

Land use conflict can have a significant impact on the economic and emotional resilience of agricultural producers and their businesses, the communities in which they operate, and on nearby urban communities. Although we have not been able to quantify the incidence and significance of this conflict it seems to be universally accepted that this is a major and increasing problem. This was one of the main rationales for commissioning this review. These have also been the subject of numerous studies and inquiries.

As this is an issue that relates to existing businesses and their operations, as well as new investments, it is the most significant economic issue considered in this report. Moreover, it affects the wellbeing of communities in which it is occurring.

Apart from the underlying trends of population growth and movement, and increasing investment in intensive systems, the difficulties associated with this conflict include:

- A growing lack of understanding and acceptance by urban and semi urban dwellers of agriculture production practices. It is worth noting that a majority of the community complaints are believed to be about compliant operations and practices. According to the Australian Farm Institute's 2020 report, "...many conflicts are fostered by misunderstanding of what constitutes a 'normal' farm practice";
- A lack of clarity and source of authority in determining what are 'normal' or acceptable farming practices for councils, potential complainants and in many cases producers themselves;
- Pressure on councils to approve developments which reduce the separation of dwellings and production systems;
- Pressure on councils to approve opportunities for non-farm or ancillary income from owners of land that is not of commercial scale and struggling for viability;
- A small minority of producers who do not adhere to industry standards, are not subject to effective enforcement and compliance incentives, and undermine the work of most producers to avoid this conflict;
- The onus is perceived to be on producers to appease the complainant and defuse conflict rather than testing the merits of the complaint.

Evidence and what we heard:

As noted elsewhere in this report land use conflict and its consequences can be observed globally and in most Australian jurisdictions. It is obvious why this should be so and why there would be a perception that it is becoming more difficult to manage. The underlying pressures of growing populations, and urban and rural residential developments are powerful. In addition, more recently we have seen renewed interest in investment in the agriculture sector based on high prices and expectations of strong global demand for some time. Much of this investment will be in intensive production systems and, given the viability problems in coastal areas noted earlier in this report, landowners in that zone will want to make these investments to improve their commercial performance. This will inevitably bring increased concerns about noise, odour, and the visibility of these operations.

In 2018, the University of Technology Sydney released the report, 'Right to Farm Agricultural Land Use Survey'. This captured survey data from councils over three years and revealed the scope of agricultural land use conflict. Councils generally considered that they were doing their best to manage these issues locally, but many were struggling and concerned about current trends and the impact on their communities. They also considered that there were no available mechanisms that would make a material difference to this trajectory. Despite being widely considered a significant problem there is no ongoing data collection on the type, scale and trends in conflict that could inform future policy.

The options paper sought feedback on how to improve the management of land use conflict involving agriculture. The conflict experienced in coastal areas is generally different in scale and intensity to that experienced west of the divide. The main type of conflict experienced in coastal areas involves nuisance complaints against established operations while the conflict inland can involve disputes over development applications. The options paper included options using an existing dispute resolution body and establishing a new dispute management body.

Stakeholders were sceptical about the effectiveness of using an established dispute resolution body, even with adaptations to suit this purpose. Most emphasised the importance of any resolution body or mechanism having agricultural expertise, being affordable to access and able to deal with matters quickly.

Stakeholders did not support any version of the Land and Environment Court option, primarily due to cost. Some other existing bodies were suggested in written submissions, such as Regional Planning Panels and Local Planning Panels but they did not attract much support. Regional Planning Panels are focused on complex regionally significant developments and Local Planning Panels are responsible for determining sensitive, complex, and high-value Development Applications with a high corruption risk, sensitivity, or strategic importance. Similarly, the Independent Planning Commission's role is not related to this form of land use conflict, and it is hard to see how it could feasibly be adapted to provide a service in this area without detracting from its primary mission. These bodies have been established to solve entirely different problems.

In Victoria, a Panel of Animal Industry Experts has been established to provide guidance on development application standards to both councils and producers/investors. This panel provides expert advice on what development approval conditions could be applied given

comparable agricultural operations. Although this model incorporates agricultural expertise it is an advisory body and only provides advice on proposed developments rather than disputes arising from existing operations. It therefore addresses only part of the problem we are examining here.

Stakeholders called for dispute resolution dedicated to intensive industries, because of the significant amount of land use conflict these operations can face. However, all agriculture industries would benefit from minimising land use conflict and resolving it quickly when it occurs.

The options paper also explored models of new agriculture-specific dispute resolution bodies. Some councils and landholders were strongly supportive of a new dispute resolution body that has the power to assess and settle disputes. Goulburn-Mulwaree Council suggested that a body like the Ontario model would be useful and could be pursued as a trial to see how farming practices could be defined for protection from legal appeal processes.

In the province of Ontario, Canada the Normal Farm Practices Protection Board was established under the *Farming and Food Production Protection Act 1998* to hear and rule on farm practices matters. The Board has the power to inquire into and resolve a dispute involving an agricultural operation and to determine what constitutes a normal farm practice. The Act provides that a farmer is '*not liable in nuisance to any person for a disturbance (odour, dust, flies, light, smoke, noise, and vibration) resulting from an agricultural operation carried on as a normal farm practice*'. A 'normal farm practice' is defined by the Board. The members of the Board represent a range of agricultural industries and experts. The vast majority of cases are resolved through a form of mandatory mediation before matters escalate to the Board for arbitration.

Stakeholders generally supported a process which 'authorises' acceptable or normal industry practices without more regulation, red tape or duplication of existing industry codes of practice. There was some concern that defining acceptable farming practices could freeze operations in time and create an ongoing cycle of defining what sits above and below the line of acceptability. This is a risk but should be manageable and a minor problem compared to the conflict it would address.

In February 2021, the Australian Farm Institute released a report on '*Managing farm-related land use conflicts in NSW*'. A key conclusion in this report is the need for the acceptance and defence of State-wide acceptable agricultural practices by government, agencies, and industry. The report identified that many agricultural land use conflicts are fostered by misunderstanding of what constitutes a 'normal' farming practice, and most are about legally compliant practices. Agricultural disputes can be very technical, often requiring complex expert reports into odour, noise, and water management. It is clear that any body tasked with resolving agricultural disputes requires access to technical expertise and has the capacity to make judgements about the acceptability of the conduct or practices involved.

This review recommends the creation of a NSW Farm Practices Panel. It should be composed of people with appropriate technical capacity (such as public policy, law, science (including environmental sciences), commercial operations, etc.) and independent of the industries typically involved in land use conflict. Its principal task would be to assess and where satisfied endorse industry codes of practice. Codes would need to comply with current laws,

adopt contemporary practices, and address those operations and activities that are the subject of complaints. The codes would provide valuable reference and guidance material for producers, regulators, and communities. The scope of a NSW Farm Practices Panel is outlined in Box 1 below. The endorsed codes would be available for producers and councils to use in development consent decision-making. Compliance with endorsed codes should be taken into account in any legal proceedings. This would provide a much-needed incentive for compliance with publicly scrutinised and documented industry practices.

Once the Panel has been established and its work is seen to be contributing to better overall management of this conflict, the NSW Government should assess the potential benefits of enhancing its role. The developing experience in other countries and Australian jurisdiction would assist in that assessment.

There has been some concern about the work required to develop codes of practice. Codes of practice and conduct are widely used by industries themselves to improve practices and community acceptance. They are also used in legal regimes such as those administered by the Australian Competition and Consumer Commission for a range of industries. There are codes in place for a variety of agriculture industries in NSW already, as well as in other jurisdictions, and there is a lot of material available for industries which decide to participate in this scheme if it is implemented. In any case, the key judgement industry sectors would need to make is whether the cost and effort required to develop a code of sufficient quality is warranted by the potential long-term net benefits.

This review has found that the policy measures recommended below would fill a large gap and offer benefits for all the parties affected by land use conflict. The key principle it would follow is that producers using legally compliant and responsible practices should have reasonable confidence in operating their business, and potential complainants should have access to authoritative information about their reasonable expectations of those producers.

Box 1: Potential role and scope of an NSW Farm Practices Panel

The purpose of the NSW Farm Practices Panel is to reduce land use conflict by assessing and endorsing industry codes of practice and in doing so provide an authoritative resource on what operating practices commonly associated with land use conflict are 'normal' and should be regarded as acceptable. This will support the delivery and implementation of key actions in the Agricultural Land Use Planning Strategy by providing clarity for all affected parties and increase the incentive for producers to comply with those practices.

The Panel should:

- Invite agricultural production industries to submit Codes of Practice for assessment and endorsement if they meet the Panel's expectations.
- work with government (including the NSW EPA, NSW Environment Energy and Science, DPI and DPIE), councils, industry stakeholders and the community generally through an open public process to assess proposed industry codes of practice for consistency with relevant legislation.

- draw on international and domestic practice and contemporary science in assessing codes.
- encourage industries that do not have established codes to develop them as a means of codifying the reasonable expectations communities can have of producers.
- establish a process to ensure the farming practices are regularly reviewed for currency and accuracy, including considering requests to amend codes to reflect new practices.
- in the process of reviewing codes of practice, balance the needs of the agricultural community with the health, safety, and environmental needs of local communities.
- endorse the code so that it may be used confidently by producers and enforcement agencies in their management of conflict and used by consent authorities in considering development applications.

The Panel members should be appointed by the Minister for Agriculture for three-year terms. The members should be independent of agriculture industries and the Government agencies involved in this area of regulation.

Key findings:

- Land use conflict is sufficiently serious to warrant a focused policy response, and as the problem is widely seen to be getting worse, early intervention is desirable.
- While Councils and the NSW EPA do a good job managing complaints and balancing needs of communities, existing enforcement is largely complaint-based and is therefore inevitably seen as ad-hoc, reactive and not focussed on persistently non-compliant behaviour unless it becomes the subject of complaint. This review did not test the veracity of this perception but it is clearly held strongly by some stakeholders.
- Some existing mechanisms or bodies work to reduce and resolve this conflict, but the adaptations that would be required to make them more effective in this role would be significant and risk reducing the performance of these bodies in their primary tasks.
- There is therefore a strong case for a new entity focussed on this specific problem.
- The body should be adequately resourced to ensure compliant production practices are well defined and understood, and producers using these practices are able to operate with confidence, and communities are clear on what they can expect from neighbouring producers.
- A new body should build on existing codes of practice and recognise regional variations of industry practices. It may endorse only those elements of broader codes that relate to land use conflict.
- It should also play an education role to promote expected practices from different agricultural industries.
- A new model should aim to increase the industry sectors' sense of responsibility for their own community interests and increase peer group pressure on non-compliant operators by providing an increased incentive for compliance.

Recommendation:

12. The NSW Government should establish a NSW Farm Practices Panel which would assess and where satisfied, endorse industry codes of practice, and in doing so advise all interested parties on what operating practices associated with land use conflict are 'normal' and should be acceptable.

In line, with the potential role and scope outlined in Box 1, (see section 6), the panel members should not have a representative or other close association with industries which develop codes, nor with their regulation, and be supported by appropriate technical expertise. It should be voluntary for industries to submit their codes of practice for assessment and these codes can be existing or can be crafted to reflect those practices subject to complaints. In assessing codes, the panel would have regard to current evidence of good practice in situ, contemporary science, compliance with relevant contemporary law (relating to industrial noise, chemical use, odour, water use, emissions, etc.), operating practices and regulatory experience and practice in other Australian and international jurisdictions. The codes would be regularly reviewed to ensure they keep up with evolving practices and regulatory developments. While they would have state-wide application, some codes could include regional modules to reflect different operating conditions and potential for, and source, of conflict. The codes would aim to provide a 'how to comply' manual, and reinforce rather than dilute existing environmental protections.

Compliance with an endorsed code of practice should be taken into account in complaint investigations and enforcement action (that is, in prosecutions, evidence of compliance or non-compliance with a code should generally be sound evidence that the producer has complied with the law), and the codes should provide a robust and consistent basis for consent authorities formulating development approval conditions. This would assist councils and other government authorities, such as the NSW EPA, in responding proportionately to complaints, ensure codes set out a means of complying with regulatory requirements, and encourage industries to maintain the currency of codes of practice.

Once the model is operating and seen to be delivering benefits the Government could consider recovery of the Panel's costs from the beneficiaries.

6.2 Council reference group

Problem description:

Councils deal with land use conflict differently and do not have an organised and regular point of reference to assist them in resolving conflict. Some councils have systems in place, based on guidance from the NSW Ombudsman's Office, but this is not consistent across the State. The differing understandings of council staff of agricultural practices and local pressures can mean similar cases in different areas can have very different outcomes. In the absence of any centralised data collection process, it is hard to improve professional and industry knowledge and improve decision-making.

Evidence and what we heard:

Consultation occurred with a wide range of councils from coastal and inland LGAs. The differences in land use planning needs for agriculture are driven by the composition of zones, lot sizes and population densities. There is nevertheless a sufficiently common experience to suggest there would be a lot to be gained from a more structured and consistent mechanism for sharing experiences and knowledge among council planners. This would cover for example, approaches to planning, conflict resolution and education initiatives.

The potential role and scope of a Council Reference Group are outlined in Box 2. Terms of Reference for the Group could be developed in collaboration with interested councils.

Box 2: Potential role and scope of a Council Reference Group

The purpose of the land use conflict Council Reference Group is to improve the management of land use conflict and support the delivery and implementation of key actions in the Agricultural Land Use Planning Strategy. The Group will consist of representatives from councils who can participate voluntarily. Activities would include:

1. *Investigating ways to best address agricultural land use conflict.* This would include workshopping different processes for resolving land use conflict with agriculture and setting up a process for monitoring, recording, and reporting on steps taken to resolve land use conflict with farmers and the success of these steps in resolving the conflict. Note, the Group could report to the NSW Farm Practices Panel.
2. *Providing advice to, and seeking advice from, DPI and the NSW Farm Practices Panel on land use conflict.* The Group could have input into revision of material that guides their work, such as the NSW Ombudsman's complaint handling guidance for councils.
3. *Monitoring agricultural land use conflict to help determine the scale of the issues and establish a body of evidence for improved management of agricultural land use conflict in NSW.* This would include sharing evidence and experiences of instances of agricultural land use conflict and setting up a process for recording, monitoring, and reporting on instances of agricultural land use conflict and trends over time. The Group should continue to meet until a data set over a period of at least three years is established to enable councils to compare land use conflict trends over geographical space and time.

Key findings:

- There are different types of land use conflict and varying methods used across the State to resolve this conflict.
- More data is needed to understand the scope and trends of land use conflict impacting producers.
- Councils would benefit from sharing experiences and ideas in how to manage land use conflict.
- Council planners could help educate one another about agricultural operating needs through a group forum.

Recommendation:

13. DPI should establish a Council Reference Group for the purpose of bringing councils together from across NSW to share experiences of agricultural land use conflict.

Through this forum, councils could use the community of practice to develop approaches to best address land use conflict and emerging agricultural needs. This body could be a mechanism for designing a process to collect data on land use conflict impacting producers and provide updates to DPI and other agencies on their findings.

7. Attachments

7.1 Attachment 1: Implementation framework for an NSW Agricultural Land Use Planning Strategy

Phase	Rec	Summary of recommendation implementation	Department(s)
Phase 1	1	Conduct public consultation on the identification and mapping of State Significant Agricultural Land (SSAL), and an associated management arrangement implemented through the strategic framework and concepts to identify Identified Production Areas. (recommendations 1, 3, and 4)	Department of Primary Industries (DPI)
	5	Establish a system to monitor changes in rural zones and the effectiveness of strategic plans in influencing development decisions about agriculture. Begin annual reporting on findings.	DPI, Department of Planning, Industry and Environment (DPIE) and Councils
	8	Prepare a costed business case and seek Cabinet approval of the Navigating Farm Developments Platform.	DPI and DPIE
	11	Implement education programs for council planners, councillors and the wider public about agricultural land use planning needs and the planning instruments that support these uses.	DPI, DPIE and Environment Protection Authority (EPA)
	12	Prepare a costed business case and seek Cabinet approval to implement a Farm Practices Panel to provide clarity on the acceptability of farming practices by assessing and endorsing industry codes of practice and determining what operating practices associated with land use conflict are 'normal' or acceptable.	DPI, DPIE, EPA and Office of Local Government (OLG)
	13	Establish a Council Reference Group to bring councils together from across the State to share experiences of agricultural land use conflict.	DPI and OLG
Phase 2	2	Review the RU1, RU2 and RU4 zone objectives, permitted land uses and application.	DPIE and DPI
	3	Publish a map of State Significant Agricultural Land (SSAL) along with statutory policy (State Significant Agricultural Land Policy)	DPI and DPIE
	6	Revise and investigate the suitability of clarifying and introducing new land use terms in the Standard Instrument LEP.	DPIE and DPI
	6	Provide clarity and guidance on how ancillary development for agriculture works in the planning framework, with specific examples.	DPIE and DPI
	10	Support councils to improve the integrity and effectiveness of their rural zoning arrangements by phasing out concessional dwelling eligibilities and existing holdings clauses in the rural zones.	DPIE
Phase 3	4	Commence identification of Identified Production Areas (IPAs) and consultation for inclusion within the SSAL map.	DPI, Department of Regional NSW and DPIE
	7	Work with the Regional Job Precinct Project Control Group to explore agriculture-specific planning settings.	DPI, Department of Regional NSW and DPIE
	9	Review existing buffer guidelines to ensure they reflect contemporary science, best practice and meet regulatory needs.	DPI and DPIE
Phase 4	7	Review the Inland Code to be more accommodating of agricultural operations and development and identify opportunities to expand exempt and complying developments and other regulatory concessions.	DPIE and DPI
24 months after Phase 1		Review of implementation and outcomes.	DPI

7.2 Attachment 2: List of submissions on the options paper

1. Animal Liberation
2. Anne Kraefft
3. Audrey & Gordon Tremain
4. Australian Lot Feeders Association
5. Australian Pork Limited
6. Ballina Shire Council
7. Bega Valley Shire Council
8. Bernard Wonder
9. Berries Australia
10. Berrigan Shire Council
11. Byron Shire Council
12. Camden Council
13. Carol Richard
14. Central NSW Joint Organisation
15. Cessnock City Council
16. Chris & Ruth Norris
17. Clarence Valley Food Inc.
18. Coffs Harbour City Council
19. Costa Group
20. Cowra Council
21. Goulburn Mulwaree Council
22. Hawkesbury City Council
23. Henry Ridge
24. Hornsby Shire Council
25. Hugh Cooke
26. James Jackson & Susan Smith
27. John Maguire
28. Julia McKay
29. Junee Shire Council
30. LGNSW
31. Mid Coast Council
32. Namoi Unlimited
33. Nathan Kesteven
34. NSW Environment Protection Authority
35. NSW Farmers Dubbo Branch
36. NSW Farmers
37. Oz Group Co-op Limited
38. Planning Institute Australia
39. Port Stephens Council
40. Queanbeyan-Palerang Regional Council
41. Riverina and Murray Joint Organisation of Councils
42. Regional Development Australia
43. Riverina Joint Organisation
44. Rural Industry Community Advisory Committee of Wollondilly Shire
45. Shoalhaven City Council
46. Southern Cross University
47. Sydney Peri Urban Network of Councils
48. The Hills Shire Council
49. The Law Society of NSW
50. Troy Hollis
51. Tweed Shire Council
52. Wingecarribee Shire Council
53. Yass Valley Council

7.3 Attachment 3: Example State Significant Agricultural Land Use Planning Policy

A State Significant Agricultural Land Use Planning Policy (SSALUP Policy) would improve decisions on the use of SSAL through all levels of legislated strategic planning (Regional Plans, Local Strategic Planning Statements and District Plans), including planning proposals which must be consistent with strategic planning documents. The SSALUP Policy will guide planning decision-makers on what arrangements should apply to land identified and mapped as SSAL (and any other land that may become subject to these arrangements) and implemented through legislated strategic planning.

The SSALUP Policy **should**:

- ✓ apply to land mapped as SSAL;
- ✓ guide planning authorities on how to plan for agriculture in strategic planning where it is identified as a priority land use;
- ✓ set NSW Government expectations about what considerations will be used in making decisions affecting this land, where this land has been identified as a priority;
- ✓ be sufficiently flexible to also be applied by councils seeking to prioritise agriculture in their local government area on non-SSAL land.

The SSALUP Policy will **not**:

- × seek to ban any land uses, but rather apply a greater level of consideration to non-agricultural land uses on SSAL;
- × alter the permissibility of developments permitted under an environmental planning instrument, as mining is permitted under the Mining SEPP;
- × replace environmental impact assessment requirements in the *Environmental Planning and Assessment Act 1979*.

An SSALUP Policy could require that:

When undertaking strategic planning or considering a planning proposal that interacts with the SSAL map, a planning decision-maker should consider the following:

- The role of agriculture in regional economic growth and local amenity where SSAL is present;
- Any conversion of agricultural land to a non-agricultural use should be in accordance with the relevant Regional Plans, Local Strategic Planning Statements, and local land use strategy. Planning proposals should always be consistent with the strategic policy framework;
- Non-agricultural land uses on, and surrounding SSAL, should be planned and approved in a way that minimises the impact on agriculture and the potential for future land use conflict;

- Strategic planning that prioritises agriculture should consider:
 - The availability of natural and other upstream and downstream resources that agriculture depends on (including secondary industries, services, and infrastructure);
 - Regional and local comparative advantages in agricultural production, including opportunities for future growth;
 - Reinforcing existing safeguards for agriculture production and processing such as buffers, minimum lot sizes and restrictions on incompatible land uses;
 - Consistently zoning land and identifying agricultural activities as the preferred land use in that zone.

7.4 Attachment 4: Proposed changes to land use terms in the Standard Instrument - Principal Local Environmental Plan

Term	Current definition	Problem	Proposed solution
Existing land use terms			
Artisan food and drink industry	<p><i>a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—</i></p> <p>(a) <i>a retail area for the sale of the products,</i></p> <p>(b) <i>a restaurant or cafe,</i></p> <p>(c) <i>facilities for holding tastings, tours or workshops.</i></p> <p>Note— See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.</p>	<p>'Artisan food and drink industry' is a type of 'light industry' land use.</p> <p>This means that where 'light industry' is prohibited in a rural zone 'artisan food and drink industries' will also be prohibited unless they are specifically listed as permissible.</p> <p>Where a zone is an 'open zone' and 'light industry' is prohibited 'artisan food and drink industries' cannot be undertaken as innominate development.</p>	<p>De-couple 'artisan food and drink industry' from the 'light industry' group term to allow 'artisan food and drink industries' to be undertaken with consent in open zones.</p>
Dairy	<p>dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24-hour period (excluding during any period of drought or similar emergency relief).</p> <p>dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24-hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.</p>	<p>The current definitions for dairies in the SI LEP do not reflect the operational changes occurring in the industry.</p> <p>These changes include the use of feed pads and a trend to more intensive dairying practices.</p>	<p>Changes to the definitions to reflect the industry practices could be as follows:</p> <p>dairy (pasture-based) means a dairy that is conducted on a commercial basis where cattle generally feed by grazing on living grasses and other plants on the land and are constrained in a restriction facility, including on a feed pad, for no more than 8 hours in any 24-hour period (excluding during any period of drought or similar emergency relief or due to seasonal management requirements).</p> <p>dairy (intensive) means a dairy that is conducted on a commercial basis where cattle are constrained in a restriction facility, including on a feed pad, for more than 8 hours in any 24-hour period (excluding during any period of drought or similar emergency relief or due to seasonal management requirements). It may comprise the whole or part of a restriction facility.</p>

Term	Current definition	Problem	Proposed solution
Farm building	<i>a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.</i>	<p>There is ambiguity as to whether the definition of a farm building includes structures such as crop netting/ tunnels and frost fans.</p> <p>The SILEP separately defines 'farm buildings' from the agricultural uses they are ancillary to. However, being ancillary means they are legally permissible according to the permissibility of the dominant use. Separating farm buildings from their dominant use has caused confusion as to what consent requirements apply.</p>	<ol style="list-style-type: none"> 1. Delete the definition from the SILEP. Clarifying that permissibility of farm structures remains aligned with the dominant use of the land for farming. 2. If retained suggested definition removes specific examples enabling broader application: <p>Farm building means a structure the use of which serves the primary purpose of agriculture on the landholding on which it is proposed but does not include a dwelling.</p>
Horticulture	<p><i>means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.</i></p> <p>Note - horticulture is a type of intensive plant agriculture</p>	<p>The definition of horticulture covers all forms of horticulture from traditional open orchards to controlled environment greenhouse horticulture. These different forms of horticulture have different impacts on the surrounding environment and the increased occurrence of intensive horticulture in greenhouses. Other structures warrant separate definitions.</p>	<p>New definitions could include:</p> <p>Horticulture – the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage for commercial purposes, where the plants are grown in natural ground but does not include a plant nursery, turf farming or viticulture. It does not include intensive horticulture or controlled environment horticulture.</p> <p>Intensive horticulture - the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage for commercial purposes, where the plants are either grown in natural ground or some other medium and within a building or structure that may include a structure comprised only of netting supported by posts and/or wires.</p> <p>Controlled environment horticulture - the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage for commercial purposes, within a building or structure where the climate (temperature and humidity) is controlled or partially controlled such as a green house.</p>
Beekeeping	<i>beekeeping means a building or place used for the keeping and breeding of bees for commercial purposes.</i>	<p>Beekeeping is included as a type of 'extensive agriculture'. Beekeeping is very different to the other types of extensive agriculture such as cropping, grazing or pasture-based dairy because it has very different impacts and can be co-located in outdoor public recreation areas, environmental conservation areas or on roof tops in urban areas.</p>	<p>De-couple beekeeping from the 'extensive agriculture' definition to allow it to be undertaken with consent in open zones as an innominate use.</p>

Term	Current definition	Problem	Proposed solution
Animal boarding or training establishment	<i>means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.</i>	<p>The land use "Animal boarding or training establishments" excludes commercial horse agistment.</p> <p>This means that the only other land use term that would apply to commercial horse agistment is 'intensive livestock agriculture'.</p> <p>Horse agistment on a commercial basis is not considered to be similar to other forms of intensive livestock agriculture (e.g. feedlots, pig farms and poultry farms) and 'intensive livestock agriculture' is often prohibited in zones where commercial horse agistment may be appropriate.</p>	<p>A new definition of 'equine breeding or training establishment' is considered necessary. It is suggested the definition should be:</p> <p><i>a building or place used for the breeding, boarding, training, keeping or caring of horses for commercial purposes, and includes any associated riding school or ancillary veterinary hospital.</i></p>
Proposed new land use terms			
Agritourism	Nil	<p>Many submissions suggested the need for definitions relating to agritourism such as:</p> <p>Rural function center (farm events, weddings and functions)</p> <p>Farm gate sales or activities / roadside stalls / farm retail</p> <p>Farm stay accommodation (glamping and short-term or overnight camping)</p> <p>Food and nature-based tourism / farm tours / rural tourism (consistent with the operation of rural enterprises).</p>	<p>Agritourism land uses are being addressed in the Agritourism and Small-Scale Agriculture Development EIE being progressed by DPIE and therefore have not been further explored by this process.</p>

