



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
21 April 2022**

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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.

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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.

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Acknowledgement of Country

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidjahal 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 COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW
2630**

**ON THURSDAY 21 APRIL 2022
COMMENCING AT 1:00PM**

BUSINESS PAPER

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	<i>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.</i>	

8.1 DEVELOPMENT APPLICATION - 10.2021.382.1 THIRTY EIGHT (38) LOT SUBDIVISION

Record No: I22/193

RECOMMENDATION

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to 10.2021.382.1 for a Thirty Eight (38) Lot Subdivision on Lot: 1 DP: 932240, 10 Jindabyne Road Berridale NSW 2628 with conditions of conditions attached to this report.

EXECUTIVE SUMMARY

Applicant Number:	10.2021.382.1
Applicant:	Ausland Developments Pty Ltd
Owner:	Ausland Developments Pty Ltd
DA Registered:	29/11/2021
Property Description:	Lot: 1 DP: 932240; 10 Jindabyne Road Berridale
Zone:	RU5 - Village
Current Use:	Dwelling
Proposed Use:	Residential Subdivision
Permitted in Zone:	Yes
Recommendation:	Approval

The purpose of this report is to seek approval for a Thirty Eight (38) lot residential subdivision on lot 1 DP 932240 Berridale. The application also includes an existing dwelling on the site to be relocated to a proposed allotment (lot 19) in the north-west corner of the subject lot. The application initially proposed primary access for the subdivision from Jindabyne Road with secondary access from Kiparra Drive and a future connection road to lot Y DP417424, located to the north-west.

The application was amended so that the Jindabyne Road access was removed from the proposal to be in accordance with the requirements of the SEPP (Transport and Infrastructure) 2021 and to meet Transport for NSW's refusal to support the new intersection onto Jindabyne Road.

The application was initially notified and publicly advertised for 28 days and received two (2) submissions. The proposed development was amended and amended plans placed on public exhibition and adjoining landowners notified in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019 for an additional period of 28 days. Twenty eight (28) 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 SEPP (Transport and Infrastructure) 2021, the Snowy River Local Environmental Plan 2013 (SRLEP) and the Snowy River Development Control Plan 2013 (SRDCP) and approval is recommended subject to conditions.

RESPONSIBLE OFFICER: Chief Operating Officer

ATTACHMENTS:

1. DRAFT Conditions (*Under Separate Cover*)
2. Revised Subdivision Plans and Traffic Study (*Under Separate Cover*)
3. Statement Of Environmental Effects (updated) (*Under Separate Cover*)
4. Flood assessment (*Under Separate Cover*)
5. Biodiversity Map (*Under Separate Cover*)
6. TfNSW Response and Proposed Conditions of Consent (*Under Separate Cover*)
7. Heritage Advisor Response (*Under Separate Cover*)
8. Essential Energy Response (*Under Separate Cover*)
9. Submissions (*Under Separate Cover*)
10. Original Subdivision Plans (*Under Separate Cover*)
11. Original Engineering Plans (*Under Separate Cover*)
12. Original Survey Plan (*Under Separate Cover*)
13. Original Traffic assessment (*Under Separate Cover*)
14. TfNSW Response - Additional Information Letter (24/12/2021) (*Under Separate Cover*)
15. Pre DA Application Form (NSW Planning Portal) (*Under Separate Cover*)

BACKGROUND

The subject land is four (4) hectares in size and is currently developed with a single dwelling on the allotment. The site is located north of the Berridale Village with access opportunities from both Kiparra Drive and Jindabyne Road. The site is bounded by residential and commercial properties and main road 286 (Jindabyne Road).

8.1 DEVELOPMENT APPLICATION - 10.2021.382.1 THIRTY EIGHT (38) LOT SUBDIVISION



Figure 1: Location Map – Base maps

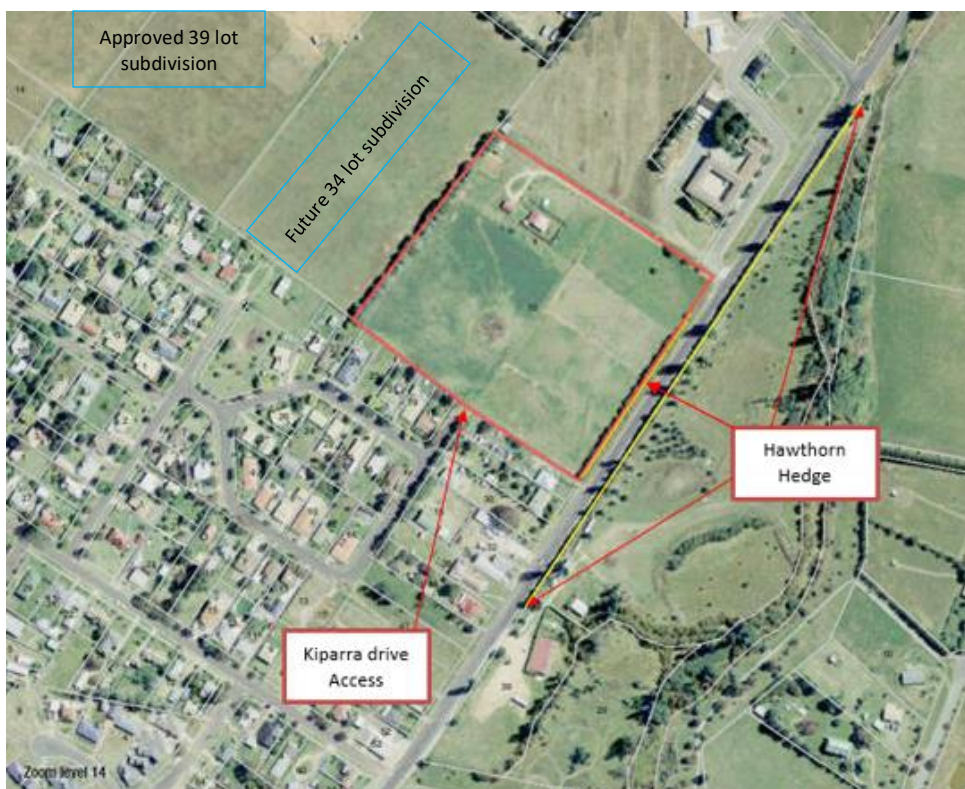


Figure 2: Location Plan (Imagery)



Figure 3: View from Jindabyne Road looking south.



Figure 4: View from Kiparra Drive looking north.

PROPOSAL IN DETAIL

The proposed development comprises of a 38 lot Torrens title subdivision and associated site works. The development proposes the subdivision of lot 1 DP 932240. The proposed lots range in area from 800m² to 1296m².

Each lot will be provided with access to drainage and sewerage easements as shown on the plan.

Civil works associated with the proposal comprise of the following:

- Drainage & sewerage works including inter-allotment easements;
- Adjustments/augmentation of existing services;
- Minor earthworks;
 - Construction of a new loop road and links to the South, West onto Kiparra Drive and to a future subdivision to the North-West;

- Relocation of the existing dwelling.

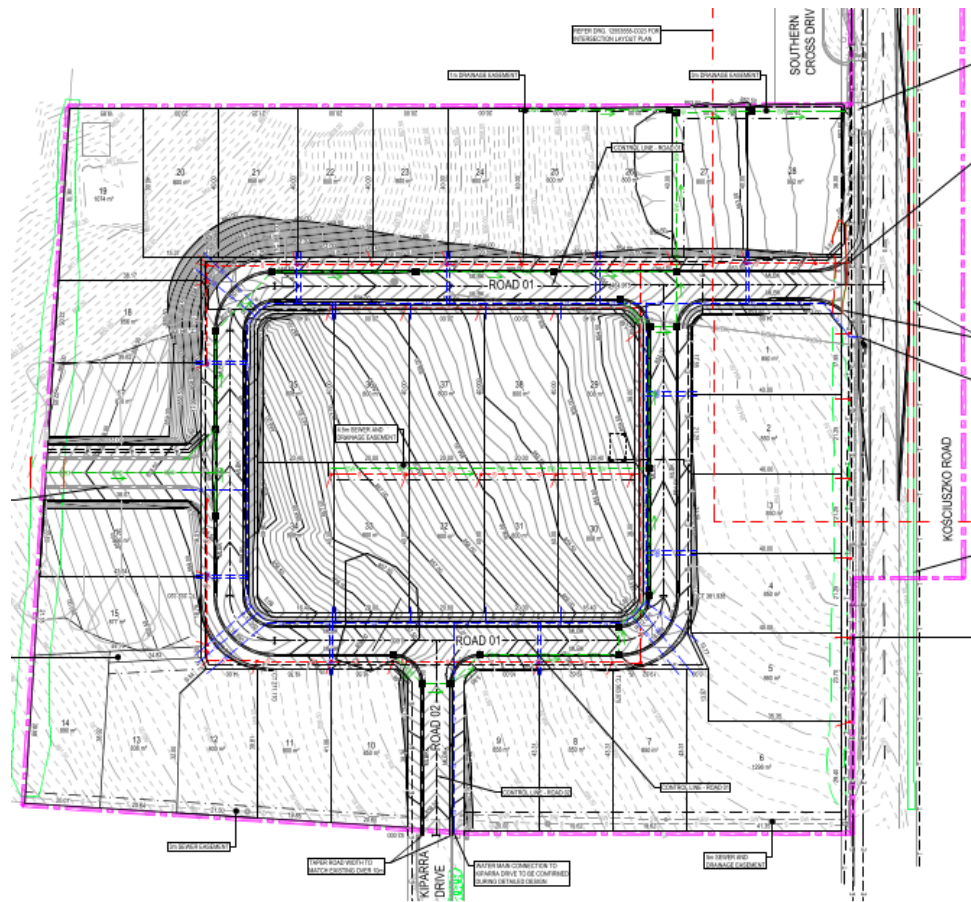


Figure 5: Original plans (including Jindabyne Road access).



Figure 6: Amended plans (Jindabyne Road access removed).

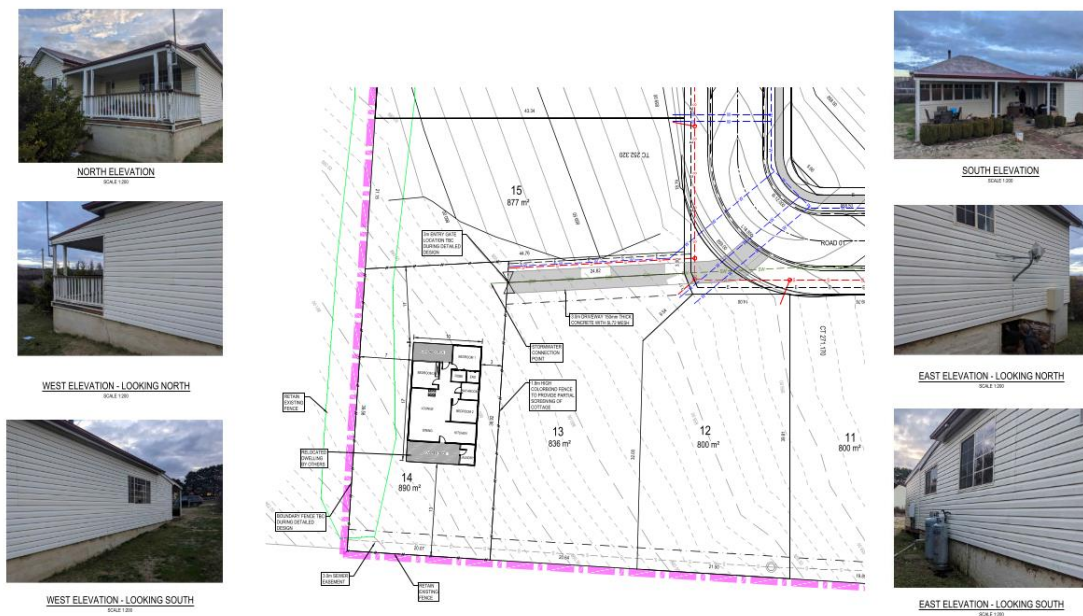


Figure 7: Site plan for the relocation of existing dwelling.

RESPONSIBLE OFFICER ASSESSMENT

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policies (Transport and Infrastructure) 2021 State Environmental Planning Policies (Resilience and Hazards) 2021
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environmental Plan 2013 (SRLEP 2013)
Development Control Plans	Snowy River Development Control Plan 2013 (SRDCP 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 EP&A Regulation 2000 and 2021.
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 and assessed as part of this application and appropriately addressed.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was notified and advertised in line with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019. A total of 28 submissions were received. 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 deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

State or Federal Agency	Comments
Transport for NSW	Response received. Conditions of consent have been provided.

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	Gentle slope exists – no impediment to development exists.
Significant vegetation	The property is not identified with Terrestrial Biodiversity on

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	Council's mapping system.
Adjoining development	Similar nature, scale and design to proposal.
Suitability of proposed works / building	Generally acceptable having regard to constraints of the land.
Streetscape	The proposal generally compatible with adjoining development.
Stormwater disposal	Into council system.
Services	Electricity / telephone/water.
Views	nil impact to and from site.
Contamination	nil identified.
Bushfire	A portion of the subject site is not classified as bushfire prone.
Flooding	nil impact.
Vehicular access	The site have coinciding legal and practical access.
Easements and restriction on use	There are no formal easements on the site. NOTE: A sewer main and stormwater pipe does traverse the southern boundary.
Aboriginal sites	nil identified on-site.
Threatened species	nil identified on-site.
Grasslands	nil identified on-site.
Rivers/streams	not applicable.
Effluent disposal	All allotments are to be connected to Councils sewer system.
Prevailing winds	nil impact.
Easements	nil affected by this proposal.
Other matters	nil.

The provisions of any environmental planning instrument

State Environmental Planning Policies

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Contamination of the site is unlikely. The site has been used long term for grazing and there is no evidence of contaminants such as oils or chemicals. The contamination status of the site remains unchanged and the proposal therefore complies with the requirements of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The original proposed subdivision layout, as per Figure 5, includes vehicular access from the local road network (Kiparra Drive) and from classified state road (Jindabyne Road).

Transport for NSW Referral

The application was referred to Transport for NSW, being the roads authority for Jindabyne Road. Following consideration from TfNSW, it was requested that the applicant provide additional information addressing clause 2.118 of the SEPP (Transport and Infrastructure) 2021, see Attachment 14.

Clause 2.118 of the of the SEPP (Transport and Infrastructure) 2021 is as follows;

2.118 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and***

Officer Comment

The proposed development is subject to this clause as the land has a frontage to a classified road, being Jindabyne Road. Subclause 2(a) states that the consent authority (in this case Council) must not grant consent to the development unless practicable and safe, vehicular access to the land is provided by a road other than the classified road.

In response the applicant has carried out an additional traffic report which considered the viability and the capacity of the existing road network, (the Traffic Report has been included as an attachment to this report). The outcome of the report resulted in the removal of the Jindabyne Road access, as per Figure 8.

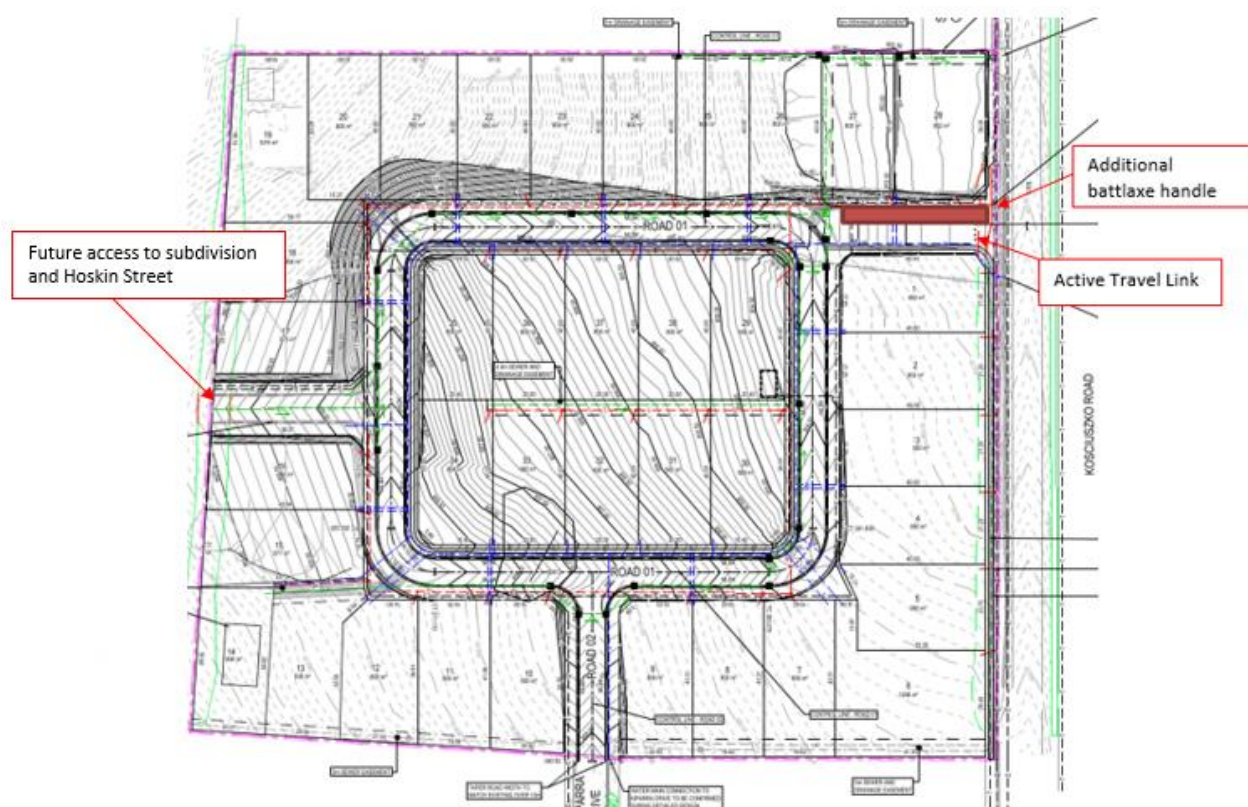


Figure 8: Amended plans (Jindabyne Road access removed).

Road Capacity

Berridale Residential Subdivision Traffic Assessment summary

GHD undertook a Traffic Assessment to consider the traffic impact of the subject development application being accessed solely from Kiparra Drive, Hoskin Street and Mackay Street to Jindabyne Road. The report states that there is sufficient capacity within the existing road network to cater for the projected traffic volume increases and such traffic volumes are expected to be within typical daily fluctuations of traffic volumes on Jindabyne Road.

Access to the proposed subdivision will be provided via a link through to Kiparra Drive, Hoskins Street and MacKay Street, as shown in Figure 11 below.

For the purposes of the analysis, it is assumed that the individuals residing in the 142 lots which currently access/egress their dwellings via Mackay Street and Jindabyne Road.

GHD commissioned Trans Traffic Data Pty Ltd to undertake automatic tube counts on Kosciuszko Road at the frontage to the subdivision for a week long period between 2nd August 2021 and 9th August 2021.

The SIDRA intersection analysis of the intersection of Jindabyne Road and MacKay Street, indicates that the intersection is expected to operate with a good level of service (LoS), at LoS A in the 2031 horizon year, during the weekday AM and PM peak periods.

Further, the existing intersection and road network have the capacity to accommodate further residential growth within the area in the future.

Development Engineer Comments

Councils Development Engineer has reviewed the “*Berridale Residential Subdivision Traffic Assessment*” (prepared by GHD) and have made the following comments;

- The “Berridale Residential Subdivision Traffic Assessment” (‘Traffic Assessment’) uses traffic data tube counts from 2nd to 9th August 2021. The Traffic Assessment author indicates that this is during the traditional high season period. Whilst the high season period has traditionally been during August, in more recent years the highest traffic volumes have occurred during the school holidays in early July.
- The Traffic Assessment uses traffic data based upon “average weekday hourly traffic volumes”. The peak traffic volumes are expected to be on Saturday morning towards the resorts (southwest bound) and Sunday afternoon for northeast bound traffic.
- The Traffic Assessment author justifies the use of traffic count data collected during the pandemic (in August 2021) by comparing it with another count station located 3km southwest of Cooma on the Monaro Hwy. The traffic count data from the Cooma count station (see below) gradually decreases from 2016 to 2019 and then increases during 2020 and 2021. This increase is most likely due to the traffic associated with Snowy 2.0.
- During August 2021, Sydney was still in lockdown. The resorts obtain significant visitor numbers from the Sydney region. This will not be reflected in the traffic data obtained during August 2021.



The average weekday volumes from 2016 – 2021 captured

Figure 9: The closest TfNSW count station to Berridale, is located on the Snowy Mountains Highway (B72), approximately three kilometers to the west of Cooma (Station Id: 08080).

- The data indicates that the traffic volumes from 2021 were 20 percent higher than 2019 and 15 percent higher than 2018.
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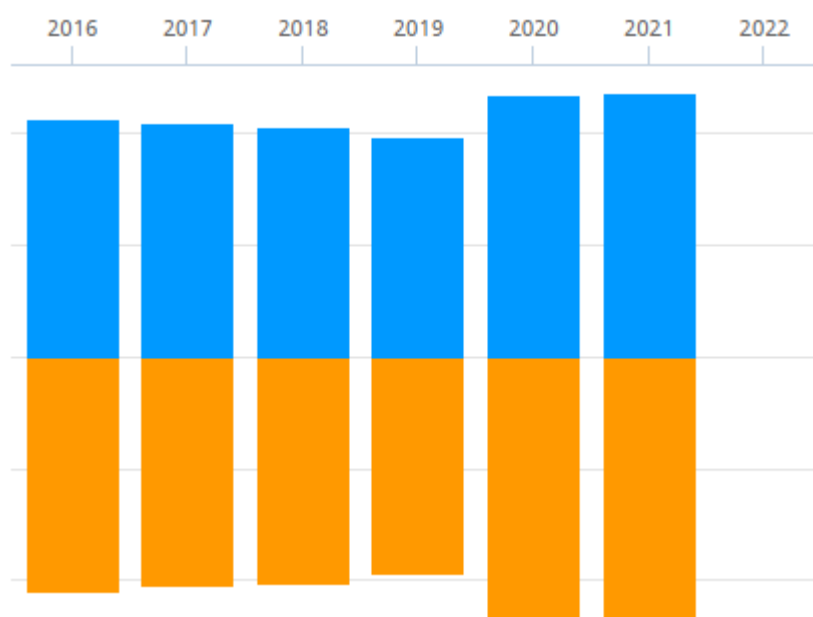


Figure 10: The average weekday volumes from 2016 – 2021 captured at this count station are displayed below.

- In providing its trip generation, the Traffic Assessment failed to include dual occupancy capable lots.
- There is further residential development to the west of this site and it is estimated that these may provide traffic generation in the order of an additional 140 dual occupancy dwellings. This traffic generation would need to be subjected to an annual growth rate of 2% until the 2031 horizon year as provided in the Traffic Assessment.

Road hierarchy contextual information

In order to determine the adequacy of the existing road network it is important to understand that functional road classification involves the relative balance of mobility and access functions.

The below table is an extract from the Snowy River Geometric Road Design - AUS-SPEC-1 document which provides the technical characteristics of roads in residential subdivision networks.

When determining the number of vehicle movements referred to in the table, for single dwelling allotments, a traffic generation rate of 10 vehicles per day (vpd)/allotment is applied. In the case of the subject development, the proposed allotments could support dual occupancy development and as such the rate should be doubled to 20 vehicles per day (vpd)/allotment for 50% of the proposed allotments which is a reasonable uptake of this type of development in Berridale.