Term	Current definition	Problem	Proposed solution
<p>Agricultural activities on acid sulfate soils on coastal flood plains</p>	<p>Nil</p>	<p>Shoalhaven City Council suggested a definition for agricultural activities on acid sulfate soils on coastal floodplains to clarify the requirements for consent under Clause 7.1 of the Standard Instrument LEP.</p> <p>Under clause 7.1, development consent is required for carrying out works below the natural ground surface. Activities such as ploughing and harvesting crops potentially need development consent. To date, no complaints about this have been received, but if they were to, Council may be required to act. This could significantly affect agricultural operations.</p>	<p>Subclause (6) of clause 7.1 excludes the need for consent for any works which are not likely to lower the water table.</p> <p>It is considered that ploughing and harvesting crops is not likely to lower a water table and therefore would not require consent.</p> <p>Subclause (4) also excludes the need for consent if “a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.”</p> <p>Industries such as the sugar cane industry have established protocols for farming activities on acid sulfate soils.</p> <p>It is considered that there are sufficient exclusions in the clause to deal with the various scenarios and to exclude farmers from requiring consent for normal cropping or harvesting practices.</p> <p>A new definition is not considered necessary.</p>
<p>Cellar door (cider)</p>	<p><i>cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.</i></p>	<p>The definition relates only to wine and does not enable the establishment of a cidery on a property which grows apples or pears.</p>	<p>Possible solutions:</p> <ol style="list-style-type: none"> 1. Make changes which enable artisan food and drink industry as an innominate permissible use in open zones. 2. Rely on the proposed definition of ‘farm gate activities’ proposed in the Agritourism and Small-scale Agriculture Development EIE. 3. Introduce a new land use definition such as ‘farm produce retail premises’, for example, <p><i>Farm produce retail premises means a building or place that is used to sell food or drink by retail and that is situated on land on which there is a commercial orchard or commercial agricultural production, and where most of the food or drink offered for sale is produced predominantly from produce grown on the land or in the surrounding area and processed on the site.</i></p>

Term	Current definition	Problem	Proposed solution
Essential farm infrastructure	<p>Nil. The SILEP contains a definition of 'farm building'</p> <p><i>farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.</i></p>	<p>The definition of farm building does not include all potential infrastructure which may be essential to the operation of a farm. Where a zone is a closed zone, innominate land uses are prohibited.</p>	<p>1. The preferred approach is to clarify structures on farms which are ancillary to the farming operations as discussed for farm buildings (above).</p> <p>2. To account for 'essential farm infrastructure' the definition of 'farm building' could be clarified by removing the examples:</p> <p><i>farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated, but does not include a dwelling.</i></p>
Intensive farming	<p><i>intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—</i></p> <p><i>a) dairies (restricted),</i></p> <p><i>b) feedlots,</i></p> <p><i>c) pig farms,</i></p> <p><i>d) poultry farms,</i></p> <p><i>but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.</i></p> <p><i>- means any of the following—</i></p> <p><i>a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),</i></p> <p><i>b) horticulture,</i></p> <p><i>c) turf farming,</i></p> <p><i>d) viticulture.</i></p>	<p>The definitions do not provide for the growth of new intensive farming operations such as insect farms.</p> <p>This means such land uses need to rely on being innominate uses in open zones.</p> <p>Camden Council suggested exploring an alternative description to the word intensive.</p>	<p>Some possible options</p> <p><i>light agricultural production facility means a building or place used for the production of agricultural produce whether plants or animals for commercial purposes and that does not interfere with the amenity of the neighborhood by reason of noise, vibration, odour, dust, wastewater, waste products, or otherwise.</i></p> <p>This could be a subset of extensive agriculture but is also permissible in urban zones e.g. industrial.</p> <p>The introduction of a new definition of Insect Agriculture:</p> <p><i>Insect agriculture means the commercial growing of insects in an enclosed environment.</i></p> <p>Insect agriculture could be a subset of 'agriculture' and could also be permitted in industrial zones.</p> <p>See also 'Urban Agriculture' below.</p>
On-site rural workers dwelling	<p>A definition for rural workers dwelling exists in the SILEP.</p> <p><i>rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.</i></p>	<p>Wingecarribee Council suggested a new land use term for on-site rural workers dwellings to enable on site farm accommodation, similar to enabling secondary dwellings under the Affordable Housing SEPP provided that the accommodation is used for that purpose.</p>	<p>It is considered the existing definition of rural worker's dwelling in the SILEP is adequate.</p>

Term	Current definition	Problem	Proposed solution
Plantation forestry for carbon sequestration	<p>Plantation and exempt farm forestry is defined by the <i>Plantation and Reafforestation Act 1999</i> as</p> <p><i>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):</i></p> <p><i>a) for the purpose of timber production, or</i></p> <p><i>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</i></p> <p><i>c) for any other purpose,</i></p> <p><i>not principally for the purpose of the production of food or any other farm produce other than timber.</i></p>	<p>Byron Shire Council suggested consideration be given to defining types of plantation forestry for carbon sequestration that may have irreversible impacts on the soil characteristics and the productive capacity.</p>	<p>Plantation forestry and exempt farm forestry is covered by the <i>Plantation and Reafforestation Act 1999</i> (PR Act).</p> <p>It is considered that plantation forestry for carbon sequestration would meet the definition of a plantation under the PR Act.</p> <p>Section 47 of the PR Act turns off any requirement for consent under the EP&A Act 1979.</p>
Poultry hatchery	<p>Nil</p>	<p>There is no definition of a poultry hatchery in the SILEP. Hatcheries are very different from poultry farms in that they do not feed or rear chicks. Eggs are brought into the facility, incubated, hatched and immediate shipped to growers within 24 hours.</p> <p>Hatcheries are capable of operating in buildings in industrial zones and do not need to be limited to rural zones.</p> <p>Hatcheries are not forms of intensive livestock agriculture as the birds are not fed or reared on site.</p>	<p>It is preferable that the poultry hatchery be a stand-alone definition however if they must be included in a group term then the "rural industries" group term is considered to be the preferred option.</p> <p>Suggest inclusion of a new definition</p> <p>Poultry Hatchery means a building or place used for the incubation and hatching of poultry eggs for commercial purposes but does not include any subsequent feeding or rearing of chicks.</p>
Responsible farming practices	<p>Nil</p>	<p>Not defined.</p>	<p>It is considered that 'responsible farming practices' would not comprise a land use which would necessitate development consent because they would not necessarily be unique to the land. Instead, they would be an operational matter. It is considered that a definition for responsible farming practices is not required in the land use planning framework.</p>

Term	Current definition	Problem	Proposed solution
<p>Small-scale abattoirs e.g., rabbits</p>	<p><i>livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.</i></p>	<p>Small scale abattoirs for boutique meat production is a potential growth area.</p>	<p>The current definition of livestock processing industry appears to be suitable and does not contain any restrictions on scale or the type of animal processed.</p> <p>The issue may relate to the approval pathway for small scale livestock processing industries. The Agritourism and Small-Scale Agriculture Development EIE is examining the potential for this type of development as complying development and has questioned the relevance of locational criteria which trigger the designated development pathway.</p> <p>It is considered that no further work is necessary pending the completion of the Agritourism and Small-Scale Agriculture Development EIE work.</p>
<p>Urban agriculture</p>	<p>Nil</p>	<p>The Sydney Peri-urban Network of Councils encouraged the investigation of innovative agricultural land use definitions, including urban agriculture.</p> <p>For instance, no current definition would allow an 'insect farm', meaning they could only be developed in open zones as an innominate use.</p>	<p>Suggested definitions could include:</p> <p><i>Urban Agriculture means the keeping or breeding, of animals or the cultivation of plants for commercial purposes, in a building or place in an urban area, and that when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed, does not interfere with the amenity of the neighbourhood by reason of noise, vibration, odour, dust, waste water, waste products, or otherwise, and includes any of the following—</i></p> <ul style="list-style-type: none"> <i>a) insect farming,</i> <i>b) hydroponic food production</i> <i>c) aquaponics etc.</i> <p><i>but does not include extensive agriculture, aquaculture, intensive plant agriculture or intensive livestock agriculture.</i></p> <p><i>'Urban agriculture' could be permitted in Industrial zones.</i></p>



Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System - a report by the NSW Agriculture Commissioner

Published July 2021

More information

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www.dpi.nsw.gov.au

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9.4. POSITIONAL APPROACH OF COUNCIL TO CROWN ROAD PROPOSED CLOSURE - CLUSTER 623454 - LOCALITY OF EAST
 1 JINDABYNE

9.4.1 POSITIONAL APPROACH OF COUNCIL TO CROWN ROAD PROPOSED CLOSURE - CLUSTER 623454 - LOCALITY OF EAST JINDABYNE

Record No: 122/75

OFFICER'S RECOMMENDATION

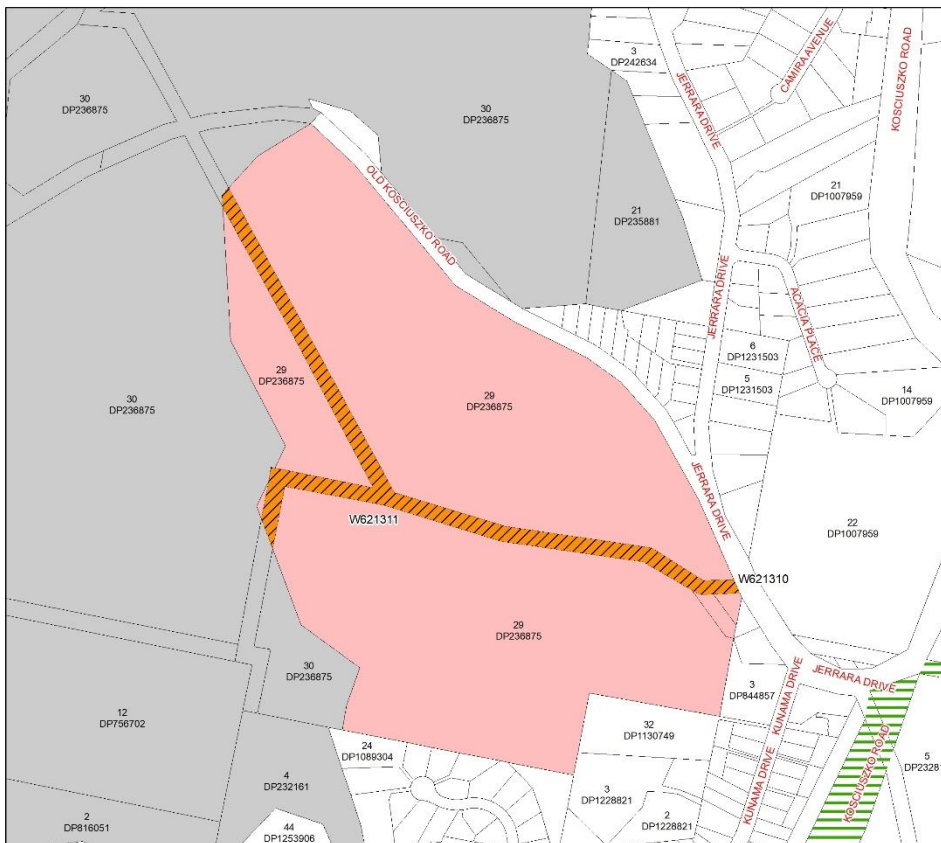
That Council support the closure of the Crown Public Roads (Cluster 623454) on condition that appropriate public access through to the East Jindabyne foreshore is provided in any future subdivision Development Application related to Lot 29 DP 236875 and immediate surrounds.

ISSUES

The NSW Government Special Activation Precinct (SAP) team are requesting Council's position on the closure of these two un-named Crown Roads which traverse Lot 29 DP 236875 - otherwise known as 1 Old Kosciuszko Road, East Jindabyne.

The Minister for Water, Property & Housing proposes to consider the proposed close and sale of the road/s at East Jindabyne - identified by black and orange hatching on the below diagram. It is noted that the identified roads are intended to be sold in accordance with section 152B of the Roads Act 1993. If these actions proceed, the roads will cease to be a public roads upon transfer of the road (or roads) to freehold land in accordance with section 152H of the Roads Act 1993. Each submission is carefully assessed with many factors taken into account before a determination is made by the State.

Case Officer: HEWATC Date: 08/10/2020 File ref: 20/08900



Proposed Closure of Public Roads
 Cluster 623454

LGA: SNOWY MONARO REGIONAL
 LOCALITY: EAST JINDABYNE
 PARISH: JINDERBOINE
 COUNTY: WALLACE

Legend

- FREEFORM PROPERTY NO. 2 PTY LTD
- SNOWY HYDRO LIMITED
- CROWN ROADS UNDER APPLICATION & PROPOSED FOR CLOSURE
- CROWN LAND

N

0 37.5 75 150 225 300
 Metres

Planning, Industry & Environment

Copyright: Department of Planning, Industry and Environment - Crown Lands, 2020

Disclaimer: The information contained in this map has been provided in good faith. Whilst all effort has been made to ensure the accuracy and completeness of this information, the data providers take no responsibility for errors or omissions nor any loss or damage that may result from the use of this information.

9.4. POSITIONAL APPROACH OF COUNCIL TO CROWN ROAD PROPOSED CLOSURE - CLUSTER 623454 - LOCALITY OF EAST
1 JINDABYNE

These roads currently provide the public with a legal access to the foreshore but not a practical one, as there is no physical road or even a track located within the bounds of the road reserves at present; nor is the actual location of the road reserves obvious on site. In order to allow maximum flexibility in the design of any potential new development on the site the owner has applied to NSW Crown Lands to close the crown roads which encumber the site.

At this stage the Master Plan intends to require that a significant portion of the site along the foreshore be made available for public use. Given this background, the SAP team are requesting a Council position on the situation, particularly the closure of the un-named crown roads, so they can provide this feedback to Crown Lands and take account of Council's position during the process of finalising the Master Plan.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity	Medium	Low	Yes
Environmental Security	Low	Low	Yes
External Political Environment	Medium	Low	Yes
Financial Sustainability	Low	Low	Yes
Health and Safety	Low	Low	Yes
Legislative Governance and Compliance	Low	Low	Yes
Reputation and Image	Medium	Low	Yes
Service Delivery	Low	Low	Yes

The SAP aims to transform the Snowy Mountains into Australia's Alpine Capital with a focus on year-round tourism. Community engagement with the renowned Lake Jindabyne foreshore is a critical consideration for both the SAP, and into the future generally.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	N/A	N/A
Estimated Annualised Net Cost	N/A	N/A
Capital Investment	N/A	N/A
Capital Funding Source	N/A	N/A

Agreement on a positional stance from Council in regards to this matter is not anticipated to have any direct financial impacts.

RESPONSIBLE OFFICER: Chief Operating Officer

OPTIONS CONSIDERED

If Council were to abstain from indicating a position or formally express objection to the proposed road closure, this would likely have a detrimental impact on the aspirational aims - and negotiations in play - for the East Jindabyne Sub-Precinct as defined within the Draft SAP Masterplan. It is recommended that Council support the closure of the Crown Roads, subject to conditions.

IMPLEMENTATION PLANS

A Draft Master Plan has been publicly exhibited (July-August 2021), a final masterplan is not expected until mid this year, and until that time the final Master Plan requirements for the site will not be in force.

EXISTING POLICY/DECISIONS

In December 2020, as part of a standard feedback process, Council provided a holding position statement to NSW Crown Lands on the matter:

"A variety of community stakeholders have reached out to Council advocating, rather passionately, for any decision to privatise this land to be - at minimum - deferred until the Special Activation Precinct consultation process has been fully explored. Council's view is that, in the interests of forward planning flexibility, public access considerations and transparent decision making, these roads should not be closed or sold at this point in time."

BACKGROUND

Lot 29 DP 236875 was sold by Snowy Hydro in 2019 to a private owner who is subsequently exploring ways to potentially develop the block in accordance with the new SAP Masterplan. The new owner has been liaising with the SAP team for some time now as well as conducting their own investigations of the site. The SAP team continues to liaise with the new owner on potential development on the site which would meet masterplan objectives and requirements. The SAP team advise the new owner is extremely frustrated with the lack of resolution to close the crown roads to this point.

It is understood DPI Fisheries have objected to the road closure on the basis that it will reduce public access to the foreshore. Crown Lands may be reluctant to close the roads if a government department is objecting. The SAP team has indicated that a boat ramp at East Jindabyne would further allay community and DPI Fisheries concerns regarding lake access at East Jindabyne. As such, a formalised East Jindabyne boat ramp is also being contemplated for inclusion in the final Master Plan.

ATTACHMENTS

Nil

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9.4.2 QUARTERLY BUDGET REVIEW STATEMENT (QBR) TO 31 DECEMBER 2021

Record No: I22/32

OFFICER'S RECOMMENDATION

That Council

- A. Receive the Quarterly Budget Review Statement (QBR) for the period ended 31 December 2021, and
- B. Authorise the adjustments to the Council's budgeted Income & Expenditure, Capital Expenditure and Cash & Investments as reported in the QBR.

ISSUES

The attached report covers proposed variations to the original budget and includes a review of Council's:

- Operating income and expenses
- Capital Budget
- Cash and Investments

The report also includes a statement by the Responsible Accounting Officer regarding the projected net operating deficit and recommended remedial action (some of which have commenced).

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	High	Low	No

Council's financial sustainability for 2020/21 was risk assessed by the NSW Audit Office as being high. This was due to a nil unrestricted cash balance as at 30 June 2021. It was noted that during this period, to meet those day-to-day operational requirements normally relying on unrestricted funds, Council put to use internally restricted money.

The consequence of this action is ineffective cash flow management impacting the ability of Council to make informed decisions. If council runs out of internally restricted cash, approval will need to be sought from the Minister to utilise externally restricted funds for general operations.

The key fundamental issues it is now focusing on include:

1. Improving its operating performance measures by finding ways to reduce costs and increase revenues; and

2. Monitoring and improving day to day cash flows and forecasts to assist the growth of unrestricted cash balances.

FINANCIAL IMPACTS

The financial impact of the December 2021 QBRS is contained in the attached Council Statement.

RESPONSIBLE OFFICER: Chief Financial Officer

OPTIONS CONSIDERED Nil

IMPLEMENTATION PLANS Update Council approved changes to 2021/22 Budget in Authority.

EXISTING POLICY/DECISIONS

Nil

BACKGROUND

Nil

ATTACHMENTS

1. QBRS December 2021 Council Statement
-

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

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1. Responsible accounting officer's statement
2. Income & expenses budget review statement's
3. Capital budget review statement
4. Cash & investments budget review statement
5. Contracts & other expenses budget review statement

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Report by responsible accounting officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 December 2021

It is my opinion that the Quarterly Budget Review Statement for Snowy Monaro Regional Council for the quarter ended 31/12/21 indicates that Council's projected financial position at 30/6/22 will be unsatisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

My opinion above, that Council's projected financial position as at 30/6/22 will be unsatisfactory has been based on the following factors:

1. Whilst the estimated net operating deficit before capital grants and contributions has improved by \$1.453 million to a total of \$2.96 million, the forecast deficit remains unsatisfactory.

Recommended action to further improve this satisfactory position includes:

- a. Monthly Finance and Costing reviews of operational areas to find savings and reduce waste.
- b. Proposed new delivery plan incorporating findings from service delivery reviews.
- c. Implementation of procurement transformation improvement measures and budget controls.
- d. Review revenue policy and strategy to improve income and support financial sustainability.
- e. Update and development of long term financial plan with view to balancing budget by FY24/25.

Signed: _____



date: 28/1/2022

John Bingham
Responsible Accounting Officer

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2021

Income & expenses - Council Consolidated

(\$000's)	Original budget 2021/22	Approved Changes				Revised budget 2021/22	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Sep QBRS	Dec QBRS	Mar QBRS					
Income										
Rates and annual charges	34,485					34,485	-		34,485	22,764
User charges and fees	14,387		660			15,047	1,688	1	16,735	1,576
Other revenues	569		62			631	9	2	640	95
Grants and contributions - operating	23,339	1,564	3,309			28,212	1,994	3	30,206	1,418
Grants and contributions - capital	27,223		8,585			35,808	295	4	36,103	2,258
Interest and investment revenue	1,381					1,381			1,381	(76)
Net gain from disposal of assets	1,034					1,034			1,034	192
Rental income	1,062					1,062			1,062	274
Total income from continuing operations	103,480	1,564	12,616	-	-	117,660	3,986		121,646	28,501
Expenses										
Employee benefits and on-costs	32,021		1,114			33,135	39	5	33,174	6,457
Borrowing costs	134					134	-		134	5
Materials and services	19,105	1,659	1,984			22,748	2,244	6	24,992	3,787
Depreciation and amortisation	19,507					19,507	-		19,507	-
Other expenses	9,756		994			10,750	(45)	7	10,705	4,114
Total expenses from continuing operations	80,523	1,659	4,092	-	-	86,274	2,238		88,512	14,363
Net operating result from continuing operations	22,957	(95)	8,524	-	-	31,386	1,748		33,134	14,138
Net operating result from all operations	22,957	(95)	8,524	-	-	31,386	1,748		33,134	14,138
Net Operating Result before Capital Items	(4,266)	(95)	(61)	-	-	(4,422)	1,453		(2,969)	11,880

Snowy Monaro Regional Council

Quarterly Budget Review Statement
 for the period 01/10/21 to 31/12/21

Income & expenses budget review statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details	
1	User Charges & Fees	
	Tipping fees	(1,932,000)
	Building Control	270,000
	Commercial Recycling	(27,000)
		(1,689,000)
2	Other Revenues	-
3	Grants and Contributions - Operating	
	Biosecurity weeds	106,134
	RMS Main Roads	(2,100,000)
		(1,993,866)
4	Grants and Contributions - Capital	
	Economic Development	(15,000)
	Emergency Management	(164,959)
	Tourism	(57,500)
	Business Development	(124,542)
	Biosecurity Weeds	(57,500)
	Rural Roads	124,542
		(294,959)
5	Employee Benefits & Oncosts	-
6	Materials & Services	
	RMS Main Roads	2,100,000
	Rural Roads	(124,542)
	Biosecurity Weeds	(11,134)
	Business Development	124,542
	Financial Services	21,000
	Asset Management	(2,100)
	Water Supply	(26,330)
	Yallambee Lodge	(27,778)
	Waste Management	93,727
	Tourism	(57,500)
	Emergency Management	148,022
	Economic Development	6,507
		2,244,414
7	Other Expenses	-

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Capital budget review statement

Budget review for the quarter ended 31 December 2021

Capital budget - Council Consolidated

(\$000's)	Original budget 2021/22	Approved changes				Revised budget 2021/22	Variations for this Dec Qtr		Notes	Projected year end result	Actual YTD figures
		Carry forwards	Sep QBR	Dec QBR	Mar QBR		Dec	Qtr			
Capital expenditure											
<i>New assets</i>											
- Plant & equipment	300	46	(95)		251			1	251	25	
- Land & buildings	9,975	828	(186)		10,617			2	10,617	777	
- Roads, bridges, footpaths	6,100	548	1,615		8,263			3	8,263	286	
- Water & Sewer	3,600		20		3,620			4	3,620		
- Other	100	41	550		691			5	691	19	
<i>Renewal and Upgrade assets (replacement)</i>											
- Plant & equipment	723	653	(545)		831			1	831	74	
- Land & buildings		1,964	1,606		3,570			2	3,570	118	
- Roads, bridges, footpaths	15,417	7,948	(3,333)		20,032	9,670		3	29,702	1,176	
- Water & Sewer	9,309	29	8,944		18,282	(5,479)		4	12,803	2,114	
- Other	1,706	3,480	-		5,186	60		5	5,246	861	
Total capital expenditure	47,230	15,537	8,576	-	71,343	4,251			75,594	5,450	
Capital funding											
Grants & contributions	28,901		8,576		37,477	14,408			51,885	1,927	
Transfers from Reserves	-	-	-		-	436			-	-	
Restricted Cash Reserves	17,310	15,537			32,847	-			32,847	3,331	
Receipts from Sale of Assets	1,019				1,019	-			1,019	192	
Total capital funding	47,230	15,537	8,576	-	71,343	14,844			85,751	5,450	
Net capital funding - surplus/(deficit)	-	-	-	-	-	10,593			10,157	-	

Snowy Monaro Regional Council

Quarterly Budget Review Statement
 for the period 01/10/21 to 31/12/21

Capital budget review statement
Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes	Details	
1	Plant & Equipment	
	Public Art Installation	2,700
	Tub Grinder Greenwaste project	(550,000)
	Top Loader	550,000
		2,700
2	Land & Buildings	
	Funding - Jindabyne Pool Upgrade	(130,844)
		(130,844)
3	Roads, Bridges, Footpaths	
	Funding - Transport NSW - Fixing Local Roads Round 3	(9,670,130)
	Mila Road Reconstruct and Seal - Fixing Local Roads	5,138,538
	Shannons Flat Road Reconstruction - Fixing Local Roads	1,912,716
	Dry Plains Road Reconstruct - Fixing Local Roads	2,618,876
	Rural Roads resheeting - Creewah, Tinderry & Poveys	62,500
	SMRC Rural Roads transfer	(62,500)
	Stormwater Drainage works - Cooma and Delegate	100,000
	Snowy River Way - Regional Roads	(100,000)
		-
4	Water and Wastewater	
	Funding - Delegate and Bombala Water Treatment Plant upgrade - milestone 1,2 & 3	(4,600,000)
	Delegate and Bombala Water Treatment Plant Upgrade	(930,000)
	Leesville Water Reservoir 5.0ML	(3,498,000)
	Cooma Water Treatment Plant	(420,000)
	Mt Roberts Water Tower Replacement	(20,000)
	Adaminaby Wastewater Treatment Plant	(551,207)
	Berridale STP Alphas Dosing system	(100,000)
	Mt Roberts Wastewater Tower Replacement	(20,000)
Jindabyne STP Chemical Storage Roof	60,000	
		(10,079,207)
5	Waste Management	
	Funding - EPA Bushfire Recovery Program for Council Landfills @10% deposit only	(6,950)
	EPA Bushfire Recovery Program for Council Landfills @ 10% deposit	6,950
	Jindabyne Landfill Rehab and Capping	50,000
		50,000
6	Transfers From Reserves	
	External Restricted Funds - Unexpended Grants	(436,655)
		(436,655)
	TOTAL	(10,594,006)

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Cash & investments budget review statement

Budget review for the quarter ended 31 December 2021

Cash & investments - Council Consolidated

(\$000's)	Original budget 2021/22	Approved changes				Revised budget 2021/22	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Sep QBRS	Dec QBRS	Mar QBRS					
Externally restricted ⁽¹⁾										
Section 7.11. Developer Contributions Combined	2,783				2,783	-		2,783	2,783	
Section 64 Developer Contributions Water	3,591				3,591	-		3,591	3,591	
Section 64 Developer Contributions Sewer	2,973				2,973	-		2,973	2,973	
Specific Purpose Unexpended Grants	14,818	(14,378)			440	(440)		-	14,818	
Water fund	20,979	(29)			20,950	1,091		22,041	22,041	
Sewer fund	10,162				10,162	4,230		14,392	14,392	
Domestic waste management	3,109				3,109	(2,828)		281	281	
Snowy River Hostel accomodation bonds	1,169				1,169	-		1,169	1,169	
Yallabee Lodge accomodation bonds	3,062				3,062	-		3,062	3,062	
Crown land reserves	1,475								1,475	
Kamoto-cooma friendship scholarship fund	44				44	-		44	44	
Other	120				120	-		120	120	
Total externally restricted	64,285	(14,407)	-	-	-	48,403	2,053	50,456	66,749	
<small>(1) Funds that must be spent for a specific purpose</small>										
Internally restricted ⁽²⁾										
Plant and Vehicle Replacement	-				-	-		-	626	
Employees leave entitlement	1,383				1,383	-		1,383	1,383	
Deposits,bonds and retentions	677				677	-		677	677	
Uncompleted works	303	(303)			-	-		-	303	
Waste Management	2,266	(842)			1,424	-		1,424	4,901	
Stronger communities fund Interest	1,370	(1,370)			-	-		-	1,370	
Total internally restricted	5,999	(2,515)	-	-	-	3,484	-	3,484	9,260	
<small>(2) Funds that Council has earmarked for a specific purpose</small>										
Unrestricted (ie. available after the above Restrictions)	959	(1,110)	-	-	-	(151)	2,848	2,697	22,848	
Total Cash & investments	71,243	(18,032)				51,736	4,901	56,637	98,857	

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Cash & investments budget review statement

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$98,858,189

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/12/21

OR

The Cash at Bank figure included in the Cash & Investment Statement totals \$98,858,189

This Cash at Bank amount has not been reconciled to Council's physical Bank Statements as at 31/12/21
The date of the last completed bank reconciliation is 31/12/21

Reconciliation status

The YTD cash & investment figure reconciles to the actual balances held as follows:

	\$ 000's
Cash at bank (as per bank statements)	1,494
Investments on hand	97,363
Reconciled cash at bank & investments	98,857
Balance as per QBRS review statement:	98,857
Difference:	-

Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes Details

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Contracts budget review statement

Budget review for the quarter ended 31 December 2021

Part A - Contracts listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value	Start date	Duration of contract	Budgeted (Y/N)	Notes
Nil						

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Consultancy & legal expenses budget review statement

Consultancy & legal expenses overview

Expense	YTD expenditure (actual dollars)	Budgeted (Y/N)
Consultancies	857,722	Y
Legal Fees	271,420	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

9.4.3 MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE 10 DECEMBER 2022

Record No: I22/24

OFFICER'S RECOMMENDATION

That Council receive and note the Minutes of the Audit, Risk and Improvement Committee meeting held on 10 December 2021.