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Road Type	Maximum Traffic Volume (vpd) See note 1.	Maximum Speed (km/h) See note 2	Carriageway Width (m)	Parking Provisions Within Road Reserve	Kerbing See note 3	Footpath Requirement (urban subdivisions only).	Verge Width (each side)	Minimum Road Reserve Width (m)
Access Street	150	25	6.0	Carriageway	Layback	1.2 m wide footpath on one side	4.5 m	15.0
			6.0	Carriageway	Concrete edge strip where grassed swale drains used	1.2 m wide footpath on one side	Minimum 3.0 m excluding swale drains	20.0 minimum
Local Street Not bus route	1,000	40	8.0	Carriageway	Layback	1.2 m wide footpath on one side	3.5 m	15.0
			8.0	Carriageway	Concrete edge strip where grassed swale drains used	As Above	Minimum 3.0 m excluding swale drains	20.0 minimum
Collector Street or bus route	3,000 (with access to residential allotments)	50	9.0	Carriageway	Layback or barrier	1.2m wide footpath both sides.	Minimum 4.0m	16.0
Local Sub-Arterial Road	6,000 (no access to single dwelling residential allotments)	60	11.0	Parking not permitted on carriageway	Barrier	1.2m wide footpath both sides. One footpath may be min. 2.5m wide shared bicycle path.	Minimum 4.5m.	20.0

Derived from AMCOBP

Figure 11: Characteristics of Roads in Residential Subdivision Road Networks.

Existing Street features

In assessing the impact and the adequacy of the existing road network the following information has been considered with the anticipated traffic route as per Figure 12 show below.



Figure 12: Anticipated traffic route.

Mackay Street

There are 142 existing lots (see Figure 13) in the 'Mackay Street catchment area' and according to the website Profile .id for Berridale and surrounds the existing housing stock is 11.8% 'Medium density' which includes all semi-detached, row, terrace, townhouses and villa units, plus flats and apartments in blocks of 1 or 2 storeys, and flats attached to houses. As such it is reasonable to conclude that Berridale caters more for young families and there is a high likelihood that the development within the existing residential area will consist of a greater number of single detached dwellings than dual occupancies.

The subject proposal includes 38 Lots and there is a potential future 34 lot subdivision on lot Y DP 417424 (the adjoining block of land to the west). Whilst the current statistics only reflect an 11.8% development rate of medium density in Berridale, a rate of 50% have been used to calculate for future development potential for such developments as dual occupancies. Therefore the following dwellings are estimated;

Existing lots (142 lots)	10 Jindabyne Road (38 lots)	Lot Y DP 417424 (34 lots)	Total
159 dwellings	57 dwelling	51 dwelling	267

The estimated total number of dwelling based on this calculation is **267 dwellings**.



Figure 13: Mackay Street catchment area.

Hoskin Street

Hoskin Street would be considered to service the 66 existing lots shown in the Hoskin Street catchment area (see Figure 14). When calculated at a dual occupancy rate of 11.8% and the subject proposal of 38 Lots as well as a potential future 34 lot subdivision on lot Y DP 417424 at a dual occupancy rate of 50%, the estimated total number of dwellings based on this calculation would be **182 dwellings**.

Existing lots (66 lots)	10 Jindabyne Road (38 lots)	Lot Y DP 417424 (34 lots)	Total
74 dwellings	57 dwellings	51 dwellings	182

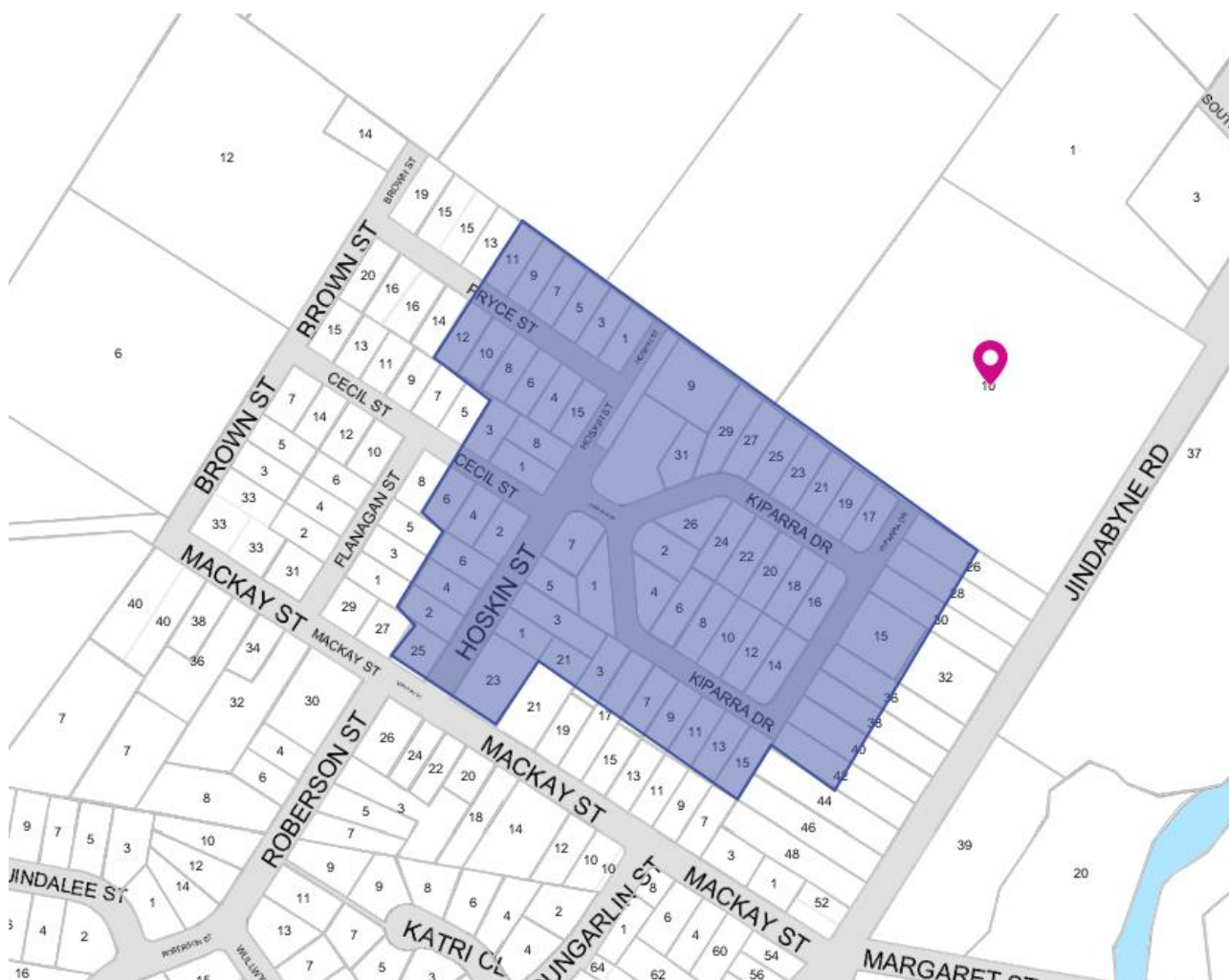


Figure 14: Hoskin Street catchment area.

Kiparra Drive

Kiparra Drive would be subject to service the existing 66 lots shown in the Kiparra Drive catchment area (see Figure 15). When calculated at a dual occupancy rate of 11.8% and the subject proposal of 38 lots at a dual occupancy rate of 50%, the estimated total number of dwellings based on this calculation would be **95 dwellings**.

Existing lots (38 lots)	10 Jindabyne Road (38 lots)	Total
43	52 dwelling (50%)	95

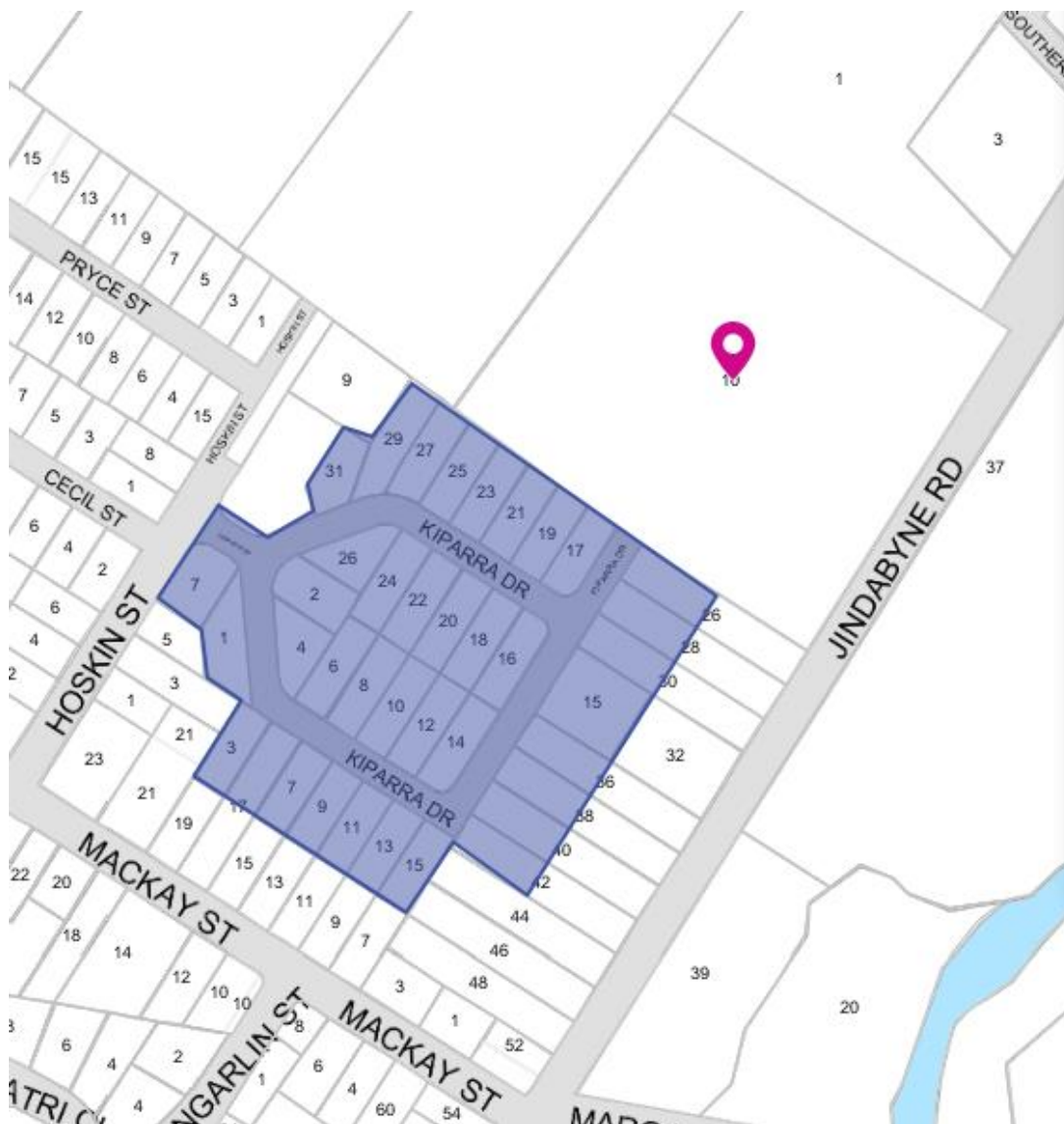


Figure 15: Kiparra Drive catchment area.

Based on the calculation of traffic generated by the existing and proposed subdivisions, in accordance with the table shown in figure 11 above the proposed subdivision will not generate traffic over that which is able to be accommodated by the existing roads.

Street	Existing Road	Existing Carriage	Existing Road	Existing Traffic	Estimated Traffic	Required Road	Capacity compliance
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	Reserve width	way Width	Classification	Volume Capacity	Volume	Classification	
Mackay Street	9m	20m	Collector	3000	2,670	Collector	Yes
Hoskin Street	9m	20m	Collector	3000	1,820	Collector	Yes
Kiparra Drive	9m	11m	Local	1000	950	Local	Yes



Figure 16: Mackay Street Carriageway.



Figure 17: Hoskin Street Carriageway.



Figure 18: Kiparra Drive Carriageway.

In summary, the applicant submitted a traffic report prepared by a qualified engineer, which reviewed the traffic, data collected in August 2021. This month typically would be the busiest month of the year for traffic, however it is acknowledged that the data collected in 2021 would have been affected by the COVID lockdowns. The above assessment also looked at the capacity of the existing street network and used the standard Snowy River Geometric Road Design - AUS-SPEC-1 document to calculate vehicle movements. This document and the relevant table is not affected by COVID. When calculating the number of traffic movements on Hoskin Street the potential future subdivision development of 28 Hoskin Street was included in the calculation and is also noted that the subdivision of 35 Kiah Lake Road has pedestrian connectivity only and no vehicle access. Consequently, both the traffic report and calculations made by Council staff conclude that there is **adequate capacity** within the existing road network to support the proposed development.

Road Safety

According to Transport for NSW (2022) safe roads are designed and built to be more forgiving and account for human error.

Road Safety can refer to means, methods and measures aimed at reducing the likelihood or the risk of persons using the road network getting involved in a collision or an incident that may cause property damages, serious injuries and/or death.

The Liveable and Safe Urban Communities initiative which looks to improve the safety of people in urban areas, have identified several key treatments which when implemented increase the safety of non-vehicle users in urban street. These include installing traffic calming, pedestrian refuges and crossings in busy urban places to improve pedestrian safety.

In this case the local network of streets are not being designed but will be utilised to access the subject site, which in turn will increase the number of vehicles and pedestrians on these roads. The intersection of Mackay Street and Jindabyne Road shows current wear on the eastern side of the intersection where cars veer off the road and onto the road reserve to go around cars waiting to turn right into Mackay Street. The original proposal and associated traffic report stated that at a minimum to service the 38 lot subdivision a BAL/BAR would be required for this intersection. As such and as part of the proposed conditions of consent the developer will be required to upgrade this intersection to include a BAR treatment which will see the road reserve to the east of the intersection sealed.



Figure 19: Jindabyne Road and Mackay Street Intersection (aerial view).



Figure 20: Jindabyne Road and Mackay Street Intersection (street view).

There are no pedestrian refuges or crossings on Mackay Street and no footpaths along Hoskin Street or Kiparra Drive. To increase the safety of the road and the existing street network it is considered that at a minimum a footpath would need to be constructed the length of Hoskin Street to the Kiparra Drive intersection (with Mackay Street) and along the northern arm of Kiparra Drive. The length of the route of accessing the subject site from Mackay Street is approximately 425m, which would be in lieu of the footpath proposed along Jindabyne Road. A site inspection has confirmed that the construction of a footpath along these sections of road reserve can be achieved.

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Figure 21: Proposed footpath route.

The location of the footpath along Hosking Street and the northern arm of Kiparra Drive will require minor tree pruning and no tree removal. The footpath along the section of Kiparra Drive which heads north towards the subject site currently has various well established exotic and native trees located in the road reserve. The footpath along this section will require the removal of several trees. As such it is considered that the retention of the native tree should be prioritised and as such the proposed location of the footpath will be along the eastern side and will require the removal of several pine trees, see Figure 20. Therefore a condition of consent will require the developer to construct a footpath along this route.



Figure 22: Trees which have the potential to be removed for the construction of the proposed footpath.

Additional regulatory signage would also be required to increase safety and understanding of the Kiparra Drive 'Y' junction. A condition of consent will require the developer to install appropriate signage.



Figure 23: Kiparra Drive and Hosking Street intersection (looking East).

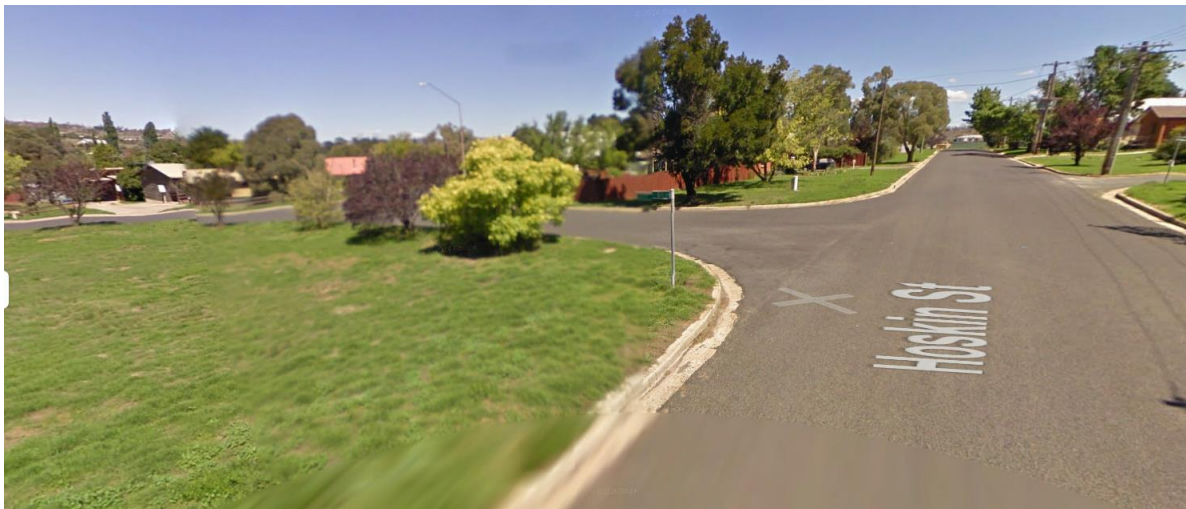


Figure 24: Kiparra Drive and Hosking Street intersection (looking South).



Figure 25: Kiparra Drive 'Y' intersection (from the southern arm looking north).

2.118 Development with frontage to classified road

- (2) *The consent authority **must not grant consent** to development on land that has a frontage to a classified road unless it is satisfied that—*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Officers Comment

As the existing local road network is considered to be both practicable and safe. Clauses (b) & (c) of 2.118 do not apply.

Conclusion of assessment against SEPP (transport and Infrastructure) 2021

In summary, the legislative requirements of the State Environmental Planning Policies surpass the development control and considerations of local governments planning instruments. As such the wording of clause 2.118 of SEPP (Transport and Infrastructure) 2021, being that a ***consent authority must not grant consent to development on land that***

has a frontage to a classified road unless it is satisfied that where practicable and safe, vehicular access to the land is provided by a road other than the classified road, governs the outcome in regards to access to the subject proposal.

The above assessment has demonstrated that the existing street network has the capacity to service the increased traffic movements generated by the proposed subdivision. The inclusion of additional footpaths and street signage will increase the street safety for non-vehicle users and as such it is considered that the existing road network will provide both practicable and safe vehicular access.

Section 4.15 Assessment

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

- The subject land is zoned: RU5 - Village
- Definition of land usage under SRLEP 2013: Subdivision
- The proposal is permissible with development consent from Council pursuant to Zone RU5 of the SRLEP 2013.
- The proposal **is** considered to be consistent with the aims and objectives of the plan.

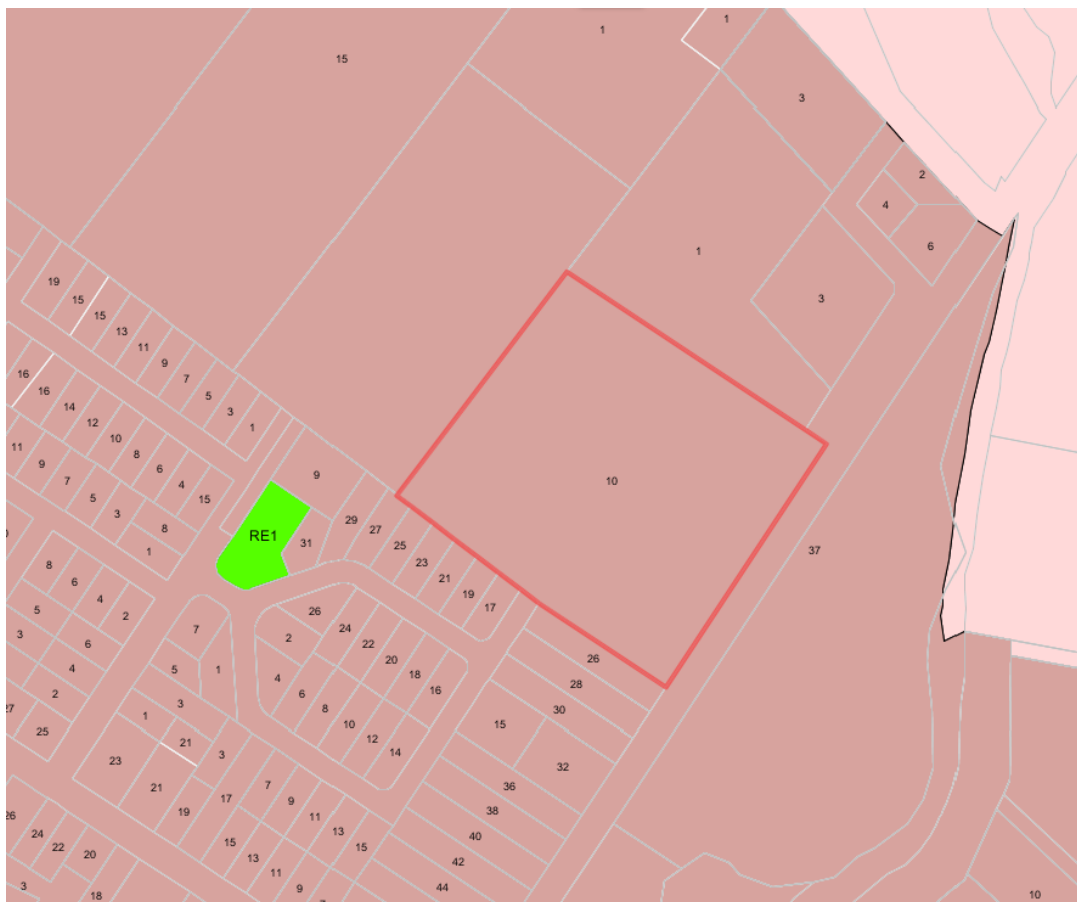


Figure 26: Land zone map.

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

Clause 4.1 Minimum subdivision lot size

The subject land is mapped with a 700m² minimum lot size and all proposed lots meet the required minimum subdivision lot size.

Clause 5.10 Heritage conservation

The subject land is directly adjoining Heritage item 57 – Cultural Streetscape and as such clause 5.10 applies and in accordance with subclause 2 (f) development consent is required. Item 57 - Cultural Streetscape includes the Hawthorn Hedges on both sides of Jindabyne Road adjacent to the subject lot. As part of the assessment process council requested a Heritage Impact Statement which was added to the Statement of Environmental Effects.



Figure 27: Heritage item 57 – Cultural Streetscape

The author of the impact statement did not take into consideration the impact of the required intersection treatment for the Jindabyne Road intersection, which will require the removal of a large section of the hedge on the eastern side and lesser amount of the western side of Jindabyne Road.

Impact of a potential Jindabyne Road access intersection

The initial application proposing access off Jindabyne Road would require intersection treatment for this access which would result in a minimum of 120m of hedge on the western side and 64m on the eastern side of Jindabyne Road to be removed.



Figure 28: Required hedge removal – aerial view



Figure 29: Required hedge removal – street view

The removal of over 100m of the Hawthorn Hedge will change the streetscape leading in to Berridale.

Streetscapes and road corridors are the largest public spaces in a town. While they aren't often thought of as public spaces, they are in fact the most visited areas in a town, where people walk, cycle or drive every day.

These major public spaces also are typically paved environments or devoid of any significant greenery. In this case the road verge is planted with a Hawthorn Hedge which pays tribute to the gardens of the past and allows the public to recapture the stories of our ancestors and to develop pride in our unique cultural heritage. Therefore it is important to consider the impacts of the removal of significant amounts of vegetation from this public space.

It is acknowledged that the Hawthorn Hedge may not be aesthetically beautiful to some and it may be the opinion held by some that it is unsightly and as such should be removed. However, it is reflective of an era in history which should be preserved. The removal of the hedge is considered to have significant impacts and reduce the heritage values associated with the streetscape.

The removal of the Jindabyne Road intersection from the proposal has reduced the impact on the heritage streetscape as the hedge would remain intact and no removal would be required.

The visual impact of the development along Jindabyne Road will primarily occur in winter when the Hawthorn Hedge under goes abscission (losses leaves). To mitigate any undesirable impacts and to create a uniform effect, a condition of consent will require the developer to construct a fence along the eastern boundary, see attachment 7 for options considered to be appropriate. Additionally, a restriction on use will be applied to exclude building within 10m from the eastern boundary of lots 1 – 6 and 28 the further retain the heritage values of the hedge.

Clause 6.2 Development control plans for land release areas

The subject land is not identified as part of the urban release area.

Clause 7.1 Flood planning

The subject property is identified as being flood prone land. The extent of modelled flood fringe is mapped on lots 1 to 6 and 28. The flood assessment report proposed that the potential flooding can be accommodated by restricting buildings to be at least 10 metres away from the Kosciuszko Road boundary and if necessary, minimum floor levels for habitable rooms could be specified on these lots, a minimum of 500 mm above the 1 % AEP food profile.

These restrictions will have minimal impact on the proposed development.

The proposed road grading within the development channels the direction of the overland flows across the site into the proposed 15m road 01 reserve. Road 01 has also been lowered to reduce the impact from the flood extents to adjacent lots.

As part of the assessment and the drafting of these conditions the incoming Amend the Snowy River DCP by repealing and replacing part C7, clause 2 'Flood Prone Land' with the 'flood planning' controls have been considered and satisfied.

The proposed mitigation measures are considered suitable and conditions of consent will apply to ensure compliance with the technical design requirements.

Clause 7.9 Essential services

The development proposes the following services essential for future development to be available

- a. The supply of water is proposed to be provided by connecting to Councils infrastructure.
- b. The supply of electricity is proposed to be provided by connecting to mains infrastructure.
- c. The disposal and management of sewage is proposed to be provided by connecting to Councils infrastructure.
- d. Stormwater drainage or on-site conservation is proposed to be provided by connecting to Councils infrastructure.
- e. Vehicular access.

Vehicle access was originally proposed to be primarily from state classified Jindabyne Road. The application was referred to TfNSW with concerns raised regarding inconsistencies between the Traffic Impact Assessment (TIA) and the proposed intersection treatment. Additionally, the submitted documentation did not address the provisions of clause 2.118 of SEPP (Infrastructure) 2021 or provide justification for this new intersection as "practicable" access is available from the local road network. Additional information was requested and after a review and the requirements of the SEPP this access was removed.

The subject land has both practical and coinciding access and as such the proposed subdivision meets the requirement of having being able to provide adequate access arrangements.

However the determination of where the primary access should be located is contentious with various aspects requiring consideration. These include the potential impacts of increased traffic within the existing local street network and the physical restraints of Jindabyne Road, being the Southern Cross intersection, additional street lighting and the heritage listed streetscape (in particular the Hawthorn Hedge which extends along the western and eastern sides of the road reserve).

The associated impacts are discussed within the body of this report.



Figure 30: Kiparra Drive proposed primary access.



Figure 31: Kiparra Drive.



Figure 32: Jindabyne Road frontage.

SCHEDULE 5 Environmental heritage

Heritage Item 57 - Cultural streetscape

The item is located within the Jindabyne Road reserve of which adjoins the subject land.

The street trees spatially define both northern and southern entrances to Berridale and are known to be one of the main features of the town. The use of radiata pines, Lombardy poplars and hawthorns is representative of early 20th century street planting. They make an important contribution to the streetscape and the character of the town.

The Hawthorn Hedge planted at the northern entrance to Berridale adjoin the subject land and have the potential to be impacted if the initial proposed Jindabyne Road intersection into the proposed development was to be approved.

The removal of the Jindabyne Road intersection from the proposal has reduced the impact on the heritage streetscape as the hedge would remain intact and no removal would be required.

The visual impact of the development along Jindabyne Road will primarily occur in winter when the Hawthorn Hedge under goes abscission (losses leaves). To mitigate any undesirable impacts and to create a uniform effect, a condition of consent will require the developer to construct a fence along the eastern boundary, see attachment 7 for options considered to be appropriate. Additionally, a restriction on use will be applied to exclude building within 10m from the eastern boundary of lots 1 – 6 and 28 the further retain the heritage values of the hedge.



Figure 33: Hawthorn Hedges forming part of the heritage listed streetscape.

Consideration of the development under the Introduction of Snowy Mountains Special Activation Precinct - Discussion Paper June 2021

The SM SAP Discussion Paper is not applicable to this development, as the land is outside the Snowy Mountains SAP Boundary.

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	Neighbour Notified and Advertised – 28 days (08/12/2021 – 26/01/2022) Re-advertised and Neighbour Notified – 28 Days (16/02/2022 – 23/03/2022)
B2 Town & Village Plans	
2. Berridale Village	The proposed development is considered to support the vision for Berridale by providing additional residential allotments which will allow the village of Berridale to grow into a vibrant and

	attractive village.
C General planning considerations	
C1 Subdivision	
General Subdivision Requirements	
2.2 Controls	
C1.2-1 Minimum Subdivision Lot Sizes The minimum subdivision lot sizes are identified in the Snowy River LEP 2013 and the accompanying Lot Size Maps.	The proposed lots sizes meet the required 700m ² as per the SRLEP 2013 minimum lot size mapping.
C1.2-2 Subdivision Design (a) The subdivision design must consider the physical characteristics of the land including bushfire hazard and ensure the protection of key environmental features including significant vegetation, natural landforms including rocky outcrops, topographic features and watercourses. (b) Subdivision design must consider the orientation of future dwellings on the site to encourage north facing dwellings. (c) Council may consent to the creation of a hatchet shaped allotment of land. Where this is proposed within Zone R1 General Residential, R2 Low Density Residential or RU5 Village the subdivision must not involve a lot being developed that is already a hatchet shaped allotment. (d) All hatchet-shaped allotments in Residential or Village zones must have a minimum access handle width of 6 metres. (e) The minimum area requirements for all hatchet-shaped allotments are to be measured excluding the access handle. (f) All allotments are to be of a regular	 (a) The subject land is not bushfire prone land and has no significant environmental features. (b) The proposed layout is considered satisfactory, with the lots running N/S orientated vertically and lots running E/W orientated horizontally and as such will maximize the opportunity for norther facing dwellings. (c) Satisfactory - The proposed subdivision includes 3x battleaxe lots, is located in a RU5 zone and the lot being developed is not already a hatchet shaped allotment. (d) Satisfactory - All access handles proposed are 6m wide – complies. (e) Satisfactory - All proposed hatchet-shaped allotments meet the minimum area requirements excluding the access handle. (f) Satisfactory - All proposed lots are primarily

<p>shape.</p> <p>(g) The allotments to be created must be designed to minimise any bushfire hazard and are to be designed in accordance with Planning for Bushfire Protection 2006 (refer Chapter C7 – Natural Hazard Management). Perimeter roads should be used to assist in minimising fire risk rather than clearing the site.</p>	<p>regular in shape.</p> <p>(g) N/A - The subject land is not identified as bushfire prone land.</p>
<p><u>C1.2-3 Agricultural Land</u></p>	<p>The subject land does not includes any Class III agricultural land and as such this section does not apply.</p>
<p><u>C1.2-4 Flora and Fauna Protection</u></p>	<p>The subject land is not identified with Terrestrial Biodiversity or riparian mapping and as such this section does not apply.</p>
<p><u>C1.2-6 Building Exclusion Areas</u></p> <p>The location of building exclusion areas is to be shown on the development application plans to identify areas that have development constraints (i.e. bushfire prone land, slope, significant vegetation, areas of heritage significance) and would not be suitable to subdivide for future building and development. Consequently areas not included in the building exclusion areas would be investigated as being suitable for future building and development.</p> <p>(a) The site plans are to identify building exclusion areas which are based on an analysis of site design and environmental constraints including (but not limited to): bushfire prone land, flooding, flora and fauna protection, slope and landslip, land contamination, impact on views, ridgelines and areas of heritage significance;</p> <p>(b) If the building and development sites identified outside the building exclusion areas are visible from an arterial road, a</p>	<p>The subject land is adjoining the road reserve of Jindabyne Road in which heritage item 57 (Cultural Streetscape) is located.</p> <p>The subject property is also identified as being Flood prone land. The extent of modelled flood fringe is mapped on lots 1 to 6 and 28, the same lots adjoining the heritage item.</p> <p>The flood assessment report proposed that the potential flooding can be accommodated by a building exclusion zone and floor level limitations.</p> <p>A condition of consent will impose a 10m building exclusion zone along the eastern boundary so as to ensure that no future development will negatively impact the heritage item or be impacted by flood waters.</p>

visual impact assessment undertaken by a suitably qualified professional is to be provide to demonstrate how the visual impact of the development can be minimised when viewed from the arterial road.	
<p><u>C1.2-7 Provision of Services</u></p> <p>(a) An electricity supply must be provided to each allotment in accordance with the requirements of the relevant electricity authority.</p> <p>(b) The applicant must demonstrate that telecommunications (whether fixed line or mobile) can be provided to the site.</p>	<p>(a) The proposed development will be serviced by mains electricity and a condition of consent will ensure that this is in accordance with the requirements of the relevant electricity authority.</p> <p>(b) A condition of consent will require the applicant must demonstrate that telecommunications can be provided to the site prior to the release of the subdivision Certificate.</p> <p>Note: a search of Telstra's mobile network shows that the subject land does have mobile coverage.</p>
<p><u>C1.2-8 Access</u></p> <p>(a) The subdivision must not create additional riparian access rights to streams, creeks, rivers or other waterways.</p> <p>(b) All allotments created by subdivision (including boundary adjustments) must have coinciding legal and practical (properly constructed) access in accordance with Councils development design and construction specifications.</p>	<p>(a) Complies.</p> <p>(b) All lots within the proposed subdivision have coinciding legal and practical access. A condition of consent will require the construction to be carried out in accordance with Councils Standards.</p>
C3 Car-parking, Traffic & Access	
<p><u>C3.1-1 Permanent and Practical Legal Access</u></p> <p>(a) All development, including all allotments created by subdivision (including boundary adjustments) must have coinciding legal and practical (properly constructed)</p>	<p>(a) All lots within the proposed subdivision have coinciding legal and practical access. A condition of consent will require the construction to be carried out in accordance with Councils Standards.</p>

<p>access in accordance with Councils development design and construction specifications.</p> <p>(b) Access roads are to be designed to minimise road infrastructure by utilising the most direct, and where possible the existing, legal routes.</p> <p>(c) An applicant wishing to construct a Crown public road is required to obtain Council's concurrence to the ownership of the road being transferred to Council. Where the applicant cannot obtain the concurrence of Council to the transfer of ownership, the application for road construction will not be accepted.</p> <p>(d) Access by undedicated roads (including undedicated Crown reserve roads, Forestry roads and Livestock Health and Pest Authority reserves) requires the consent of the public authority (eg. Roads and Maritime Services) and will only be permitted in similar circumstances to those for rights of carriageway and subject to the same conditions applicable to rights of carriageway.</p> <p>(e) Where the development requires a second bushfire access/egress route, this is to be a permanent legal and practical access.</p> <p>(f) Where the existing road alignment does not match the dedicated or legally recognised road alignment, the road alignment should be rectified through realignment, closure, road construction or dedication.</p> <p>(g) Any additional length of public road created as part of the development and proposed to be transferred to the control of Council is to be minimised.</p> <p>(h) Direct access from either the</p>	<p>(b) The proposed road network will connect into the existing local road network with provisions to also connect into future development to the west.</p> <p>(c) Not Applicable.</p> <p>(d) Not Applicable.</p> <p>(e) Not Applicable.</p> <p>(f) Not Applicable.</p>
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<p>Alpine Way or Kosciuszko Road is not to be provided to a development unless the site has no other practical alternatives that exist or can be created.</p> <p>(i) Consideration must be given to whether traffic associated with the proposed development will cause the condition of the roads to deteriorate and whether funds are or will be available for road maintenance and whether any financial contributions from the proposed development are sufficient to upgrade the roads likely to be affected.</p>	<p>(g) Satisfactory.</p> <p>(h) The section of Main Road 268 adjacent to the subject land is known as Jindabyne Road and as such this standard is not applicable.</p> <p>(i) The primary access to the proposed development is from Kiparra Drive. There is potential for the traffic associated with the proposed development to utilise the existing local road network to cause the condition of the roads to deteriorate – there are no associated s 7.11 road contributions under the 2008 contribution plan to contribute to the upgrade of the potentially affected roads.</p> <p>However, a condition of consent will require an upgrade to the Jindabyne Road and Mackay Street intersection and the construction of a footpath along Hoskin Street and Kiparra Drive.</p>
<p>C3.1-3 Public Roads</p> <p>(a) Where subdivision results in six (6) or more additional allotments, the access shall be by way of a public road.</p> <p>(b) Where a new road is to be constructed or an existing road is to be utilised for addition allotment access, it shall be constructed in accordance with Councils development design and construction specifications for access and subdivision on the following basis:</p>	<p>(a) The proposal includes a new public road.</p> <p>(b) A condition of consent will require the construction to be carried out in accordance with Councils Standards.</p> <p>- Two Lane Bitumen Road – any road servicing more than ten (10) allotments.</p> <p>(c) N/A</p>

<p>(c) six (6) or more lots in the R5 Large Lot Residential Zone</p> <p>(d) six (6) or less lots in the R5 large Lot Residential Zone</p> <p>(e) the existing public road is unconstructed or is not constructed to a satisfactory standard for the proposed development (e.g. not presently maintained by Council), the full cost of upgrading that road is to be borne by the developer. This requirement may also apply to subdivision's that require the construction or upgrading of existing public roads to give access to the subdivision.</p> <p>(f) Each lot is to be provided with an adequate all weather access to enable satisfactory vehicular passage from the public road into the individual allotment. This will generally require gravelling from the road shoulder to the boundary and in most cases will require the provision of a piped gutter crossing in accordance with Council's specification for property accesses.</p> <p>(g) Each lot to be created must include vehicular access that will be flood free in the event of a 1:50 year probability flood occurring.</p> <p>(h) The location of the individual access points are to be nominated by the developer and subject to approval of, and meeting the standards established by the Director Technical Services and Operations, having regard to road drainage requirements and sight distance.</p>	<p>(d) N/A</p> <p>(e) This is applicable to the road connection into Kiparra drive and as such conditions of consent will require the full cost of upgrading that road is to be borne by the developer.</p> <p>(f) Complies – subject to conditions of consent.</p> <p>(g) Each lot has a developable area which is located outside the 1:50 year flood.</p> <p>(h) Access points have been nominated by the developer and have been assessed (modified) by both TfNSW and Council and conditions have been provided.</p>
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<p><u>C3.1-4 Development Fronting Main or Arterial Roads</u></p> <p>(a) Where development is proposed land which: fronts a classified or arterial road; or relies solely on a classified or arterial road for it access; or has access to a road which intersects with a classified or arterial road, where the point of access is within 90 metres of the intersection of the road and the classified or arterial road, the following must be considered: - whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity and efficiency of the classified or arterial road; - access points and on-site management plans for vehicle movement and parking; - the effect the development will have on future improvements or realignment of the classified or arterial road.</p>	<p>The traffic likely to be generated by the development may cause a traffic hazard or reduce the capacity and efficiency of the classified road and as such improvements to the classified road are required.</p> <p>The application and the access from Jindabyne Road has been assessed by TfNSW and a suitable intersection treatment has been designed. Conditions of consent have been provided.</p>
<p><u>C3.1-5 Adequacy of Access</u></p> <p>(a) The standard of all-weather access roads to the development is to adequately cater for existing and potential traffic.</p> <p>(b) The road reserve width is to be sufficient to cater for all functions that the road is expected to fulfill, including the safe and efficient movement of all users and acting as a buffer from traffic nuisance for residents.</p> <p>(c) The carriageway width is to allow vehicles to proceed safely at the operating speed intended for that road.</p> <p>(d) The design of intersections is to allow all movement to occur safely and projected traffic volumes are to be used in designing all intersections.</p>	<p>(a) The proposed road will be all-weather.</p> <p>(b) The road with is compliant with Councils standards and will be sufficient to cater for all functions that the road is expected to fulfill.</p> <p>(c) The road with is compliant with Councils standards and will allow vehicles to proceed safely at the operating speed intended for that road.</p> <p>(d) The application and the access from Kiparra Drive and the associate upgrade to Mackay Street has been assessed by TfNSW and a suitable intersection treatment has been designed. Council has further required additional traffic signage to be installed to reduce confusion at the Y intersection within Kiparra Drive.</p>

<p>(e) All intersections and vehicular entrances are to satisfy the relevant design standards published by the Roads and Maritime Authority.</p> <p>(f) Access is designed in accordance with the design criteria set out in the Aust Roads Guide to Road Design and the Council's Development Design and Construction Specifications. Note: Access to the site and design for turning circles for garbage and recycling vehicles is to be in accordance with the provisions of Chapter C10 Waste Management and Recycling.</p>	<p>(e) Conditions of consent have been provided and will require the construction to be in accordance with relevant design standards.</p> <p>(f) The proposed access will be designed in accordance with the design criteria set out in the Aust Roads Guide to Road Design and the Council's Development Design and Construction Specifications – conditions of consent to apply.</p>
<p>C3.1-6 Minimising Impacts</p> <p>(a) Consideration is to be given to the impact the traffic associated with the proposed development will have on existing roads, road safety and other road users.</p> <p>(b) Physical impact on the environment and on the visual landscape are to be minimised through site planning and design.</p> <p>(c) Car parking areas and access roads to be designed, surfaced and sloped to facilitate stormwater infiltration on-site.</p> <p>(d) Access roads are not to exceed 12% slope and are to be designed to work with the contours of the land (minimising cut and fill).</p> <p>(e) Access roads are not to proceed through rock outcrops, natural features or existing vegetation stands and are not to be located on prominent hill faces or ridgelines. Note: Refer to Planning for Bush Fire Protection 2006 (PBP) at www.rfs.nsw.gov.au for any special access requirements related to developments within Bush Fire Prone Land (Refer</p>	<p>(a) The proposed primary access to the development is from Jindabyne Road with a secondary connector road to Kiparra Drive and future development to the west. As the primary access does not require traffic to travel through existing local streets. The impact is considered to be reasonable.</p> <p>(b) The visual impact of the development along Jindabyne Road will occur primarily in winter when the Hawthorn Hedge under goes abscission (losses leaves). To create a uniform effect a condition of consent will require the developer to construct a fence along the eastern boundary. The Jindabyne Road access would have had a substantial visual impact. The removal of over 100m of the Hawthorn Hedge would have been required and as such changed the streetscape leading in to Berridale. Therefore it is important to consider the impacts of the removal of significant amounts of vegetation from public space. Whilst the impact of urban heat is not of major concern once the subdivision is full developed the amount of vegetation or green canopy will be reduced and the removal of the hedge will further reduce the overall green canopy in the area.</p>

Chapter C7 – Natural Hazard Management).	<p>(c) The proposed roads will be required to be constructed to ensure that all surfaced areas are sloped to facilitate stormwater infiltration on-site.</p> <p>(d) Condition of consent to apply.</p> <p>(e) Complies.</p>
<p><u>Controls C3.2-1 Pedestrian and Cycle Access</u></p> <p>(a) All development is to provide high quality accessible routes to public and semipublic areas, including major entries, communal open space, site facilities, parking areas and pedestrian pathways.</p> <p>(b) All pedestrian links are to have appropriate levels of illumination.</p> <p>(c) All entrances to buildings.</p> <p>(d) commercial premises</p> <p>(e) Potential pedestrian and vehicle conflict is to be minimised by ensuring clear sight lines at pedestrian and vehicle crossings, utilising traffic calming devices and separating and clearly distinguishing pedestrian and vehicular accessways (eg using bollards or changes in pavement treatment).</p> <p>(f) All vehicle access points to a development are to provide a minimum 1.5 metres landscaped setback to neighbouring properties.</p>	<p>(a) A condition of consent will require footpaths to be constructed on a minimum of one side of all new public roads.</p> <p>Additional foot path connection along Hoskin Street along the northern arm of Kiparra Drive and to the subject site.</p> <p>(b) Street lighting will be a condition of consent.</p> <p>(c) N/A</p> <p>(d) N/A</p> <p>(e) Satisfactory – subject to the proposed condition of consent requiring footpath construction and pedestrian crossing.</p> <p>(f) N/A</p>
C4 Heritage	See assessment of 5.10 and Schedule 5 of the LEP.
C5 Tree preservation & Landscaping	<p>There are no trees of significance within the subject land and the removal of trees within the lot has no foreseen unreasonable impact.</p> <p>A condition of consent will require the retention of the hedge lining the western boundary.</p>
C7 Natural Hazard Management	<p>The subject property is identified as being flood prone land.</p> <p>The extent of modelled flood fringe is mapped on lots 1 to 6 and 28.</p>

	<p>The flood assessment report proposed that the potential flooding can be accommodated by restricting buildings to be at least 10 metres away from the Jindabyne Road boundary and if necessary, minimum floor levels for habitable rooms could be specified on these lots, a minimum of 500 mm above the 1 % AEP flood profile.</p> <p>These restrictions will have minimal impact on the proposed development.</p> <p>The proposed road grading within the development channels the direction of the overland flows across the site into the proposed 15m Road 01 reserve. Road 01 has also been lowered to reduce the impact from the flood extents to adjacent lots.</p>
<p>C8 Environmental Management</p> <p>Minimising Conflicts</p> <p>(h) In assessing development adjoining the existing residential uses, the Council must consider whether or not the development is likely to have a significant impact on the residential uses including increased vehicle movement and noise.</p>	<p>The subdivision will increase traffic movements and during the initial construction phase of the subdivision this will result in additional noise within the area; however, the noise associated with construction would be temporary and have no lasting impact.</p> <p>The noise generated by the additional dwellings are considered to be reasonable as both the subject land and the area through which the traffic will pass are both urban and will be used for residential development.</p> <p>The appropriate use of vehicle lights are subject to NSW road rules and regulations and whilst it is recognised that there will be an increased number of vehicles travelling along the existing road networks using their headlights, it is reasonable to expect that these drivers are aware of the road rules and will abide by them.</p>
<p>C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal</p>	<p>BAISX certificate not required for the relocated dwelling.</p> <p>Section C9.1-1 are not applicable as there are no proposed alterations and additions.</p> <p>The dwelling will be connected reticulated water and sewer to council's standards.</p>
<p>C10 Waste management & Recycling</p>	<p>Council's waste and recycling collection service is available to the site.</p>

8.1 DEVELOPMENT APPLICATION - 10.2021.382.1 THIRTY EIGHT (38) LOT SUBDIVISION

	Conditions to apply regarding the relocation of the exiting dwelling and future rubbish collection.
D1 Residential Accommodation	
3. Site Planning & layout	
1.1 Site Planning 1.2 Minimum lot size 1.3 Site coverage 1.4 Open space	Satisfactory.
4. Building Envelope	
4.1 Building height 4.2 Floor space ratio 4.3 Setback	Complies Complies – $126\text{m}^2/890\text{m}^2 = 0:14$ FSR Complies – minimum 3m
5. Building Design	
5.1 Building form 5.2 Visual character & streetscape	The dwelling which is to be re-located on to lot 14 is the existing dwelling from the subject lot and as such the dwelling is considered to be acceptable within the locality.
6. Amenity	
6.1 Solar access & overshadow 6.2 Energy conservation 6.3 Visual privacy 6.4 Acoustic privacy 6.5 Landscape Design 6.6 View sharing 6.7 Safety & security	6.1 No foreseen impacts 6.2 Comply with BASIX 6.3 & 6.4 Adequate provisions 6.5 Adequate space for landscaping 6.4 No foreseen impacts 6.7 It is likely the safety and security of the area are to benefit with the addition of a new dwelling through increased public surveillance.
7. Car parking & access	Satisfactory - There is more than adequate space on the site for off-street parking.
8. Services & site facility	
8.1 Services 8.2 Site facility	Satisfactory.

Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic

The roads proposed will be bitumen sealed and provide all weather service access to the lots.

The road reserve widths and the carriageway widths are compliant with TfNSW and Council requirements and any areas of non-compliance will be managed via conditions of consent.

The proposed subdivision has an existing constructed connection to Kiparra Drive and an additional connection to the northwest which will allow connectivity to the future subdivision of lot Y DP 417424 and subsequently Hoskin Street and Kiah Lake Road.

Whilst initially Kiparra Drive will be the primary access point, once the future development on 28 Hoskins Street is complete it is reasonable to expect that a significant portion of traffic accessing the subject subdivision will be redirected connected through Kiah Lake Road.