ISSUES

Nil.

RISK ASSESSMENT

Council's ARIC provides independent assurance and assistance to Council and indirectly the community members in respect to risk management, the control framework, legislative compliance, internal audit and external accountability responsibilities. The Committee relies on the work of Internal Audit to provide more in-depth assessment of the council's risk and control environment.

Advantages to the community from Council's ARIC result in independent oversight of controls and operations, giving assurance to the Community that Council is systematically addressing risk, ensuring compliance and providing best practice.

FINANCIAL IMPACTS

Costs for the operations of Council's ARIC are met in the budget as set.

RESPONSIBLE OFFICER: Chief Executive Officer

OPTIONS CONSIDERED

Nil.

IMPLEMENTATION PLANS

Nil.

EXISTING POLICY/DECISIONS

Nil.

BACKGROUND

The Snowy Monaro Regional Council's Audit, Risk and Improvement Committee (ARIC) was established in June 2016. The current charter was adopted by Council in March 2020. The ARIC comprises four independent members and one councillor.

An effective ARIC has the potential to strengthen the control environment (of which it is part) and assist the Chief Executive Officer and Council to fulfil their stewardship, leadership and control responsibilities. Council's ARIC has its own Charter which is resolved by Council. The Audit, Risk and Improvement Committee Charter outlines the authority, role and responsibility of Council's ARIC.

ATTACHMENTS

1. Minutes - Audit, Risk and Improvement Committee 10 December 2021
-



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Audit Risk And Improvement Committee Meeting

10 December 2021

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING
HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2628 AND VIA
MICROSOFT TEAMS**

ON FRIDAY 10 DECEMBER 2021

MINUTES

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MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON FRIDAY 10 DECEMBER 2021

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**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING
HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2628 AND VIA
MICROSOFT TEAMS**

**ON FRIDAY, 10 DECEMBER 2021
COMMENCING AT 10.05AM**

PRESENT:

Voting Attendees: Miles Pearson, Independent Member and A/g Chair
John Barbeler, Independent Member
Andrew Cox, Independent Member

Non-Voting Attendees: Peter Bascomb, Chief Executive Officer

Guests: David Rawlings, Chief Strategy Officer
John Bingham, Chief Financial Officer
Sharon Gourlay, Systems Accountant
Beth Barratt-Browne, Chief Workforce Officer
Sandra McEwan, Executive Assistant (Strategy) (Secretariat)

1. OPENING OF THE MEETING

Peter Bascomb announced that Melissa Tooke had resigned as Chair of the Audit, Risk and Improvement Committee.

Miles Pearson accepted the nomination of A/g Chair and opened the meeting at 10.05AM with Acknowledgement of Country and showing respect to the First Custodians of Snowy Monaro Lands.

2. APOLOGIES

Nil.

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil.

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 11 NOVEMBER 2021

COMMITTEE RECOMMENDATION	ARIC37/21
That the minutes of the Audit Risk And Improvement Committee Meeting held on 11 November 2021 are confirmed as a true and accurate record of proceedings.	
Moved Mr Barbeler	Seconded Mr Pearson
	CARRIED

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON FRIDAY 10 DECEMBER 2021

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5. BUSINESS ARISING

Business Arising Items 8.2 and 8.3 have been moved to another part of the document.

6. PRESENTATIONS

6.1 WORKFORCE MANAGEMENT REPORTS

Record No: I21/416

Responsible Officer:	Chief Strategy Officer
Author:	Chief Workforce Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Delivery Program Objectives:	10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making
Attachments:	1. Work Health & Safety Report - July-October 2021 2. Action on Employee Feedback/Surveys

EXECUTIVE SUMMARY

The Work Health & Safety Report and Action on Employee Feedback/Surveys are presented to the Audit, Risk and Improvement Committee for information.

The following officer's recommendation is submitted for ARIC's consideration.

Action on Employee Feedback/Survey

Beth Barratt-Browne:

- The Employee survey in April 2021 and ABEF Self-Assessment Survey in November 2021 – data was merged.
- Significant Consultation process was undertaken.
- Working with the Organisation Development team with a focus on improvements.

WHS

Beth Barratt-Browne:

- Workplace Inspections - working with the operational team and commencing monthly reporting.
- Incidents – trending down.

Comments from Committee members:

- Concerns:
 - Only 73 out of 166 workplace inspections completed. Need to monitor these.
 - Internal audit actions – five in the red.

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COMMITTEE RECOMMENDATION	ARIC38/21
That the Audit, Risk and Improvement Committee:	
A. Receive and note the information in the report on Work Health & Safety and Action on Employee Feedback/Surveys.	
B. Request the following actions:	
Employee Feedback/Surveys	
1) Staff Survey Summary of Results be recirculated.	
2) ABEF Focus 6 – who is responsible and timelines. Suggest use of KPIs to monitor the measurement of improvements.	
3) Service Reviews - schedule, executive summary, results and recommendations. A report which is easier to read and understand.	
Work Health & Safety	
4) Workers Compensation – any near misses.	
5) Information on the dollar value for incident costs impact on insurance premiums. Statistics on lost time.	
6) Context on the numbers would be useful.	
7) Provide ARIC, ELT and Council information on the risk level and risk matrix. High due to workplace inspections not being completed.	
8) Request this report for ARIC meetings in future.	
Moved Mr Barbeler	Seconded Mr Pearson
	CARRIED

Beth Barratt-Browne left the meeting at 10.55am.

7. SPECIAL AGENDA ITEMS

7.1 CHIEF FINANCIAL OFFICER REPORT

John Bingham:

- Challenge with lack of resources of finance staff. Thank you to Sharon Gourlay and Dan Cooper for their work on the Financial Statements. Cost of the audit is expensive and going up every year.
- New Finance Support Officer starting on 13 December 2021. The Systems Accountant role taking on more responsibilities.
- Significant audit issues:
 - RFS – we don't control the assets, should not be recorded. Will get a list of the assets and review them as they need to be recognised in our accounts.
 - Financial sustainability – taking steps to address it. Application for a Special Rate Variations has closed.
 - Cashflow forecast – needs to be more robust.
- Final Management Letter will be issued by the Audit Office early next week.
- 21/22 focus:
 - Assets classifications.
 - Communication with staff on their role, what the expectation is and turn-around time.

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Comments from Committee Members:

- Acknowledgement of the finance team being proactive and addressing the issues.
- Endorse the need to have an additional dedicated position in accounting.
- Benefit to having a Financial Statements sub-committee . Suggest including one of the ARIC members.

Peter Bascomb:

- Aged Care - commenced a divestment process with additional time for diligence. Working on improvements with ACFI - significant change to our revenue stream.
- Closure of small business operators - attended Delegate MPS meeting last night.
- At the Council meeting on 18 November 2021 a resolution 'to formulate a committee to address ways to reduce the deficit' was adopted. This will be an Agenda item at the February 2022 meeting.
- CFO FACR meetings have been introduced. Monthly meetings with budget officers which include budget review and costings. New level of accountability and monthly financial management reporting.

Andrew Cox left the meeting at 11.17am during discussion on Item 7.1.

9.1 QUARTERLY BUDGET REVIEW STATEMENT (QBR) TO SEPTEMBER 2021

Record No: I21/407

Responsible Officer:	Chief Financial Officer
Author:	Management Accountant
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Operational Plan Action:	11.2.2 Provision of statutory reporting enables our leaders to make decisions on Council's financial sustainability
Attachments:	1. Quarterly Budget Review Statement - Sept 2021
Cost Centre	W17 Financial Services

EXECUTIVE SUMMARY

THIS REPORT IS A CLONE OF THE REPORT PROVIDED TO COUNCIL FOR THE INFORMATION OF ARIC.

The first quarter (Q1) Quarterly Budget Review Statement (QBR) for 2022 is presented to Council.

The QBR is a summary of Council's financial position as at 30 September 2021 and includes a projection to year end. The QBR outlines the major variations and recommended changes to the adopted 2021/22 Operational Plan from June 2021. These include changes resulting from carry forward projects and adjustments.

2021 QBR projects a net operating deficit before capital items of (\$4.42 million) compared with the Original Budget (\$4.27 million). The increase in deficit is due to (\$95k) in re-votes plus (\$61k) in variations for the quarter.

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A significant number of new projects valued at \$24.11 million have been added to the capital works program including carry forwards of \$15.53 million. The total capital expenditure is funded by restricted cash reserves and grants and contributions.

John Bingham:

- Increase of Workers Compensation premium is high due to a massive claim in 2017. A misstatement in the original budget - keeping an eye on it in the next budget cycle.
- Delivery of the capital works program - need project managers. Impact on the council is reputational risk.
- Grant funding – merged councils have received significant funding from the merged process. Bushfires and Covid – stimulus funding. States have put back the completion deadline by 12 months, they recognised that competing for contractors is rising every month.
- Issue of budget development and forecasting. No phasing in place - aware of the problems.
- Cash flow forecasting - have touch based with a US based expert. In the process of developing a model plan.

COMMITTEE RECOMMENDATION

ARIC39/21

That the Audit, Risk and Improvement Committee:

- A. Receive and note the information on the Quarterly Budget Review Statement to September 2021.
- B. A reconciliation on the waste revenue and expenditure movement in the budget be presented at the next meeting.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

9.2 MONTHLY FUNDS MANAGEMENT REPORT - OCTOBER 2021

Record No: I21/408

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: Nil
 Cost Centre: Financial Services
 Project: Funds Management
 Further Operational Plan Actions: OP7.2 Completion of reporting requirements in accordance with legislation.

EXECUTIVE SUMMARY

THIS REPORT IS A CLONE OF THE REPORT PROVIDED TO COUNCIL AND IS PROVIDED FOR THE INFORMATION OF ARIC.

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The following report details the funds management position for the reporting period ending 31 October 2021.

Cash and Investments are \$79,460,096.

Certification

I, John Bingham, 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.

COMMITTEE RECOMMENDATION

ARIC40/21

That the Audit, Risk and Improvement Committee receive and note the information in the Monthly Funds Management Report – October 2021.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

Sharon Gourlay left the meeting at 12.15pm.

Adjournment of Meeting

The meeting adjourned for lunch at 12.15pm.

Resumption of Meeting

The meeting resumed at 12.35pm.

8. REPORTS

8.1 CHIEF EXECUTIVE OFFICER REPORT

Record No: I21/415

Responsible Officer: Chief Executive Officer

Author: Chief Strategy Officer

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making

Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability

Attachments: Nil

ARIC Charter Reference: 5.2.8; 5.3.6; 5.6.1; 5.7.1; 5.8.4

EXECUTIVE SUMMARY

Council's Audit, Risk and Improvement Committee (ARIC), at its meeting on 5 December 2018, requested (Resolution No. ARIC97/18) *that a verbal report by the General Manager regarding Council plans and direction be included in all meetings as a standard agenda item.*

The following officer's recommendation is submitted for ARIC's consideration.

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Peter Bascomb:

- No issues of reported fraud.
- Making serious headway with plans and reporting with the full Executive Leadership Team in place.
- Challenging two year period with drought, bushfires, floods and Covid. BAU as best we can. State and Federal Government imposing unreasonable timeframes.
- Concerns taking on additional grant funding and work.
- Recruitment issues - contracting and retaining staff due to accommodation shortage. Key risk is sustainability of the organisation and delivery of services.
- Cost savings with vacant positions - not all vacant positions were funded in the budget.
- Some Customer Service and other staff flooded in at home due to weather events.
- Residential Aged Care - no divestment will be a risk to the organisation. Federal government response to the RAC Royal Commission is under-whelming. Increasing number of RACs closing and consolidating.
- RFS – previously the assets were taken out of the Financial Statements. Hot issue this year. Council does not control the assets. Will be taken to the new Council for determination.
- Christmas functions – afternoon teas at each Council office to reflect over the last 12 months. Also the End of Term and Annual Report which highlight the projects delivered, improvements and change. Can be proud of what we have achieved.
- Challenge with new councillors – getting them up to speed and across the issues will be a massive task. No Special Rate Variation will be difficult. Future Council meetings proposed as the fourth Thursday of the month to allow the CFO team to complete the monthly reporting.
- Induction for Councillors – two days by LGNSW. An induction by SMRC will include the IP&R and understanding of the current financial situation.

Requested action by Committee Members:

- Enquiry as to the replacement for Melissa Tooke as Chair and if we could use the recent selection process to fast track this action.
 - Peter Bascomb commented that this would preclude the current members of being Chair. Appointment of a Chair is different to independent members. Will start the process now with a report to Council in February 2022.

COMMITTEE RECOMMENDATION

ARIC41/21

That the Audit, Risk and Improvement Committee:

- A. Receive and note the information provided by the Chief Executive Officer.
- B. Request the following actions:
 - 1) The nominated ARIC representative Councillor has finance knowledge.
 - 2) Audit Office reports and Management Letter is included in the Councillor induction.
 - 3) Replacement for Melissa Tooke as Chair - fast track this process.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

Peter Bascomb left the meeting at 1.07pm.

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BUSINESS ARISING

8.3 ARIC RESOLUTION UPDATES

Record No: I21/414

Responsible Officer: Chief Executive Officer
Author: Chief Strategy Officer
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability
Attachments: 1. Resolution Updates
Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Attached is a report in the outstanding recommendations and notes as to their current status. New update are highlighted in Red.

The following officer's recommendation is submitted for ARIC's consideration.

Minutes 11 November 2021

- 35/21 – 7.1 Update on Financial 2021 – closed.
- 36/21 – 9.1 Items for the next meeting - closed.

Minutes 27 September 2021

- 5.1 - ARIC resolution updates. ARIC resolution updates be placed on the Agenda under Business Arising in future - open.
- 27/21 – 8.2 Interim Audit Management Letter:
 - Interim Audit Management Letter noted - closed.
 - Request prompt action to rectify unresolved issues – open.
- 28/21 – 8.3 Draft Financial Statements for Period ending 30 June 2021 – closed.
- 29/21 – 8.1 CRJO Proposal for Shared Internal Audit Service:
 - Continue to explore a shared internal audit service and related services with the CRJO – closed.
 - CRJO Comprehensive Business Case to support the recommendation - open.
- 30/21 – 8.4 Interim Internal Audit Services:
 - National Audits Group be engaged to provide interim internal audits as per the EOI list and commence as soon as possible – open.
- 31/21 – 8.5 Audit Actions Progress:
 - Receive and note the progress on the Audit Recommendations – closed.
 - Recommend that ELT regularly discuss the status of Audit Recommendations – open.

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<ul style="list-style-type: none"> • 32/21 – 8.6 ARIC Resolution Updates: <ul style="list-style-type: none"> ○ Note the information in the ARIC Resolution Updates – closed. ○ Review the Audit Program in March 2022 – open. • 9.1 Future ARIC meetings – closed. <p>Action Sheet</p> <p>8.3 Resolution updates:</p> <ul style="list-style-type: none"> • 13/21 – Risk Management update: <ul style="list-style-type: none"> ○ A - Receive and note information in the report – closed. ○ B - Request copies of RMC findings, Crowe Consulting report, Register of Operational and Strategic Risks, detailed Implementation Plan, Monaro Rail Trail Risk Assessment – open. ○ C RMO give consideration of the process of risk reporting as part of the establishment of the ERM Framework – open. • 14/21 – Audit Actions Progress – open. • 24/21 – Internal Audit as a Service: <ul style="list-style-type: none"> ○ A – Provide feedback to the CEO by the end of July 2021 on the questions and concerns on the models – closed. ○ B - CSO will expedite activity to engage an internal audit provider through Vendor Panel – open. 		
COMMITTEE RECOMMENDATION		ARIC42/21
That the Audit, Risk and Improvement Committee receive and note the information in the ARIC Resolution Updates report.		
Moved Mr Barbeler	Seconded Mr Pearson	CARRIED

8.2 AUDIT ACTIONS PROGRESS

Record No: I21/404

Responsible Officer:	Chief Executive Officer
Author:	Chief Strategy Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. Audit actions status update 2. Requests for extension of due dates
ARIC Charter Reference:	5.6.8; 5.6.10;

EXECUTIVE SUMMARY

Resourcing remains an issue with follow up of the internal audit actions.
 Monthly reporting to ARIC on the status of the actions has commenced and will be used as a tool to focus management on the need to proactively resolve the outstanding actions. The issue of the need

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to determine the path forward on the range of outstanding issues was then taken to the Senior Management Team. Monthly reporting will soon commence and as part of that the audit actions will be circulated to the relevant officers on a monthly basis, so that there is increased visibility of the actions required to be undertaken. The CEO's performance agreement has also included an assessment on whether the findings of audits are given a priority.

The incomplete (or recently completed) audit actions are included in the attachment. Each has been coded as to whether the action is considered likely to be achieved (Green), in doubt (Yellow) or not to be achieved by the target date (Red). This assessment is made by the Chief Strategy Officer based on the information provided by the relevant officers. This will be the basis of discussions on the actions with the Executive Management Team about the direction forward.

As previously discussed, there is a range of outstanding action items that need to be reviewed to consider whether the Council is in a position to fund the projects as well as a need to consider the timeframes other actions need to be completed.

Council has faced difficulty in recruiting to the risk officer position and this has meant that a number of actions that were dependent on that resource have not been able to be achieved.

David Rawlings:

- Actions in progress towards the targets. Will require more pressure from ELT to obtain updates. No key system in place.

Comments from Committee Members:

- Business owners of reports need to review all recommendations – accept them and implement them or push back and provide some explanation as to why the recommendation is not going to be done and acceptance of the reputational risk ongoing.
- Frustration and dissatisfaction for the committee. Meeting after meeting there is not much progress and no updates for the committee. Solution or control not put in place – liability exposure here.
- There are 40-50 outstanding recommendations which go back to 2019.
- Payroll, WHS and Building Security – request that the staff members who are responsible come to the next meeting and talk to the committee about audit actions that are outstanding.
- Potential full ARIC with Chair and Councillor representative at the next meeting.

COMMITTEE RECOMMENDATION

ARIC43/21

That the Audit, Risk and Improvement Committee:

A. Receive and note the information in the Audit Actions Progress report.

B. The following changes to due dates be agreed to:

(a) Audit: IAF2007-00 Risk Management

(i) IA20-5A_R01 (OB01) – Date extended to 30 June 2022,

(ii) IA20-5A_R02 (OB02) – Date extended to 30 June 2022,

(iii) IA20-5A_R03 (OB03) – Date extended to 30 June 2022, and

(iv) IA20-5A_R05 (OB03) – Date extended to 31 January 2022.

C. Accept the proposed extension dates of the audit actions.

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D. Request verbal updates for audit actions and progress of recommendations at the March 2022 meeting from the following Executive staff:

- Chief Workforce Officer for Payroll and WHS.
- Chief Operating Officer for Building Security.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

Item - 8.3. ARIC Resolution Updates - has been moved to another part of the document.

9. GENERAL BUSINESS

Item - 9.1. Quarterly budget review statement (QBRs) to September 2021 - has been moved to another part of the document.

Item - 9.2. Monthly funds management report - October 2021 - has been moved to another part of the document.

9.3 CURRENT RISK REGISTER

Record No: I21/409

Responsible Officer: Chief Executive Officer
Author: Chief Strategy Officer
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability
Attachments: 1. Current risk register
Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

ARIC has previously requested to see a copy of the Council's strategic and operational risks. Attached is the list of risks currently contained within the Council's risk register. As has been previously advised, the risk register is seen to be substantially incomplete and a significant body of work is required to get the register into a useful state.

The following officer's recommendation is submitted for ARIC's consideration.

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David Rawlings:

- The current Risk Register is not a comprehensive assessment of what we are facing. Our risk system is immature. No Risk Officer in place and a lack of staff resources has resulted in the register not being updated.
- ELT have adopted a new template for council reporting. It includes a summary of risk assessments.

Comments from Committee Members:

- Risk assessment without a Risk Officer is not as robust as it should be.
- Delivery Plan – each division should do a business plan with objectives, goals and key projects.
- What actions are there to mitigate? Discuss key risks with the managers.
- ERM framework - when can we assure the system reflects the business management system. The Risk Officer does not own the risk. Encourage the CEO to get the ERM underway and implement it.

COMMITTEE RECOMMENDATION

ARIC44/21

That the Audit, Risk and Improvement Committee:

- A. Receive and note the information in the Current Risk Register report.
- B. Expressed concern with the immaturity of risk management in Council and recommends senior management to integrate risk management as part of the business planning process.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

Miles Pearson thanked David Rawlings, John Bingham and Sandra McEwan for preparation of the meeting. He wished everyone a Happy Christmas and New Year.

10. NEXT MEETING

Monday, 21 March 2022.

There being no further business the Chair declared the meeting closed at 2.15pm

CHAIRPERSON

The above minutes of the Audit Risk And Improvement Committee Meeting of Snowy Monaro Regional Council held on 10 December 2021 were confirmed by Committee at a duly convened meeting on 21 March 2022 at which meeting the signature hereon was subscribed.

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9.4.4 RESOLUTION ACTION SHEET UPDATE

Record No: I22/63

OFFICER'S RECOMMENDATION

That Council receive the resolution update for the period ending January 2022.

BACKGROUND

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 January 2022.

The In Progress Resolution Action Sheet for period ending January 2022 is attached to this report.