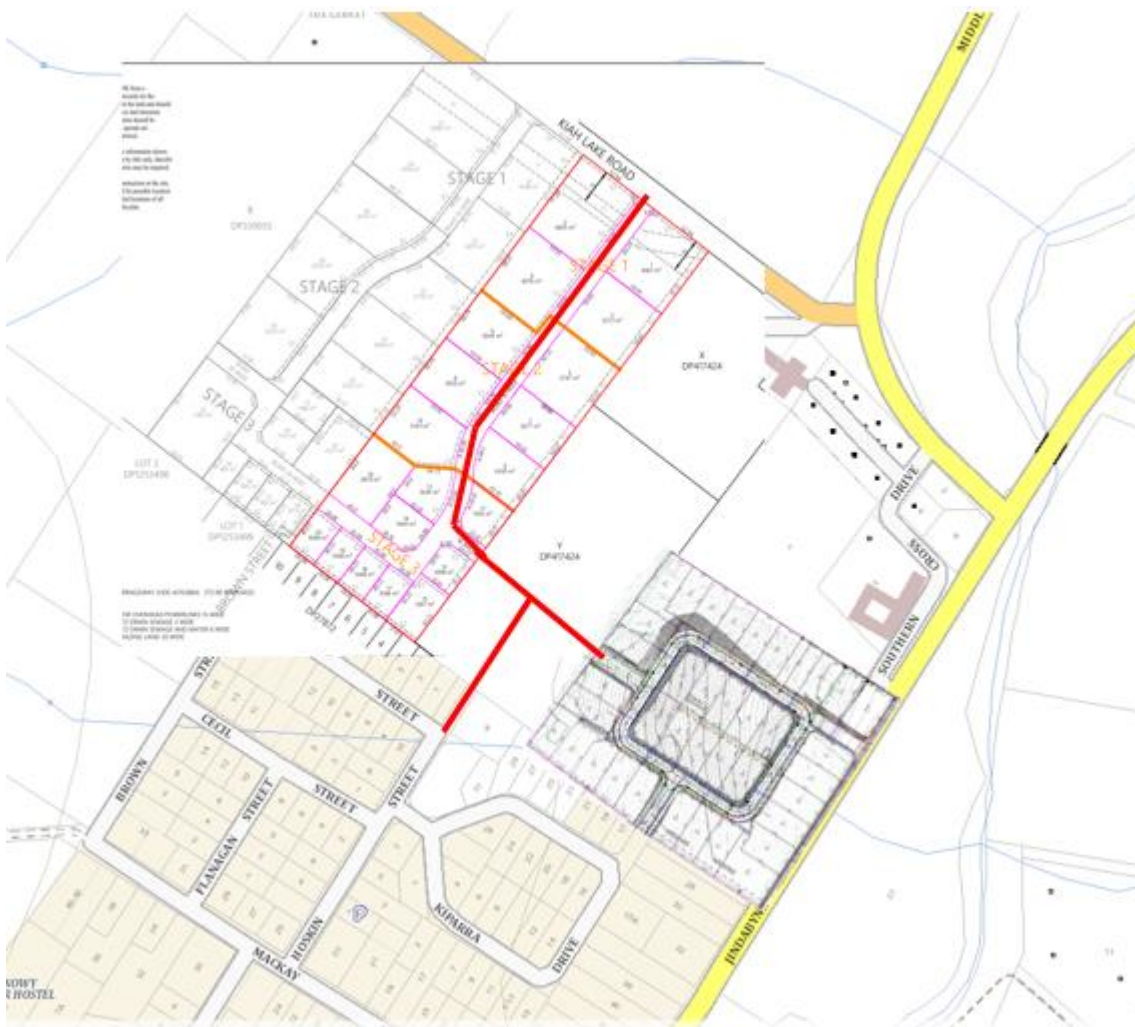


Figure 34: Future site connectivity.

Impacts on supply of utilities

The lots will be serviced by council water and sewer infrastructure and mains electricity. The applicant provided with the application an engineering and infrastructure report which was referred to Council's developer engineer for comment. Conditions of consent have been proposed and these are included in the draft conditions attached. The development will be required to upgrade as necessary infrastructure to support the subdivision.

Heritage

The removal of the Jindabyne Road intersection has reduced the impact on the heritage streetscape with the Hawthorn Hedge remaining intact and no removal would be required.

The visual impact of the development along Jindabyne Road will primarily occur in winter when the Hawthorn Hedge under goes abscission (losses leaves). To mitigate any undesirable impacts and to create a uniform effect, a condition of consent will require the developer to construct a fence along the eastern boundary. Additionally, a restriction on use will be applied to exclude building within 10m from the eastern boundary of lots 1 – 6 and 28 the further retain the heritage values of the hedge.

Waste facilities and controls

The road network proposed will have adequate widths to allow for waste services for the lots in the development.

Noise and vibration

There is a level of noise that is associated with the moving of construction vehicles associated with subdivisions works and Council has negotiated with TfNSW to allow for all heavy machinery associated with the subdivision works to gain access to the site via the existing access of Jindabyne Road. This will in part reduce the impact on the residence for Mackay Street, Hoskin Street and Kiparra Drive. A condition of consent will limit this access to the subdivision works only and will have an associated construction management control plan submitted to TfNSW.

The noise generated by the development of future dwellings are considered to be reasonable as both the subject land and the area through which the traffic will pass are both urban and will be used for residential development. It is acknowledged that the subdivision will increase traffic movements and during the initial construction phase of the subdivision this will result in additional noise within the area. However, the noise associated with construction would be temporary and have no lasting impact

Safety, security and crime prevention

It is likely the safety and security of the area is to benefit with the future addition of new dwellings in the subdivision as this will increased public surveillance.

Social impact in locality

The proposed development will have a level of impact on the existing residence of Berridale especially those residing along Kiparra Drive.

A common preconception of the characteristics of the existing road network is that the volume of traffic currently seen within the area is too large for the local roads, which are considered to be narrow and go through quite residential areas. In particular, concerns that the risk of car accidents

will increase, because of increased traffic but also because the road is not straight or adequately wide enough to cope with the increased traffic movements.

Other social impacts include reduced air quality, increased noise, decreased property value, pedestrian & cyclist safety and wasted time

The development is not considered to have an unreasonable social impact on the locality. It will bring additional house sites onto the market allowing for choice in housing and land type. The site is proposed to provide pedestrian and vehicular links into Kiparra Drive, providing connectivity to the existing local road network and public open space on Hoskin Street.

Provisions have also be made to allow for linkages with other residential developments to the west of the subject site.

Economic impact in locality

The development is not considered to have an undesirable economic impact on the locality. The developer will be required to pay for the infrastructure required to service the site and payment of developer contributions will be required for all lots in the development. These contributions are payable prior to the issue of the subdivision certificate for each stage of the development.

SUBMISSIONS

The application was notified, in accordance with relevant requirements of the Snowy Monaro Planning and Development Community Participation Plan 2019 and the relevant statutory regulations. Notification letters were sent out to adjoining landowners for a period of 28 days.

The application also publicly advertised for 28 days.

The proposed development was amended and amended plans were placed on public exhibition and adjoining landowners were in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019 for an additional period of 28 days.

In total twenty eight (28) objections were received and the issues raised have been summarised below.

Copies of all submissions made form an attachment to this report.

Submission 1

The submitter has expressed concerns regarding the increased number of traffic movements. The submitter is a current resident of Berridale and the traffic will pass directly past their property.

Mackay Street and Hoskin Street provide access to a childcare facility, the police station and a retirement aged care facility located at the end of Hoskins street.

The submission also raised issues regarding the safety of the existing road network;

- The current state of the Mackay Street intersection is unsafe without a turning lane.
- There are no footpaths on Hoskin Street and Kiparra Drive both of which have pedestrians walk dogs, prams and children on the road.
- There is no Crosswalk between Hoskins Street and Mackay Street.

- The time delay experienced when turning on to and from Mackay Street and the compounding impact of increased traffic experienced during winter.
- The safety of the Mackay Street intersection.

Furthermore the submission also raised concerns regarding the unnecessary additional kilometres and carbon emissions caused by the removal of the Jindabyne road access, fire evacuation risk and access for emergency services, increased noise pollution, potential substantial increased wear and tear on the streets and that the streets are not adequate to cater for construction traffic and the delivery of manufactured homes.

Submission 2

The submitter has expressed concerns regarding the increased number of traffic movements. The submitter is a current resident of Berridale and the traffic will pass directly past their property.

Mackay Street and Hoskin Street provide access to a childcare facility, the police station and a retirement aged care facility located at the end of Hoskins street.

The submission also raised issues regarding the safety of the existing road network;

- The current state of the Mackay Street intersection is unsafe without a turning lane.
- There are no footpaths on Hoskin Street and Kiparra Drive both of which have pedestrians walk dogs, prams and children on the road.
- There is no Crosswalk between Hoskins Street and Mackay Street.
- The time delay experienced when turning on to and from Mackay Street and the compounding impact of increased traffic experienced during winter.
- The safety of the Mackay Street intersection.

Furthermore the submission also raised concerns regarding the unnecessary additional kilometres and carbon emissions caused by the removal of the Jindabyne road access, fire evacuation risk and access for emergency services, increased noise pollution, potential substantial increased wear and tear on the streets and that the streets are not adequate to cater for construction traffic and the delivery of manufactured homes.

Submission 3

The submitter strongly objects to the revised road access plan through Mackay Street and Kiparra Drive. In the opinion of the submitter the Jindabyne Road access is the more logical and sensible option and that there is more than ample room on the main road for a new intersection.

The submitter also expressed concern regarding social impacts which included increased noise and road safety. In the opinion of the submitter the Mackay street intersection is dangerous with poor visibility especially in spring and autumn when the sun is setting. Further concerns are expressed relating to the ability of construction vehicles not being able to negotiate the intersection turning onto and off a busy main road and negotiating the "silent police man

located within the intersection.

The submitter has stated that they feel the traffic report is deficient and inadequate as the traffic data collection was carried out in August 2021 and would have been affected by COVID lockdowns.

Further concerns for the safety of children to play in the street and ride bikes safely along Kiparra drive, which is a street which is described as a quiet street, have also been raised.

Submission 4

The submitter has raised concerns regarding the extent of the Hawthorn hedge required to be remove as part of the Jindabyne Road intersection. The submission states that the hedge is of historical significance and that it will provide privacy to the residence and retain the look of Berridale.

The submitter has also provided some additional road naming options which would reflect previous street naming in the township which were named after men from Berridale who were killed in WW1.

Submission 5

This submission has been made on the behalf of a resident of Kiparra Drive.

The submission has raised concerns regarding the impact of additional traffic movements along Kiparra Drive and is of the opinion that the connection to Kiparra drive should be removed altogether.

They have raised concerns regarding the potential for stormwater to be directed into the existing residential development in Kiparra Drive and concerns regarding the lack of recreational, open space and pedestrian thought fares.

It is additionally stated that they are concerned that there is no use of building envelopes to regulate development.

The submitter has had the application reviewed by peers who have highlight the following additional concerns;

- a. The site is mapped with a watercourse and requires 28 days of advertising
- b. The site is flood prone
- c. The site includes native vegetation

Submission 6

Initially the submitter has stated that they are pleased to see additional development in Berridale which could assist with the relieving housing pricing in Berridale.

The submitter has however raised the following concerns:

- a. The proposed intersection is located to close to the Southern Cross intersection and should be relocated south away from the existing intersection.

- b. The location of the northwestern road should be moved so as to facilitate a more orderly traffic flow.
- c. It is the opinion of the submitter that the proposed 15m wide road width is not adequate width to cater for tourist and dual occupancies. Believes that there should be on street parking provisions on a minimum of one side of the road.
- d. Believes that some changes to the lot layout should be considered to make it more attractive.

Submission 6a – second submission

The submitter has provided an additional submission in light of the removal of the Jindabyne access and states that they are not in favour of the subdivision being access via Mackay and Hoskin Street and Kiparra Drive and in their opinion an access on to Jindabyne Road must be granted at the expense of the Heritage listed hedge.

The submission further provides suggestion for amendments to the lot layout.

Submission 7

The submitter is a resident that accesses their land via a driveway located on Kiparra Drive.

The concerns raised are that the revised proposal have the sole access to the subdivision via Kiparra drive and that there are no footpaths for pedestrians that the Mackay Street intersection will need upgrading as it is in a poor state.

It is the opinion of the submitter that the increased traffic movements will make these streets busy and will require street trees to be maintained to allow school bus collection and high vehicles.

Submission 8

The submission comes from a resident of Kiparra Drive and objects to the proposed subdivision for the following reasons;

- There are no footpaths for pedestrians to walk on in Kiparra drive and is dangerous and unsafe.
- The playground on the corner of Hoskin Street and Kiparra Drive is not fenced and the additional traffic will increase the danger to children playing and should be fenced.
- The Mackay Street intersection is unsafe and requires upgrading.
- Concerned for the colony of frog within the subject lot.
- No notification sent to residents that will be affected.
- Constant large trucks on narrow street with school children is a significant safety issue.
- The ability of large abnormally wide loads entering the existing street network will have in the opinion of the submitter a detrimental effect.
- The additional light pollution from the amount of high beams used in the street as a result

of the increased traffic.

- Kiparra drive is used by motorist to escape police breath testing on Jindabyne Road – potential for accident.

Submission 9

This submission objects to the change of access to solely from Kiparra Drive. In the opinion of the submitter the Mackay street intersection would need to be upgraded to cater for the additional traffic. The proposed access will put children and the elderly that live in Kiparra Drive at risk as there are currently on footpaths.

The submission also identifies that the park on the corner of Hoskin Street and Kiparra Drive is not currently fenced and that a fence would help keep children safe from the increased traffic movements.

Lastly the submitter is concerned about the increased light from high beams and noise generated by traffic accessing the new subdivision which will change the current ambience of the area.

Submission 10

This submission is made by a resident of Mackay Street. The objection is to the removal of the Jindabyne Road access. The submitter highlights that the proposed subdivision will increase the traffic movements using the Mackay Street intersection and the land should use has Jindabyne Road frontage and as such should be made to use this as the primary access.

The submitter thinks that the increase traffic movements will impact on the aged residence accommodation (located at the end of Mackay Street).

The submitter raises concerns regarding the cumulative effect of multiple subdivisions being accessed via the Mackay Street intersection and states that in their opinion that the intersection is poorly constructed and requires traffic to slow down to negotiate the intersection and that this will be exacerbated by the increased traffic movements.

Further concerns are regarding that cars park on the side of Mackay street and is challenging to navigate and assumes that this is the same of Hoskins street and Kiparra Drive.

There are no footpaths along Hosking Street and Kiparra Drive and therefore is unsafe for pedestrians, young children, and parents pushing prams and that the Traffic report did not take into consideration the Childcare facility located in Pryce Street.

Concerns that there will be confusion for emergency services trying to access the development via three roads.

Submission 11

The submitter has stated that they are not opposed to the subdivision nor the access to the development having connection to Kiparra Drive, but that the development should have at least

two (2) points of access.

The submitter believes that Kiparra Drive was only meant to service the existing lots.

The submitter is further concerned about the lack of footpaths along local streets and that the increased traffic will endanger children and locals who walk on the roads, the lack of fencing around the park on the corner of Hoskins and Kiparra and the

The submitter has asked why can the access not be directly from Southern Cross drive, Middlingbank Road and then Jindabyne Road?

Officers Response:

Discussions with both Council's development engineer and TfNSW officers have considered several alternative options for access to the development. An access via Middlingbank and Southern Cross is not reasonable and is considered to be overly convoluted and that it is reasonable to conclude that future residents ultimately would use a more direct route and access the subdivision via Kiparra Drive.

Submission 12

This submission is made by a resident of Kiparra Drive. The submitters strongly object to the removal of the Jindabyne Road access and believes that the primary access should be from Jindabyne Road, at the developer's expense.

The submitter have stated that they purchased in Kiparra Drive as it is currently a quiet street and this will change should the development be primarily accessed from Kiparra Drive, furthermore they highlight the fact that the increased noise from additional pedestrian and vehicle traffic will affect their quality of life.

Submission 13

This submission has been made on behalf of a resident of Kiparra Drive.

The submission objects to the proposal and the redirection of the traffic through Kiparra Drive, which is described as a quiet residential precinct. The submitter's client believed that the increase of traffic will have a large impact on the residents of Kiparra Drive and that the existing local road network cannot handle the increased traffic the subdivision would produce.

The submission highlights concerns regarding the safety of existing residents, including children, when accessing the Kiparra Drive and Hoskin Street park as there are no footpaths.

There is a concern that increased traffic flow could possibly cause property in that area to be de-valued and that the preferred revert access to the originally proposed via Jindabyne Road.

The submission suggests an alternative access option being through the privately owned land to the northwest (28 Hoskin Street).

In the opinion of the submitter the Mackay street intersection would need to be upgraded to cater for the additional traffic and that the developer should be responsible for upgraded at the cost of the developer and the upgrade costs should not passed on to TfNSW or Council and subsequently rate and tax payers.

The submission implore both Council and TfNSW to understand that the approval of the subdivision will not change the number of vehicles accessing Jindabyne road, it will only change where are access if from.

Officers Response:

The SEPP (Transport and Infrastructure) 2021 states that where an existing road networks can be utilised that a new intersection is not considered to be desirable. This is due to the fact that primary function of main roads are the efficiency of vehicles travelling from one point to another. The more connections there are on to a main road will reduce the efficiency of the main road network and as such TfNSW will not, where an alternative is available, support a new intersection.

Submission 14

This submission has been made on behalf of a resident of Kiparra Drive.

The submitter is concerned about the high volume of traffic increase along Kiparra Drive, in addition to the traffic servicing a childcare, the police and the retirement village (at the end of Mackay Street). It is dangerous in the opinion of the submitted turning into and out of Mackay Street on to Jindabyne Road during peak season and the increased traffic will compound this issues. Furthermore there are no footpaths on Hoskins street and Kiparra Drive or cross-walks which make it unsafe for pedestrians.

The submitter is concerned with the unnecessary kilometres which equate to unnecessary carbon emissions, that the additional traffic will devalue properties and access to the site for emergency vehicles.

The construction vehicles, deliveries and delivery of transportable homes will create undesirable noise pollution.

Submission 15

This submission objects to the entrance for the subdivision coming in from Kiparra Drive and that the access should primarily come from the highway and not through local streets. There are no footpaths on Hoskins Street or Kiparra drive and the Mackay street intersection is inadequate especially at sunset. The other future subdivisions should also be taken into consideration.

Submission 16

This submission has been made on behalf of a resident of Kiparra Drive.

The submitter objects to the sole entry point to the proposed subdivision being through Kiparra Drive as the streets are too narrow with no footpaths. Heavy vehicle traffic (semi-trailers) will have problems turning down Mackay and Hoskin Street and Kiparra Drive.

The submitter has concerns that trees will be cleared and that this should not be permitted, is concerned that if residents park on the road the street will be too narrow for cars to negotiate.

<u>Submission 17</u>
<p>This submission has been made on behalf of a resident of Kiparra Drive.</p> <p>The issued raised in the submission include concerns relating to increased traffic along Kiparra Drive, Hoskin and Mackay Streets and believes that the Mackay street and Jindabyne intersection should be upgraded. Is further concerned about the adequacy of the existing carriage way of Kiparra Drive and that the increased traffic will change the village atmosphere within Kiparra Drive where residence currently allow their children to play in front yards and move between houses along to street.</p>
<u>Submission 18</u>
<p>This submission has been made on behalf of a resident of Mackay Street.</p> <p>The submitter raises concerns about the only access to the proposed subdivision being from Mackay street and via existing local roads. The submitter states that there is an existing high volume of traffic utilising these street to access the police station, the aged care facility and the childcare centre.</p> <p>The submitter also expresses concerns about the traffic leaving and entering Mackay street from that the Jindabyne Road is not sufficient and that during peak winter and summer periods traffic can build up on Mackay street and Jindabyne road. It is also highlighted that the traffic count carried out was during COVID lockdowns and that the traffic report did not take into consideration the aged care facility, the future development at the end of Hoskin and Brown street.</p> <p>Furthermore, there have been concerns raised about the adequacy of the existing carriage way within the local network to cope when cars are parked on the street, ability to handle construction vehicles, the lack of footpaths on Hoskin Street and Kiparra Drive and access for emergency vehicles is limited to one access.</p> <p>The submitter asked a question as to how a subdivision can be approved and then changed to remove the access and that it should not have been approved in the first place.</p> <p><u>Officers Response:</u></p> <p><i>There has been no pre-lodgement meetings held with Council prior to the subdivision being advertised for sale and there is no other approval other than the one before Council as part of this application.</i></p>
<u>Submission 19</u>
<p>This submission has been made on behalf of a resident of Kiparra Drive.</p> <p>The submitter questions how council allowed the sale of these lots based on the subdivision having a Jindabyne Road access.</p> <p><u>Officers Response:</u></p>

There has been no pre-lodgement meetings held with Council prior to the subdivision being advertised for sale and Council has no jurisdiction over how developers market or sell their developments.

The submitter objects to Council and the TfNSW preventing an access to a classified road where there is an adequate local street network and believes that Council and TfNSW are putting the lives at risk due to the lack of footpaths which require the elderly and young to walk along the streets.

Additional risks raised by this submission include the increased traffic in local streets during construction periods, the vulnerable location of the Hoskin Street playground and the devaluation of properties due to increased noise and pollution.

Submission 20

The submission states that all members of the community that attended the community meeting would like to ensure that some of the Hawthorn bush be protected but that a slip lane or roundabout intersection should be created onto Jindabyne road to access the proposed subdivision.

As a resident of Mackay street they are concerned about the safety of the subdivision being accessed via the existing street network rather than the developer being required to create a new intersection onto a busy main road.

Submission 21

This submission is made by a member of the wider Berridale community.

The issues raised are regarding the inadequate road widths proposed within the proposed subdivision and the capability of the proposed streets to allow easy access for medium ridged vehicles such as firetrucks when cars are parked on the street. Additionally concerns are raised regarding the increased traffic on Kiparra Drive and believes that the removal of the Jindabyne road is purely done by the developer to reduce costs. Further highlights that the traffic count carried out and results shown in the GHD Traffic Report was carried out during COVID lockdown periods.

Lastly, the submitter is concerned about the management of overland flow once the subdivision has been completed.

Submission 22

This submission was presented to the developer at a community meeting between the developer and members of the Berridale Community.

Various questions which form part of this submission have been previously answered by the developer.

Remaining Questions include the following;

- Who doesn't want the Jindabyne Road entrance?

Response: Clause 2.118 of SEPP (Transport and Infrastructure) 2021 states that a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable and safe, vehicular access to the land is provided by a road other than the classified road, governs the outcome in regards to access to the subject proposal.

- What measures are in place for emergencies?

Response: See below the response titled 'Emergency Services'

- With the additional traffic what will be don't to keep the children and other pedestrians safe?

Response: A condition of consent will require the developer to construct a footpath along Hoskin Street and Kiparra Drive.

- What considerations have been given to the additional traffic in the streets and heavy vehicles during the initial construction?

Response: Please see the below response titled 'Traffic'

- Are footpaths going to be added to Hoskin Street and Kiparra Drive?

Response: Yes, the footpath will include pram crossing treatments at each road crossing.

- Is there any traffic calming measures proposed for Mackay Street?

Response: No

- Is the Mackay Street and Jindabyne Intersection going to be fixed?

Response: As part of this development a condition of consent will require the developer to construct a BAR intersection treatment. However there was no requirement from TfNSW for any other upgrades.

- What Plans does Council have to fix the current infrastructure, which will not cope with the increased developments?

Response: It is unclear as to which specific infrastructure is referred to. The developer will pay contributions for both water and sewer, which will enable the ongoing maintenance and required upgrade to these services. The Berridale treatment plant and reservoir both have adequate capacity to accommodate expected demand from the proposed development.

- Why wasn't every resident in Kiparra Drive directly notified?

Response: Please see response below titled 'Community Consultation'

- Who is responsible for maintaining the Hawthorn Hedge?

Response: The Hawthorn Hedge is within the road reserve and as such the maintenance falls to Council.

- The town needs 3 roundabouts to make Jindabyne Road safer.