RESPONSIBLE OFFICER: Chief Strategy Officer

ATTACHMENTS

1. Updates to February Meeting - In Progress Actions up to end of January 2022
-

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
1026	6 January 2022	6/22	<p>Local Government New South Wales Special Conference</p> <p>That</p> <p>A. The Mayor and Chief Executive Officer attend the Local Government NSW Special Conference to be held 28 February to 2 March 2022.</p> <p>B. Nominate and authorise Cr Higgins and Cr Summers as the remaining voting members.</p> <p>C. Authorise expenditure capped at \$12,303.20 from the 2021/22 Financial Year budget with funding to be provided from the Mayor and Councillor conferences finance category.</p> <p>D. Determine whether Council wishes to submit any strategic motions that impact the broader local government sector.</p>	EA to CEO, Mayor and Councillors	08/02/2022 – DR: Arrangements are underway to allow attendance.	7/02/2022	N
1025	18 November 2021	283/21	<p>Bligh Street – Cooma</p> <p>That Council</p> <p>A. Proceed to consult with Local Land Services and NSW Aboriginal Land Council.</p> <p>B. Subject to responses from Local Land Services and NSW Aboriginal Land Council, continue discussions with Crown Lands.</p>	Manager Infrastructure	04/02/2022 – GS Letters are being prepared for LLS and Aboriginal Land Council to request approval to undertake maintenance work.	01/06/2022	N
1024	18 November 2021	285/21	<p>Local Roads and Community Infrastructure Program Phase 3</p> <p>That Council proceed to submit the following projects for approval under the Local Roads and Community Infrastructure Program Phase 3 allocation with final funding amounts to be confirmed following further detailed design and tender process:</p> <p>1. Jindabyne pool repairs</p>	Chief Operating Officer	25/11/2021 – DC: Work schedule submitted for Jindabyne pool and rural roads. Resolution completed.	20/12/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			2. Rural road maintenance and gravel re-sheeting (balance of LRCIP phase 3 allocation after confirmation of costs of Jindabyne pool repairs).				
1023	18 November 2021	284/21	<p>Road Reserve Closure & Disposal - Dry Plains Road - Lot 6 & 7 DP 1018626 That Council</p> <p>A. Approve proposal to finalise closure of Lot 6 & 7 DP 1018626 as road reserve in accordance with the Roads Act 1993; and acknowledge that the land vests as operational land with Council, to then be used in compensation;</p> <p>B. Approve transfer of ownership of the closed road reserve known as Lot 6 & 7 DP 1018626 to adjoining landholder, being the applicant of Development Application 38/96, in Accordance with the Roads Act 1993, with associated fees and charges to be covered by the relevant adjoining landholder;</p> <p>C. Authorise the CEO to approve any terms for disposal of the relevant land parcel from Council to the adjoining landholders, and negotiate a purchase price equal to the resultant associated transfer costs only; recognising that the land for Dry Plains Road Reserve was given in kind to Council as public road.</p>	Land and Property Officer	<p>24/01/2022 – SR: Res A: Awaiting response to Statement of Title Particulars lodged with LRS. Feedback from notifiable Authorities received and review being conducted. Res B: Dependant on part A being finished. Res C: Written agreement received from landholder.</p> <p>16/12/2021 – SR: Res A: SOTP Lodged with LRS, notification sent to notifiable authorities & notice to be advertised in Monaro post 05/01/2021. Res B: Dependant on Res A being finished, Res C: Written agreement received from landholder.</p>	20/12/2021	N
1022	18 November 2021	280/21	Minutes of the Arts and Culture 355 Advisory Committee meeting held 20 October 2021	Community Development Planner and	08/02/2022 – DR: Policy to be advertised in March due to other works needing to be undertaken first.	31/03/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			That Council place the draft SMRC Public Art Policy on public exhibition for a period of 28 days.	Projects Officer	13/12/2021 – AA: Policy will be placed on exhibition in January.		
1021	18 November 2021	275/21	Draft Regional Trails Masterplan That Council A. Receive and note the Regional Trail Masterplan update B. Endorse the release of Draft Masterplan for public comment over an extended two month period between 22 November 2021 to 28 January 2022.	Recreation Planner	13/12/2021 – AA: Action complete. 13/12/2021 – AA: A. No action required. B. Actioned - Draft Masterplan is on public exhibition. Action completed.	20/12/2021	Y
1020	18 November 2021	276/21	Road Naming That Council A. Endorse the proposed names of Riverbend Road and Quarry Lane for public exhibition. B. Refer the road names to the Geographical Names Board for endorsement if no community objections are received in response to their public exhibition.	GIS Administrator	08/02/2022 – DR: Completed. Report coming back to this meeting to determine the naming.	20/12/2021	Y
1019	18 November 2021	278/21	Jindabyne Pool re-opening risk assessment That Council endorse A. The Jindabyne pool risk assessment B. The reopening of the Jindabyne pool.	Chief Operating Officer	25/11/2021 – DC: Risk assessment endorsed and pool re-opened. Resolution completed.	20/12/2021	Y
1018	18 November 2021	299/21	Cmunt Legal Matters That Council A. Notes advice received from the Trustee.	Coordinator Public Health & Environment	20/01/2022 – MR: Update provided in confidential report due to this being part of current legal actions.	20/12/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>B. Directs the Trustee that if the application to the Australian Financial Security Authority to seize funds held in Trust is successful, to undertake legal action to recover funds owned by the Cmunts to cover all outstanding debts to Council as the sole creditor.</p> <p>C. If the application is not successful a further report be presented to Council with estimated cost for services from the Trustee for legal costs associated with the recovery of funds owed to Council by the Cmunts with recommended directions.</p>				
1017	18 November 2021	295/21	<p>\$24 Million Deficit That SMRC formulate a committee to address ways to manage the SMRC deficit.</p>	Chief Financial Officer	13/12/2021 – JB: This needs to be actioned by Council and CEO. Completed.	20/12/2021	Y
1016	18 November 2021	287/21	<p>2020/2021 Annual Report That Council adopt the 2020/2021 Annual Report and; A. Publish the report on Council's webpage B. Forward the webpage link to the NSW Minister of Local Government, Office of Local Government.</p>	Coordinator Strategy Development	08/02/2022 – DR: Completed.	20/12/2021	Y
1015	18 November 2021	286/21	<p>2017-2021 End of Term Report That Council A. Adopts the end of term report B. Publishes the end of term report as a supplement to the Annual Report 2020-2021.</p>	Coordinator Strategy Development	08/02/2022 – DR: Completed.	20/12/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
1014	18 November 2021	288/21	<p>Update on Financials 2021 That Council</p> <p>A. Authorise the Mayor and a councillor to sign the statement by councillors and management for the Snowy Monaro Regional Council 2021 General Purpose Financial Statements;</p> <p>B. Authorise the Mayor and a councillor to sign the statement by councillors and management for the Snowy Monaro Regional Council 2021 Special Purpose Financial Statements for the following business activities:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Water Supply (mandated) <input checked="" type="checkbox"/> Sewerage (mandated) <input checked="" type="checkbox"/> Water Management (self-determined) <input checked="" type="checkbox"/> Residential Aged Care (self-determined) <p>C. Authorise the referral of the 2021 financial statements to the external auditor; and</p> <p>D. Authorise the Chief Executive Officer to issue the 2021 financial statements upon receiving the external auditors report.</p>	Chief Financial Officer	13/12/2021 – JB: Completed.	20/12/2021	Y
1013	18 November 2021	290/21	<p>Audit, Risk and Improvement Committee (ARIC) - Appointment of Independent Member That Council appoint Andrew Cox as an independent member of Snowy Monaro Regional Council's Audit, Risk and Improvement Committee for an initial period of two years with an offer of one year extension, subject to satisfactory performance assessment of his contribution to the committee.</p>	Chief Strategy Officer	16/12/2021 – DR: Andrew Cox appointed as an Independent Member of the Audit, Risk and Improvement Committee. He attended his first meeting on 10 December 2021. Completed.	20/12/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
1012	18 November 2021	289/21	<p>Quarterly budget review statement (QBRs) to September 2021 That Council</p> <p>A. Receive the Quarterly Budget Review Statement (QBRs) for the period ended 30 September 2021, and</p> <p>B. Authorise the adjustments to the Council's budgeted Income & Expenditure, Capital Expenditure and Cash & Investments as reported in the QBRs.</p>	Chief Financial Officer	<p>13/12/2021 – JB: Completed.</p> <p>25/11/2021 – JB: Adjustments now in BIS.</p>	20/12/2021	Y
1011	21 October 2021	264/21	<p>Jindabyne Pump Track That Council initiate contact with the Jindabyne Trail Stewardship and the Snowy Mountains Bike Club to agree a pump track strategy for our major LGA townships; the strategy to include identifying appropriate Council owned sites in townships in which there is a sufficient demand, and applying for appropriate grant funding, initially for a pump track in Jindabyne and possibly for other townships.</p>	Recreation Planner	<p>13/12/2021 – AA: Action complete.</p> <p>13/12/2021 – AA: Discussions are ongoing with the stewardship committee regarding a suitable location for a pump track in Jindabyne. However, it is noted this is in the scope of the Snowy SAP, and as such, the site must be consistent with the SAP Master Plan. Other pump tracks across the region and the suitability of this infrastructure will be considered in Council's Recreation Strategy. Action completed.</p> <p>09/11/2021 - DR: This action will be incorporated into the communications plan for the Trails project.</p>	24/12/2021	Y
1010	21 October 2021	250/21	<p>Cooma Back Creek - Flood Risk Management Options Assessment Report That Council</p> <p>A. Liaise directly, along with NSW Department Planning Industry and</p>	Environmental Technical Officer	9/11/2021 - DR: Discussions will need to be arranged in association with the relevant NSW Government department staff.	28/02/2022	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			Environment (DPIE) with all identified 'at significant risk' landholders and advise them of their level of risk as confirmed within the Cooma Back Creek – Flood Risk Management Options Assessment Report – April 2021.				
1009	21 October 2021	252/21	<p>Flood Planning</p> <p>That Council</p> <p>A. Support the inclusion of the new clause 5.22 'special flood considerations' in the Bombala Local Environmental Plan 2012, Cooma-Monaro Local Environmental Plan 2013 and Snowy River Local Environmental Plan 2013.</p> <p>B. Consent to the public exhibition of all the drafted development control plan flood planning provisions as described in and attached to this report for a period of 28 days in accordance with Schedule 1 Part 1 of the <i>Environmental Planning and Assessment Act 1979</i>, Clause 18 of the <i>Environmental Planning and Assessment Regulation 2000</i> and the Snowy Monaro Community Participation Plan.</p>	Team Leader Strategic Planning	<p>13/12/2021 – AA: Action completed.</p> <p>03/11/2021 – AA:</p> <p>A. The NSW Government has been advised that Council wishes to incorporate Clause 5.22 in all current LEPs.</p> <p>B. Draft flood DCP has been placed on public exhibition.</p> <p>Action completed.</p>	22/11/2021	Y
1005	21 October 2021	249/21	<p>Draft Development Control Plan and Development Contributions Plan – Michelago</p> <p>That Council</p> <p>A. Note the attached drafted provisions for the Cooma-Monaro DCP detailing site specific development requirements for new buildings in Michelago assessed through the development application process.</p>	Team Leader Strategic Planning	<p>13/12/2021 – AA: Action complete.</p> <p>09/11/2021 – DR: Action complete.</p> <p>03/11/2021 – AA:</p> <p>A. No Action Required.</p> <p>B. No Action Required.</p>	22/11/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>B. Note the attached draft hybrid Development Contributions Plan for Michelago prepared in accordance with sections 7.11 and 7.12 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>C. Consent to the public exhibition of the drafted DCP provisions as described in and attached to this report for a period of 28 days in accordance with Schedule 1 Part 1 of the <i>Environmental Planning and Assessment Act 1979</i>, Clause 18 of the <i>Environmental Planning and Assessment Regulation 2000</i> and Council's Community Participation Plan.</p> <p>D. Consent to the public exhibition of the draft Development Contributions Plan as described in and attached to this report for a period of 28 days in accordance with Schedule 1 Part 1 of the <i>Environmental Planning and Assessment Act 1979</i> Clause 28 of the <i>Environmental Planning and Assessment Regulation 2000</i> and Council's Community Participation Plan.</p>		<p>C. The draft DCP has been placed on public exhibition in accordance with the relevant legislation and policy.</p> <p>D. The draft local infrastructure contributions plan has been place on public exhibition in accordance with relevant legislation and policy. Action complete.</p>		
1004	21 October 2021	248/21	<p>Finalisation of Michelago Masterplan That Council</p> <p>A. Adopt Final Michelago Master Plan (Attachment A);</p> <p>B. Submit Final Michelago Master Plan to the Department of Planning, Industry and Environment (DPIE) for endorsement.</p> <p>C. Place the final Michelago Master Plan on Council's Website.</p> <p>D. Notify all submitters of Council's decision.</p>	Team Leader Strategic Planning	<p>13/12/2021 – AA: Action complete.</p> <p>13/12/2021 – AA: A. No Action Required. B. Plan has been submitted to DPIE for endorsement. C. The final Master Plan and supporting documents have been placed on Council's website. D. All submitters were notified of decision via email. Action completed.</p>	22/11/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					03/11/2021 – AA: A. No Action Required. B. Plan has been submitted to DPIE for endorsement. C. The final Master Plan and supporting documents have been placed on Council's website. D. All submitters have been advised via email of Council's decision. Action Completed.		
1003	21 October 2021	256/21	Jindabyne Roadside Clean-Up Volunteers That Council, in recognition of the community benefit provided by the activities of the Clean-up Jindy Volunteer Group: A. Provide free waste deposit at the Jindabyne landfill to the Clean-up Jindy Volunteer Group for waste collected in the public areas of Jindabyne; B. Reimburse the Waste Fund for the income forgone from Council's donations budget; C. Request an estimate of the volumes of waste deposited by the Group over the coming twelve months D. Nominate the group for a community service award.	Manager Resource and Waste Services	24/01/2022 – MT: This matter has been finalised with an account set up for the disposal of roadside collected material and without the group being charged for disposal of materials collected. Complete. 10/11/2021 – JM: Clean-up Jindy volunteer group has been contacted to enact the resolution.	22/11/2021	N
1002	21 October 2021	264/21	Cmunt Legal Matters That Council: A. Notes the legal advice provided by the Trustee and BAL. B. Obtains a quotation for services be sourced from the Trustee for legal costs	Coordinator Public Health & Environment	10/11/2021 – DR: Action complete. 10/11/2021 – DR: Report being presented to November 2021 Council meeting.	22/11/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>associated with the recovery of all funds owed to Council by the Cmunts.</p> <p>C. Receives a report with recommended directions on this matter at the November 2021 Ordinary meeting of Council.</p>				
1000	21 October 2021	258/21	<p>Monaro Rail Trail Project That SMRC council work together with Monaro Rail Trail Inc to seek funding of \$330,000 from NSW and/or Federal Governments for developing a “shovel- ready”, future detailed project plan for the remaining sections of the Monaro Rail Trail.</p>	Manager Corporate Projects	<p>21/01/2022 – GW: Action will be completed after February Council meeting. MoU signing with MRT Inc and QPRC scheduled for 27 January 2022.</p> <p>24/12/2021 – MA: Complete.</p> <p>11/11/2021 - GW: Regular meetings and correspondence with MRT Inc including identification of any relevant funding as it becomes available. Letters of support will be prepared as relevant. Consultant appointed for the Trail Development Plan - Stage 1a.</p>	22/11/2021	Y
998	21 October 2021	257/21	<p>Bombala Sewerage Project Report That councillors receive an urgent current report on the Bombala Sewerage Upgrade Project. Update to include: A) Costs including original budget, grant monies, additional costs incurred during the project construction phase, costs of the yet to be completed parts of the sewerage works, and overall final cost.</p>	Manager Corporate Projects	<p>04/02/2022 – JM: Report circulated to Councillors in December 2021 via email.</p> <p>10/11/2021 – JM: Report to be circulated directly to Councillors as requested.</p>	22/11/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>B) Cost of consultants on the project, including project management costs.</p> <p>C) Progress on relocating the Mahratta St pump station. Date that NSW Transport was contacted seeking permission, and the date that work is expected to commence and be completed.</p> <p>D) Progress on use of SMRC council project management framework.</p> <p>E) When complete, a copy of the Certificate of Practical Completion/Final Acquittal Report.</p>				
997	21 October 2021	259/21	<p>Smith's Road Rezoning That Council</p> <p>A. Supports in principle, rezoning the northern end of Smiths Road from Environmental Management Zone (E3) to Environmental Living (E4) to reflect the current pattern of development and existing land use.</p> <p>B. Revises the Rural Land Use Strategy consistent with the original staff proposal to rezone the northern end of Smiths Road from E3 to E4, as contained in the first draft, while noting the costs associated with the rezoning process.</p> <p>C. Collaborates with the Smiths Road community to develop a financially responsible process, that will enable Council to commence, during the 2022/23 FY, the necessary studies and strategic planning required, to eventually incorporate the proposed</p>	Team Leader Strategic Planning	<p>13/12/2021 – AA:</p> <p>A. Noted.</p> <p>B. No revision required as this is consistent with the draft Rural Land Use Strategy.</p> <p>C. Costs associated will be better understood once strategic bush fire study for the area is received. Consultation will be undertaken with RFS to ascertain what further work is required (if any).</p>	22/11/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			rezoning into the new Snowy Monaro Land and Environment Plan.				
993	16 September 2021	233/21	<p>Cooma Sports Hub That Council</p> <p>A. Receive and note the project update; B. Agree in principle to the Draft JUPA and delegate authority to the CEO to sign the final agreement;</p>	Recreation Planner	<p>13/12/2021 – AA: Action complete.</p> <p>13/12/2021 – AA: A - No Action Required. B- Actioned. Completed</p> <p>30/09/2021 – AA: A - No Action Required B- A copy of the draft JUPA will be provided to the CEO to sign.</p>	18/10/2021	Y
990	16 September 2021	220/21	<p>Draft Housing and Social Services Committee Charter That Council</p> <p>A. Endorse the draft Housing and Social Services Committee Charter, in order to allow a first meeting to be convened. B. Appoint councillor Haslingden as the representative to the committee to fill the role of chairperson.</p>	Community Development Planner and Projects Officer	<p>13/12/2021 – AA: Action Complete.</p> <p>13/12/2021 – AA: A. No action required. B. Committee met in November, the committee is also scheduled to meet on 17 December. ACTION COMPLETED!</p> <p>6/10/2021 – AA: A- No Action Required B - No Action Required. First meeting of the committee is anticipated to be held in October. Action complete.</p>	18/10/2021	Y
988	16 September 2021	210/21	<p>Council Financial Support for Tourism Snowy Mountains That Council</p>	Coordinator Economic Development	<p>20/01/2022 – JT: A: Paid. B: Noted.</p>	18/10/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>A. For the 2021-22 financial year provide Tourism Snowy Mountains (TSM) with a \$5,000 up front annual support payment.</p> <p>B. Maintain a fund of \$55,000 within the tourism and economic budget to support activities including other cultural, arts and tourism projects, events, campaigns and marketing opportunities.</p> <p>C. Make this fund available through an application process determined via a Council resolution.</p> <p>D. Continue board representation on the TSM Board as a stakeholder Director.</p>		<p>C: Noted - selection criteria for application drafted.</p> <p>D: Ongoing. Complete action.</p> <p>21/12/2021 – MA:</p> <p>A: Awaiting TSM invoice for \$5,000 for payment.</p> <p>B: Noted.</p> <p>C: Noted.</p> <p>D: Complete.</p> <p>02/11/2021 – MA:</p> <p>A. Awaiting invoice from TSM for payment to complete action.</p> <p>B. Noted.</p> <p>C. Noted.</p> <p>D. Complete.</p> <p>30/09/2021 – MA:</p> <p>A. Arrangements will be made with TSM to make the payment.</p> <p>B. Noted.</p> <p>C. Noted.</p> <p>D. Complete.</p>		
983	26 August 2021	187/21	<p>Cooma Compost Facility and Crown Road</p> <p>That Council</p> <p>A. Acquire Lot 1 DP 1075191 by compulsory acquisition process from Crown Lands under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purpose of waste facility</p>	Project Specialist	<p>24/01/2022 – SR:</p> <p>No further update.</p> <p>16/12/2021 – SR:</p> <p>A. PWA Proposal received & being reviewed for approval.</p> <p>B. No action required.</p> <p>C. No action required, D. Dependant on 'A'.</p> <p>E. Dependant on 'A'.</p> <p>25/11/2021 – SR:</p>	30/06/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>B. That the land be dedicated as operational land in accordance with the Local Government Act 1993</p> <p>C. That this acquisition is not for the purpose of resale or compensation</p> <p>D. That the necessary application be made to the Minister for Local Government and the Governor</p> <p>E. Authorise the Chief Executive Officer to execute all required documentation</p>		<p>Awaiting for estimation from PWA for acquisition works, should be received week ending 05/12/2021.</p> <p>B. no action required.</p> <p>C. no action required.</p> <p>D. dependent on 'A'.</p> <p>E. dependent on 'A'.</p> <p>14/10/2021 – SR: Contact made with PWA to initiate process.</p>		
982	15 July 2021	175/21	<p>Divestment of Residential Aged Care - Shortlisting of EOI's</p> <p>That Council</p> <p>A. Acknowledges receipt of one conforming and one non-conforming expression of interest.</p> <p>B. Invite the conforming expression of interest to the request for proposal stage.</p> <p>C. Proceed with identification of suitable land for a residential aged care facility in Jindabyne and undertake community consultation as part of this process.</p>	Manager Community Services	<p>12/10/21 – JM: A: Completed. B: Completed. Proposal received and being reported to October meeting of Council. C: Ongoing</p> <p>06/09/2021 – KS: The RFP closing date has been extended to the 17th September. Sapphire Coast Community Aged Care are currently putting together a proposal. We have received a further ACAR funding of over \$2M in the second round of ACAR.</p>	30/06/2022	N
979	15 July 2021	167/21	<p>Housing and Social Services Committee</p> <p>That Council form a SMRC Housing and Social Services Committee or Working Group to work with Governments and Snowy 2.0 to share information and coordinate a response to the acute and chronic shortage of accommodation and housing across the region and the associated impacts socially.</p>	Community Development Planner	<p>13/12/2021 – AA: Action complete.</p> <p>13/12/2021 – AA: Committee has been establish and met in November 2021. Charter was endorsed by Council in September 2021. Completed.</p> <p>02/08/2021 – AA:</p>	16/08/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>The committee will act under a Terms of Reference, including but not limited to:</p> <p>Terms of Reference:</p> <ul style="list-style-type: none"> To collaborate with NSW DPIE housing, Regional Growth Development Corporation, Snowy 2.0 and other government agencies To collaborate with community housing and service providers in the region <p>To develop</p> <ul style="list-style-type: none"> Immediate, short and medium term responses to housing need, drawing from DPIE and Snowy 2.0 monitoring LGA wide projections of the demand for social services, including education and health etc. <p>To recommend and inform Council of</p> <ul style="list-style-type: none"> Activities that should be considered by Council (planning, studies, innovative solutions, incentives etc.) Investigation of changes to the 1 and 4 year components of the CSP that might be required Possible imposts and costs that might arise The need for coordination or provision of services <p>The makeup of the Committee is at Council's discretion, but could include at the least Mayor and alternate, Councillors, Staff, representatives from the Community, Snowy</p>		Council staff working on project plan, subject to Councils project management framework.		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			2.0 and the Snowy Mountains SAP and other representatives as necessary.				
	15 July 2021	165/21	<p>Project Management Framework</p> <p>That:</p> <p>A. Council's Project Management Framework document include provision for the CEO to ensure capital projects/contracts of a value over \$400,000 are completed to a professional standard.</p> <p>B. Contractors only receive final payment after completion of the project's paperwork (including Certificate of Practical Completion) when finalised, approved and signed by the CEO.</p>	Manager Corporate Projects	<p>24/01/2022 – GH: Requirement noted. All projects over \$400k to have CEO sign off prior to contractor final payment. Action complete.</p> <p>10/10/2021 – DR: The processes are being reviewed to allow for the requirements of the resolution to be achieved.</p>	31/12/2021	Y
978	15 July 2021	164/21	<p>Expression of Interest Submissions Community Use Tenancy 17 Bent Street JINDABYNE - Lot 2 DP 860886</p> <p>That Council authorise further discussions with the EOI stakeholder groups with the aim of developing a feasible mixed occupancy model to benefit the community and meet the caveat terms.</p>	Coordinator Land & Property	<p>31/01/2022 – TP: NSW Navy Cadets have advised that they will not pursue their use of the site. Awaiting confirmation of the caveat change amendment sought from NSW Property. Review of use model and consideration of other suitable groups (in consult with the Monaro Family Support Services & Monaro Care & Early Learning Centre) to occur.</p> <p>01/11/2021 – TP: To inform user MOU drafting – Awaiting further advice from NSW Navy Cadets for their use aspect. Awaiting confirmation of the caveat change amendment sought from NSW property.</p> <p>01/10/21 – TP:</p>	30/11/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Incoming tenant groups have access to venue, with general fit out & maintenance tasking being actioned at the site. A basic deed of Deed of Agreement will guide occupancy for the initial 4 6 month period; this will allow time for practical functional elements to be fine-tuned for all stakeholders, and thus better inform the long term lease design.</p> <p>05/09/21 - TP: Agreement reached with the EOI user groups on shared use of space basic arrangements at the 17 Bent Street site. Finalising the agreement to ensure community groups can engage with the venue in September 2021.</p> <p>04/08/21 - TP: Further contact from Property NSW anticipated in the coming week in relation to the permitted use nuances.</p>		
974	15 July 2021	160/21	<p>How can Council best leverage the State Government’s recently announced policy on temporary supportive accommodation That Council</p> <p>A. Continue to work with the NSW Government to identify any current opportunities.</p> <p>B. Review the temporary supportive accommodation discussion paper when it is released and develop an action plan to ensure the regions issues are identified and addressed in any action plans that are developed.</p>	Coordinator Economic Development	<p>21/01/2022 – GW: No further update pending release of discussion paper.</p> <p>21/12/2021 – MA: Nil further update.</p> <p>02/11/2021 – MA: Same as previous update and likely to remain so for some time and timeline for release of the temporary supportive accommodation discussion paper is unknown.</p>	16/08/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>30/09/2021 – MA: Same as previous update. Nil further update.</p> <p>01/09/2021 – MA: Same as previous update. Nil further update.</p> <p>05/08/2021 - MA: Discussion paper not yet released by the State Government. Continuing to support the State Government's research for development opportunities in Cooma.</p>		
965	17 June 2021	159/21	<p>Business Case Criteria</p> <p>That Council write to the Minister for 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.</p>	CEO	<p>29/11/2021 – PB: No letter of response received, however, information is available on the Office of Local Government Website at: https://www.olg.nsw.gov.au/commissions-and-tribunals/local-government-boundaries-commission/. Item to be closed.</p> <p>03/11/2021 – PB: Nil response received. No further update.</p> <p>30/09/2021 JB: No further update.</p> <p>09/08/2021 - GH: Correspondence acknowledgement received 25/6/21. No further update.</p> <p>02/07/2021 - JB: Letter from CEO sent to Shelley Hancock 25/6/21.</p>	19/07/2021	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
962	17 June 2021	154/21	<p>Leesville Civil Works Progression to Enable Sale of Subdivision Section 3D (4 Lots) - Sale of Industrial Land</p> <p>That Council</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p> <p>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.</p>	Coordinator Land & Property	<p>31/01/2022 – TP: No further update at this point in time.</p> <p>01/11/2021 – TP: No further update at this point.</p> <p>01/10/21 - TP: No further update at this point.</p> <p>05/09/21 - TP: A. In progress. B, C, D & E: To be actioned upon completion of civil works.</p> <p>04/08/21 - TP: Delivery arrangements for the expanded civil works progressing.</p> <p>02/07/21 - TP: The resolution actions will be initiated.</p>	30/04/2022	N
961	17 June 2021	153/21	<p>Request to close part of Mittagang Road Reserve - Boundary Adjustment followed by Land Sale to Owner of Lot 2 DP 815248</p> <p>That Council</p>	Coordinator Land & Property	<p>31/01/2022 – TP: No further update at this point in time.</p> <p>01/11/2021 – TP: No further update at this point.</p>	30/04/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>A. Approve to proceed partial road closure of Mittagang Road, being approximately 773m², at the specified location, in accordance with the Roads Act 1993;</p> <p>B. Authorise the Chief Executive Officer to execute all necessary documents for the partial road closure and boundary adjustment;</p> <p>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;</p> <p>D. Obtain an independent valuation of the 773m² land area that is the subject of the boundary adjustment to guide sale price setting;</p> <p>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</p> <p>F. Authorise the Chief Executive Officer to negotiate the sale price and execute any documentation required to complete the sale, at the appropriate time.</p>		<p>01/10/2021 - TP: No further update at this point.</p> <p>05/09/2021 – TP: No further update at this point.</p> <p>04/08/2021 - TP: In contact with the landowner's representative to progress mechanics and administration arrangements.</p> <p>02/07/2021 - TP: The resolution actions will be initiated.</p>		
955	17 June 2021	144/21	<p>Draft Memorandum Of Understanding (MOU) Between the Snowy Monaro Regional Library (SMRL) and the Cooma Monaro Historical Society (CMHS).</p> <p>That Council endorse the memorandum of understanding between the Snowy Monaro</p>	Manager Community Services	<p>12/10/2021 – JM: Awaiting response from Historical Society.</p> <p>06/09/2021 – KS: The MOU was delivered to the historical society for signing. They have been in recess. The</p>	30/10/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			Regional library, Cooma and the Cooma Monaro Historical Society.		president has been informed again and they will return it soon for CEO signature.		
952	17 June 2021	140/21	<p>Delegate Water Treatment Plant Reservoir & Pump Station - Acquisition of Part Lot 1 DP 348134 Delegate - Acquisition of Easements - Application for Crown Licence</p> <p>That Council</p> <p>A. Authorise the CEO to:</p> <p>i. Negotiate the purchase under private treaty of part of Lot 1 DP 348134 Delegate or, if required;</p> <p>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.</p> <p>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;</p> <p>B. That the land being acquired within Lot 1 DP 348134, having an area of approximately 507m², is to be classified as operational land;</p>	Manager Water Wastewater Operations	<p>20/01/2022 – JD: No further updates.</p> <p>03/11/2021 – JD: No further updates.</p> <p>28/09/2021 – JD: No further updates.</p> <p>30/08/2021 – JD: Valuation of land has been received. Lawyers amending license following comments from Snowy Forests and SMRC.</p> <p>02/08/2021 – JD: Valuation done on land required and agreement and license being drawn up by BMR Lawyers.</p>	30/6/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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;</p> <p>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;</p> <p>E. Authorise the CEO to sign any documentation required for the acquisition processes defined.</p>				
951	20 May 2021	121/21 122/21	<p>Bombala streetscape remediation work</p> <p>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.</p>	Coordinator Corporate Projects	<p>08/10/2021 – JM: A dispute process has commenced with the contractor in accordance with the provisions of the contract. Currently in the negotiation to rectify stage. Next meeting scheduled for 12 Oct 2021 will see the contractor to present their recommended options for remediation.</p> <p>09/06/2021 – GH: Staff have provided detail on the identified issues to Council's legal representatives who are evaluating in accordance with the contract</p>		N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					requirements and determining course of action to remedy.		
950	20 May 2021	120/21	<p>Motion To Get A Report On A Bed Tax</p> <p>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.</p>	Coordinator Economic Development	<p>21/01/2022 – GW: No further update – can discuss with new Council but reviews of other region’s not showing benefit or buy-in to date.</p> <p>21/12/2021 – MA: Nil further update.</p> <p>02/11/2021 – MA: No further update.</p> <p>30/09/2021 – MA: No further update.</p> <p>01/09/2021 – MA: A report will be provided in due course once ideas presented in the Council briefing have been developed further.</p> <p>09/06/2021 - MA: In progress.</p>		N
939	20 May 2021	106/21	<p>NSW Legislative Council's Portfolio Committee No. 4 – Industry Inquiry - Long term sustainability and future of the timber and forest products industry</p> <p>That Council</p> <p>A. Endorse the attached letter, to the NSW Legislative Council's Portfolio Committee No. 4 – Industry, regarding their inquiry into</p>	Economic Development Officer	<p>20/01/2022 – SB: Close - all items complete.</p> <p>07/01/2022 – JT: A: Complete. B: Correspondence sent - Complete, Actions complete to close.</p> <p>21/12/2021 – SB:</p>		Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>the long-term sustainability and future of the timber and forest products industry; and</p> <p>B. Write to the Minister requesting Bombala become the future forestry hub of the south east.</p>		<p>A: Complete.</p> <p>B: Letter to the Minister drafted. NOTE: South East Forestry Hub launched 13 December 2021. It captures forestry from the VIC border, up to Yass and across to Nowra.</p> <p>01/11/2021 – SB: Meeting with CEO arranged for early November 2021. SB awaiting on further advice regarding completion of action.</p> <p>28/09/2021: SB: The Hub has a committee. A legal entity will be established to receive commonwealth government funds. Hub should commence operations in October. Their first action will be a consultation process, including local government.</p> <p>31/08/2021 – SB: A. Action complete. B. The Regional Forestry Hubs page on the Department of Agriculture, Water and Environment website has been updated. The Australian Government, in a 2021-22 Budget measure, committed to establish 2 new Regional Forestry Hubs and extend funding for the 9 existing Regional Forestry Hubs., On 12 May 2021, the Minister for Agriculture, Drought and Emergency Management, the Hon David Littleproud MP, and the Assistant Minister for Forestry and Fisheries Senator the Hon Jonathon Duniam announced that new hubs would be established in the Eden region of New South</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Wales and the Northern Territory. It is anticipated that the two new hubs will be established early in the 2021-22 financial year.</p> <p>03/08/2021 – SB: No further update.</p> <p>30/06/2021 – SB: No further update.</p> <p>09/06/2021 – SB: A. Action complete. B. Economic Development will liaise 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.</p>		
929	15 April 2021	79/21	<p>Little Paupong Road</p> <p>That Council</p> <p>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.</p> <p>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.</p>	Coordinator Land & Property	<p>31/01/2022 – TP: No further update at this point in time.</p> <p>15/12/2021 – SR: No further update.</p> <p>01/11/2021 – TP: No further update at this point.</p> <p>01/10/2021 - TP: Awaiting response from Crown Lands in relation to the application lodged by Council on 10/8/21</p> <p>17/08/2021 - SR:</p>	30/12/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>With Council to then subsequently approve the road closing of these segments in accordance with the Roads Act 1993.</p> <p>C. Matter be brought back to Council for approval.</p>		<p>Application lodged 10/08 with Crown for transfer of Crown Road.</p> <p>04/08/2021 - TP: No further update at this point.</p> <p>06/06/2021 – TP: No further update.</p> <p>05/05/21 – TP: The resolution actions will be initiated.</p>		
925	15 April 2021	85/21	<p>Council's Transition to Electric Vehicles and Low Greenhouse Gas Emissions Fleet</p> <p>That Council</p> <p>A. Develop a project plan for the transition to EV or alternative fuel uses that reduce the emissions of Council.</p> <p>B. Write to the Premier seeking the NSW Government not implement taxes on environmentally friendly vehicles as this will create a disincentive to uptake.</p> <p>C. Write to LGNSW asking them to lobby the State government not to implement taxes on environmentally friendly vehicles as per B above.</p> <p>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.</p>	Coordinator Fleet	<p>01/12/2021 – SS: No further update.</p> <p>10/10/2021 – DR: Reviews into the various supporting funds has so far indicated that funds are available to support private business and individuals to transition to electric vehicles, but support for government agencies is not included in the programs. Continuing the gather information to allow for the various letters to be sent to cover the issues before Council in transitioning to electric vehicles. In the interim there are more hybrid vehicles entering the fleet, with these vehicles generally</p>	31/01/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			E. Contact the Electric Vehicle Council to discuss becoming a site host for ESV chargers.		using about half the fuel of traditional combustion vehicles. 30/09/2021 – SS: No further update. 05/08/2021 – SS: No further update. 07/06/2021 – SS: No further update. 06/05/21 – SS: No further update.		
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	08/02/2022 – DR: Completed. 09/06/2021 – ED: No further update. 06/05/21 – ED: No update provided.	30/06/2021	Y
913	18 March 2021	52/21	Post Exhibition Report Land Use Strategies That Council: A. Receive and note the post exhibition report <i>Consultation Report – Draft Rural Landuse Strategy March 2021</i> ;	Team Leader Strategic Planning	13/12/2021 – AA: Action complete. 13/12/2021 – AA: A. - No Action required. B. Completed.	31/3/2022	Y