Response: Jindabyne Road is a classified state road and is not under the jurisdiction of Council. The primary function of main roads is to ensure the efficiency of vehicles travelling from one point to another. The more connections there are onto a main road reduces the efficiency of the main road network. Any additional intersection treatments are at the discretion of TfNSW.

Submission 23

The submitter objects to the revised proposal to provide access to the subdivision solely from Kiparra Drive and raises the following items to be considered;

- The access to the existing single dwelling is from Jindabyne Road
- There are several intersections along Jindabyne Road with no specific turning provisions.
- Access via Kiparra Drive is long and convoluted and is especially undesirable in the event of an emergency.
- The additional 38 lots will increase the traffic along existing local roads.
- It's unfair to the current residents of Kiparra Drive.

The Hawthorn Hedge is a scrappy English weed and in the opinion of this submitter is of no value and not a legitimate reason to exclude access from Jindabyne Road.

Submission 24

This submission comes from a resident of Kiparra Drive.

The submitter is concerned for the loss of privacy they will experience if the subdivision is approved as the development, in the opinion of the submitter, will be full of tourists who arrive late at night and early in the morning during peak times. The submitter proposes that the developer should, at the developer's full expense, pay for the erection of a fence along the submitter's rear boundary to alleviate the privacy issue.

Further the submitter raises issues such as the lack of footpaths in the existing street, that 'Y' junction in Kiparra Drive is dangerous and confusing and that the preservation of the Heritage hedge should prevent the Jindabyne access.

Submission 25

This submission is an objection and is from a resident of Kiparra Drive.

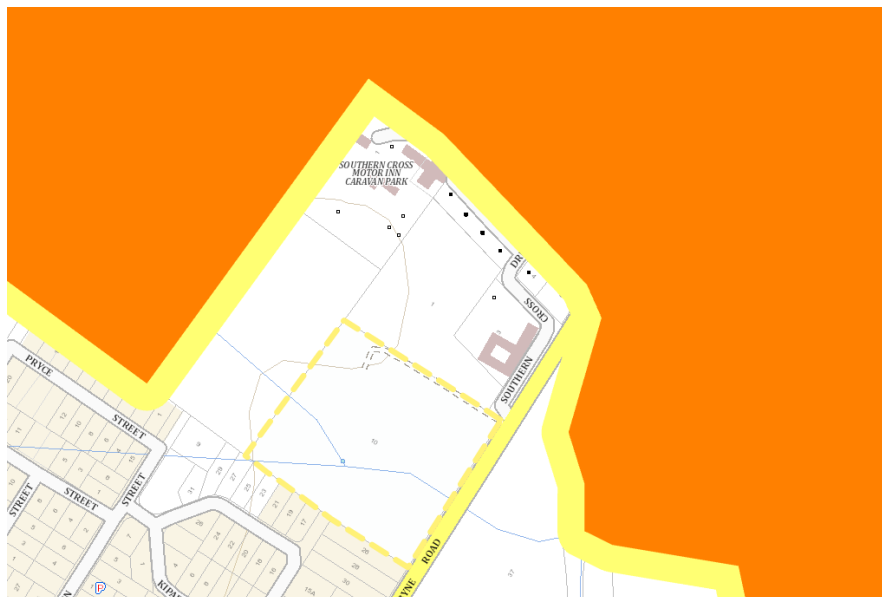
The submitter seeks clarification to the current address for the subject property.

The address for the subject site is 10 Jindabyne Road and forms part of main road 285, which for the majority of the road is called Kosciuszko Road other than the section of road within the township of Berridale.

The submitter has raised concerns that the traffic assessment was carried out during the pandemic which restricted vehicular traffic, doubts the accuracy of the 2% increase and that it did not take into consideration the potential future development at the end of Hoskin Street, the safety of the Jindabyne Road and Mackay street intersection, states that the using Kiparra drive as the sole point of access is not in keeping with the character of the area.

Further concerns are raised regarding the lack of footpaths along Hoskin Street and Kiparra drive, questions if the carriageway in Kiparra drive can accommodate traffic passing when cars are parked on the street.

1. Is the Jindabyne road access being rejected based only on the preservation of the heritage hedge? [Please see the below response titled Hawthorn Hedge](#)
2. Can Council produce written confirmation that the hedge has been listed as a heritage item? [Yes, please access the NSW Government State Heritage Inventory website.](#)
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2410145>
3. Confirm who is funding the road development for this proposal? [The developer.](#)
4. Can Council confirm that the subject land is not bush fire affected? [Yes please see the bushfire mapping below.](#)



The submission objects to the removal of the Jindabyne Road Intersection and wishes to understand who required the removal of the proposed intersection and why. They are further concerned about the safety of Jindabyne Road and Mackay Street intersection and concerned

about the maintenance of the additional infrastructure.
<u>Submission 27</u>
<p>The submission objects to the proposal and the redirection of the traffic through Kiparra Drive, which is described as a quiet residential precinct. The submitter believed that the increase of traffic will have a large impact on the residents of Kiparra Drive and that the existing local road network cannot handle the increased traffic the subdivision would produce.</p> <p>The submission highlights concerns regarding the safety of existing residents, including children, when accessing the Kiparra Drive and Hoskin Street park as there are no footpaths and the capacity of the existing infrastructure to cope with the additional future dwelling.</p> <p>In the opinion of the submitter the Mackay street intersection would need to be upgraded to cater for the additional traffic and that the developer should be responsible for upgraded at the cost of the developer and the upgrade costs should not passed on to TfNSW or Council and subsequently rate and tax payers.</p>
<u>Submission 28</u>
<p>The submitter believes that the access from Kiparra Drive is unnecessary as there is an existing access onto Jindabyne Road and states that the residence of Mackay and Hoskin Street and Kiparra Drive are vulnerable and Council should take the residence safety into consideration.</p>

Offices Response

There have been a number of objections submitted regarding the subject development application. The submissions raise a number of similar issues and as such the consideration of the submissions below is summarized by issue not individual submission.

Traffic

The initial proposal proposed an intersection and access directly to Jindabyne Road. Upon initial referral to Transport for NSW and upon comments received the developer amended the proposal to remove the Jindabyne Road intersection. The referral to TfNSW required the applicant to address section 2.118 of SEPP Transport and Infrastructure 2021, which states that the consent authority **must not** grant consent to development on land that has a frontage to a classified road unless it is satisfied that a practicable and safe, vehicular access to the land is provided by a road other than the classified road.

The applicant provided a traffic report prepared by a qualified engineer which looked at the traffic data collected over August 2021. This month typically would be the busiest month of the year for traffic, however it is acknowledged that the data collected in 2021 would have been affected by the COVID lockdowns. The body of this report also looked at the capacity of the existing street network and used the standard Snowy River Geometric Road Design - AUS-SPEC-1 document to also calculate the vehicle movements. This document and relevant table is not affected by COVID. When calculating the number of traffic movements on Hoskin Street the potential future development of 28 Hoskin Street was included in the calculation and is also noted that the subdivision of 35 Kiah Lake Road has pedestrian connectivity only

and no vehicle access. Consequently, both the traffic report and calculation made by Council staff both conclude that there is adequate capacity within the existing road network to support the proposed development.

It is recognised that a Jindabyne Road access would reduce traffic on local streets and it is the option to which submitters favour. However, the SEPP legislation unmistakably states that the consent authority **must not** grant consent to development on land that has a frontage to a classified road unless it is satisfied that a practicable and safe, vehicular access to the land is provided by a road other than the classified road.

In addition to ensure the safety of pedestrians along Hoskin Street and Kiparra Drive a condition of consent has been proposed that will require the developer to construct a footpath between the existing footpath on Mackay Street and the new subdivision. In addition a condition of consent will require the developer to construct footpaths along, at a minimum, of one side of all new roads within the subdivision.

Council has negotiated with TfNSW to allow for all heavy machinery associated with the subdivision works to gain access to the site via the existing access. This will in part reduce the impact on the residence for Mackay Street, Hoskin Street and Kiparra Drive. A condition of consent will limit this access to the subdivision works only and will have an associated construction management control plan submitted to TfNSW.

It is considered relevant to mention that Kiparra Drive access is not the sole proposed access and that there is a northwest road proposed to connect with 28 Hoskin Street. Whilst initially Kiparra Drive will be the primary access point, once the future development on 28 Hoskin Street is completed it is reasonable to expect that a significant portion of traffic accessing the 10 Jindabyne Road subdivision will be redirected to the road network within 28 Hoskin Street.

Building Envelopes

The inclusion of building envelopes in the relation to the proposed subdivision is not required to manage future development. All future developments on these lots will be subject to the development standards or the Snowy River Local Environmental Plan 2013, the Snowy River Development Control Plan 2013, State planning provision or any new SMRC planning instruments.

Community Consultation

The application was initially notified and publicly advertised for 28 days in accordance with the Snowy Monaro Planning and Development Community Participation Plan 2019 and received two (2) submissions. The proposed development was amended and the amended plans were placed on public exhibition and adjoining landowners were in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019 for an additional period of 28 days. Twenty eight (28) objections were received. Given the application has been both notified to the adjoining land owners and publically advertised twice and received twenty eight (28) submissions it is reasonable to state that the community where adequate aware of the development and the subsequent amendments.

Watercourse and Flood prone

The applicant has proposed and a condition of consent will require that lot 1 to 6 and 28 burdened by a restriction that all buildings are to be at least 10 metres away from the Jindabyne Road

boundary and if necessary, minimum floor levels for habitable rooms could be specified on these lots, a minimum of 500 mm above the 1 % AEP flood profile.

Furthermore the management of the watercourse and overland flow has been adequately addressed by qualified engineers and these measure checked by council qualified engineers. For example the proposed road grading within the development channels the direction of the overland flows across the site into the proposed 15m road 01 reserve. Road 01 has also been lowered to reduce the impact from the flood extents to adjacent lots.

Therefore the proposed mitigation measures are considered suitable and conditions of consent will apply to ensure compliance with the technical design requirements.

Native Vegetation

The subject land is not identified with Terrestrial Biodiversity or on the Biodiversity values mapping. The subject land is land which has previously been disturbed and used as a hobby farm previously. There are no legislative triggers which require the developer to carry out further ecological assessment.

Emergency Service Access

During the referral process with TfNSW it was agreed that the location of the vacant road reserve will act as an active travel link and provide connection with Jindabyne Road. The width of this will be 6m wide and will include a 2.4m active pathway and bollards to prevent vehicle access to Jindabyne Road. The bollards however will be removable for the purposes of provided emergency service access and if required an alternative escape route for residences exiting the subdivision in an emergency.

Noise and Light impacts

It is acknowledged that the subdivision will increase traffic movements and during the initial construction phase of the subdivision this will result in additional noise within the area; however, the noise associated with construction would be temporary and have no lasting impact.

The noise generated by the additional dwellings are considered to be reasonable as both the subject land and the area through which the traffic will pass are both urban and will be used for residential development.

The appropriate use of vehicle lights are subject to NSW road rules and regulations and whilst it is recognised that there will be an increased number of vehicles travelling along the existing road networks using their headlights, it is reasonable to expect that these drivers are aware of the road rules and will abide by them.

Hawthorn Hedge

The Hawthorn Hedge is a part of the Heritage listed item 57 – Cultural Streetscape, and is an aspect which this report has considered. However, it is not the deciding factor which lead to the removal of the Jindabyne Road access. The legislative requirements of the State Environmental Planning Policies surpass the development control and considerations of local governments planning instruments. As such the wording of clause 2.118 of SEPP (Transport and Infrastructure) 2021, being that a ***consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable and safe, vehicular access to the land is provided by a road other than the classified road***, governs the outcome in regards to access to the subject proposal.

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 listed below.

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 the level of traffic travelling along the local street network will increase, it is considered that with the construction of footpaths and upgrade to the Jindabyne Road and Mackay Street intersection the overall safety of the area will improve. The development is in keeping with established residential land uses in Kiparra Drive, Hoskin Street, Mackay Street, surrounds and within the broader Berridale context as a village.

2. Environmental

The subject site is zoned as residential land, is not identified on Council's Terrestrial Biodiversity mapping or the NSW Governments Biodiversity Values map. The subject land has previously been disturbed and used as a hobby farm. There are no foreseen significant environmental impacts as part of the proposed development.

3. Economic

The proposed development is considered to have positive economic impacts by providing additional residential land which will contribute positively to the economy of the region. In addition the future construction of dwellings within the subdivision 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 twenty six (26) 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*.

References

Australian Bureau of Statistics (2016), *.idcommunity; Snowy Monaro Regional Council Community Profile* <https://profile.id.com.au/snowy-monaro>

NSW Government (2022), State Heritage Inventory
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2410145>

Transport for NSW (2022), *Towards Zero (Liveable and Safe Urban Communities Initiative)*,
<https://towardszero.nsw.gov.au/liveable-and-safe-urban-communities>

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

Record No: I22/196

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 ordinary meeting of Council held on 17 June 2021 considered a planning report with a recommendation to approve 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 recommendation was not supported. Council requested further information be supplied from the applicant in regard to the Ecotourism aspects of the development other than what had been supplied in the statement of environmental effects and that Council further considers the presentations made at this meeting to allow Council to determine the application.

In response the applicant has provided additional documentation including, a Traffic Impact Assessment, a Visual Impact Assessment, a Management Strategy, 3D renders of the proposed cabins and managers residence and a Resolution Response. A copy of the documents are attached to this report.

Council staff have provided a response to the presentations made at the February meeting and have provided further assessment on the development standards for Eco-tourist facilities, Visual impact, Privacy and Traffic.

The body of this report remains unchanged from the report presented to Council on 17 February 2022 with the inclusion additional attachments which provide additional information regarding clarifying and supporting information regarding Ecotourism aspects of the development. The additional attachments are:

- Resolution response

- Management strategy
- Perspectives
- Visual impact statement
- Traffic impact study
- Construction plan
- Solar panel brochure

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. Resolution Response (*Under Separate Cover*)
4. Management Strategy (*Under Separate Cover*)
5. Perspectives (*Under Separate Cover*)
6. Visual Impact Statement (*Under Separate Cover*)
7. Traffic Impact Study (*Under Separate Cover*)
8. Construction Plan (*Under Separate Cover*)
9. Solar Panel Brochure (*Under Separate Cover*)
10. Statement of Environmental Effects (*Under Separate Cover*)
11. RFS Determination Letter & Bush Fire Safety Authority (*Under Separate Cover*)
12. Bush Fire Assessment Report and Supplementary Documentation (*Under Separate Cover*)
13. Flora and Fauna Assessment Report (*Under Separate Cover*)
14. BAISX Certificate (*Under Separate Cover*)
15. NatHERs Report x 11 (*Under Separate Cover*)
16. Deposited Plan 1215063 (*Under Separate Cover*)
17. Submissions (*Under Separate Cover*)
18. 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

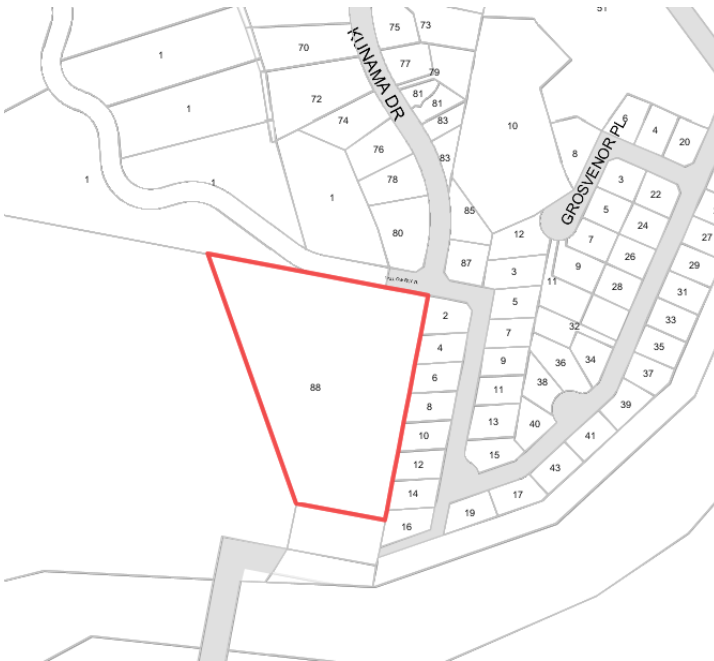


Figure 2: Subject Lot

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

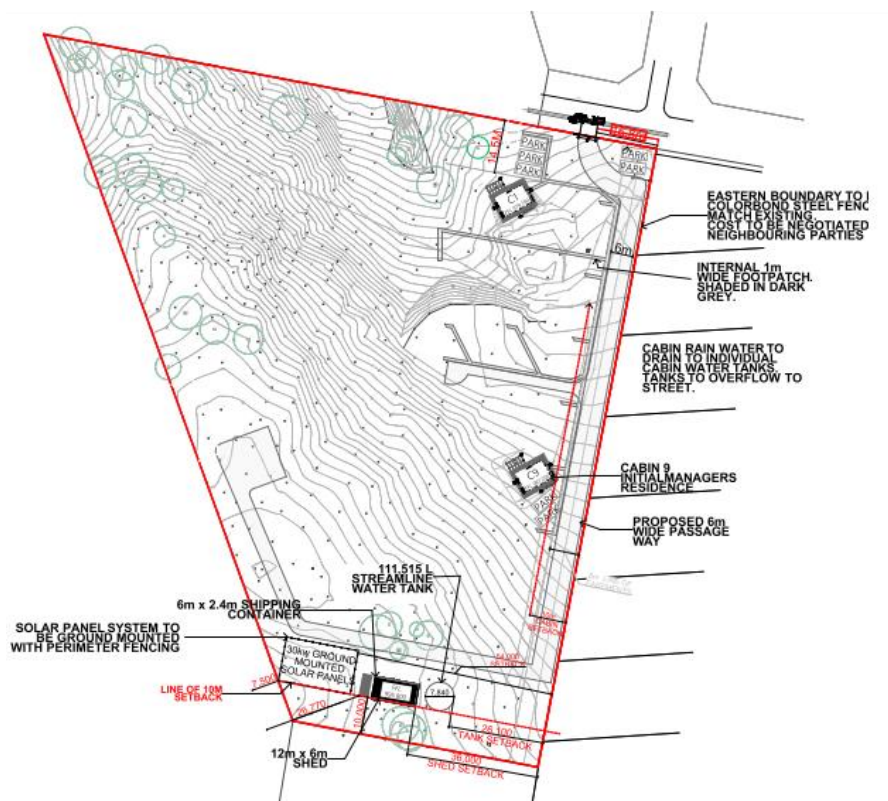


Figure 3: Proposed Site layout – Stage 1 (Cabins 1 & 9 (temporary manager's residence and bushfire refuge), storage shed, solar panels and shipping container)

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

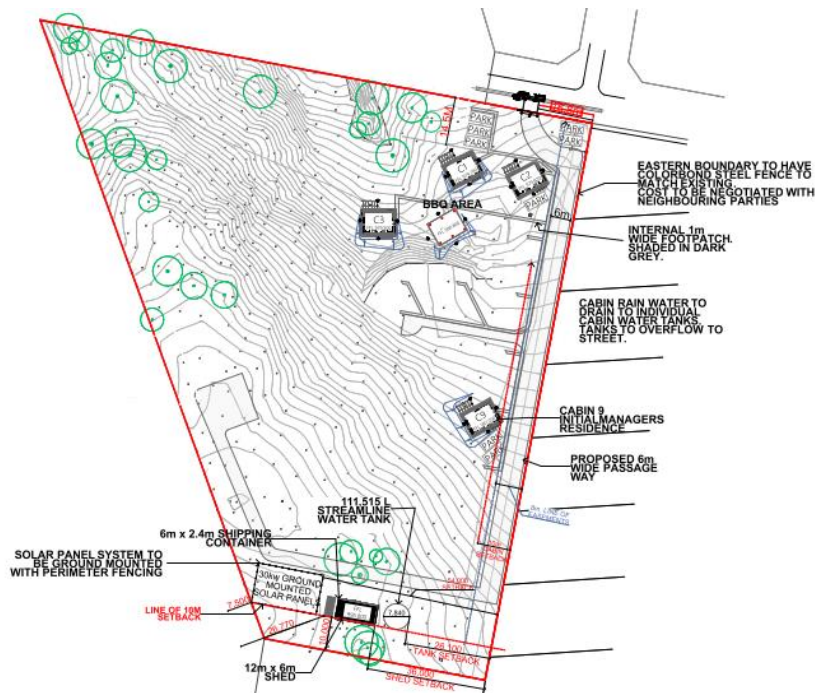


Figure 4: Proposed Site layout – Stage 2 Cabins 2 & 3 and the communal BBQ area

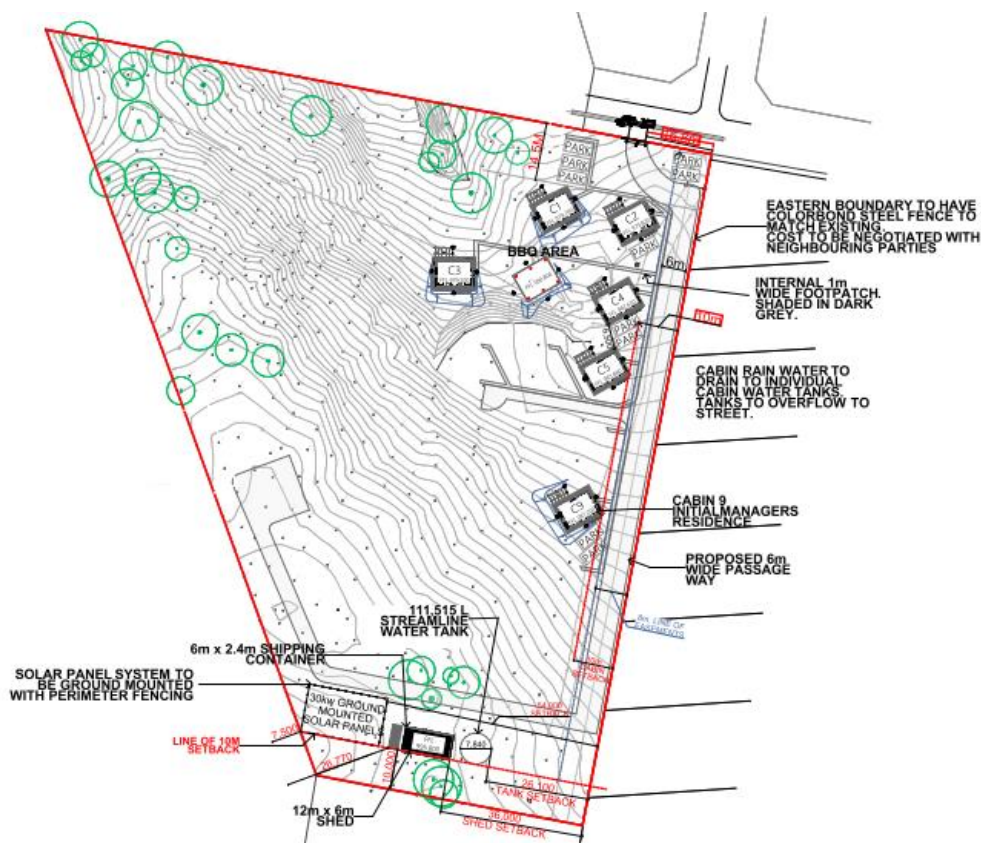


Figure 5: Proposed Site layout – Stage 3 Cabins 4 & 5





Figure 8: Proposed Site layout – Stage 6 Managers Residence

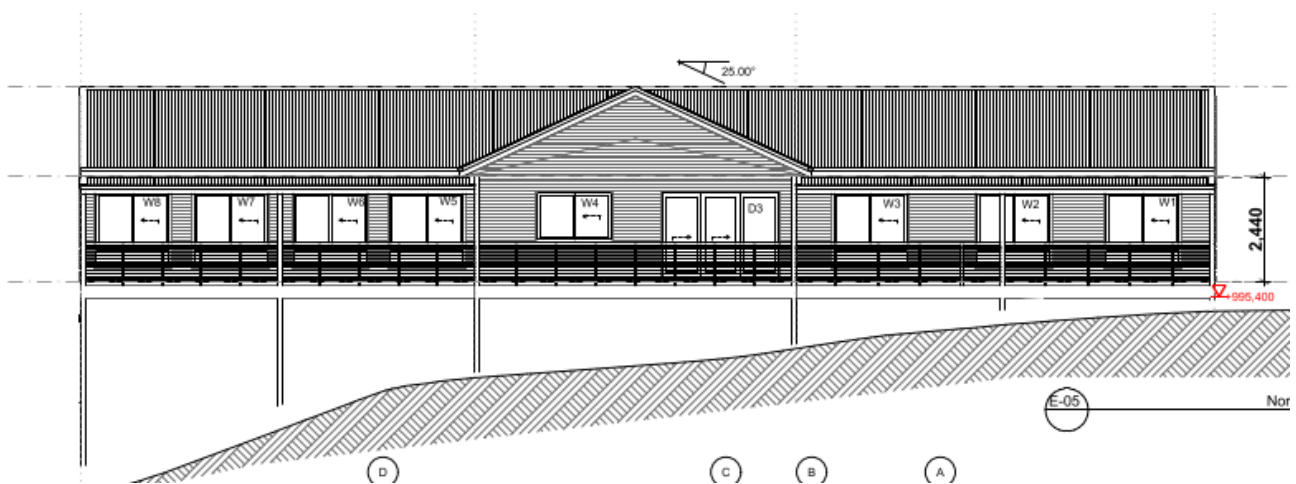


Figure 9: Perspectives – Manager's Residence



Figure 10: Elevations – Cabins

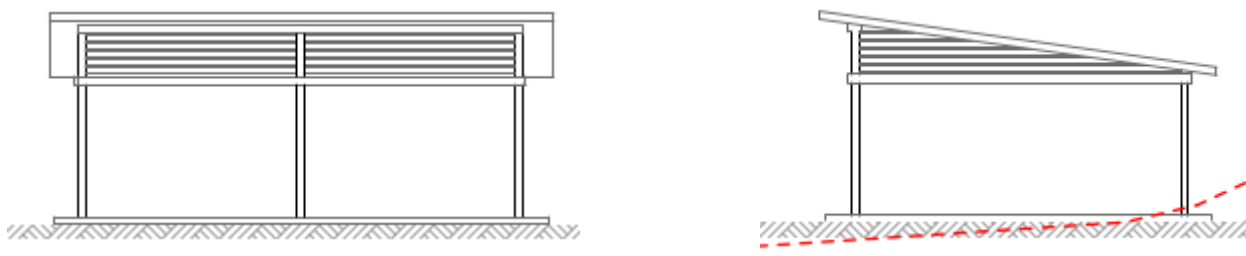


Figure 11: Elevations – BBQ Area

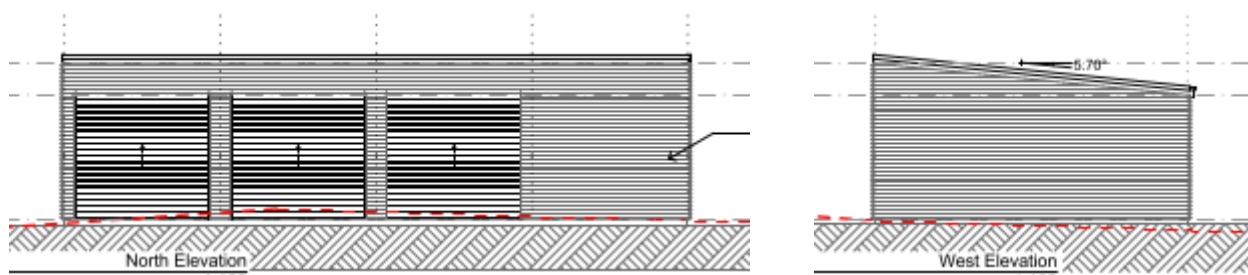


Figure 12: Elevations – Shed

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:

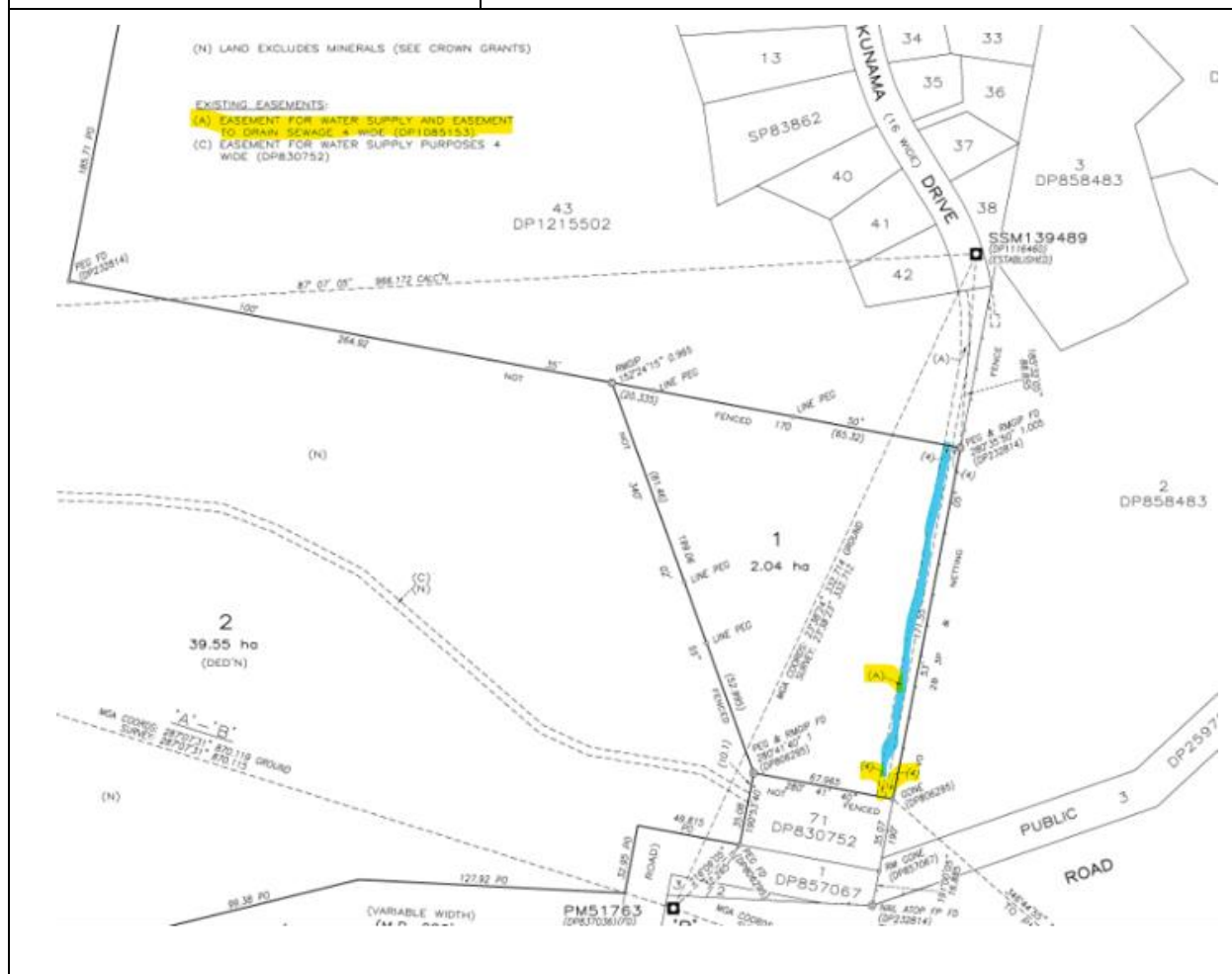
- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);

- 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	<p>A 30KW solar system is proposed to service all cabins as it principle source of power. Mains electricity is connected on site to provide back up support for the solar system.</p> <p>Mobile coverage available.</p> <p>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</p>

	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.



Aboriginal sites	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).
Threatened species	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.

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)

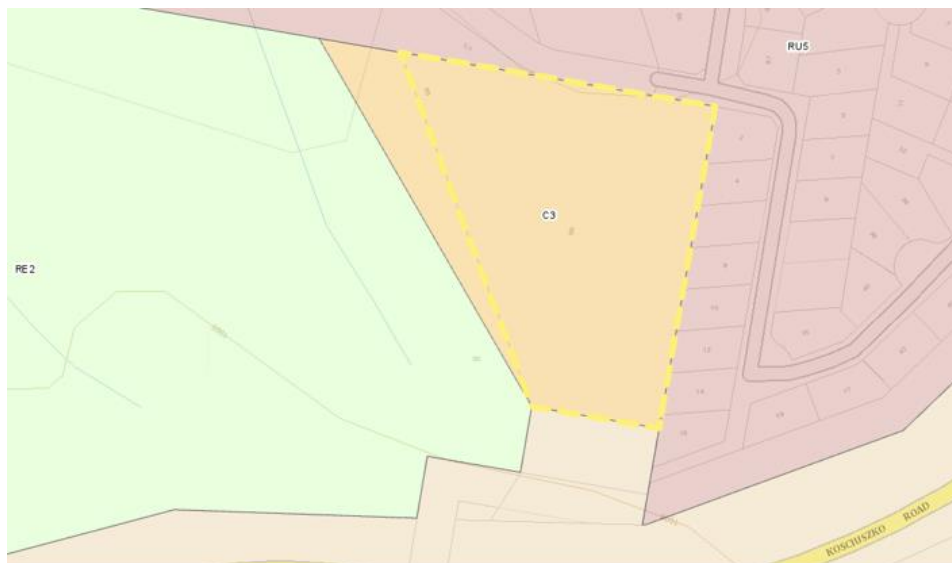


Figure 14: Zone map post 1 December 2021 (C3)

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 of an “Eco Tourist Facility”.

DEFINITION OF USE	
(a) provides temporary or short-term accommodation to visitors on a commercial basis, and	The proposed development is for the purpose of providing temporary or short-term accommodation to visitors on a commercial basis as such (a) is satisfied.
(b) is located in or adjacent to an area with special ecological or cultural features, and	The subject land is in an area with special ecological features as the detailed in the Flora and Fauna report provided by the applicant. A recorded Aboriginal Cultural

	<p>Heritage site is located on the property which will not be impacted but provides guests an opportunity to appreciate the areas rich cultural history.</p> <p>The land backs directly onto a 36 ha Council owned allotment, zoned RE2 (Private Recreation) which contains areas of ecological significance and provides habitat for various native fauna and direct connection to the a significant cultural features in the area being, Lake Jindabyne (part of the Snowy Mountains Scheme).</p> <p>As such the subject lot is uniquely located to allow guests to access special ecological and cultural features both on and off site and it is concluded that requirement (b) is satisfied.</p>
<p>(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.</p> <p>It may include facilities that are used to provide information or education to visitors and to exhibit or display items.</p>	<p>The cabins have been located where the environment has previously been disturbed to ensure all the natural characteristics of the site are maintained.</p> <p>The overall footprint of the cabins is only 70.52m². With the 10 cabins the total area of eco tourist development is 705m² which can be considered 'small scale' development on the large 20,400m² site (3.5% of the site).</p> <p>It is considered that the information provided by the applicant demonstrates that the proposed development has been designed to sit in harmony with the topography and nature of the site, with the aim to maintain the environmental and cultural values of the land and provide information and education to visitors.</p> <p>Therefore it is considered that requirements of (c) have been satisfied.</p>

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.*

The application has been fully assessed, against all provisions of the SRLEP 2013 and the SRDCP 2013. The following provisions are of specifically of relevance to Eco-tourist facilities:

Eco–tourist facility development standards and provisions

Snowy River LEP 2013 Clause 5.13 Eco-tourism facility

<u>Objectives</u>	
<i>(1) The objectives of this clause are as follows—</i>	
(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,	<p>The cabins have been located where the environment has previously been disturbed to ensure all the natural characteristics of the site are maintained.</p> <p>The Management Strategy provided by the applicant states that they are committed to enhancing the current site having made future considerations to plants more native trees, shrubs, and grasses. They proposes through consultation with local landscape experts and research into seeding and grass development, aim to increase growth of endangered grasses such as kangaroo grass on the site. It is noted that the regeneration of the site will occur over time.</p> <p>Furthermore the applicant proposes to constantly expand the educational experiences through the strategic placement of information boards around the cultural site, including the identified aboriginal artefact and areas of ecological significance.</p> <p>It is therefore considered that the proposed development will maintain the environmental values of the site and may in fact result in a level of improvement.</p>
(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.	<p>The cabins have been located where the environment has previously been disturbed to ensure all the natural characteristics of the site are maintained.</p> <p>The overall footprint of the cabins is only 70.52m². With the 10 cabins the total area of eco tourist development is 705m² which can be considered 'small scale' development on the large 20,400m² site (3.5% of the site).</p> <p>The design of the cabins has considered the principles of passive heating and cooling and have chosen building methods accordingly and have orientation to maximise these opportunities.</p> <p>The proposed materials for the cabins is colourbond and whilst colourbond is not a recycled material, it is</p>

	<p>durable and is considered to be appropriate given the harsh climate of the area.</p> <p>The applicants also proposes that the cabins will have two (2) recycled timber features. The wood is sourced from old bridges railway lines and other unused structures and recycled will be used to add a piece of local history and a change in the façade to make the cabins more aesthetically pleasing.</p> <p>These colours blend into the mountain environment ensuring that the development do not dominate the landscape.</p> <p>The primary source of power and water to the cabins is from renewable sources.</p> <p>Each cabin will be provide storage for recycling and compost and the proposed cleaning products at the facility are the environmentally friendly ego Eco cleaning products and gardening products</p> <p>Therefore, it is considered that the buildings and proposed management of the eco-tourist facilities has been sensitively designed and have minimal impact on the environment both on and off-site.</p>
<p><i>(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.</i></p> <p>The subject land is located in zone E3 - Environmental Management in which Eco-tourist Facilities are permissible.</p>	
<p><i>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—</i></p>	
<p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p>	<p>The applicant has provided a flora and fauna report which states the site has areas of ecological significance and provides habitat for various native fauna and have provided additional documentation including the Resolution Response which shows that the site is uniquely located to allow guests to access special ecological and cultural features both on and off site. The Management Strategy and the inclusion of information boards and future guest talks consolidates the connection between the development and the ecological, environmental and cultural values of the site or area.</p> <p>Therefore, is it considered that a connection between the development and the ecological, environmental and cultural values of the site or area has been</p>

	demonstrated.
(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 applicant has provided a WHS Management Plan outlining the measures to be undertaken to maintain the site during construction so as to minimise any impact on, and to conserve the natural environment.
(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and	<p>The applicant has provided a Management Strategy. This Strategy proposes the inclusion of information boards and future guest talks to enhance an appreciation of the environmental and cultural values of the site and area.</p> <p>As such it is considered that the proposed development will allow guests to have an enhance appreciation of the environmental and cultural values of the site and the area.</p>
(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	<p>The Management Strategy provided by the applicant's states that they are committed to enhancing the current site having made future considerations to plants more native trees, shrubs, and grasses. They proposes that through consultation with local landscape experts and research in to seeding and grass development, aim to increase growth of endangered grasses such as kangaroo grass on the site. It is noted that this regeneration of the site will occur over time.</p> <p>Furthermore it is noted that the siting of the development has been selected on land which has previously been disturbed to ensure all the natural characteristics of the site are maintained and the impact on native flora and fauna is minimal.</p>
(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	The Management Strategy provided by the applicant's states that they are committed to enhancing the current site and will maintain the areas of existing ecological significance through weed management practices and regeneration programs.
(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and	<p>The applicant has provided a WHS management plan outlining the measures to be undertaken to maintain the site during construction so as to minimise any impact on, and to conserve the natural environment.</p> <p>Additionally, the applicant has outlined, in the Resolution Response document, waste management strategies that will be put into practice in perpetuity.</p>

<p style="text-align: center;"><u>Proposed ongoing waste management strategies</u></p> <table border="1" data-bbox="308 810 1278 1458"> <thead> <tr> <th data-bbox="308 810 828 846">Waste Management</th><th data-bbox="828 810 1278 846">Actions</th></tr> </thead> <tbody> <tr> <td data-bbox="308 846 828 1458"> <ul style="list-style-type: none"> - All waste from the site is to be managed in a safe, tidy and environmentally responsible manner that complies with legislation - Focus on recycling and sustainability - Waste is to be managed in construction and operational phases of the development - Encouragement of waste recycling and minimisation of waste </td><td data-bbox="828 846 1278 1458"> <ul style="list-style-type: none"> • Provide storage for recycling within each cabin • Encourage guests to utilise recycling bins • Use products at the facility that are and are environmentally friendly eg. Eco cleaning products and gardening products • Provide composting options where appropriate • Inform staff, guests and any visitors of waste management and reduction goals • Provide brochures that set out the goals of the facility in terms of waste management with maps and information regarding the recycling protocol on site </td></tr> </tbody> </table>		Waste Management	Actions	<ul style="list-style-type: none"> - All waste from the site is to be managed in a safe, tidy and environmentally responsible manner that complies with legislation - Focus on recycling and sustainability - Waste is to be managed in construction and operational phases of the development - Encouragement of waste recycling and minimisation of waste 	<ul style="list-style-type: none"> • Provide storage for recycling within each cabin • Encourage guests to utilise recycling bins • Use products at the facility that are and are environmentally friendly eg. Eco cleaning products and gardening products • Provide composting options where appropriate • Inform staff, guests and any visitors of waste management and reduction goals • Provide brochures that set out the goals of the facility in terms of waste management with maps and information regarding the recycling protocol on site
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<p>(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</p>	<p>The applicant has provided 3D renders which provide an indication of how the proposed cabins and managers residence will appear within the site.</p> <p>The proposed cabins are low scale being single storey two (2) bedroom cabins.</p> <p>Roof – Iron Grey</p> <p>Walls – Pale Eucalypt with a timber cladding feature.</p> <p>These colours blend into the mountain environment ensuring that the development does not dominate the landscape.</p> <p>The cabins are located well below any ridgelines. The manager’s residence is located on a ridgeline</p>				

however the building would not appear as a skyline structure from the Lake Jindabyne or Kosciuszko Road.

Therefore it is considered that the choice of colour, design and material will blend with the surrounding natural and built environment and as such it is considered that any visual intrusion is minimised.



Figure 15: Cabin 3D perspectives



Figure 16: Managers Residence 3D perspectives



Figure 17: View from Kosciuszko road travelling towards Cooma

<p>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</p>	<p>The site is currently serviced by mains water, sewer and electricity.</p> <p>The installation of rainwater tanks and the solar farm will require minimal modification to the environment.</p>
<p>(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</p>	<p><u>Cabin Design - passive heating and cooling</u></p> <p>Each cabin has been designed with a north aspect in mind to take in most of the winter sun. All glazing in the cabins will be double glazed to maximise heat retention in the winter months and block out a large portion of the summer sun making the cabins more thermally efficient. Additionally, the cabin design include construction measures which maximise the thermal mass of the buildings to make heating and cooling more efficient in both winter and summer months.</p> <p>All lights inside the cabins are proposed to be power saving LED lights.</p> <p><u>Renewable Energy</u></p> <p><u>Water</u></p> <p>In terms of water, each cabin has a 4000L tank for storage which will collect rainwater from the roof and have a small pump and filtration system, the cabins will not be connected to the mains water system as the cabin tanks can be topped up by the 111,000 litre header tank at the top of the block this will collect rainwater from the shed and the managers residence.</p>

	<p>The local average rain fall is 452mm per annum and with a total roof catchment of 960m², the predicted rainwater harvest is 433,920 litres of water per year.</p> <p>The main tank will have a top up system from the mains water if it is required and only accessed if completely necessary. It is estimate that the development will initially harvesting more than 40% of the required water by the development.</p> <p>The applicant has stated, in the Resolution Response that it is intended that this water storage will be increased in the future and aim to reach the target of 70-80% of water usage to be collected and stored on site.</p> <p><u>Electricity</u></p> <p>The proposed development includes an initial 30kw solar electrical system with the intention to expand in the future. It is intended that a battery system installed will also be installed so that on-site storage can be achieved and use of the power generated on-site will be used on-site.</p>
(j) the development will not adversely affect the agricultural productivity of adjoining land, and	<p>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.</p>
<p>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—</p> <p>(i) measures to remove any threat of serious or irreversible environmental damage,</p> <p>(ii) the maintenance (or regeneration where necessary) of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p>	<p>The proposed development will not result in irreversible environmental damage. The cabins and managers residence have carefully being positioned to ensure minimal excavation is required and to ensure that areas of ecological and cultural significance have been avoided.</p> <p>The potential habitats of native species have been identified within the Flora and Fauna Report provided with the application. The Management Strategy and Resolution Response documents demonstrate that the proposal does not require the significant removal of vegetation and a condition of consent requires that all vegetation litter required to be removed for bushfire purposes will not be destroyed but relocated within the preserved woodland areas on the site.</p>

<p>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</p>	<p>Water supply will be collected from roof catchment and stored onsite in various tanks throughout the site. Water reuse options including re-use of grey water for landscape watering landscaping will be implemented and also forms a condition of consent.</p> <p>The ongoing monitoring of the natural environment as outlined in the Management Strategy, including the ability of the on-site managers to constantly monitor the natural environment, will ensure that the sustainable land use as proposed does not conflict with environmental features.</p> <p>The applicant has stated in both the Statement of Environmental effects and the Resolution Response documents that developer is willing to comply with the rules and standards set out in ISO 14000 and will monitor the standard for any changes to ensure quality control.</p>
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DCP Provisions

C8 Environmental Management

1. Minimising Conflicts

(g) Where proposed tourist and visitor accommodation or eco-tourist facility development adjoins or is in the vicinity of existing residential development, the development application is to be accompanied by an assessment demonstrating how land use conflicts have been considered and addressed.

The applicant has provided a document which contain both an assessment demonstrating how land use conflicts have been considered and addressed (The Statement of Environmental Effects and the Resolution Response).

The background for C8 – Minimising conflicts states that conflict can arise in rural areas between agriculture, rural industry and some residential and tourism uses. Additionally, in small rural holding subdivisions the close proximity of tourist uses to residential uses can also be a cause of conflict related to the increased vehicle movements and noise associated with holiday makers.

Whilst this specifically related to conflict between rural land, the subject lot is adjoining an urban residential, where tourist land uses are permitted, it is acknowledged that this is an issue that needs to be managed.

Zoning

The subject lot is boundary by zones which are different to the subject land. The land to the north and east are zoned Village (RU5) a residential zone and Private Recreation (RE2) a council owned recreation zone. The RU5 zone permits Serviced apartment (tourist accommodation) and the existing surrounding land uses include a mixture of residential and tourist and visitor accommodation.

Views

The subject land slopes away from the adjoining residential allotments and there is no foreseen view loss from these dwelling of the mountains or the lake given the topography of the land, especially those dwelling which are two (2) stories and will look straight over the top of the proposed cabins.

Design

The developer has stated in the supporting documentation that the overall aim is to design in such a way that the development blends in with the natural area and seeks to exist without any negative visual impact.

The single storey skillion roof shape and cabin massing is consistent with the surrounding and local architectural character and has been selected to minimise any visual impact and has the intent of the coinciding contemporary regional Australian dwelling.

Visual Privacy

Visual privacy is acknowledged to be a contentious issues when assessing this development. It is noted that there are no specific control relating to visual privacy when considering an eco-tourist facilities. As the privacy of adjoining lots in this case has been a raised in several submissions against the development it is reasonable to draw comparisons with the provisions of the Snowy River DCP 2013 Chapter D1 (Residential Development) (6.3 Visual Privacy).

The objective of D1 - 6.3 is to ensure development minimises overlooking or cross viewing to the neighbouring dwellings to maintain reasonable levels of privacy.

The associated development standards would require an adjacent dwelling to reduce any impacts by offsetting or staggering windows away from those of the adjacent buildings, orientate main living and dining rooms windows away from adjacent dwellings and provide a nine (9) metre separation between the windows of habitable rooms of dwellings.

Comparison Assessment

All cabins have been designed so that the largest set windows are directed towards the views (north/west) and away from the adjoining properties to the east. Decking areas have also been projected in the same manner towards the views therefore directing any acoustic noise away from the residences to the east.