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>B. Send the <i>Consultation Report – Draft Rural Landuse Strategy March 2021</i> to all who provided written feedback and place the report on SMRC YourSay page for community view;</p> <p>C. Publish all submission with personal details of all individuals redacted;</p> <p>D. Amend proposed Environmental zones to be maintained as existed in the Bombala, Cooma-Monaro and Snowy River LEP's prior to merger. (i.e. remove all proposed new environmental zones as identified in the Draft Rural Landuse Strategy and Draft Settlement Strategy.);</p> <p>E. Consult and work with individual landowners on the revised approach;</p> <p>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:</p> <p style="padding-left: 40px;">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).</p> <p style="padding-left: 40px;">b. Completely review the methodology behind Minimum Lot Sizes</p>		<p>C. Completed.</p> <p>D. Completed.</p> <p>28/09/2021 – AA:</p> <p>A. - No Action required.</p> <p>B. - Completed, consultation report was sent to all submitters on 24 March 2021.</p> <p>C. - Completed - All submissions were posted on the YourSay page on Tuesday 13 April.</p> <p>D. - noted this would be amended as part of a revised draft.</p> <p>E. further consultation will be undertaken when Council exhibit revised draft documents.</p> <p>F. An expanded committee with community representatives has been established. A final meeting was held in September to resolve this matter, staff will now work on incorporating this advice in the draft Strategies and report back to Council in the new year.</p> <p>G. revised drafts are to be developed based on advice from Council working group.</p> <p>H. revised drafts are to be developed based on advice from Council working group.</p> <p>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.</p> <p>30/08/2021 – AA:</p> <p>A. - No Action required. , B. - Completed, consultation report was sent to all submitters on 24 March 2021. ,</p> <p>C. - Completed - All submissions were posted on the YourSay page on Tuesday 13 April,</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>c. Review and progress the relationship between the Draft Rural Landuse Strategy and Settlement Strategy</p> <p>d. Report to the Council briefing sessions, as necessary</p> <p>e. Consider all feedback and amend the Draft Rural Landuse Strategy;</p> <p>G. When developed, re exhibit the revised Draft Rural Landuse Strategy for 56 days for feedback;</p> <p>H. When developed, re exhibit the Draft Settlement Strategy for 56 days further feedback</p> <p>I. Cooma and Berridale heavy vehicle alternate routes be moved to the long term strategic plan</p>		<p>D. - noted this would be amended as part of a revised draft.</p> <p>E. further consultation will be undertaken when Council exhibit revised draft documents.</p> <p>F. An expanded committee with community representatives has been established. No methodologies have yet been established. It is anticipated the next meeting of this working group/committee will be the last required.</p> <p>G. revised drafts are to be developed based on advice from Council working group.</p> <p>H. revised drafts are to be developed based on advice from Council working group.</p> <p>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.</p> <p>02/08/2021 – AA:</p> <p>A - No Action required.</p> <p>B. - Completed, consultation report was sent to all submitters on 24 March 2021.</p> <p>C - Completed - All submissions were posted on the YourSay page on Tuesday 13 April</p> <p>D - Noted this would be amended as part of a revised draft.</p> <p>E - Further consultation will be undertaken when Council exhibit revised draft documents.</p> <p>F - An expanded committee with community representatives has been established. Methodologies still under review. It is recommended Council consider the form and</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>role of this committee to ensure the timely review of land use strategies.</p> <p>G. revised drafts are to be developed in conjunction with Council working group.</p> <p>H - Revised drafts are to be developed in conjunction with Council working group.</p> <p>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.</p> <p>29/06/2021 – AA:</p> <p>A. - No Action required.</p> <p>B. - Completed, consultation report was sent to all submitters on 24 March 2021.</p> <p>C. - Completed - All submissions were posted on the YourSay page on Tuesday 13 April,</p> <p>D. - noted this would be amended as part of a revised draft.</p> <p>E. further consultation will be undertaken when Council exhibit revised draft documents.</p> <p>F. An expanded committee with community representatives has been established. No methodologies have yet been established despite significant staff resources. The size of the working is generally considered unworkable. It is recommended Council consider the need, format and role of this committee to ensure the timely review of land use strategies.</p> <p>G. revised drafts are to be developed in conjunction with Council working group.,</p> <p>H. revised drafts are to be developed in conjunction with Council working group.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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</p> <p>09/06/2021 – DR; Working group has been established and met for the first time.</p> <p>03/05/2021 – AA: A. - No Action required. B. - Completed, consultation report was sent to all submitters on 24 March 2021.</p> <p>C. - Completed - All submissions were posted on the YourSay page on Tuesday 13 April</p> <p>D. - Noted this would be amended as part of a revised draft.</p> <p>E. - Further consultation will be undertaken when Council exhibit revised draft documents.</p> <p>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</p> <p>G. - Revised drafts are to be developed in conjunction with Council working group.</p> <p>H. - Revised drafts are to be developed in conjunction with Council working group.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>06/04/2021 – AA:</p> <p>A. - No Action required. B. - Completed, consultation report was sent to all submitters on 24 March 2021.</p> <p>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.</p> <p>D. - Noted this would be amended as part of a revised draft.</p> <p>E. Further consultation will be undertaken when Council exhibit revised draft documents.</p> <p>F. A charter for the working group is being drafted for consideration by Council at its May meeting.</p> <p>G. Revised drafts are to be developed in conjunction with Council working group.</p> <p>H. Revised drafts are to be developed in conjunction with Council working group.</p> <p>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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
869	17 December 2020	259/20	<p>Bombala Sewerage Infrastructure Project - Relocation of Mahratta Street Pump Station and Bombala STP and Sewerage Infrastructure Budget Summary</p> <p>That Council:</p> <p>A. Approve installation of the Mahratta Street Pump Station at the option 2 site being north east of the skate park;</p> <p>B. Approve an additional budget of \$230,000 from the water and sewer reserve; and</p> <p>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.</p>	Manager Water Wastewater Operations	<p>20/01/2022 – JD: Updated Review of environmental factors for the project is nearing completion.</p> <p>03/11/2021 – JD: Approval in Principal received on 28/10/2021.</p> <p>28/09/2021 – JD: No further updates.</p> <p>30/08/2021 – JD: No further updates from JHG.</p> <p>02/08/2021 – JD: John Holland Group advised they will respond to us in the near future.</p> <p>09/06/2021 – JD: No further updates.</p> <p>04/05/21 – JD: Application submitted to John Holland Group for construction approval and owners consent on heritage application.</p> <p>30/03/2021 – JD: Heritage advisor currently progressing with the Heritage exemption application.</p> <p>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</p>	30/04/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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.		
864	17 December 2020	254/20	<p>Water and Wastewater Easement Acquisitions - Adaminaby and Bombala</p> <p>That Council:</p> <p>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;</p> <p>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;</p>	Manager Water & Wastewater	<p>20/01/2022 – JD: No further updates.</p> <p>03/11/2021 – JD: No further updates.</p> <p>28/09/2021 – JD: No further updates</p> <p>30/08/2021 – JD: No further updates</p> <p>02/08/2021 – JD: No further updates.</p> <p>09/06/2021 – JD: No further updates.</p> <p>04/05/21 – JD: No further updates.</p> <p>30/03/2021 – JD: No further update.</p> <p>02/03/2021 – JD:</p>	30/06/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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;</p> <p>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 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</p> <p>E. Authorise the CEO to sign any documentation required for the acquisition processes</p>		<p>Acquisition of easements has commenced. PWA procured to undertake this acquisition.</p> <p>15/01/2021 – JD: Process has commenced. PWA engaged to assist SMRC with the applications.</p>		
863	17 December 2020	253/20	<p>Regional Cultural Fund - Proposed grant variation request for Jindabyne Library and Innovation Hub</p> <p>That Council:</p> <p>A. Endorse the submission of a grant variation request to Create NSW seeking to install a modular library of approximately 500m² 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;</p> <p>B. Authorise the CEO to sign the grant variation request; and</p>	Chief Operating Officer	<p>02/12/2021 - JM: A) Completed B) Completed C) Requirement for additional operational costs for 2022/2023 is acknowledged and will be budgeted for when 2022/2023 draft budget is prepared. Resolution can be marked as complete.</p> <p>02/12/2021: Reallocated to Jeff Morgan, Operations for the completion of part C.</p>	Ongoing	Y

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			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.		<p>02/11/2021 – MA: A. Complete. B. B – Complete. C. C – Will remain outstanding until 2022-23 budget is finalised.</p> <p>30/09/2021 – MA: Same as previous update. Nil further update</p> <p>01/09/2021 – MA: A. Complete, B. Complete, C. Deferred until the 2022-23 operational budget is developed.</p> <p>05/08/2021 - MA: Grant variation was approved. An amended funding agreement has been signed. Project is now in the design and construct phase, responsibility is now with the projects team. Action complete.</p> <p>02/07/2021 - GW: Agreement received. First meeting of working group (including council and CreateNSW) held on 29 July. Project underway</p> <p>30/04/2021 - MA: Still awaiting an approved variation to the funding agreement from Create NSW.</p> <p>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</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>amended agreement will be received from Create without further undue delay.</p> <p>26/02/2021 – MA: Awaiting determination of the grant variation request (submitted in December) by Create NSW.</p> <p>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. B. Completed. C. No further action required.</p>		
855	19 November 2020	240/20	<p>Bicentennial Garden/ Parks – Bombala That Council:</p> <p>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;</p> <p>B. Acknowledge that the Bombala Bicentennial Garden is significant to the community; and</p> <p>C. Assess the Bombala Bicentennial Garden by a heritage expert for inclusion on Council’s Heritage Listing.</p>	Chief Operations Officer	<p>29/10/2021 – GMc: No further update – process for heritage listing to be finalised.</p> <p>30/09/2021 – GMc: No Further Update - Process for heritage listing to be finalised.</p> <p>30/08/2021 – GMc: No Further Update - Process for heritage listing to be finalised; however, discussion at 28 August Council meeting held concerns that future development in the area may be hampered by such listing. Enquiries to take place with Council's Heritage Officer to seek clarification around this.</p> <p>02/07/2021 – GM: No further update - Process for heritage listing to be finalised</p>	30/06/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>01/06/2021 – GMc: No further update - Process for heritage listing to be finalised</p> <p>04/05/2021 – GMc C. Council's Heritage Advisor has prepared a report recommending the trees within the Park are heritage listed.</p> <p>06/04/2021 – JM: No further update.</p> <p>03/03/2021 – JM: C. Assessment completed, currently being reviewed by Council's Strategic Planning team.</p> <p>29/01/2021 – JM: C. Assessment completed, currently being reviewed by Council's Strategic Planning team</p> <p>25/01/2021 – AA: C. Heritage consultant has undertaken an independent review of the Bicentennial Garden/Park against the NSW Heritage Councils 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.</p> <p>30/11/2020 –JM:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>A. To be incorporated into draft the Plans of Management which will go out for community consultation planned for early March 2021.</p> <p>B. Completed.</p> <p>C. A request has been sent to Council's Heritage consultant to consider this item for heritage listing.</p>		
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	<p>24/01/2022 – DR: Work on determining options for the site has recommenced following recruitment of positions that had been vacant for some time. Colliers International will be engaged to undertake a review of the site and options for the future direction in relation to Council's offices.</p> <p>16/12/2021 – DR: No further update.</p> <p>30/11/2021 – DR: Two new staff commenced this week. This will allow tasks to be reassigned and allow this project to proceed.</p> <p>29/11/2021 – DR: Waiting on staff vacancies to be filled before strategy review to be undertaken.</p> <p>01/07/2021 - DR: Expressions of interest have been sought to undertake a review to identify if there is a viable option to develop new offices and the process will commence soon.</p>	31/03/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>02/03/2021 – DR: Briefing completed in the Councillor Briefing Session on 04/02/21 with a Vale Street Property Workshop.</p> <p>29/01/2021 – DR: Time has been scheduled in an upcoming councillor briefing session for councillors to discuss this issue.</p> <p>27/11/2020 – DR: Time will be arranged for a fuller discussion on the options for the Council offices.</p>		
840	19 November 2020	225/20	<p>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:</p> <p>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.;</p> <p>B. Authorise the CEO to negotiate with relevant parties an outcome to satisfy the requirements of all parties including the</p>	Coordinator Land and Property	<p>31/01/2022 – TP: The Peak View Volunteer Bushfire Brigade Association have achieved incorporation status in the state of NSW, with indication that it will be this entity which will officially nominate as the alternate Crown Land Manager of the site. Land & Property will table this revised scenario to Crown Lands as a concept just to make sure there are no conflicts from that side of things. , Note: From the Lions Club (funding) perspective, they have indicated that as long as the group is an incorporated not-for-profit entity then the Lions aspect can proceed.</p> <p>12/11/2021 – TP:</p>	Ongoing	N

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			Peak View Community, the Crown, the NSW Aboriginal Land Council, Lions International and the Rural Fire Service.		<p>This Peak View Hall scenario remains a work in progress, as the community group has still not formed themselves to a legal entity standard that meets the Lions Club funding needs. I've had recent chats with both Chris Reeks (Lions Club) & James Barron (community stakeholder) and they are trying to sort out the logistics so that they can then offer us (as the current CLM of the site) a proposed pathway of arrangements.</p> <p>03/11/2021 – PB: Action now sits with land and property. Item to be transferred to Teena Patterson.</p> <p>28/09/2021 JB: The funding has been approved after delay and money is being allocated. The transfer of Crown Reserve 56109 with care and control to Peak View Progress Association is now going ahead. Teena Paterson is aware and can progress the transfer as needed</p> <p>09/08/2021 - GH: No further update.</p> <p>02/07/2021 – JB: No further update.</p> <p>09/06/2021 – JB: No further update.</p> <p>03/05/21 - JB:</p>		

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					<p>Chris Reeks of Lions Club Cooma advised that there has been no further update regarding this funding.</p> <p>06/04/2021 – 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.</p> <p>26/02/2021 – JB: SMRC is waiting on advice from the Lions Club regarding their success in the grant before proceeding.</p> <p>27/01/2021 – JB: A. Completed B. Discussions in progress</p> <p>26/11/2020 – JT: Discussions are in progress.</p>		
798	17 September 2020	176/20	<p>Request for Easement Over Council Land in Cooma That Council</p> <p>A. Approve the request to create an easement for water supply over Lot 2 DP 224408 subject to:</p> <p>i. All costs being borne by the owner of Lot 1 DP 224408.</p> <p>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.</p>	Coordinator Land & Property	<p>31/01/2022 – TP: Applicant initiated lodgement of easement creation documentation with SMRC's Planning Team. The owner's consent & administration sheet were signed by CEO. Update has been sought from Planning as to the application's progression.</p> <p>01/11/2021 – TP: No further update at this point in time.</p> <p>01/10/2021 - TP: No further update at this point.</p>	31/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			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.		05/09/2021 - TP: Email sent to the relevant landowner seeking an update on the survey aspects in order to progress easement registration. 04/08/2021 - TP: Water licence reference number 40AL418298 is confirmed as held by the Landowner. Land & Property await further advice from the Landowner as to easement survey aspects. 02/07/2021 - TP: No further update at this point 06/06/2021 – TP: Follow up with the landowner benefiting from the easement as to the licence status required. 05/05/2021 - TP: No further update at this point. 31/03/2021 - 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		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>responsible for all costs and will send a copy of the water licence to Council when he is in possession of the Licence.</p> <p>04/12/2020 – 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.</p> <p>23/10/2020 – LB A. Landowner has been notified and is proceeding with the plan. 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.</p> <p>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.</p>		
794	17 September 2020	172/20	Proposal to Close Part Mittagang Road - Yallambee Lodge That Council;	Coordinator Land & Property	<p>24/01/2022 – SR: A, B & C: Quote received from surveyor. Surveyor engaged to complete works.</p> <p>01/11/2021 – TP:</p>	31/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>A. Approve the road closing of part of Mittagang Road in accordance with the <i>Roads Act 1993</i>;</p> <p>B. Consolidate the new lot with lot 1 DP 841447 (Yallabee Lodge); and</p> <p>C. Authorise Council's CEO to execute all necessary documents to complete the road closing and lodgement of the plan of consolidation.</p>		<p>No further update at this point in time.</p> <p>01/10/2021 – TP: No further update at this point.</p> <p>05/09/21 – TP: No further update.</p> <p>04/08/21 - TP: No further update at this point.</p> <p>06/06/2021 – TP: No further updates at this point.</p> <p>05/05/21 - TP: No further update at this point.</p> <p>31/03/21 - TP: No further update.</p> <p>28/02/2021 - TP: A-C - Consolidated of land adjacent to the service station at Yallabee process inadvertently used the incorrect resolution; thus road closure plan is required to be redone by surveyor to accurately reflect 'new' lot footprint & labels.</p> <p>22/01/2021 – LB: No further update.</p> <p>04/12/2020 – LB: A. Letters have been posted. There is a 28 day period for reply.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>23/10/2020 – LB:</p> <p>A. Letters have been prepared and are ready to be posted.</p> <p>B. After the road is closed a plan of consolidation will be prepared by a surveyor and the plan will subsequently be lodged.</p> <p>24/09/2020 – LB:</p> <p>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.</p> <p>B. After the road is closed a plan of consolidation will be prepared by a surveyor and the plan will subsequently be lodged.</p>		
789	17 September 2020	167/20	<p>Acquisition - Easement for Access Adaminaby Sewage Treatment Plant and Town Water Supply</p> <p>That Council:</p> <p>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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i>;</p> <p>B. Proceed with the compulsory acquisition of the interest in the land described as part Lot</p>	Manager Water & Wastewater	<p>20/01/2022 – JD: No further updates.</p> <p>03/11/2021 – JD: No further updates.</p> <p>28/09/2021 – JD: No further updates.</p> <p>30/08/2021 – JD: No further updates.</p> <p>02/08/2021 – JD: No further updates.</p> <p>09/06/2021 – JD:</p>	30/04/2022	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i>;</p> <p>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 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 <i>Local Government Act 1993</i>;</p> <p>D. Classify the land as easement for access in accordance with the <i>Local Government Act 1993</i>;</p> <p>E. Authorise the CEO to sign any documentation required for this Acquisition process.</p>		<p>No further updates.</p> <p>04/05/2021 – JD: No further updates.</p> <p>30/03/2021 – JD: No further updates.</p> <p>02/03/2021 – JD: Acquisition currently underway.</p> <p>15/01/2021 – JH: No further update.</p> <p>25/11/2020 – JH: No further update.</p> <p>25/11/2020 – JH: A-D. Acquisition process underway and being managed by the Water/Wastewater Team. A. This will take place when required.</p> <p>23/09/2020 - JH: A-D. Acquisition process underway. E. This will take place when required.</p> <p>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. E. This will take place when required.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
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	<p>12/10/2021 – DR: Target date changed – defer to allow new Councillors to be informed and agree to the approach.</p> <p>01/04/2021 – ED: No further update.</p> <p>30/03/2021 – ED: No further update.</p> <p>24/02/2021 – ED No further progress.</p> <p>19/01/2021 – JM: No further progress.</p> <p>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.</p> <p>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.</p> <p>25/09/2020 – JM: Documentation has been subjected to a final review and proof read prior to being sent out.</p> <p>31/08/2020 – JM:</p>	28/02/2022	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					The Chief Communications Officer is currently reviewing the manual, after which it will be 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.		
756	16 July 2020	115/20	<p>Floodplain Risk Management Study and Plan That Council</p> <p>A. Adopt the SMRC Flood and Floodplain Risk Management Studies – Flood Studies (April 2019);</p> <p>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;</p> <p>C. Agrees to the public exhibition of SMRC Flood and Floodplain Risk Management Studies – Floodplain Risk Management Studies and Plans (DRAFT) report (March 2020);</p> <p>D. Liaise with the NSW SES and landowners at risk to develop an Evacuation Plan for a significant rain event; and</p> <p>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.</p>	Coordinator Strategy Development	<p>08/02/2022 – DR: Plans adopted. Completed.</p> <p>30/08/2021 – PV: Report now deferred to September Council meeting.</p> <p>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.</p> <p>27/04/2021 – 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.</p> <p>07/04/2021 – PV: - 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</p>	29/10/2021	Y

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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</p> <p>04/03/2021 – PV: Still awaiting Cooma Back Creek Study Report - expected by mid-March.</p> <p>04/03/2021 – PV: Still awaiting Cooma Back Creek Study Report - expected by mid-March.</p> <p>31/12/2020 – GM: Awaiting Cooma Back Creek Study variation report, due 31 January 2021.</p> <p>26/11/2020 – GM: No further update.</p> <p>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 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</p>		