Windows have been positioned to avoid overlooking through orientation, staggering of the cabins and a separation of 10m. Which in comparison the standards of D1-6.3 is more than the recommend 9m separation between habitable rooms.

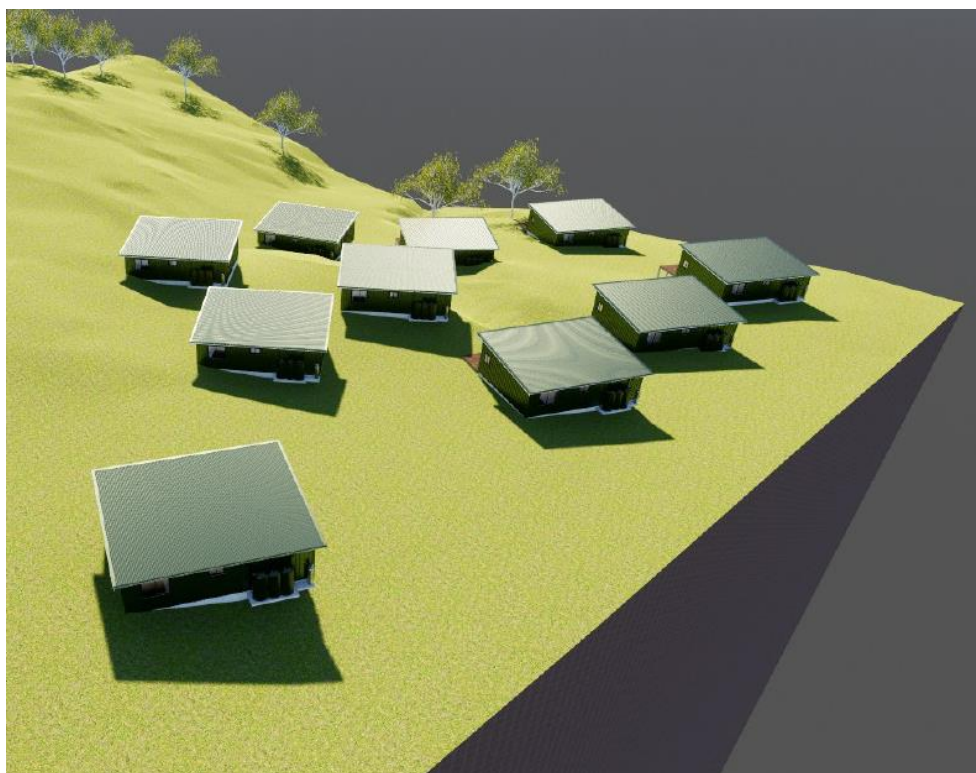


Figure 18: View of the development from adjoining residential developments.

Acoustic Privacy

Visual privacy is acknowledged to be a contentious issue raised by submissions against the development. It is noted that there are no specific control relating to acoustic privacy when considering an eco-tourist facilities. As the privacy of adjoining lots in this case has cause of conflict it is reasonable to draw comparisons with the provisions of the Snowy River DCP 2013 Chapter D1 (Residential Development) (6.4 Acoustic Privacy).

The objective of D1 - 6.3 is to ensure developments are sited and design to minimise the impacts of noise transmission between buildings.

The associated development standards would require an adjacent dwelling to reduce any impacts by having main living room windows, outdoor living spaces and air conditioners must not be located immediately adjacent to the bedroom windows of adjoining dwellings with a minimum of 3m.

The standards of D1-6.4 recommend that a 3m separation between habitable, main living room, rooms, car parking and outdoor living spaces. Comparatively the proposed development will be set back from the boundary by 10m and has all decking areas, living spaces orientated towards the north/west and away from the adjoining properties to the east therefore directing any acoustic noise away from the residences to the east.

The BBQ area site has been chosen because it's central to the bulk of the cabins and to reduce any noise and visual impact by shielding it with the surrounding cabins.

It is acknowledged that the location of the driveway is proposed along the eastern boundary adjoining the residential allotments. A condition of consent proposed will require the drive way to be a sealed so as to limit the noise impacts of vehicles travelling on a gravel road.

As such it is considered that the applicant has considered and addressed the potential conflicts

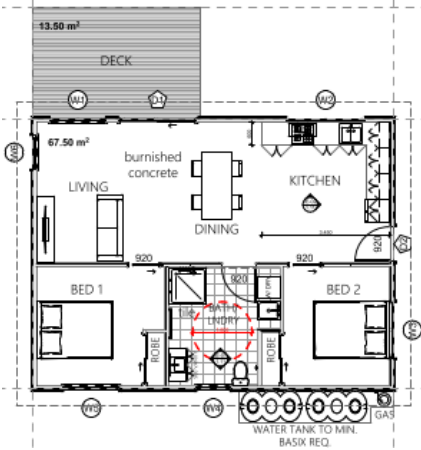
<p>between the adjoining land uses. Council staff are satisfied that the buildings have been purposefully designed to ensure that privacy, both visual and acoustic is maintained between cabins and the surrounding properties.</p>	
<p><u>C9 Energy & Water Efficiency, Water Supply & Effluent Disposal</u></p> <p>2. Water supply</p> <p>(f) The development proposal for eco-tourist facility is to demonstrate through documentation and management techniques a target for potable water use in the facility of 90 litres per person per day.</p> <p>(g) The proposed development of an eco-tourist facility must demonstrate a target for grey water re-use within the facility of 100%</p>	<p>Documentation has been provided which demonstrates that the eco-tourist facility could achieve a target for potable water use in the facility of 90 litres per person per day.</p> <p>Each cabin has a 4000L tank for storage which will collect rainwater from the roof and have a small pump and filtration system, the cabins will not be connected to the mains water system as the cabin tanks can be topped up by the 111,000 litre header tank at the top of the block this will collect rainwater from the shed and the managers residence.</p> <p>The applicant has stated, in the Resolution Response that it is intended that this water storage will be increased in the future and aim to reach the target of 70-80% of water usage to be collected and stored on site.</p> <p>Water reuse options included the re-use of grey water for landscape watering landscaping will be implemented and also forms a condition of consent.</p>
<p><u>4 Eco-tourist Facility</u></p> <p>4.1 Design of Eco-Tourist Facilities</p> <p>4.1.1 Objective SITE DESIGN</p> <p><i>To improve the environment of a site and incur minimal site disturbance through integrative design which reflects rather than alters the natural existing landscape.</i></p>	<p>The cabins have been located where the environment has previously been disturbed to ensure all the natural characteristics of the site are maintained.</p> <p>The Management Strategy provided by the applicants states that they are committed to enhancing the current site having made future considerations to plants more native trees, shrubs, and grasses. They propose that through consultation with local landscape experts and research in to seeding and grass development, aim to increase growth of endangered grasses such as kangaroo grass on the site. It is noted that this regeneration of the site will occur over time.</p>
<p><u>Controls</u></p> <p>Eco-tourist facilities will:</p> <ul style="list-style-type: none"> Be designed to utilise building materials that blend in with the surrounding landscape, promoting the use of recycled 	<p><i>Building Design</i></p> <p>Each cabin has been designed with a north aspect to take in most of the winter sun. All glazing in the cabins will be double glazed to maximise heat retention in the winter months and block out a large portion of the summer sun making the cabin more thermally efficient.</p>

<p>materials and materials sourced from the region.</p> <ul style="list-style-type: none"> ▪ Maximise energy efficiency and use a minimum of non-renewable energy. • Be designed on the basis of ecological sustainability and an understanding of the potential environmental impacts. • Not dominate the visual landscape through any component buildings and infrastructure and will be compatible with the local cultural character. • Reduce the footprint of development components to the minimum required for development to proceed. • Avoid the use of non-renewable resources where practical. 	<p>Additionally, the cabin design include construction measures which maximise the thermal mass of the buildings to make heating and cooling more efficient in both winter and summer months.</p> <p>The proposed materials for the cabins is colourbond. Whilst colourbond is not a recycled material, it is durable and is considered to be appropriate given the harsh acclimate of the area.</p> <p>The applicants also propose that the cabins will have two (2) recycled timber features which will be sourced from the timber recyclers in Bega, The wood is sourced from old bridges railway lines and other unused structures and recycled will be used to add a piece of local history and a change in the façade to make the cabins more aesthetically pleasing.</p> <p>This timber offers some age and a great talking point about its heritage.</p> <p>The overall footprint of the cabins is only 70.52m2. With the 10 cabins the total area of eco tourist development is 705m2 which can be considered 'small scale' development on the large 20,400m2 site (3.5% of the site).</p> <p>The single storey skillion roof shape and cabin massing is considered to be 'small scale' and consistent with the surrounding and local architectural character, Pale Eucalypt cladding has been selected to sit agreeably within the native landscape and existing surrounding developments.</p> <p>Therefore , it is concluded that buildings and infrastructure and will be compatible with the local cultural character and will not dominate the visual landscape.</p> <p><u>Renewable Energy</u></p> <p><u>Water</u></p> <p>In terms of water, each cabin has a 4000L tank for storage which will collect rainwater from the roof and have a small pump and filtration system, the cabins will not be connected to the mains water system as the cabin tanks can be topped up by the 111,000 litre header tank at the top of the block this will collect rainwater from the shed and the managers residence.</p> <p>The local average rain fall is 452mm per annum and with a total roof catchment of 960m2, the predicted rainwater harvest is 433,920 litres of water per year.</p> <p>The main tank will have a top up system from the mains water if it is required and only accessed if completely</p>
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	<p>necessary. It is estimate that the development will initially harvesting more than 40% of the required water by the development.</p> <p>The applicant has stated, in the Resolution response that it is intended that this water storage will be increased in the future and aim to reach the target of 70-80% of water usage to be collected and stored on site.</p> <p><u>Electricity</u></p> <p>The proposed development includes an initial 30kw solar electrical system with the intention to expand in the future. It is intended that a battery system installed will also be installed so that on-site storage can be achieved and use of the power generated on-site will be used on-site.</p> <p>It is estimate that the development will initially harvesting over 70% of its electrical usage onsite.</p> <p>The applicant is future committed to increasing the solar power generation in the future to the sustainability goal to having the site running at 70-90 % of power consumption supplied from the sun in the next 5 years.</p>
<ul style="list-style-type: none"> Acknowledge and consider the social fabric of the locality and the need to respect, support, and not adversely affect, the local community. 	<p>The applicant in the Statement of Environmental Effect, the Resolution Response document and the Visual Impact Statement shows that a consideration of the social fabric and can be seen in the following design elements;</p> <ul style="list-style-type: none"> The aim of the overall proposal had been to design in such a way that the development blends in with the natural area and seeks to exist without any negative visual impact. The applicant has located the proposed cabins 10m away from the adjoining allotments and are all orientated away from the residential development. Pale Eucalypt Cladding has been intentionally selected to sit harmoniously within the Native landscape and existing surrounding development currently on site and neighbouring. The single storey skillion roof shape and cabin massing is consistent with the surrounding and local architectural character and has been selected to minimise any visual impact and has the intent of the coinciding contemporary regional Australian dwelling. <p>The subject lot is boundary by zones which are different to the subject land. The land to the north and east are</p>

	<p>zoned Village (RU5) a residential zone and Private Recreation (RE2) a council owned recreation zone. The surrounding existing uses in the RU5 zone are a mixture of residential and tourist and visitor accommodation.</p> <p>The subject land slopes away from the adjoining residential allotments and there is no foreseen view loss from these dwelling of the mountains or the lake given the topography of the land, especially those dwelling which are two (2) stories and will look straight over the top of the proposed cabins.</p> <p>The proposed development will not have an unreasonable impact on the existing street network and the location and orientation of the proposed cabins have been away from the adjoining allotments to provide a reasonable level of privacy to adjoining residential development.</p> <p>Therefore the use of the subject land for tourist accommodation cannot reasonably be considered to have an adverse effect on the local community, given this is a well establish use within the surrounding RU5 development and the wide context of Jindabyne as a premier tourist destination.</p>
<p><u><i>E1 Tourist Development</i></u></p> <p><i>1 Background</i></p> <p><i>1.1 Intent</i></p> <p>The intent of Chapter E1 in relation to tourism development, including tourist and visitor accommodation and eco-tourist facilities, is:</p> <ul style="list-style-type: none"> • To encourage environmentally sustainable tourism development for the economic and social benefit of the Shire. • To ensure that tourism development provides quality outcomes for the built environment of the Shire. • To ensure that the subdivision of tourism development does not lead to permanent residential settlement in areas outside the townships within the Shire. • To ensure that <u>tourism</u> 	<p>The cabins have been located where the environment has previously been disturbed to ensure all the natural characteristics of the site are maintained.</p> <p>The Management Strategy provided by the applicants states that they are committed to enhancing the current site having made future considerations to plants more native trees, shrubs, and grasses. They propose that through consultation with local landscape experts and research in to seeding and grass development, aim to increase growth of endangered grasses such as kangaroo grass on the site. It is noted that this regeneration of the site will occur over time.</p> <p>Furthermore the applicant proposes to constantly expand the educational experiences through the strategically placed information boards around cultural site, including the identified aboriginal artefact and areas of ecological significance.</p> <p>As such it is considered that the provided</p>

<p><u>development results in a net benefit to the condition of the land upon which it is proposed to be located</u></p>	<p>documentation demonstrates that a 'net benefit' to the condition of the land upon on which the proposal is located would be achieved.</p>
<p>4.1.3 Objective EDUCATION AND AWARENESS</p> <p>To incorporate and promote visitor education and environmental awareness as integral components of eco-tourist development.</p>	
<p>Controls</p> <p>Eco-tourist facilities will:</p> <ul style="list-style-type: none"> Contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area. Provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment. Recognise the importance of key natural features to the visitor experience, and where these are off site (eg National Parks), recognise and address the potential indirect impacts associated with a development. 	<p>The proposal includes the use information boards within the site which will provide visitors opportunities to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment.</p> <p>Additionally, once the facility is established the mangers will be looking to have educational talks provide at the site and also facilitate off-site tours.</p> <p>The applicant outlines an awareness of the aboriginal site and the EEC vegetation found on the site and the importance of these key features to the visitor experience.</p> <p>As such it is considered that the documentation provided demonstrates that visitor education and environmental awareness will be incorporate as integral components of eco-tourist development.</p>
<p>4.2 Operation of Eco-Tourist Facilities</p> <p>4.2.1 Objective MANAGEMENT</p> <p>To achieve appropriate standards for the operation and management of ecotourism accommodation.</p> <p>Controls</p> <p>Eco-tourist facilities will:</p> <ul style="list-style-type: none"> Be centrally managed by on-site management, where that eco-tourist facility accommodates over 15 guests. All structural and land components will be the responsibility of one management whether or not 	<p>The applicant has provided a Management Strategy which demonstrates how ongoing operations and monitoring will occur.</p> <p>Once operational, the facility will be run by the applicant as on-site mangers, with daily onsite maintenance and restoration works occurring during the daylight hours and a 24 hour on call service to guests.</p> <p>Detailed maintenance procedures and registers will be kept to carry out regular audits on sites of significance located within the block.</p> <p>Waste management will be managed through a division of organic matter, recyclables and general waste. This will include a combination of council allotted collection and additional bins as required.</p>

<p>individual structures are owned by different entities.</p> <ul style="list-style-type: none"> • Use an existing or proposed dwelling as the manager's residence (where possible), where a manager's residence is provided as part of the eco-tourist facility. • Be permitted only one manager's residence on land on which the eco-tourist facility is proposed. • Operate on a year-round basis. • Be used solely for the provision of temporary holiday accommodation (no more than three (3) consecutive months). • Incorporate ongoing monitoring of the development in total and continually assess cumulative impacts, striving to improve the environment within which the development is situated. 	<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> <p>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)</p>  <p>A condition of consent has been included to ensure that the facility is to be operational on a year-round basis and be used solely for the provision of temporary holiday accommodation (no more than three (3) consecutive months).</p>
<p>4.3 Waste Management</p> <p>4.3.1 Objective WASTE</p> <p>To integrate waste minimization and energy efficiency within the design and operation of a development.</p>	
<p>Controls</p> <p>Eco-tourist facilities will:</p> <ul style="list-style-type: none"> • Manage waste in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements. • Base waste management on the principles of waste avoidance 	<p>The applicant has provided a WHS Management Plan outlining the measures to be undertaken to maintain the site during construction so as to minimise any impact on, and to conserve the natural environment.</p> <p>Additionally, the applicant has outlined, in the Resolution Response document, waste management strategies that will be put into practice in perpetuity.</p>

<p>and maximising reuse and recycling of materials.</p> <ul style="list-style-type: none"> • Submit details of the waste management strategy for the eco-tourist facility (both construction and operational phases) to Council when a Development Application is lodged. (Refer to Chapter A2 Development Application Requirements). 	<table border="1"> <thead> <tr> <th data-bbox="675 259 1066 286">Waste Management</th><th data-bbox="1066 259 1404 286">Actions</th></tr> </thead> <tbody> <tr> <td data-bbox="675 286 1066 745"> <ul style="list-style-type: none"> - All waste from the site is to be managed in a safe, tidy and environmentally responsible manner that complies with legislation - Focus on recycling and sustainability - Waste is to be managed in construction and operational phases of the development - Encouragement of waste recycling and minimisation of waste </td><td data-bbox="1066 286 1404 745"> <ul style="list-style-type: none"> • Provide storage for recycling within each cabin • Encourage guests to utilise recycling bins • Use products at the facility that are and are environmentally friendly eg. Eco cleaning products and gardening products • Provide composting options where appropriate • Inform staff, guests and any visitors of waste management and reduction goals • Provide brochures that set out the goals of the facility in terms of waste management with maps and information regarding the recycling protocol on site </td></tr> </tbody> </table>	Waste Management	Actions	<ul style="list-style-type: none"> - All waste from the site is to be managed in a safe, tidy and environmentally responsible manner that complies with legislation - Focus on recycling and sustainability - Waste is to be managed in construction and operational phases of the development - Encouragement of waste recycling and minimisation of waste 	<ul style="list-style-type: none"> • Provide storage for recycling within each cabin • Encourage guests to utilise recycling bins • Use products at the facility that are and are environmentally friendly eg. Eco cleaning products and gardening products • Provide composting options where appropriate • Inform staff, guests and any visitors of waste management and reduction goals • Provide brochures that set out the goals of the facility in terms of waste management with maps and information regarding the recycling protocol on site
Waste Management	Actions				
<ul style="list-style-type: none"> - All waste from the site is to be managed in a safe, tidy and environmentally responsible manner that complies with legislation - Focus on recycling and sustainability - Waste is to be managed in construction and operational phases of the development - Encouragement of waste recycling and minimisation of waste 	<ul style="list-style-type: none"> • Provide storage for recycling within each cabin • Encourage guests to utilise recycling bins • Use products at the facility that are and are environmentally friendly eg. Eco cleaning products and gardening products • Provide composting options where appropriate • Inform staff, guests and any visitors of waste management and reduction goals • Provide brochures that set out the goals of the facility in terms of waste management with maps and information regarding the recycling protocol on site 				

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.

Visual Impact Assessment

SRLEP 2013 Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas

(1) The objective of this clause is to protect the following attributes within the catchments of Lake Eucumbene and Lake Jindabyne—

- (a) the visual qualities and scenery,*
- (b) the sense of isolation that can be enjoyed in many areas on and adjacent to the lakes,*
- (c) the recreational functions of the lakes, including its attraction as a fishing destination,*
- (d) the water storage functions of the lakes.*

Officers Response:

The proposed development is located on a lot which does not have lake frontage and is located over 500m from Lake Jindabyne as seen in Figure 19, and therefore will have no foreseen impacts on the recreational or water storage functions of the lake.

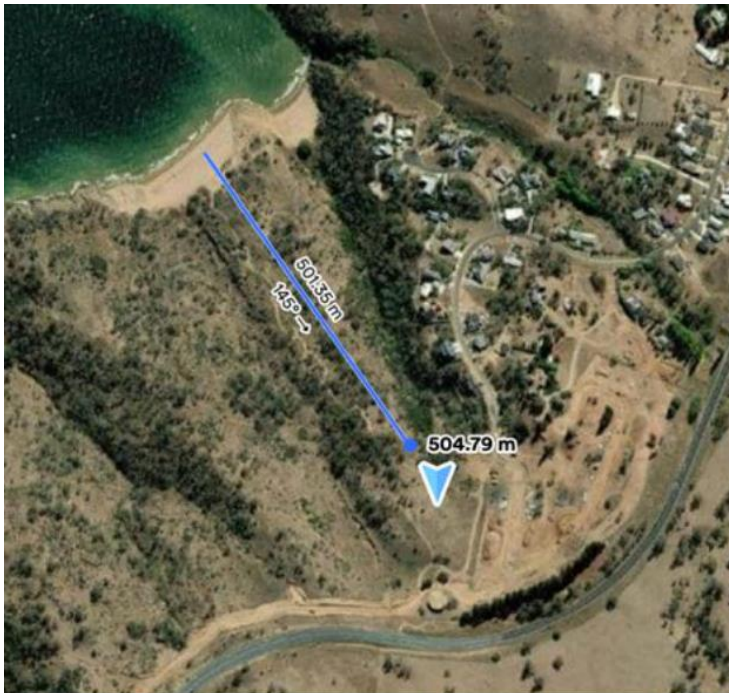


Figure 19: Distance of subject site to the lake.

The proposed cabins and development is not visible from the Lake Jindabyne and the managers residence is located on a ridgeline which could be seen from some points on the lake, the site is located at the edge of the vegetation belt around the lake and will blend in with the residential development located topographically higher. Therefore, it is considered that the proposed location of the cabins and the manager residence will have minimal impact on the visual qualities of the scenery of Lake Jindabyne.

(2) This clause applies to land identified as "Lake Eucumbene and Lake Jindabyne" on the Scenic Protection Area Map.

Officers Response:

The subject lot is identified on the scenic protection maps and as such this clause applies.

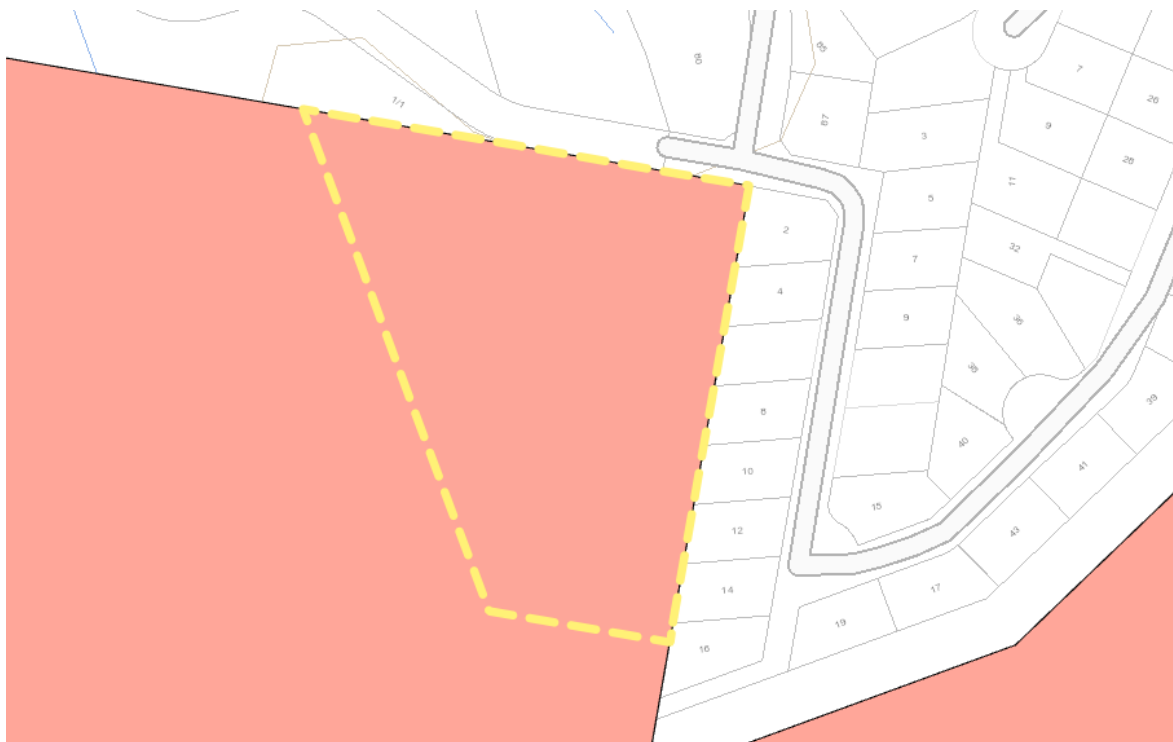


Figure 20: Scenic Protection mapping.