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					<p>forwarded to GRChydro to incorporate into final study document.</p> <p>D. No further discussion until Cooma Back Creek study variation report completed (delays due to modelling, now expected to be finalised early 2021).</p> <p>E. Variation approved, works have commenced on the study, as per previous comment report expected early 2021.</p> <p>24/09/2020 – PV:</p> <p>A. Completed.</p> <p>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.</p> <p>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.</p> <p>C. Floodplain Risk Management Studies and Plans (DRAFT) report on public display – Now extended to 7 October.</p> <p>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.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>E. Variation request approved by relevant DPIE staff.</p> <p>25/08/2020 – PV:</p> <p>A. Request sent to Communications to upload document.</p> <p>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.</p> <p>D. Floodplain Risk Management Studies and Plans (DRAFT) report on public display – closes 23rd September.</p> <p>E. 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.</p> <p>F. Variation request approved by relevant DPIE staff. Expect ‘official’ approval to come through in the next few days.</p> <p>31/07/2020 – PV:</p> <p>B. Adopted. Environmental Technical Officer organising to have documents uploaded onto the Council website.</p> <p>C. 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.</p>		

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					<p>D. Hard copies printed, need to be bound and Appendices with maps printed and bound ready for display once Action B addressed.</p> <p>E. Relevant managers aware and need to decide who will liaise with SES to commence this process.</p> <p>Variation documentation 75% complete, should be submitted to DPIE by the end of this week (31 July)</p>		
746	16 July 2020	107/20	<p>Health One Facility, Jindabyne That Council</p> <p>A. Authorise the Chief Executive Officer to execute the Building Management Statement and take steps to finalise and sign the land sale agreement; and</p> <p>B. Approve the establishment of a Building Management Committee to oversee obligations of the Building Management Statement.</p>	Facilities Officer Snowy River Health Centre	<p>06/09/2021 – TP: Follow up query to Planning as to status of subdivision approval.</p> <p>27/04/2021 – NW: Waiting on Subdivision Certificate approval.</p> <p>26/03/2021 – NW: Subdivision Certificate and Modifications now lodged by Dabyne Planning.</p> <p>02/03/2021 – NW: Discussions ongoing between Dabyne Planning and Kleven Spain Surveyors. Subdivision application forms submitted to CEO for signature.</p> <p>12/01/2021 – NW: A. Surveyor provided plans although further information still required. Waiting on information to be forwarded.</p> <p>27/11/2020 – TP: No further update.</p>	30/11/2021	N

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					<p>27/10/2020 – NW:</p> <p>A. Awaiting surveyor to provide further information to enable registration of subdivision. Other party (HealthOne) still to sign the Land Sale Agreement.</p> <p>B. Building Management Committee to be formed with HealthOne once above items have been finalised.</p> <p>24/09/2020 – NW:</p> <p>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.</p> <p>B. Building Management Committee to be formed with HealthOne.</p> <p>26/08/2020 – NW:</p> <p>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.</p> <p>B. Building Management Committee to be formed with HealthOne.</p> <p>22/7/2020 – NW</p> <p>A. Building Management Statement sent to Chief Executive Office for signing.</p> <p>B. Will work on creation of Building Management Committee once BMS signed.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
718	18 June 2020	80/20	<p>Acquisition of Land - RFS Shed Michelago That Council</p> <p>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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i>;</p> <p>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;</p> <p>C. Classify the land as operational land in accordance with the Local Government Act 1993;</p> <p>D. Note that this acquisition is not for the purpose of resale; and</p> <p>E. Authorise CEO to sign any documentation required for this Acquisition process.</p>	Coordinator Land & Property	<p>24/01/2022 – SR: Res A: SMRC reviewing PWA recommendation for valuation. Res B: Awaiting completion of A. Res C: No Action Required. Res D: No Action Required. Res E: As Required.</p> <p>16/12/2021 – SR: Res A: PWA reviewing valuation service quotes, Res B: Awaiting completion of A. Res C: No Action Required. Res D: No Action Required. Res E: As Required</p> <p>15/09/2021 – SR: PWA received consent letter and plans with approval stamp from Transport For NSW (Railway), PWA will progress the matter with John Holland Rail, still on track for delivery by end of 2021 (PWA advised).</p> <p>17/08/2021 – SR: PWA advise project is still on track for delivery before end of year. PWA waiting for response from UGL Regional Linx.</p> <p>02/08/2021 - SR: Advice received from UGL Regional Linx takeover of John Holland - PWA advised acquisition should be complete before Jan 2022 take over.</p> <p>02/07/2021 – TP: No further update at this point.</p>	28/02/2022	N

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					<p>06/06/2021 – TP: No further update at this point.</p> <p>27/04/2021 - JH: No further updated at this stage.</p> <p>23/03/2021 - JH: The survey plan has been prepared by PWA to enable the acquisition process to continue.</p> <p>28/02/2021 – JH: No further update.</p> <p>12/01/2021 – JH: No further update.</p> <p>25/11/2020 – JH: A to C: This process will take approximately 18 months.</p> <p>20/10/2020 - JH: A to C: Acquisition process underway. D & E: Will be adhered to throughout this process.</p> <p>23/09/2020 - JH: A to C: Survey Plan Quote to be received shortly.</p> <p>26/08/2020 - JH: A to C: Acquisition process underway. Research has to take place to find gazette notices, survey plans to be prepared etc.</p>		

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					<p>D & E: Will be adhered to throughout this process.</p> <p>22/07/2020 – JH: A to C: Acquisition process underway. D & E: Will be adhered to throughout this process.</p> <p>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.</p>		
669	16 April 2020	69/20	<p>Bombala Commercial Precinct Painting That Council</p> <p>A. Note the previous resolution ADA96/16 adopted by the Administrator;</p> <p>B. Note the previous resolution 297/17 adopted by Council;</p> <p>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.</p>	Coordinator Economic Development	<p>24/01/2022 – SB: Bombala Chamber of Commerce advised they are aiming to complete this project by the end of financial year.</p> <p>21/12/2021 – SB: No further update.</p> <p>01/11/2021 – SB: Approximately \$2000 spent, COVID has impacted delivery.</p> <p>28/09/2021: SB No further update.</p> <p>31/08/2021: SB No further update.</p> <p>03/08/2021: SB No further update.</p>	31/05/2021	N

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					<p>30/06/2021: SB No further update</p> <p>01/06/2021 – SB: No further update.</p> <p>27/04/2021: SB No further update.</p> <p>25/03/2021 - SBly: No further update.</p> <p>25/02/2021 – SBly: No further update.</p> <p>29/01/2021 – MA: No further update.</p> <p>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.</p> <p>04/11/2020 – MA: Still in progress by Bombala Chamber.</p> <p>28/09/2020 – MA: No further update.</p> <p>02/09/2020 – MA:</p>		

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					<p>Still in process of being implemented by Bombala Chamber.</p> <p>02/07/2020 – MA: Project in progress and resting with Bombala Chamber – no further update from below.</p> <p>03/06/2020 – MA: Arrangements for payment finalised. Awaiting reports from the chamber on execution of the project in due course.</p> <p>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.</p>		
662	19 March 2020	57/20	<p>Proposed closure and sale of public pathway in Kalkite That Council</p> <p>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.</p> <p>B. Place a caveat on the subject land requiring payment for the outstanding amount before sale.</p>	Coordinator Land & Property	<p>24/01/2022 – SR: Update against resolution 301/19, updated resolution to be considered at March meeting.</p> <p>16/12/2021 – SR: Res A: Payment plan agreed to by party H, party C still negotiating as per notes against resolution 301/19. Res B: Legal advice sort regarding caveat.</p> <p>20/10/2021 – SR: Consolidation Administration Sheet signed by all parties and delivered to Surveyor for lodgement with LRS.</p> <p>13/10/2021 – SR: Consolidation Administration Sheet returned by land holder, sent to CEO for signature.</p>	30/12/2020	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>28/09/2021 - SR: Consolidation Administration Sheet with landowner for signing.</p> <p>17/08/2021 - SR: Subdivision has been approved. All signed paperwork returned to surveyor, awaiting 88B from solicitor to register easement on title. Note: Linkage exists with Resolution 301/19.</p> <p>02/08/2021 – SR: Subdivision certificate for boundary adjustment submitted to planning - fee paid - awaiting approval.</p> <p>02/07/2021 - TP: Adjusted advice from LRS and surveyor received. Further communication with neighbouring landowners actioned</p> <p>06/06/2021 – TP: Prompts to LRS actioned in order to progress creation & issue of Certificate of Title.</p> <p>05/05/2021 - TP: 28/2/21 No further update at this point. Note: Linkage exists with Resolution 301/19.</p> <p>31/03/2021 TP: No further update.</p> <p>28/02/2021 - TP:</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>A Completed; B Caveat will be placed in the land when the road closing is registered. Note: Linkage exists with Resolution 301/19.</p> <p>22/01/2021 – LB: No further update.</p> <p>4/12/2020 – LB: A. Completed.</p> <p>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.</p> <p>24/09/2020 – LB: A Landowners have been notified of the extension of the maximum time to repay the purchase price.</p> <p>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.</p> <p>28/07/2020 – LB:</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>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.</p> <p>28/05/2020 – 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.</p> <p>24/04/2020 – LB: Arrangements are currently underway to set up a payment plan and a surveyor has been engaged.</p> <p>26/03/2020 – LB: The landowners have been notified of Council’s resolution and quotations are currently being sought for the survey work.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
660	19 March 2020	55/20	<p>Proposed Acquisition of Easement for Access to Middlingbank Quarry That Council</p> <p>A. Enter into negotiations with the owner of lot 1 DP 1022898 for a right of way for access across his land.</p> <p>B. Engage the services of a surveyor to create a plan for registration of a right of way across lot 1 DP 1022898.</p> <p>C. Council to be responsible for all costs for creation and registration of the plan for the right of way.</p> <p>D. Authorise the Chief Executive Officer to negotiate the compensation for the easement.</p> <p>E. Authorise the Chief Executive Officer to sign all necessary documents to give effect to the above.</p>	Coordinator Land & Property	<p>08/02/2022 – GS: All actions have been undertaken. The owners of Lot1 refused to negotiate a right of carriageway through their property, so the resolution can be taken no further. There is a Crown Road Reserve through Lot2 but negotiations with Crown Lands have not yet taken place over the use of that access point. A report will be prepared for Council consideration once Crown Lands have been consulted over the acquisition of the Crown Road Reserve.</p> <p>29/09/2021 – GS: This action will be subject to a Council report for consideration in November 2021.</p> <p>05/07/2021 – GS: The owner of Lot 1 DP 1022898 has stated they are not prepared to enter into negotiations for a right of carriageway between Middlingbank Road and Middlingbank Quarry. Discussions are underway with the owner of Lot 2 DP 1271068 to understand if options are available to create an access through that property with further options to acquire the Crown Road (unformed) that's established along the boundary of Lot 1 and Lot 2.</p> <p>02/07/2021 - TP: No further update at this point.</p> <p>05/05/2021 - TP: No further update.</p>	30/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>31/03/2021 - TP: No further update.</p> <p>28/02/2021 - TP: AA - 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.</p> <p>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.</p> <p>04/12/2020 – LB: A. Completed. B. Discussions are ongoing to decide the best approach for a permanent access.</p> <p>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</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>traffic will commence on Monday 2 November.</p> <p>B. The process to secure permanent access will commence shortly</p> <p>C. These actions will take place at the appropriate time.</p> <p>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.</p> <p>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.</p> <p>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</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>he has been requested to proceed as soon as possible.</p> <p>26/06/2020 – LB: A. Negotiations with landowners are ongoing. B. Requests for quotations for survey have been advertised.</p> <p>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.</p> <p>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.</p> <p>26/03/2020 – LB Negotiations have commenced with the landowner.</p>		
643	19 March 2020	44/20	<p>Acquisition by Possessory Title - Lot 16 Section 1 DP 1242 - Berridale Memorial Park That Council</p> <p>A. Apply for possessory title over lot 16 Section 1 DP 1242 (Berridale Memorial Park)</p> <p>B. Classify lot 16 Section 1 DP 1242 as community land upon acquisition.</p>	Coordinator Land & Property	<p>31/01/2022 – TP: Solicitors have flagged that re-lodgement of the entire document file was required due to change in LRS processing mechanics to online. There appears to be a telegraphed hesitancy within the LRS to view Council's ongoing maintenance of the property, to enable its continued use as a monument site, as sufficient to establish possession - Further investigation to be actioned by Land & Property as to existence of any further</p>	28/02/2022	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>historic evidence of dealings in relation to monument construction and primary use of site.</p> <p>1/11/2021 – TP: No further update at this point in time.</p> <p>01/10/2021 – TP: No further update at this point.</p> <p>05/09/2021 – TP: No further update at this point.</p> <p>04/08/2021 – TP: No further update at this point.</p> <p>02/07/2021 – TP: Responding to a further request from Revenue NSW, a letter has been sent confirming that upon acquisition - Lot 16 Section 1 DP 1242 – Berridale Memorial Park – will not be used for any trading undertaking</p> <p>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).</p> <p>05/05/2021 – TP: Solicitors have confirmed that the required supporting Statutory Declarations from independent persons (2) have been obtained. NSW Revenue documentation finalised to enable</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>transfer of land to be completed exempt payment of duty.</p> <p>31/03/2021 – 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.</p> <p>28/02/2021 – 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.</p> <p>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.</p> <p>04/12/2020 – 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</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>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.</p> <p>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.</p> <p>26/08/2020 – LB: Requisition on Title has requested an Old Title search which is currently being carried out by Crown Lands.</p> <p>26/08/2020 – 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.</p> <p>29/07/2020 – LB: The CEO has executed the documents.</p> <p>26/06/2020 – LB:</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Application is proceeding.</p> <p>28/05/2020 – LB: Documentation is being prepared to lodge an application for Possessory Title.</p> <p>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.</p> <p>26/03/2020 – LB: Council's solicitor has been requested to prepare the documentation.</p>		
573	21 November 2019	443/19	<p>Werralong Road - Proposed Acquisition With and Without Consent That Council</p> <p>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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i> 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.</p> <p>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 <i>Land Acquisition (just Terms Compensation) Act 1991</i> in accordance with Division 1 Section 177 of the Roads</p>	Coordinator Land & Property	<p>31/01/2022 – TP: Items A, B & C - Complete. Item D - No further update at this point in time.</p> <p>01/11/2021 – TP: Elements A, B & C – Complete. D - Council awaits Valuer General compensation advice related to the lots that were acquired by compulsory process (without consent).</p> <p>01/10/2021 – TP: Governor's approval to publish the supplied acquisition notices for the Werralong Road compulsory acquisition process has been received.; Lots 4, 5, 7, 8 & 10 DP 1245630 - Approved under Executive Council Minute # 34 (22 September 2021), Lots 1, 2, 3, 6 & 9 DP 1245630 - Approved under Executive Council Minute # 28 (22 July 2020), Werralong Road</p>	30/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>Act 1993 and the making of the necessary application to the Minister and/or Governor.</p> <p>C. To authorise the General Manager to execute all documents relevant to the acquisitions both without consent and with consent on behalf of Council.</p> <p>D. Agrees to bear all costs for the acquisition of the proposed lots.</p>		<p>(Lots 1-10 DP 1245630) - The publication of the acquisition notices (2) in the New South Wales Government Gazette occurred on 1st October 2021; this action brings the land described in the notices into Council's ownership. The final process element relates to compensation applicable to Lots 4, 5, 7, 8 & 10 DP 1245630, with Council to be guided by the NSW Valuer General in relation to this aspect.</p> <p>05/09/2021 – TP: Lots 4, 5, 7, 8 & 10 DP1245630: The 90 day PAN period expires on Sunday 5th September 2021, at which time the OLG will submit the acquisition notice for the Governor's approval. Upon receipt of the Governor's approval, the OLG will provide Council with a copy of the approved acquisition notice and Minute Number to be used for the publication of the acquisition notice. It remains Council's responsibility to organise for the publication of the acquisition notice in the NSW Gazette.</p> <p>04/08/2021 - TP: No further update at this point.</p> <p>02/07/2021 - TP: No further update at this point.</p> <p>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</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>05/05/2021 – TP: No further update at this point.</p> <p>31/03/2021 – TP: 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.</p> <p>28/02/2021 – 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).</p> <p>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</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>gifted on the condition that Council is successful in acquiring the land without consent.</p> <p>04/12/2020 – 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.</p> <p>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.</p> <p>24/09/2020 – LB: No further update.</p> <p>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</p>		

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					<p>C&D. Documents will be executed at the appropriate time. Costs are paid on invoice.</p> <p>27/07/2020 – LB:</p> <p>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.</p> <p>B. Application for acquisition of lots 4, 8 and 10 without consent is currently being assessed separately.</p> <p>C. The necessary documents will be sent to the CEO when necessary for execution.</p> <p>D. All costs are being paid by Council.</p> <p>26/06/2020 – LB:</p> <p>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.</p> <p>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.</p> <p>28/05/2020 – LB:</p> <p>There has been no response from the OLG with respect to the application to reduce the</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>notification time. The application is with the OLG.</p> <p>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.</p> <p>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.</p> <p>02/03/2020 – LB: When consent is received from the OLG Werralong Road will be gazetted to Council.</p> <p>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.</p> <p>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.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
553	21 November 2019	422/19	<p>Managing Heavy Vehicles in Bombala Town Centre - Community Consultation</p> <p>That the matter be deferred for further consultation with the public including correspondence from the Bombala Chamber of Commerce.</p>	Manager Corporate Projects	<p>29/10/2021 – GMc: No further update - requested consultation has not been prioritised as part of the 2020-2021 Operational Plan. As per LSPS action 10.7 bypass investigations is a medium to long term action of 10-20 years.</p> <p>30/09/2021 – GMc: No further update - Strategic Planning Team to seek additional information from Councillors.</p> <p>30/08/2021 – GMc: No further update - Strategic Planning to seek additional information</p> <p>02/07/2021 – GMc: No further update.</p> <p>01/06/2021 – GMc: No further update.</p> <p>04/05/2021 – GMc: No further update - Strategic Planning to seek further information.</p> <p>01/04/2021 – GMc: No further update - Strategic Planning to seek additional information.</p> <p>03/03/2021 – GMc: No further action at this stage.</p> <p>25/01/2021 – GH:</p>	Ongoing	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>An informal meeting was held between Bombala based councillors and relevant staff. The outcome of the meeting is to proceed with further community consultation.</p> <p>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.</p> <p>05/11/2020 – JM: No further update.</p> <p>25/09/2020 – GH: No further update.</p> <p>03/09/2020 – GH: No further update.</p> <p>01/07/2020 – AS: No further update. Consultation occurred from September 2019 to October 2019.</p> <p>01/06/2020 – GH: Communication distribution proposed re Bombala Town Centre Community Consultation:</p> <ul style="list-style-type: none"> • 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 		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<ul style="list-style-type: none"> • Info sent to SMRC customer service for any enquiries • SMRC website <p>27/04/2020 – LN: Working with Chief Communications Officer to establish a strategy for community consultation during the COVID-19 restrictions.</p> <p>24/03/2020 – LN: No further update.</p> <p>28/02/2020 – LN: Ongoing.</p> <p>03/02/2020 – LN: Ongoing.</p>		
439	21 November 2019	408/19	<p>Closure of Part of the Road Reserve in Barrack Street Cooma That Council</p> <p>A. Approve the proposal to close part of the Barrack Street Cooma road reserve in accordance with the plan in this report;</p> <p>B. Classify this new lot as operational land;</p> <p>C. Approve the consolidation of lot 4 DP 32321 with the new lot to be created by the road closure; and</p> <p>D. Classify the new consolidated lot as operational land.</p>	Coordinator Land & Property	<p>13/12/2021 – GT: No further update.</p> <p>25/11/2021 – GT: No further update.</p> <p>21/10/2021 – GT: Correspondence received from BMR confirming of registration of the land in the name of Snowy Monaro Regional Council. They have advised the surveyor as well.</p> <p>19/10/2021 – GT: Part 2: BMR confirmed the Application to Record a New Registered Proprietor electronically with LRS was lodged on 18 October 2021 - as it needed to be updated from The Council of the</p>	30/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Shire of Cooma-Monaro. BMR will advise once the Application has been registered.</p> <p>27/09/2021 - GT: A: Complete. Approval granted - Council Meeting 21 November 2019. B: Part 1 Complete - learner bike track has been constructed Part 2 In progress - plan is with LRS. Once registration is complete Jack Atkinson Surveying will notify Council and BMR can complete Application to Record a New Registered Proprietor for the land.</p> <p>C: Complete - only 2 objections were received and were responded to at the time.</p> <p>06/09/2021 - TP: Confirmation of status sought from surveyor.</p> <p>04/08/2021 - TP: No further update at this point.</p> <p>02/07/2021 - TP: No further update at this point.</p> <p>06/06/2021 – TP: No further update at this point.</p> <p>05/05/2021 - TP: Follow up with Solicitor and Surveyor actioned to progress.</p> <p>31/03/2021 - TP: No further update.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>28/02/2021 - TP: No further update.</p> <p>22/01/2021 – LB: A&B Plan has been lodged with LRS for registration when it will be classified as operational land.</p> <p>04/12/2020 – LB: A. An email was received from Crown Lands seeking clarification of the section of Barrack Street for investigation; clarified via email.</p> <p>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.</p> <p>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.</p> <p>26/08/2020 – LB: Crown Lands have been reminded via email that we are still waiting on the results of the search</p>		

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					<p>to fulfil the requirements of the requisition. This action cannot proceed until plan is Registered.</p> <p>29/07/2020 – LB: Application has been sent to Crown Lands for an Old Title Search in accordance with the requisition from the LRS.</p> <p>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.</p> <p>B. Plan of consolidation will be sought after the road closing is complete through lodgement of the plan.</p> <p>28/05/2020 – LB: Council's solicitor is currently carrying out investigations to provide information to the LRS.</p> <p>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.</p> <p>26/03/2020 – LB: The subdivision certificate has been released and the documents executed by Council. The</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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.		
429	17 October 2019	389/19	<p>Proposed Acquisition of Part Lot 6 DP 218752 for the Purpose of Road</p> <p>That Council, consistent with the guidelines contained within with the body of report:</p> <p>A. Authorise the General Manager to negotiate the purchase of 0.2542ha of lot 6 DP 218752;</p> <p>B. That Council be responsible for any additional costs including survey, legal fees, fencing;</p> <p>C. Authorise the General Manager to execute all necessary documents and affix Council's Seal if required; and</p> <p>D. Approach the plantation owners for a contribution towards the works prior to commencing the project.</p>	Coordinator Land & Property	<p>24/01/2022 – SR: Subdivision Application (DA) approved. Plans to be registered with LRS.</p> <p>15/12/2021 – SR: Awaiting subdivision application approval.</p> <p>12/10/2021 – SR: Subdivision application lodged with Planning.</p> <p>28/09/2021 – SR: Signed Admin Sheet & Subdivision Application received in Berridale Office, Admin Sheet to be returned to surveyor & sub div application to be lodged.</p> <p>17/08/2021 – SR: Subdivision application & administration sheet awaiting signature from landholder, once received subdivision application to be lodged with SMRC.</p> <p>02/08/2021 – SR: Mortgage has been released from lot as per title search, admin sheet and subdivision certificate</p>	30/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>application awaiting signature from landholder to proceed.</p> <p>02/07/2021 – TP: Resolution elements A-C - Pending bank interest in the lot to be acquired being discharged (Lot 6 DP 218752) confirmation from landholder pending. D – Completed</p> <p>06/06/2021 – TP: No further update at this point.</p> <p>05/05/2021 – TP: No further update at this point.</p> <p>31/03/2021 – TP: No further update.</p> <p>28/02/2021 – TP: Discharge authority received from Landowner (due to Landowner having made error in initial document) and forwarded to bank to progress necessary mortgage discharge.</p> <p>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 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.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>D. A letter was sent to the plantation owners who responded to say that they declined to contribute to the project.</p> <p>04/12/2020 – 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.</p> <p>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.</p> <p>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</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>D. Nearby plantation owners to be approached in writing seeking contribution to the purchase.</p> <p>26/08/2020 –LB:</p> <p>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.</p> <p>A. Council has paid for survey and legal fees will be paid upon receipt of invoice</p> <p>B. Documents will be signed by the CEO when appropriate.</p> <p>C. Plantation owners are not affected and therefore will not be asked for a contribution.</p> <p>27/07/2020 – LB:</p> <p>Council is currently waiting on the subdivision certificate so that the plan can be registered prior to settlement.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>26/06/2020 – LB: Council’s solicitor has been asked to produce the contracts. Application for subdivision certificate has been submitted.</p> <p>A. Purchase price has been negotiated and agreed by both parties.</p> <p>A. This acquisition does not affect the plantation owners.</p> <p>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.</p> <p>24/04/2020 – LB: Council’s solicitor is organising the contract and it is anticipated that exchange will take effect within the next month.</p> <p>27/03/2020 – LB: MOU has been returned to Council and Council’s solicitor has been asked to arrange a contract.</p> <p>27/02/2020- JH: MOU with property owner, waiting return of same.</p> <p>15/01/2020 - JH: Staff have spoken to land owner and are waiting for a written response.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
408	17 October 2019	369/19	<p>Arts and Culture Advisory Committee Meeting held 11 September 2019</p> <p>That Council</p> <p>A. Receive and note the minutes of the Arts and Culture Advisory Committee meeting held 11 September 2019;</p> <p>B. Support the Committee recommendations relating to Item 5.3 – Community Arts and Culture facility in Cooma;</p> <p>C. Support the Committee recommendation relating to Item 5.5 – Communication / Promotion of Committee; and</p> <p>D. Supports the Committee recommendation relating to Item 5.6 – Bombala Arts and Innovation Hub.</p>	Community Development Planner	<p>13/12/2021 – AA: Action complete.</p> <p>13/12/2021 – AA: A - No action required. B - Noted being actioned by projects team regarding best use of funding to achieve desired outcome. (Completed). C - Noted and actioned. Completed and ongoing (completed). D - Noted and actioned. Bombala Arts and Innovation centre successfully received grant funding. (completed). Action Completed</p> <p>06/10/2021 – AA: No further update.</p> <p>02/08/2021 – AA: A - Discussions are progressing regarding options for an arts facility B - Completed and ongoing C - Bombala Arts and Innovation Centre successfully received grant funding.</p> <p>27/04/2021 – HK: No reportable actions - work continues to secure appropriate funding (B&D) and site (B).</p> <p>27/04/2021 – KH: No reportable actions - work continues to secure appropriate funding (B&D) and site (B).</p> <p>30/03/2021 – AA:</p>	Ongoing	Y

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>No further update at this time.</p> <p>04/03/2021 – GT: No action required at this time. Awaiting grant-funding decisions.</p> <p>29/01/2021 – AM: B. No further update D. An application for additional works has been lodged within the BLER Fund.</p> <p>30/11/2020 – AM: D. 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.</p> <p>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.</p> <p>28/09/2020 – AM: No further update.</p> <p>02/09/2020 – AM: A. No action required. B. No further update. C. No further update.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>D. The Bombala Arts and Innovation Hub working group has been formed and had its first meeting, attended by Clr Haslingden.</p> <p>02/07/2020 – MA: Nothing further to update over June.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>04/02/2020 – KH: No further updates.</p> <p>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.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>D. To be actioned after December Arts and Culture 355 meeting.</p> <p>04/11/2019 – KH:</p> <p>A. Noted.</p> <p>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.</p> <p>C. The communications team are to prepare a media release and additional website to be included on the website.</p> <p>D. Community Development Planner & Support to form working group.</p>		
388	19 September 2019	343/19	<p>Proposed Compulsory Acquisition of Part Lot 7002 DP 1028529 Crown Land Travelling Stock Reserve That Council</p> <p>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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i> for the purposes of s.178 of the Roads Act 1993;</p> <p>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</p>	Coordinator Land & Property	<p>24/01/2022 – SR: No further update.</p> <p>16/12/2021 – SR: No further update.</p> <p>15/11/2021 – GT: A: COMPLETE. B: Part 1) Advice received from ORALRA - ALCs 11150, 40959 and 42460, have been amended to the extent that the portion of Lot 7002 DP 1028529 identified as proposed 'Lot 21' (being approximately 1.17 hectares) in the Draft Plan of Redefinition (at Attachment A: CM9: 21/114612), dated 30 April 2021, has been excluded from the</p>	28/02/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>Proposed Acquisition Notices in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;</p> <p>C. Upon receipt of the Minister's/Governor's approval, Council serve each PAN and take each other action necessary to carry out the acquisition;</p> <p>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;</p> <p>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;</p> <p>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</p> <p>G. That upon acquisition the acquired Property is dedicated as road following gazettal of the acquisition;</p>		<p>claims (CM9: 21/114613). [The balance of these three claims is to remain 'on foot' for determination in due course]. B: Part 2) Awaiting Survey Plan.</p> <p>21/10/2021 – GT: A. COMPLETE B. Awaiting advice from ORALRA and registered plan from the surveyor. Once Public Works Advisory (PWA) have the survey plan and the ORALRA advice, they can advance the matter towards Office of Local Government application., C. Waiting on B. D. Waiting on C. E. Waiting on D.</p> <p>17/08/2021 - SR: Native title search received and email stating no objection to acquisition process from Bega LALC. Request for adjustment to land claim sent to ORALRA by ALC.</p> <p>04/08/21 - TP: The surveyor has been instructed to lodge the plan for registration. When registration is confirmed, PWA will further proceed with the acquisition process. Preliminary confirmation from NSW Aboriginal Land Council that there should be no issues obtaining part-withdrawal of ALC 11150, ALC 40959 and ALC 42460 as it applies to the formed road area. Once PWA has received the registered DP advice from the surveyor, engagement with Bega LALC will be made to request that part-withdrawal.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>02/07/21 - TP: No further update at this point.</p> <p>06/06/2021 – TP: No further update at this point.</p> <p>27/04/2021 - JH: Draft plans have been produced and are being reviewed by relevant staff and key delivery consultants.</p> <p>27/04/2021 - JH: Draft plans have been produced and are being reviewed by relevant staff and key delivery consultants.</p> <p>25/03/2021 - JH: Survey Plan being prepared with the aim for Deposited Plan Administration Sheet for signing early April.</p> <p>04/03/2021 - TP: No further update.</p> <p>22/01/2021 – LB: A. Quotation for Public Works Advisory has been approved and PWA has been asked to proceed.</p> <p>04/12/2020 – LB: A-G. Quote from Public Works Advisory to complete the acquisition of the travelling stock reserve is awaiting approval. NSW</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Aboriginal Land Council is considering the request to excise the road from their claim.</p> <p>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.</p> <p>24/09/2020 – LB: A-G. Currently waiting on a reply from the NSW Aboriginal Land Council.</p> <p>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.</p> <p>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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>G. Upon acquisition the acquired property will be dedicated as road.</p> <p>26/06/2020 – LB: Surveyor is presently carrying out the work.</p> <p>28/05/2020 – LB: Surveyor advised that he will commence the survey in the next week.</p> <p>24/04/2020 – LB: Surveyor has been engaged and expects to commence the survey in the immediate future.</p> <p>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.</p> <p>02/03/2020 – LB: The NSW Aboriginal Land Council has given consent in principal and is waiting on a survey plan.</p> <p>20/01/2020 – LB: Currently waiting on survey plan.</p>		
352	15 August 2019	301/19	<p>Proposed Closure and Sale of Public Pathway in Kalkite That Council</p> <p>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;</p>	Coordinator Land & Property	<p>24/01/2022 – SR: Res A: Plans & 88B to awaiting LRS registration. Res B: Both parties agree to payment plans, new Council resolution to be sort for party C payment Plan. Res C: Complete. Res D: Awaiting LRS Registering.</p>	30/06/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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;</p> <p>C. Apply to the Crown to close the public pathway;</p> <p>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);</p> <p>E. Engage the services of a solicitor to draw up contracts for the sale of the land; and</p> <p>F. Authorise the General Manager to execute the documents for the sale of the property</p>		<p>Res E: One contract drafted second contracting, second awaiting new Council resolution (report estimated for March meeting). Res F: Required paperwork to date has been executed by CEO.</p> <p>15/12/2021 – SR: Res A: Plans & 88B to awaiting LRS registration. Res B: Payment Plan agreed by party H, party C still in negotiation. New resolution 57/20 changing final payment due date. Res C: Complete. Res D: Awaiting LRS Registering. Res E: One contract drafted second contracting waiting for Party C response to payment plan. Res F: Required paperwork to date has been executed by CEO.</p> <p>16/11/2021 – SR: Res A: All required documents have been lodged with LRS - Consolidation plans are awaiting registration. Res B: Email has been sent to bath parties addressing payment plan terms, new resolution 57/20 changing final payment date to 30/06/2023. Waiting for response from both parties. Res C: Complete. Res D: Engaged - plans done and lodged with LRS awaiting registration. Res E: BMR have been made aware of required contracts, payment terms are to be agreed upon prior to contract drafting. Res F: Required paperwork to date has been executed by CEO</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>28/09/2021 - SR: Consolidation Administration Sheet with landowner for signing.</p> <p>17/08/2021 - SR: Subdivision has been approved. All signed paperwork returned to surveyor. Awaiting 88B from solicitor to register easement on title.</p> <p>02/08/2021 – SR: Subdivision Certificate for Boundary Adjustment submitted to planning - fee paid - awaiting approval</p> <p>02/07/2021 - TP: Adjusted advice from LRS and surveyor received. Further communication with neighbouring landowners actioned</p> <p>06/06/2021 – TP: Prompts to LRS actioned in order to progress creation & issue of Certificate of Title.</p> <p>05/05/2021 - 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.</p> <p>31/03/2021 - TP: No further update.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>28/02/2021 – TP: Awaiting plan of subdivision from surveyor. , Note: Linkage exists with Resolution 57/20.</p> <p>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.</p> <p>04/12/2020 – LB: A. Closure process progressing. 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.</p> <p>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. A. Process has changed and new application to Crown Lands has been submitted</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>B. Surveyor has been asked for an anticipated date for the plan of subdivision</p> <p>C. Contracts will be drawn up based on the plan of subdivision when the plan is available.</p> <p>D. Documents will be executed at the appropriate time.</p> <p>24/09/2020 – LB:</p> <p>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.</p> <p>C. Waiting on response from Department of Industry - Crown Lands then the plan for road closing will be lodged and gazetted.</p> <p>D. The plan of subdivision will be available in approximately two weeks.</p> <p>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.</p> <p>26/08/2020 – LB:</p> <p>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.</p> <p>E. This is no longer a requirement under the Act.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>F. The plan of subdivision will be available in approx. 6 weeks. In the meantime, the road closure is progressing.</p> <p>E&F. This will take place at the appropriate time.</p> <p>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.</p> <p>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.</p> <p>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.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>24/04/2020 – LB: Arrangements are currently underway to set up a payment plan and a surveyor has been engaged.</p> <p>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.</p> <p>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.</p> <p>20/01/2020 – LB: Landowners were notified of Council resolution via mail but are intending to write to Council requesting more time to pay.</p>		
347	15 August 2019	296/19	<p>Road Closure and Creation of Road Reserve - Badja Road That Council</p> <p>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;</p> <p>B. Engage the services of a Surveyor to prepare a plan of subdivision for the creation of a road reserve over Badja Road;</p> <p>C. Agree to exchange the former closed road through the affected properties in compensation of the area required of the</p>	Coordinator Land & Property	<p>24/01/2022 – SR: No Further update, response from LRS yet to be received.</p> <p>15/12/2021 – SR: No further update, response from LRS yet to be received.</p> <p>16/11/2021 – SR: Res A & B: Survey Plans are awaiting LRS registration. Two out of three requisitions from LRS have been addressed with the surveyor. Crown Lands conducting further investigations on status of road reserve ownership, third</p>	30/03/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			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		<p>requisition is dependent on Crown's findings. , Res C: Not actioned as A & B need to be finalised first. Res D: All required paperwork has be executed to date.</p> <p>21/10/2021 – SR: Surveyor advised plans were lodged with LRS 30/09/2021.</p> <p>28/09/2021- SR: Followed up progress of this matter with surveyor, awaiting response.</p> <p>17/08/2021 - SR: Administration sheet signed by landholders, posted to surveyor 06/08/2021. Awaiting LRS fee for lodgement.</p> <p>02/08/2021 – SR: Subdivision Approved - Awaiting signature from one landholder. Admin sheet & plans will then be returned to Surveyor for lodgement with LRS.</p> <p>02/07/2021 - TP: No further update at this point.</p> <p>05/06/2021 – TP: Subdivision application lodged.</p> <p>05/05/2021 - TP: No further update at this point.</p> <p>31/03/2021 - TP:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Administration sheet signing in progress by required parties.</p> <p>28/02/2021 TP: Review of intended timeline to be conducted due to staff resource changes.</p> <p>01/03/2021 – TP: Review of intended timeline to be conducted due to staff resource changes.</p> <p>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.</p> <p>04/12/2020 – 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.</p> <p>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.</p> <p>24/09/2020 – LB:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>B. The plan has been received and letters regarding road closure in accordance with legislative requirements are being prepared.</p> <p>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.</p> <p>26/06/2020 – LB: G. Surveyor has given assurance that the plan will be sent to Council in the next two weeks. H. This will be done in consultation with landowners after plan of subdivision is received.</p> <p>28/05/2020 – LB: Contractor has been asked to forward plan and it is anticipated that it will be available very shortly.</p> <p>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.</p> <p>26/03/2020 – LB: Council is waiting on survey plan before proceeding.</p> <p>02/03/2020 – LB:</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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.		
290	20 June 2019	227/19	<p>Application to Crown Land to be appointed as Land Manager to Various Waste Management Sites</p> <p>That Council requests to be appointed as Land Manager of the following Reserves:</p> <p>A. Dalgety Landfill Lot 2 DP 837128, Reserve 88070 for Rubbish Depot under Crown control;</p> <p>B. Bombala Landfill Lot 123 DP 756819, Reserve 15472 for Night Soil Depot under Crown control;</p> <p>C. Bombala Landfill Lot 300 DP 756819, Reserve 49491 for Night Soil Depot under Crown control;</p> <p>D. Berridale Transfer Station Lot 178 DP 756837, Reserve 73609 for Sanitary Purpose under Crown control;</p> <p>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</p>	Project Specialist	<p>06/05/2021 – MD: No further update from Crown.</p> <p>30/03/2021 – MD: No further update from Crown.</p> <p>02/03/2021 – MD: E. No further update from Crown.</p> <p>12/01/2021 – MT: E. No further update from Crown.</p> <p>25/11/2020 – JH: E. No further update from Crown.</p> <p>20/10/2020 - JH: A, B, C & D. Complete. E. No further update.</p> <p>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</p>	Ongoing	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>have advised that the LALC are not meeting regularly during this COVID pandemic.</p> <p>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.</p> <p>24/06/2020 – JH: A, B, C & D. Complete. E. This item has been referred by NSWALC 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.</p> <p>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</p>		

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					<p>land due to it not being used for many years, as such they may wish to keep the land claim active.</p> <p>30/03/2020 – JH: No further update.</p> <p>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.</p> <p>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.</p>		
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	Coordinator Land & Property	<p>13/12/2021 – GT: No further update.</p> <p>15/11/2021 – GT: No further update.</p>	28/02/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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.</p> <p>B. Relinquish Licence LI 453017 for the use of the Cooma Visitors Centre when Lot 6 DP 758280 is added to Reserve 530002.</p>		<p>19/10/2021 – GT: No further update.</p> <p>28/09/2021 - GT: No further update.</p> <p>01/09/2021 – GT: No further update.</p> <p>05/08/2021 - GT: Update from Crown Lands - Due to the differing reserve types Crown Lands have decided the best solution is to create a new Reserve for the Cooma Visitor Centre site, with the intention of appointing Council as Crown Land Manager (as is the case with the Centennial Park R530002). This will cancel the licence and associated fee. It will not consolidate both reserves. Currently the application is with the Minister to be assessed approved. Crown Lands are unable to provide a time-frame but will notify us once this process is complete.</p> <p>04/08/2021 – GT: Followed up with Crown Lands. Awaiting a response.</p> <p>02/07/2021 – TP: No further update at this point.</p> <p>06/06/2021 – TP: No further update at this point.</p> <p>05/05/21 - TP:</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>No further update at this point.</p> <p>31/03/2021 - TP: Further prompts to Crown Land actioned. No further update.</p> <p>28/02/2021 – TP: No further update at this point in time.</p> <p>28/02/2021 – 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.</p> <p>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.</p> <p>04/12/2020 – LB: A. Crown Lands are waiting on a native title assessment to be completed internally prior to approval and gazettal.</p> <p>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.</p> <p>24/09/2020 – LB:</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>A. An email has been sent to Crown Lands asking for an update on the progress of this matter.</p> <p>26/08/2020 – LB:</p> <p>A. Crown Lands has assured the Land and Property Officer that the documentation recommending the amendment to both reserves has gone before the Minister.</p> <p>B. The licence will be relinquished when Crown Lands has completed their processes.</p> <p>29/07/2020 – LB:</p> <p>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.</p> <p>26/06/2020 – LB:</p> <p>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.</p> <p>B. Crown Lands is presently preparing the documentation for transfer to Council as Crown Land Manager</p> <p>C. The licence will be relinquished in conjunction with transfer to Council Management.</p> <p>28/05/2020 – LB:</p>		

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					<p>Reminder was sent to Crown Lands last week. This matter will take some time to resolve at the Crown Lands level.</p> <p>24/04/2020 – LB: Crown Lands has advised that due to the COVID-19 Pandemic this process may suffer some delays.</p> <p>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.</p> <p>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.</p> <p>20/01/2020 – LB: This matter has been escalated at Crown Lands to achieve a decision on the way forward.</p>		
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	31/01/2022 – TP: SMRC continue to manage & own the properties in question. Future treatment of these land holdings as disadvantaged housing to be reviewed in the context of the broader housing & accommodation challenges being experienced across the LGA. Holistic approach required to also integrate forward planning with the recently initiated Housing and Social Services Committee.	28/02/2022	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>01/11/2021 – TP: No further update at this point in time.</p> <p>01/10/2021 - TP: Not further update at this point</p> <p>05/09/2021 - TP: No further update. SMRC continues to manage & own the properties in question.</p> <p>04/08/2021 – TP: No further update at this point.</p> <p>02/07/2021 - TP: No further update at this point.</p> <p>06/06/2021 – TP: No further update at this point.</p> <p>05/05/2021 - 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.</p> <p>31/03/2021 - 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.</p>		

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					<p>28/02/2021 – TP: Forward advice and notice the community to occur in March 2021. Profile flagging the general topic & basic elements of consideration.</p> <p>27/01/2021 – TP: No further update.</p> <p>27/11/2020 – TP: No further update.</p> <p>26/10/2020 – TP: Design of consultation mechanics pending, with input from former Facilities staff to be included.</p> <p>25/09/2020 – TP: It is anticipated that community consultation will be initiated in first quarter of 2021 calendar year.</p> <p>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.</p> <p>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.</p> <p>26/06/2020 – KH:</p>		

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					<p>There is no further update as there has been too much occurring with bushfires and COVID.</p> <p>01/06/2020 – KH: No further update.</p> <p>28/04/2020 – KH: No further update.</p> <p>27/03/2020 – KH: No further update.</p> <p>02/03/2020 – KH: Mail out to the community at Delegate seeking their feedback to be arranged asap to gauge thoughts.</p>		
165	21 February 2019	68/19	<p>Parking in the laneway at the rear of the Jindabyne Town Centre That Council</p> <p>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.</p> <p>B. Receive a further report regarding the results of the public consultation and the proposed way forward together with detailed costings.</p>	Coordinator Land & Property	<p>31/01/2022 – TP: Completion of actions under this resolution will be generated by the tabling of an overarching report by Corporate Project team.</p> <p>01/11/2021 – TP: No further update at this point.</p> <p>01/10/2021 - TP: Completion of actions under this resolution will be generated by the tabling of an overarching report for the precinct.</p> <p>05/09/2021 – TP: Internally developing guidance & information towards an additional report to be tabled to</p>	31/12/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Council, under the overarching cover of Corporate Projects, in the near future.</p> <p>04/08/2021 – TP: Internal discussions held on the development a proposed plan & schedule of works for the broader project (which this resolution item integrates with) of Jindabyne Town Centre upgrades.</p> <p>02/07/2021 – TP: No further update at this point.</p> <p>06/06/2021 – TP: No further update at this point.</p> <p>05/05/21 - TP: No further update at this point.</p> <p>31/03/2021 - TP: No further update at this point.</p> <p>28/02/2021 - 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.</p> <p>25/01/2021 – GH: Awaiting indication of SAP intentions for the Jindabyne Town Centre precinct.</p> <p>04/12/2020 – LB:</p>		

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					<p>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.</p> <p>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.</p> <p>24/09/2020 – LB: A. Amended plan still to be received by Council.</p> <p>26/08/2020 – LB: A. Council has requested a minor adjustment to the concept plan. Once the concept plan is amended, it is proposed to form a Steering Committee to guide the project to completion. B. A report will be submitted for Council's consideration when the public consultation has taken place.</p> <p>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.</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>28/05/2020 – LB: RFQ sent out to four surveyors for quotation for survey and design. This is to be funded by RMS.</p> <p>28/05/2020 – LB: RFQ sent out to four surveyors for quotation for survey and design. This is to be funded by RMS.</p> <p>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.</p> <p>26/03/2020 – LB: Tenders will be called for the survey and design work. When survey & design is completed, staff will arrange for public consultation.</p> <p>02/03/2020 – LB: Waiting on survey and design so that public consultation can be arranged.</p> <p>03/02/2020 – LB: Shopkeepers and shop owners in the Jindabyne Town Centre have been notified by letter that</p>		

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					Council has been successful in securing grant funding for survey and design of the back lane.		
88	1 November 2018	394/18	<p>Planning Proposal 461 Barry Way, Moonbah to Amend Snowy River Local Environmental Plan 2013</p> <p>That:</p> <p>A. The report from the Senior Strategic Land Use Planner on the Planning Proposal 461 Barry Way (Lot 101 DP 817374) be received.</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>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.</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i> and any directions of the Gateway Determination.</p>	Senior Strategic Land Use Planner	<p>13/12/2021 – AA: Additional information was provided by a proponent. A meeting has been held between Council the proponent and DPIE to clarify documentation requirements to address concerns raised by OEH.</p> <p>28/09/2021 – AA: No further update.</p> <p>30/08/2021 – AA: A letter has been sent to the proponent advising that the proposal can proceed subject to existing gateway conditions. Outstanding information is required regarding flood, biodiversity and Aboriginal heritage before this proposal progresses to public exhibition.</p> <p>02/08/2021 – AA: SAP team have advised planning proposal is not inconsistent with draft SAP and can proceed subject to conditions of Gateway determination.</p> <p>29/06/2021 – AA: Draft SAP Master Plan appears not to support this Planning Proposal. Staff will liaise with the NSW Government in this regard and advise applicant of next steps.</p> <p>03/05/2021 – AA: No further update.</p>	Ongoing	N

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					<p>22/03/2021 – AA: No further update.</p> <p>26/02/2021 – AA: No further update, further update will be provided at conclusion of SAP Masterplan.</p> <p>14/01/2021 – AA: No further update.</p> <p>26/11/2020 – AA: No further update.</p> <p>30/10/2020 – AA: No further update.</p> <p>25/09/2020 – AA: No further update.</p> <p>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.</p> <p>30/07/2020 – AA:</p>		

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					<p>No further update.</p> <p>22/06/2020 – AA: No further update.</p> <p>03/06/2020 – MA: No further update and not expected to be any significant progress until the SAP masterplan is more fully developed.</p> <p>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.</p> <p>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.</p> <p>31/03/2020 – AS: No further update.</p> <p>02/03/2020 – BD: No further update.</p> <p>20/01/2020 – AA: A letter has been forwarded to State Government requesting the Gateway</p>		

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					<p>Determination date be extended to coincide with the conclusion of the Go Jindabyne masterplan.</p> <p>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.</p>		
74	4 October 2018	353/18	<p>Clr Castellari Notice of Motion - Rooftop Solar That Council</p> <p>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;</p> <p>B. Advocate for the legislative changes to local members and relevant Ministers;</p> <p>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</p> <p>D. Provide for public consultation process once the above has been carried out.</p>	Executive Assistant to Chief Executive Officer, Mayor and Councillors	<p>10/01/2022 – JB: Report scheduled for March 2022 Council Meeting.</p> <p>03/11/2021 – PB: Further information being sought - to be presented to the new Council in early 2022.</p> <p>30/09/2021 PB: Council was provided with a briefing on the opportunity of Environmental Upgrade Finance, and considered a report at its September meeting.</p> <p>09/08/2021 – GH: Nil update received.</p> <p>28/04/2021 - JB: Nil update received.</p> <p>06/04/2021 - JB:</p>	Ongoing	N

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					<p>Nil update received.</p> <p>06/04/2021 – JB: Nil update received.</p> <p>03/03/2021 – PB: Nil update received.</p> <p>03/03/202 - PB: Nil update received.</p> <p>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).</p> <p>Following is their update:</p> <p>LGNSW advocated for changes to legislation, including the Local Government Act, to provide incentives and mechanisms for households to adopt renewable energy systems through:</p> <ul style="list-style-type: none"> • 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) • Submission to Treasury Laws Amendment (Improving the Energy Efficiency of Rental Properties) Bill 2018 (Federal) 		

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					<ul style="list-style-type: none"> Input to the Department of Planning, Industry & Environment project to identify how NSW councils could be further supported to reduce emissions (report not public). <p>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.</p> <p>LGNSW continued to advocate to the NSW Government but has not yet received a response from Minister Kean or Hancock.</p> <p>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.</p> <p>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</p>		

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					<p>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.</p> <p>26/11/2020 – JT: Investigation underway for further information.</p> <p>23/10/2020 – JT: No further update.</p> <p>28/09/2020 – JT: No further update.</p> <p>03/08/2020 – JT: No further update</p> <p>29/06/2020 – SC: A. Motion supported at LGNSW Annual Conference. B. Raised in conversation with Local Member and LGNSW. C & D. No action.</p> <p>29/05/2020 – SC: No further update.</p> <p>29/04/2020 – SC: No further update.</p>		

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					<p>04/03/2020 – SC: No further update.</p> <p>06/02/2020 – SC: No further update.</p> <p>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.</p>		
20	07 May 2018	162/18	<p>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</p>	Coordinator Land & Property	<p>24/01/2022 – SR: Resolution C: Site inspection successful, reached agreeance with Barry party, awaiting response from Stevens Party. Resolution G: Funding source to be investigated further. Resolution A, B, D, E, F: No further updates.</p>	31/08/2022	N

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			<p>intersection with MR286 to the boundary of the national park.</p> <p>B. Approve the proposal to apply to the Crown to transfer those sections of The Barry Way which are Crown reserve road to Council.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>F. Authorise the General Manager to execute any documents necessary to complete the project.</p> <p>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).</p>		<p>15/12/2021 – SR: Site Meeting Scheduled For 16/12/2021.</p> <p>25/11/2021 – SR: C: Site meeting to be held as part of negotiations for Eagleview lane realignment from Barry Way to Mowamba River, No further update for at this point for balance of resolution.</p> <p>28/09/2021 - SR: Awaiting response from Eagleview Lane landholder addressing negotiated terms of land transfer (fencing request).</p> <p>07/09/2021 - SR: Negotiations being conducted with landholder - Eagleview lane. Confirmation from planning sent to landholder, trying to reach outcome for second request. Contact has been made with surveyor, plans and progress information received 06/09/2021. Review to be conducted to find out where we are at and what the next step forward is for the overall matter</p> <p>04/08/2021 – TP: Action reassigned.</p> <p>06/06/2021 –TP: No Further update at this point.</p> <p>05/05/21 - TP: No further update at this point.</p>		

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					<p>31/03/2021 – TP: No further update at this point.</p> <p>01/03/2021 – TP: 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.</p> <p>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.</p> <p>04/12/2020 – 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.</p> <p>03/11/2020 – LB: A&B Surveyor has provided necessary information which has now been provided</p>		

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					<p>to the land owner. Provision of this information will now allow action C to be completed.</p> <p>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.</p> <p>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.</p> <p>D. This project has been divided into sections so that the surveyor completes the survey work as Council is ready to address each section.</p> <p>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.</p> <p>26/08/2020 – LB: A&B Surveyor has notified Council that due to workload this plan may take a little longer.</p> <p>C Landowner has been notified that there is a delay involved in obtaining the information that they have requested.</p> <p>E-G Ongoing.</p> <p>29/07/2020 – LB:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>A & B Surveyor has been requested to provide the plan for the second section which will involve Eagle View Lane.</p> <p>C. Landowners have been notified that Council is waiting on plan.</p> <p>E-G. Ongoing.</p> <p>26/06/2020 – LB: The draft plan may be expected. The landowner is waiting on this information before proceeding.</p> <p>A. Survey is being done in sections</p> <p>B. Request for sections of Crown road to be transferred to Council will be carried out at the end of the project.</p> <p>C. Negotiations with landowners are ongoing.</p> <p>D. See A. above.</p> <p>E. Acquisition will be carried out as necessary when the plan for individual sections is finalised.</p> <p>F-G Ongoing.</p> <p>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.</p> <p>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</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>been requested to calculate the area of both areas so that an accurate answer can be provided.</p> <p>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.</p> <p>02/03/2020 – LB: The Land and Property Officer met with the landowner and he said he will respond after consultation with his wife.</p> <p>20/01/2020 – LB: Waiting on response from landowner on Eagle View Road. He resides in Tasmania.</p>		
16	05 April 2018	118/18	<p>Proposed Road Closure & Sale of old Lions Park at Bombala That Council;</p> <p>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;</p> <p>B. Engage the services of a land surveyor to provide a plan for the boundary adjustment;</p> <p>C. Authorise the General Manager to execute any documents necessary to complete the</p>	Coordinator Land & Property	<p>24/01/2022 – SR: Resolution A & B; Completed. Resolution C: Completed. Resolution D & E: Resolution A & B now complete. Process of sale will be initiated in a timely manner.</p> <p>15/12/2021 – SR: Resolution A & B; Surveyor advised plans have been registered with LRS, awaiting title advice from solicitor. Resolution C: Completed.</p>	30/06/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>boundary adjustment and sale of the property;</p> <p>D. Readvertise the property on the open market for auction with an appropriate reserve; and</p> <p>E. Make the Report public once the matter is settled.</p>		<p>Resolution D & E: Dependant on Resolution A being completed.</p> <p>12/11/2021 – SR: Resolution A; All requisitions from LRS have been resolved, final plans for road closure are awaiting LRS registration. Resolution B; Surveyor will advise when plans have been registered. Resolution C; Boundary adjustment paperwork complete, sale of property is dependent on Res A being completed. Resolution D & E; dependent on Res A being completed.</p> <p>28/09/2021 - SR: Partial closure of High Street Bombala gazetted, 11R form for removing notation from title signed and lodged with LRS, requisitions received from LRS via surveyor these are currently being addressed.</p> <p>01/09/2021 - GT: No further update.</p> <p>04/08/2021 – TP: Action reassigned - Property Officer now has general carriage of item.</p> <p>05/05/2021 – TP: Target date changed from 30 September 2018 to 30 June 2021 - To reflect current timeline.</p> <p>23/03/2021 – JH:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>No further update on this item due to waiting for reply from LRS.</p> <p>24/02/2021 - JH: Target date now 30 June 2021, Waiting for return of lodged documents from LRS.</p> <p>12/01/2021 - JH: No further update.</p> <p>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.</p> <p>20/10/2020 - JH: A. Finalised. B. Finalised. C. Solicitor is preparing documents to have a CT created so consolidation can take place. D. Once notified of completed registration the property can be placed on the open market. E. To take place at completion of D.</p> <p>23/09/2020 - JH: C . Consolidation Plans lodged, surveyor has advised that a CT was not created and the</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>solicitor is now preparing this so that registration can take place.</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>27/04/2020 - JH: Email sent to Surveyor requesting a definite date for plan to be registered. Surveyor advised he would review the current draft of this consolidation plan this week and submit for Registration.</p> <p>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.</p> <p>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.</p> <p>15/01/2020 - JH: The Surveyor has advised that he is hoping to have the consolidation plan ready for the end of January 2020.</p>		

9.4.5 ANSWERS TO QUESTIONS WITH NOTICE

Record No: I22/64

OFFICER'S RECOMMENDATION

That Council receive the answers to questions with notice for the period ending January 2022.

ISSUES

This is an information only report.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Reputation and Image	Low	Low	Yes

There is limited risk in the provision of the information.

FINANCIAL IMPACTS

This is an information only report.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

This is an information only report.

IMPLEMENTATION PLANS

This is an information only report.

EXISTING POLICY/DECISIONS

Under clause 3.13 of Code of Meeting Practice a councillor may, by way of a notice ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

BACKGROUND

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 January 2022.

ATTACHMENTS

1. Updates to February Meeting - In Progress Questions up to end up January 2022

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
248	18 November 2021	12.1	<p>MPS Delegate Concerns</p> <p>Councillor Bob Stewart</p> <p>Question: Can Council write a letter with concerns about the downgrading of the facility?</p>	Executive Assistant to CEO, Mayor and Councillors	<p>21/12/2021 – JB: Response letter received from SNSWLHD Chief Executive Margaret Bennett - item to be closed.</p> <p>13/12/2021 – JB: No response letter yet received.</p> <p>29/11/2021 – JB: Letter written and sent from CEO Peter Bascomb to CEO Margaret Bennett of SNSWLHD.</p>	Y
247	18 November 2021	12.2	<p>Negative Comment made in Public Forum</p> <p>Councillor Brian Old</p> <p>What is Council going to do about the comment made by Andrew Thaler in public forum?</p>	Chief Executive Officer	29/11/2021 – PB: The CEO provided a verbal response at the November meeting. Council will continue to monitor social media and seek to ensure inappropriate comments are removed. Item to be closed.	Y
246	18 November 2021	12.4	<p>Bunyan Gravel Pit</p> <p>Councillor John Castellari</p> <p>Question: I received an email from some rate payers which raises the question of the cost of the SMRC's proposed expansion of the Bunyan Gravel Pit. The Regional Planning Panel has finalised the DA's consent conditions and there are a large number of requirements that must be met.</p> <p>The lifetime costs of operating and rehabilitating this gravel pit could be quite large and as councillors we have a duty to</p>	Manager Infrastructure	04/02/2022 – GS Response still being prepared to enable future report to Council.	N

SMRC Councillor Questions – In Progress

		<p>make sure that any projects we undertake are financially sound. In the DA the costs were nominated as \$10,000 when over the lifetime of the project they could be significantly higher. In addition the potential of the DA to undermine a grove of ribbon gums, a threatened species, is a very bad look for our Council when unnecessary land clearing is linked to climate change.</p> <p>Has the Council undertaken a full cost benefit analysis of this project and compared this with the best alternatives? If so can this be tabled in the next Council meeting. If not when can this be done and tabled?</p> <p>What are the total costs of running the gravel pit over its 20 year life including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the purchase or lease of the land from the Crown, <input type="checkbox"/> modifications of the Monaro Highway entrance, <input type="checkbox"/> costs of staff and contractors, <input type="checkbox"/> plant and machinery costs, <input type="checkbox"/> fuel, consumables and other operating costs, <input type="checkbox"/> any water costs for dust mitigation, environmental 		
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SMRC Councillor Questions – In Progress

			<p>offset, buffer, bund and rehabilitation plantings,</p> <ul style="list-style-type: none"> ☐ planting visual buffers, ☐ construction and planting of earth bunds, ☐ planting, maintenance and monitoring of offset areas, and ☐ progressive rehabilitation of the quarried areas including the purchase of any required topsoil. <p>☐ a comparison of the costs of the best alternatives such as (a) a quarry on degraded land which would not require expensive woodland revegetation, nor offsets, or (b) the purchase of gravel from a commercial operator who could store bulk amounts on the site of the existing gravel pit</p>			
245	18 November 2021	12.3	<p>Grading Access Road to Clay Pits</p> <p>Can Council look into grading the access road to the Clay Pits in Jindabyne?</p>	Manager Infrastructure	04/02/2022 – GS Completed in January 2022	Y
244	21 October 2021	12.1	<p>Lights at The Station Turn Off</p> <p>Councillor Brian Old</p> <p>Question: What will happen with the lights at The Station turn off? How much will it end up costing again to fix?</p>	Manager Infrastructure	04/02/2022 – GS The plan is to replace lights at The Station turn off. Costs have not yet been developed but the aim is to revert back to traditional street light supplied through Essential Energy to provide a more reliable energy source at an important intersection. 28/10/2021 – GS:	N

SMRC Councillor Questions – In Progress

					Following an inspection by staff it has been determined that a complete failure of the hold-down bolts has occurred resulting in the collapse of the light pole, The light has been scheduled for removal, Based on the issues experienced with streetlights of this type, a more conventional lighting arrangement is now being considered.	
241	16 September 2021	12.7	<p>Cooma Pastoral and Agricultural Association</p> <p>Councillor John Last</p> <p>Question: We refer the letter dated 13 September 2021 addressed to the Council and Councillors. The letter has explained that Mr Barilaro announced a further funding of \$9,340.00 to certain works at the Showground. Has Council received this money? If so, when did the Council receive it?</p>	Manager Corporate Projects	<p>24/01/2022 – GH: Action complete based on prior update.</p> <p>10/11/2021 – DR: The grants were paid to Council 13 April 2021 for the flood lights and the cattle wash bay. The funds for improvements to the Haig Pavilion and painting of the bar was received 8 June 2021.</p>	Y
240	16 September 2021	12.6	<p>Cattle Wash Project</p> <p>Councillor Anne Maslin</p> <p>Question: When will the cattle wash project be commenced, as per \$9,000 funding granted earlier this year. Can council ensure the project will be completed by end of November 2021?</p>	Coordinator Land & Property	<p>31/01/2022 – TP: The new slab (approx 9m x 3.5m) has been completed, with a spoon drain fashioned in; it will be enclosed on 3 sides (raised height of 1.65m with lateral metal rails). Completion is expected by mid February 2022. It is effectively a duplication of the current wash set up already in place at the Cooma Showground site; albeit the new (additional) facility aims to deliver improved safety for both human & animal.</p>	Y

SMRC Councillor Questions – In Progress

					10/11/2021 – DR: A meeting has been arranged to discuss the timing of the delivery of this project. Once the community groups is on board delivery will be arranged.	
231	26 August 2021	12.2	Nimmitabel Showground Grant Councillor Lynley Miners Question: Why did Council hand back \$90,000 of grant money they obtained for improvements towards the kitchen/buildings at the Nimmitabel Showground?	Grants Officer	24/01/2022 – GH: Action complete based on previous update. 10/11/2021 - DR: The community group lodged two grant applications for identical works and were successful under two grant streams. Requests were made to reallocate the second funding pool to alternative projects at the showground, but the grant funding program did not allow for this to occur.	Y
227	15 July 2021	12.1	Bobeyan Road Upgrade Councillor Lynley Miners Question: When is the Bobeyan Road upgrade starting?	Manager Corporate Projects	24/01/2022 – GH: Project commenced late 2021 with the Back Creek Section. Project on track for delivery of Separable Portion 3C, covering a length of 7.5Km to commence at end of February 2022. 10/11/21 – DR: The project has commenced.	Y
225	15 July 2021	12.8	Fate of Poplar Trees - Ryrie Street Councillor John Rooney Question: Michelago residents are concerned about the fate of the poplars that line Ryrie street when the road is redesigned for the approach to the planned bridge over Michelago Creek. Will Council conduct a proper enquiry into the	Infrastructure Engineer	22/07/2021 – AW: The alignment is a continuation of the existing sealed section, and has not moved the Centreline any closer to the Eastern side of the road reserve. The current design does not identify any trees that will be impacted, but the road will need to be pegged to physically check this. Initial pegging will be to assist Telstra with the relocation of their assets. Once pegged	Y

SMRC Councillor Questions – In Progress

			fate of these trees before any felling is considered?		Councils Environmental Officer along with the construction team, will inspect to ascertain if any trimming, pruning, or root disturbance is likely to occur. Given the size of the trees some possible root compaction is expected.	
226	20 May 2021	12.6	<p>Cost of Michelago Creek Crossing</p> <p>Councillor John Rooney</p> <p>Can council staff provide a report on the full cost of the Michelago creek crossing?</p> <p>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?</p>	Manager Corporate Projects	<p>24/01/2022 – GH: Michelago bridge is still within design phase with costs expected to be known during February 2022.</p> <p>11/10/2021 – DR: Options for the crossing are still being reviewed.</p> <p>09/06/2021 - ED: No update provided.</p>	N
224	20 May 2021	12.4	<p>Bobeyan Road</p> <p>Councillor Lynley Miners</p> <p>Can we be updated on the start date of Bobeyan Rd?</p>	Manager Corporate Projects	<p>24/01/2022 – GH: Project commenced late 2021 with the Back Creek Section. Project on track for delivery of Separable Portion 3C 7.5 Km commencing at end of February 2022. Action complete.</p> <p>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</p>	Y

SMRC Councillor Questions – In Progress

					undertake other sections of the works. If this is completed we will move on with other works.	
220	15 April 2021	12.2	<p>Cooma Entrance Sign</p> <p>Councillor Rogan Corbett</p> <p>Question: Why is council talking about taking down an entrance message sign, when we have an opportunity to advertise events for our whole region?</p> <p>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.</p>	Chief Communications Officer	<p>21/01/2022 – GW: Flags being replaced by Snowy Hydro due to wind damage. Electronic sign to be removed as not functioning. See update from 31/08/2021 re priority level and wayfinding project.</p> <p>31/12/2021 – JT: Nil further update</p> <p>01/11/2021 – JT: Nil further update.</p> <p>01/10/2021 - GW: Nil further update.</p> <p>31/08/2021 - GW: Low priority and not deemed as essential reason to leave home under lockdown currently. Will be assessed as part of wider wayfinding and place making signage program if funded.</p> <p>03/08/2021: JT – Nil further update. On hold until Spring.</p> <p>02/07/2021 – GW: No update on signage. Working with Snowy Hydro on map project instead and visitor communications. Review to be done in Spring.</p> <p>01/06/2021 - GW:</p>	Y

SMRC Councillor Questions – In Progress

					<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
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SMRC Councillor Questions – In Progress

217	18 February 2021	12.8	<p>Michelago Causeway</p> <p>Councillor John Rooney</p> <p>Question: When will construction of the Michelago Causeway commence and when will it be completed?</p>	<p>Manager Corporate Projects</p>	<p>24/01/2022 – GH: Michelago bridge is still within design phase with costs expected to be known during February 2022.</p> <p>05/07/2021 – GH: Design process continues with staff reviewing options and estimates early July. Preparation works have commenced. No date as yet for bridge construction commencement or completion. LRIPC grant variation on time has been lodged and accepted.</p> <p>09/06/2021 – GH: The Ryrie St / Michelago Causeway (bridge) has had ½ of Councils LRCIP funding allocated - \$872k. We are currently awaiting designs and estimates. Given that the initial LIDAR survey advised a creek bed depth 2 meters+ above the actual depth we are potentially facing a shortfall on funding. We will know more on completion of design and estimates over the next few weeks. At this stage we will need to submit a variation on the LRCIP funds for EOT noting we cannot achieve 30th June 2021 completion requirements - Note this has been submitted. Additionally the LRCIP guidelines prohibit design and planning only so we are proceeding with preliminary works as well as the planning and design. These preliminary works include Telstra asset relocation and Booroomba Creek box culverts. It is envisaged that we can achieve construction of the Little Plains bridge, which has</p>	N
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SMRC Councillor Questions – In Progress

					<p>both a BRP R5 allocation as well as the other half of the LRCIP allocation (total \$1.7M) under budget. Any underspend may be allocated to Ryrie St subject to a variation request.</p> <p>27/04/2021 – GH: Review of Hydrology report by Fisheries undertaken.</p> <ul style="list-style-type: none"> - Revised designs 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 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 relocation of Telstra Assets South end of Ryrie Street. - Review of Micalago/Ryrie Intersection and approach roads underway - Design of Bridge crossing underway. 	
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SMRC Councillor Questions – In Progress

					<ul style="list-style-type: none"> - Note initial concept designs were based on LIDAR survey. 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 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 	
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10.1 MOTION TO RESCIND RESOLUTION 4/22

Record No: I22/74

Councillor Chris Hanna has given notice that at the Ordinary Meeting of Council on 17 February 2022, he will move the following motion.

MOTION

We hereby give notice of the following motion of rescission:

That the Council resolution relating to

Minutes No. 4/22

Item No. 4.2

Title Meeting Dates and Times of Council Meetings – March 2022 to September 2024

Passed at the Council meeting held on: 6 January 2022 be and is hereby RESCINDED.

Notice of Motion:

Should the rescission motion be adopted we give notice that it is our intention to move the following motion in lieu of which due notice is hereby given.

That

- A) Subject to the right to amend the schedule for any reason from time to time, Council Meetings for the period March 2022 to September 2024 (the term of Council) are to be held on the fourth Thursday of each month commencing at 1:00pm with the primary location being the Cooma Council Chambers.
- B) Councillor briefing sessions are held on the second Thursday of each month commencing at 1:00pm, with the exception of January when no regular briefing is held.

ISSUES

The time required to go through the process of developing the business paper for a meeting on the 3rd Thursday means that on average only 2 to 3 business days would be available at the beginning of each month to carry out the financial reviews, complete the KPI data captures and update process on projects and activities. This does not give reasonable time to collate the information, review and deal with any complex issues that may arise from the information.

On multiple occasions trying to meet this timeframe has resulted in the provision of the business paper being provided late as there is very little time to make changes based on issues identified through the review process. Because of these issues the process of developing reports was extended to allow for that activity to be carried out. This was before monthly reporting workload was added to the reporting process.

The cycle also requires reporting officers to provide briefing sessions to councillors on the first day of the month. If there are any significant issues they would not have been identified and be able to be raised with the councillors.

To achieve improved monthly status, activity reporting and briefing session content, this notice proposes a fourth Thursday meeting cycle. This will allow an additional five business days to ensure reports have sufficient time to undergo review, initial review and executive level discussion and approval. It will also allow the initial review to have been undertaken prior to councillor briefing sessions.

Table 1: Timeframe required for month with shortest days to third Thursday

	Week 1	Week 2	Week 3	Week 4
Monday		ELT Final approval of report content		
Tuesday		System generates business paper to review layout/format, etc		
Wednesday	Deadline for reports to be approve by author	Printing of business paper		
Thursday	First day of month Councillor Briefing Deadline for reports to be approved by Chief Officers	Business paper delivered	Council meeting	
Friday	Reports available for all chief officers to review			
Saturday/Sunday				

RESPONSIBLE OFFICER: Chief Executive Officer

ATTACHMENTS

1. Notice of Motion to Rescind Resolution 4/22

CHIEF EXECUTIVE OFFICER’S RESPONSE



Notice of Motion to Rescind a Resolution

To: The Chief Executive Officer
Snowy Monaro Regional Council

Motion to Rescind Resolution

We hereby give notice of the following motion of rescission:

“That parts A and D of the Council resolution relating to

Minutes No. 4/22

Item No. 4.2

Title Meeting Dates and Times of Council Meetings - March 2022 to September 2024

Passed at the Council meeting held on 6 January 2022, are hereby RESCINDED”.

COUNCIL RESOLUTION		4/22
That		
A) Subject to the right to amend the schedule for any reason from time to time, schedule Council Meetings for the period March 2022 to September 2024 (the term of Council) to be held on the third Thursday of each month commencing at 1.00pm with the primary location being the Cooma Council Chambers.		
B) Council meetings are not held during the month of January each year for the term of Council.		
C) Pre meeting briefings are held from 11.00am to 12.30pm before each Council meeting.		
D) Councillor briefing sessions are held on the first Thursday of each month commencing at 1.00pm, with the exception of January.		
E) Meetings are scheduled in even months in Cooma Council Chambers and odd months to rotate between Bombala and Jindabyne.		
F) The requirements for attending Council meetings by audio-visual link are observed and maintained subject to current and changing conditions.		
Moved Councillor Hopkins	Seconded Councillor Last	CARRIED
Record of Voting		
Councillors For:	Councillor Beer, Councillor Stewart, Councillor Castellari, Councillor Last, Mayor Davis, Councillor Frolich, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson and Councillor Summers.	
Councillors Against:	Nil.	

Notice of Motion:

Should the rescission motion be adopted we give notice that it is our intention to move the following motion in lieu of which due notice is hereby given.

That

- A) Subject to the right to amend the schedule for any reason from time to time, Council Meetings for the period March 2022 to September 2024 (the term of Council) are to be held on the fourth Thursday of each month commencing at 1.00pm with the primary location being the Cooma Council Chambers.
- B) Councillor briefing sessions are held on the second Thursday of each month commencing at 1.00pm, with the exception of January when no regular briefing is held.

Issues

The time required to go through the process of developing the business paper for a meeting on the 3rd Thursday means that on average only 2 to 3 business days would be available at the beginning of each month to carry out the financial reviews, complete the KPI data captures and update process on projects and activities. This does not give reasonable time to collate the information, review and deal with any complex issues that may arise from the information.

On multiple occasions trying to meet this timeframe has resulted in the provision of the business paper being provided late as there is very little time to make changes based on issues identified through the review process. Because of these issues the process of developing reports was extended to allow for that activity to be carried out. This was before the monthly reporting workload was added to the reporting process.

The cycle also requires reporting officers to provide briefing sessions to councillors on the first day of the month. If there are any significant issues they would not have been identified and be able to be raised with the councillors.

To achieve improved monthly status, activity reporting and briefing session content, this notice proposes a fourth Thursday meeting cycle. This will allow an additional five business days to ensure reports have sufficient time to undergo review, initial review and executive level discussion and approval. It will also allow the initial review to have been undertaken prior to councillor briefing sessions.

Table 1: Timeframe required for month with shortest days to third Thursday

	Week 1	Week 2	Week 3	Week 4
Monday		ELT Final approval of report content		
Tuesday		System generates business paper to review layout/format, etc		
Wednesday	Deadline for reports to be approve by author	Printing of business paper		
Thursday	First day of month Councillor briefing Deadline for reports to be approved by Chief Officers	Business paper delivered	Council meeting	
Friday	Reports available for all chief officers to review			
Saturday/Sunday				

Dated this 3rd day of February 2022

Chris Honnar

Name of Councillor



Signature of Councillor

Korlee Johnson

Name of Councillor



Signature of Councillor

Narelle Davis

Name of Councillor



Signature of Councillor

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11.1 NOTICE OF MOTION TO LOCAL GOVERNMENT NSW (LGNSW) SPECIAL CONFERENCE - FY2023 RATE PEG

**11.1 NOTICE OF MOTION TO LOCAL GOVERNMENT NSW (LGNSW) SPECIAL CONFERENCE -
FY2023 RATE PEG**

Record No: 122/59

This report seeks Council support for a proposed Notice of Motion to the LGNSW Special Conference to be held 28 February to 2 March 2022.

RECOMMENDATION

That Council

- A. Support Bega Valley Shire Council's proposed Notice of Motion to the LGNSW Special Conference, namely:
 1. *Submit a motion to the upcoming Local Government NSW Special Conference urging the NSW Government to overturn and undertake a review of the IPART determination that properly considers Award and Consumer Price Index increases, Covid and supply chain impacts. Noting that any reduction in services and construction of community infrastructure, as a result of continued rate pegging, will be devastating.*
 2. *That Local Government NSW:*
 - a) *Reiterates the long-held position that Rate Pegging is crippling Councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7%, the lowest rate cap in more than 20 years, further restricting Councils who are already working hard to help their communities recover from the economic and social impacts of natural disasters and the ongoing COVID-19 pandemic;*
 - b) *Notes that the rate cap will have significant repercussions on local services to the community with a reduction in compounded income of more than \$3.1 million over the next ten years.*
 - c) *Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel. Further noting that IPART has decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to Council workers for 2022, leaving local Councils even further out of pocket as more costs are shifted to local government;*
 - d) *Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;*
- B. Writes to the Local Member for Monaro, the Minister for Local Government, and the Chief Executive of the Office of Local Government advocating for the removal of universal rate pegging in NSW, allowing duly elected Councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local Councils and the communities they serve.

REPORT

Background

IPART Determination

On 13 December 2021, Independent Pricing and Regulatory Tribunal (IPART) released the rate peg for the 2023 Financial Year of 0.7% plus a population factor. This rate peg is significantly lower than the percentage applied in recent years and will have a substantial impact on the financial sustainability of local councils. For Snowy Monaro, the population factor is 0.1%, making the total permissible increase in rates for FY23 approximately \$139,168.

I propose that Council support Bega Valley's motion to the upcoming Local Government NSW (LGNSW) Special Conference which urges a review of the determination that properly considers Award and Consumer Price Index increases, that are also being impacted by COVID and supply chain issues.

I also propose that SMRC makes representations to the Local Member for Monaro, the NSW Minister for Local Government, and the Chief Executive of the Office of Local Government, to overturn the IPART determination and advocate the removal of universal rate pegging in NSW.

Financial Impacts

It is important to consider the long-term impacts this has on Council operations and annual budgets. Not only are we seeing negative impacts each year due to 40 years of the rate peg constraining the sector, this determination, has a real impact on the services we will deliver in the coming 12 months.

The SMRC Long Term Financial Plan (LTFP) currently forecasts a rate peg of 2% for financial year 2023 (FY23) estimated to generate additional revenue of approximately \$348,000. Therefore, the projected revenue in FY23 budget will be reduced by \$200,000. To put the rate cap into perspective, the increase is estimated to cover only 30% of the mandated 2% salary/wage award increases (excluding wages for capital projects).

The reduction in projected income will affect the level of expenditure that Council can use to deliver core services.

In addition, Council faces other financial constraints such as:

- the a substantial increase over recent years in the Emergency Services Levy (ESL) applied by the NSW Government to SMRC. The ESL increased from \$xx in FY19, \$yyk in FY20 and \$zzk in FY21.
- Council is experiencing declining investment revenues due to low interest rate environment
- COVID has resulted in loss of income through fees and charges revenue
- Inflationary pressures as a result of COVID are impacting supply chains.

It is also important to note that while the above outlines the impact in annual terms, the application of the rate peg at this level has much longer-term cumulative impacts on Council's Long Term Financial Plan. Set out below is the rate peg applied over the past 10 years.

Year	Rate Peg
2021-22	2.0%
2020/21	2.6%
2019/20	2.7%
2018/19	2.3%
2017/18	1.5%
2016/17	1.8%
2015/16	2.4%
2014/15	2.3%
2013/14	3.4%
2012/13	3.6%

Industry perspective

Councils across NSW are calling for a review of this decision due to the impact on their financial sustainability with broad advocacy being undertaken by Local Government NSW (LGNSW) who have indicated in their [media release](#) dated 13 December 2021:

“IPART failed to recognise real wage cost increases, as represented by the Local Government Award increases.”

“2020-21 was an aberration and the 2020-21 cost data does not provide a reliable basis for determining the peg for 2022-23.”

“We already know that there has been a significant uptick in inflation during the first six months of 2021-22, most noticeably fuel costs have nearly doubled and building and construction materials are rapidly escalating as the result of increased activity and major shortages.

“It is certain that councils will face much higher costs across the board in 2022-23.”

Proposed way forward

It is important that Council properly considers both the immediate and longer-term impact of this determination by IPART. If left unchanged will have significant implications on council’s financial sustainability and service delivery. Specifically if there is not a reasonable increase applied as part of the annual rate peg, noting council’s LTFP assumptions are for a 2% increase, then it will be necessary to review services.

The other option available to councils is to apply for a Special Rate Variation, a process that requires IPART approval. Timing of this advice by IPART and the extensive process involved in such an application means that this is not a practical or achievable option for FY23.

As Mayor, I propose that Snowy Monaro Regional Council advocate to the Member for Monaro, NSW Minister for Local Government, and the Chief Executive of the Office of Local Government, in addition to submitting a motion to the LGNSW Special Conference urging the NSW Government to overturn and undertake a review of the IPART determination that properly considers Award and Consumer Price Index increases.

RESPONSIBLE OFFICER: Chief Executive Officer

ATTACHMENTS

Nil

11.1 NOTICE OF MOTION TO LOCAL GOVERNMENT NSW (LGNSW) SPECIAL CONFERENCE - FY2023 RATE PEG

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 Legal Actions and Potential Claims Against SMRC as at 31 January 2022

Item 13.1 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.

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.