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
- (a) *the development will not have an unacceptable visual impact on the scenic quality of the area when viewed from the relevant lake at its full supply level or from a public place, and*
 - (b) *the development has been designed to prevent any intrusion into the view from the lake at its full supply level.*

Officers Response:

The proposed cabins are not visible from the lake and the managers residence is located on a ridgeline which could be seen from some points on the lake, the site is located at the edge of the vegetation belt around the lake and will blend in with the residential development located topographically higher. Whilst the managers residence is located on a ridgeline, the building will not appear as a skyline structure from the lake or Kosciuszko Road, see Figure 17, as it is not located on the dominant ridgeline. As such, there is no foreseen unacceptable visual impact on the scenic qualities of the area when viewed from the lake or a public place.

- (4) *In deciding whether to grant development consent to development on any land to which this clause applies, the consent authority must consider—*
- (a) *the visual impact of the development when viewed from the relevant lake at its full supply level or from a public place, and*
 - (b) *whether the design and construction of any new buildings (including ancillary development) prevent any intrusion into the view from the lake and minimises any adverse impacts on the view from the lake and surrounding areas, and*

(c) the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.

Officers Response:

The proposed cabins are development is not visible from the lake and the managers residence is located on a ridgeline which could be seen from some points on the lake, the site is located at the edge of the vegetation belt around the lake and will blend in with the residential development located topographically higher.

There are no trees to be removed as part of the proposal give the sites chosen to develop are already clear.



Figure 21: View of the subject site from the lake.

SRDCP 2013 - C2 Design

1. Visual & Scenic Impact

1.2. Objectives

The objectives for the protection of scenic landscape values and landscape views within the Shire are to:

- Minimise the impact of development on the visual qualities and scenery of the natural and rural landscape.
- Preserve the amenity and rural character of a locality and maintain the visual integrity of rural skylines.

- Encourage building and design that protects sensitive landscapes and important views.
- Prevent the unnecessary intrusion of buildings into skylines
- Integrate development with the landscape by building on existing landscape character and managing the effects of change.
- Ensure that visual character and quality of the landscape are assessed before consent is granted for development.
- To ensure that the visual impacts of proposed development are minimised.

To ensure that development does not unreasonably intrude or otherwise impact upon the natural landscape, particularly on ridge top locations, sloping sites and adjoining public reserves or bushland.

1.3. Visual Character Controls

C2.1-1 Visual Landscape Character Assessment

(a) Before granting development consent for development involving the carrying out of any works or building construction, the consent authority must have regard to the likely visual impacts of carrying out the development, including the visual impacts of ancillary uses like driveways and fencing and of the provision of electricity and other services to the site of the development.

(b) When assessing visual impacts of the proposed development consideration must be given to:

- Important visual features and the landscape character of the site and surrounding land;
- Minimising the visual impact of the development on views from public areas, including public roads;
- Reducing the visual impact of driveways and of the provision of services to the development;
- Reducing the visual impact of proposed buildings by ensuring that external finishes are non-reflective and of a colour that blends in with the surroundings; and
- Ensuring fencing and building styles are compatible with the visual character of the area.

Officer Assessment:

The Important visual features and the landscape character of the site and surrounding land are Lake Jindabyne and the Snowy Mountains.

The cabins are located well below any ridgelines. The manager's residence is located on a ridgeline however, the building will not appear as a skyline structure from the lake or Kosciuszko Road, see figure 22 below.

The proposed colours are Pale Eucalypt cladding with timber accents and are considered to be non-reflective and a colour that blends in with the surroundings.

The single storey skillion roof shape and cabin massing is consistent with the surrounding and local architectural character and has been selected to minimise any visual impact and has the intent of the coinciding contemporary regional Australian dwelling.

As such, it is considered that the proposed development does not unreasonably intrude or otherwise impact upon the natural landscape or the adjoining public reserves and bushland.



Figure 22: View from Kosciuszko Road heading towards Cooma (north).



Figure 23: View of the development from Willow Bay Place looking south.

1.3. Visual Character Controls

C2.1-1 Visual Landscape Character Assessment

(a) Before granting development consent for development involving the carrying out of any works or building construction, the consent

The proposed development does not include any additional above ground electricity connection.

The drive way is located along the fence line

<p>authority must have regard to the likely visual impacts of carrying out the development, including the visual impacts of ancillary uses like driveways and fencing and of the provision of electricity and other services to the site of the development.</p> <p>(b) When assessing visual impacts of the proposed development consideration must be given to:</p> <ul style="list-style-type: none"> • Important visual features and the landscape character of the site and surrounding land; • Minimising the visual impact of the development on views from public areas, including public roads; • Reducing the visual impact of driveways and of the provision of services to the development; • Reducing the visual impact of proposed buildings by ensuring that external finishes are non-reflective and of a colour that blends in with the surroundings; and • Ensuring fencing and building styles are compatible with the visual character of the area. 	<p>and as such will have no foreseen visual impact to adjoining neighbours.</p> <p>The only proposed fence will be along the boundary between the residential allotments and the subject lot. This is considered to be reasonable and not create any unreasonable visual impacts.</p> <p>The important visual features and the landscape character of the site and surrounding land are Lake Jindabyne and the Snowy Mountains.</p> <p>The cabins are located well below any ridgelines. The manager's residence is located on a ridgeline however, the building will not appear as a skyline structure from the lake or Kosciuszko road.</p> <p>The proposed colours are Pale Eucalypt cladding with timber accents and are considered to be non-reflective and a colour that blends in with the surroundings.</p> <p>The drive way is located along the fence line and as such will have no foreseen visual impact to adjoining neighbours.</p> <p>The proposed fence is a standard 1.8m high colourbond fence which will match the existing fence constructed at 2 Willow Bay Place.</p>
<p><u>C2.1-2 Building on Ridgelines</u></p> <p>(a) A building must not be erected on a ridgeline if the building would be visible from a public place such as an arterial road and appear as a skyline structure from that place or road. However, Council may consent to the erection of a building on a ridge line where:</p> <ul style="list-style-type: none"> • The proposed location of the building comprises the only part of the land on which it is proposed to be erected which has reasonable vehicular access to a public road; • The whole of the land on which it is proposed to be erected is within the ridge line; • The function and architecture of the building has such significance to the community that, in the Council's 	<p>The subject land includes a ridgeline on which the proposed manager's residence is sited.</p> <p>This ridgeline is however not the dominant ridgeline when viewed from Kosciuszko road or Lake Jindabyne.</p> <p>When viewed from Willow Bay Place (a minor road), the Manager residence will have a slight intrude into the skyline. The view to the south does not contain and significant view.</p> <p>The development has placed the majority of the proposed development on the lower part of the land, with constrains in regards to easement and biodiversity the residence has been place so</p>

<p>opinion, it should stand out as a landmark.</p> <p>(b) Development shall take into account the topography of the area avoiding significant skylines.</p>	<p>as to minimise impact on a wide range of constrains and is considered an acceptable.</p> <p>See Figure 22.</p>
<p><u>C2.1-3 Development in Lake Eucumbene and Lake Jindabyne Scenic Protection Areas</u></p> <p>In addition to the objectives (above) the following also apply for sites within the Lake Eucumbene and Lake Jindabyne Scenic Protection Areas:</p> <ul style="list-style-type: none"> • Protect the environmental attractions and recreational functions of Lake Eucumbene and Lake Jindabyne including its attraction as a prime fishing destination. • Ensure that the Lakes and adjacent urban settlements continue to have a clear rural setting. • Protect the water quality, water storage functions and groundwater of Lake Eucumbene and Lake Jindabyne Scenic Protection Areas. • Protect the flora and fauna, including aquatic habitats. 	
<p>(a) Consideration must be given to the visual impact of the development when viewed from Lake Jindabyne, and Lake Eucumbene at its full supply level.</p> <p>(b) Consideration must be given to whether the design and construction of any new buildings (including fencing) prevent any intrusion into the view from the Lake and surrounding areas</p> <p>(c) Consideration must be given to whether provision has been made for the planting of appropriate native species where the planting would visually screen the development</p> <p>(d) Development consent must not be granted to development where the development will have an unacceptable visual impact on the scenic quality of the area</p> <p>(e) The development has been designed to prevent any visual intrusion in to the view from Lake Jindabyne and Lake Eucumbene (at its full supply level).</p> <p>(f) A visual impact analysis must be provided of an appropriate scale clearly showing the potential of any buildings to intrude into the landscape sufficient to enable it to properly assess the visual impact of the proposed</p>	<p>The Managers residence is located up slope from the adjoining residential allotments where there are no views of the lake currently enjoyed.</p> <p>The drive way is located along the fence line and as such will have no foreseen impact that would unreasonably intrude into the views from adjoining neighbours.</p> <p>When travelling south towards Kosciuszko Road the subject lot is not visible and as such the proposed development will not unreasonably intrude into the views from the road.</p> <p>The development is visible when travelling north towards Cooma, however it will not intrude into the views of the lake from the road. See Figure 18 above.</p> <p>There are no trees to be removed as part of the proposal give the sites chosen to develop are already clear and is located outside the vegetation belt surrounding the lake. As demonstrated previously both the cabins and the managers residence will not have an unacceptable visual impact, consent to the proposed application can be granted.</p> <p>A visual impact statement has been provided by the applicant which has demonstrated the potential of the buildings to intrude into the landscape and has allowed an assessment to be</p>

development on the views from the Lake.	carried out.
<p><u>C2.1-5 Building Design</u></p> <p>(a) The design and site coverage of the development should reflect the slope of the site and it may be desirable to leave steeply sloping parts of sites in their natural state.</p> <p>(b) All structures are designed and sited in order to minimise the need for excavation or fill for foundations and associated hardstand areas.</p> <p>(c) Buildings should utilise suspended slab construction, pole or steel frame, or brick and/or steel piers in order to minimise the disturbance to the natural grade caused by the building. Where areas on a site are already disturbed, those areas should be used for siting of buildings.</p> <p>(d) On steeply sloping sites and treed hillsides, building height and bulk, particularly on the downhill side is to be minimised and the need for cut and fill is to be reduced by designs which minimise the building footprint and allow the building mass to step down the slope.</p> <p>(e) Sub-floor areas must be enclosed or otherwise treated so that they do not look untidy when viewed from a public place.</p> <p>(f) Building heights are similar to those in the surrounding landscape with taller buildings sited so as to minimise impacts on the landscape.</p> <p>(g) New structures are designed to blend rather than contrast with the existing environment and the use of external reflective finishes is restricted.</p> <p>(h) The building design is not to include highly reflective surfaces such as 'zincalume' or tinted glass panels. External finishes may be natural or untreated, or where colours are used, these should have a light reflectivity index of 12% or below.</p>	<p>The developer states that the aim of the overall proposal is to design in such a way that the development blends in with the natural area and seeks to exist without any negative visual impact.</p> <p>The Statement of Environmental Effect, the Resolution Response and the Visual Impact Statement shows consideration has been made of the social fabric and can be seen in the following design elements;</p> <ul style="list-style-type: none"> - The applicant has located the proposed cabins 10m away from the adjoining allotments and are all orientated away from the residential development. - Pale Eucalypt cladding with timber accents has been intentionally selected to sit harmoniously within the Native landscape and existing surrounding development currently on site and neighbouring. - The single storey skillion roof shape and cabin massing is consistent with the surrounding and local architectural character and has been selected to minimise any visual impact and has the intent of the coinciding contemporary regional Australian dwelling. - Each cabins has been designed with a north aspect to take in most of the winter sun, all the glazing in the cabin will be double glazed to maximise heat retention in the winter months and block out a large portion of the summer sun making the cabin more thermally efficient. Additionally, the cabin design include construction measures which maximise the thermal mass of the buildings to make heating and cooling more efficient in both winter and summer months.
1.4 View Sharing Controls	
Objectives	

- To acknowledge the value of views to significant scenic features.
- To protect and enhance views from the public domain including streets, parks and reserves.

To ensure that development is sensitively and skillfully designed to maintain a reasonable amount of views from the development, neighbouring dwellings and public domain.

C2.1-7 View Sharing

- All property owners should be able to develop their property within existing planning controls however views should not be substantially affected where it is possible to design to share views.
- The location and design of dwellings and outbuildings must reasonably maintain existing developed view corridors or vistas from the neighbouring dwellings, streets and public open space areas.
- In assessing potential view loss impacts on neighbouring dwellings, retaining existing views from the living areas (living room, dining room, lounge and kitchen) should be given a priority over those obtained from the bedrooms and non-habitable rooms.
- The design of fences and selection of plant species must minimise obstruction of views from the neighbouring dwellings and the public domain.

A definition of a 'substantially' amount is: "by an ample or considerable amount".

The manager's residence is located to the south and atop a ridgeline to which will have no impact on current views from the lake and the mountains cannot be viewed from this direction.

The single storey, skillion rooved cabin are located 10m away from the eastern boundary and are topographically lower than the adjoining allotments.

A large percentage of the dwellings adjoining the subject lot are two (2) stories and it is reasonable to conclude that a single storey and topographically lower building will not substantially affect the views enjoyed by adjoining land owners.

It is reasonable to expect that a residential allotment will erect a standard 1.8m high fence along the side and rear boundaries, for privacy reasons, which will in fact minimise the view potential from these lots and as such the construction several staggered single storey dwelling will not impose a substantial view loss.

Planning Principles re View Sharing

It is further noted that the Courts have acknowledged that views from a person's home can have considerable value. However, that does not mean that a person has the power to protect and maintain their view as a legal, proprietary right.

The Land & Environment Court has a well-established planning principle in respect of the assessment of impacts of development on views which was set out in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 ("*Tenacity*").

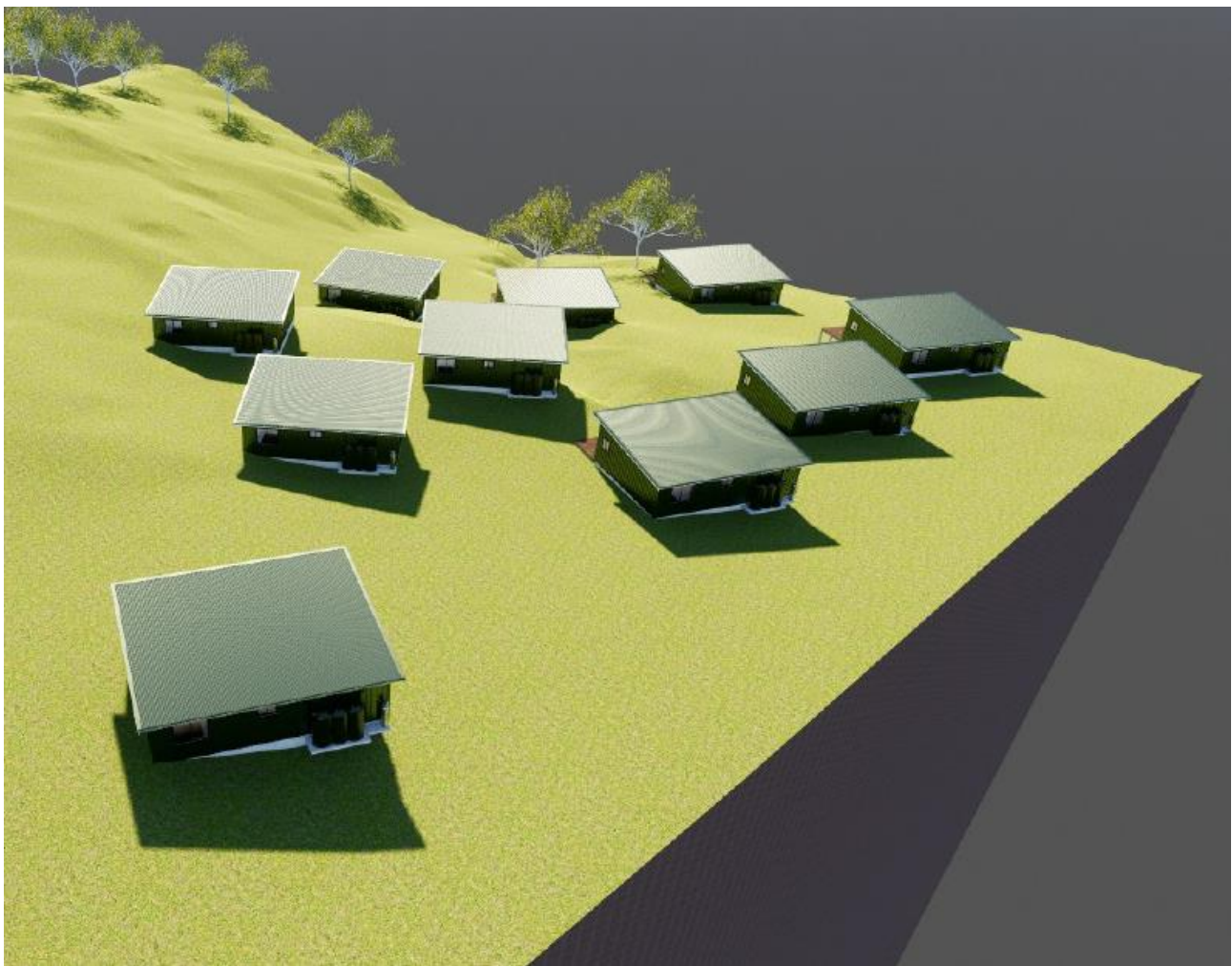


Figure 24: View of the cabins from adjoining residential allotments.

Traffic Assessment

In response to the council resolution at the February meeting the applicant has provided a Traffic Impact Study which considered the viability and the capacity of the existing road network, (the traffic report has been included as an attachment to this report).

Auswide Consulting undertook a Traffic Impact Assessment to consider the traffic impact of the subject development application. The report state that there is sufficient capacity within the road network on Jerrara Drive, Kunama Drive and Willow Bay Place to cater for the proposed increases and such traffic volumes are expected to be within typical daily fluctuations of traffic volumes on Jerrara Drive, Kunama Drive and Willow Bay Place.

Access to the proposed subdivision is provided via a driveway crossover on Willow Bay Place.

Existing Street features

In assessing the impact and the adequacy of the existing road network the following information has been considered with the anticipated traffic route as per Figure 25 show below.

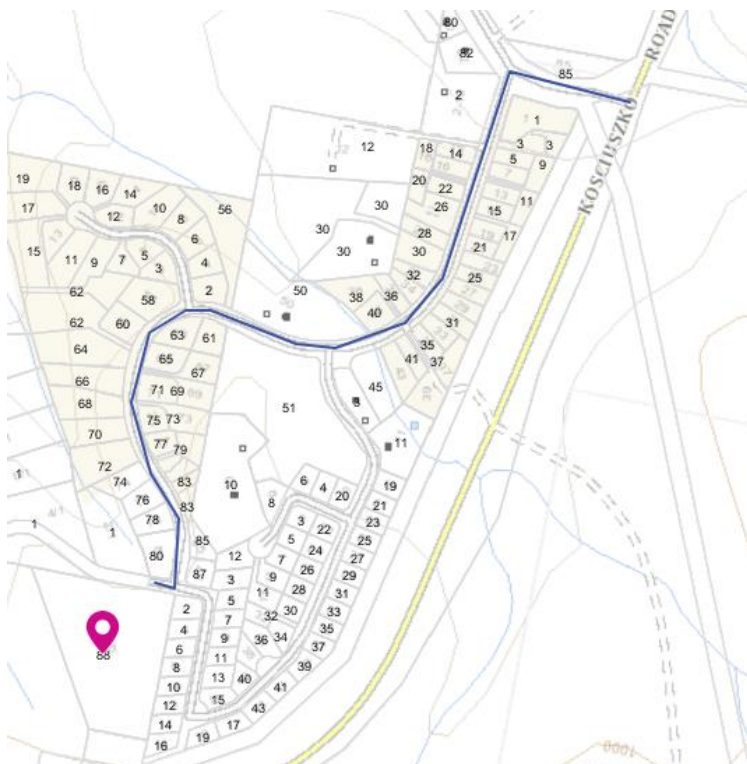


Figure 25: Anticipated traffic route.

When determining the number of vehicle movements, for single dwelling allotments, a traffic generation rate of 10 vehicles per day (vpd)/allotment is applied. In the case of the subject development the proposed lots could support dual occupancy development and as such the rate should be doubled to 20 vehicles per day (vpd)/allotment for 80% of the proposed allotments which is a reasonable uptake of the this type of development in East Jindabyne.

Road Type	Maximum Traffic Volume (vpd)	Maximum Speed (km/h)	Carriageway Width (m)	Parking Provisions Within Road Reserve	Kerbing	Footpath Requirement (urban subdivisions only).	Verge Width (each side)	Minimum Road Reserve Width (m)
	See note 1.	See note 2			See note 3			
Access Street	150	25	6.0	Carriageway	Layback	1.2 m wide footpath on one side	4.5 m	15.0
			6.0	Carriageway	Concrete edge strip where grassed swale drains used	1.2 m wide footpath on one side	Minimum 3.0 m excluding swale drains	20.0 minimum
Local Street Not bus route	1,000	40	8.0	Carriageway	Layback	1.2 m wide footpath on one side	3.5 m	15.0
			8.0	Carriageway	Concrete edge strip where grassed swale drains used	As Above	Minimum 3.0 m excluding swale drains	20.0 minimum
Collector Street or bus route	3,000 (with access to residential allotments)	50	9.0	Carriageway	Layback or barrier	1.2m wide footpath both sides.	Minimum 4.0m	16.0
Local Sub-Arterial Road	6,000 (no access to single dwelling residential allotments)	60	11.0	Parking not permitted on carriageway	Barrier	1.2m wide footpath both sides. One footpath may be min. 2.5m wide shared bicycle path.	Minimum 4.5m.	20.0

Derived from AMCOB

Figure 26: Characteristics of Roads in Residential Subdivision Road Networks (Snowy River Geometric Road Design - AUS-SPEC-1)

Kunama Drive

There are 155 Existing lots (see Figure 27) in the 'Kunama Drive catchment area' and according to the website Profile .id for Berridale and surrounds the existing housing stock is 18% 'Medium density' which includes all semi-detached, row, terrace, townhouses and villa units, plus flats and apartments in blocks of 1 or 2 storeys, and flats attached to houses. As such it is reasonable to conclude that East Jindabyne caters a variety of household types and there is a high likelihood that the development within the existing residential area will consist of a noteworthy number of dual Occupancies than detached single dwellings.

The subject proposal includes 10 tourist cabins and a manager's residence, the RTA Guide to Traffic Generating Developments (2002) does not provide reliable traffic generation rates for Tourist Facility. Through observation of the RTA Guide to Traffic Generating Development (2002), traffic generation rates provided for Motel have been considered. The traffic generation rates for the Motel use are as follows;

Daily Vehicle Trips = 3 trips per Unit

Evening Peak Hour Vehicle Trips = 0.4 trip per Unit

As such the anticipated traffic generated by the subject development using this rate of calculation would total 35 trips. As the proposed development will have the 10 cabins and manager's residence, the above trip generation rate is considered insufficient, therefore, the vehicle traffic generation has been estimated using a first principles assessment. The Tourist Facility is expected to demand 22 car parking spaces with full occupancy. Normally, it is assumed that the car spaces will turn over in one day, resulting in a traffic generation of 44 vehicle trips (1 for both arrival and departure) and an additional 10 vehicle movements for the manager's residence. The estimated total number of vehicle movements based on this calculation is **2370** per day.

Existing lots (155 lots)	88 Kunama (Eco-tourist Facility)		Total
183 dwellings	10 cabins	1 residence	
1830 vehicle movements	44 vehicle movements	10 vehicle movements	2370

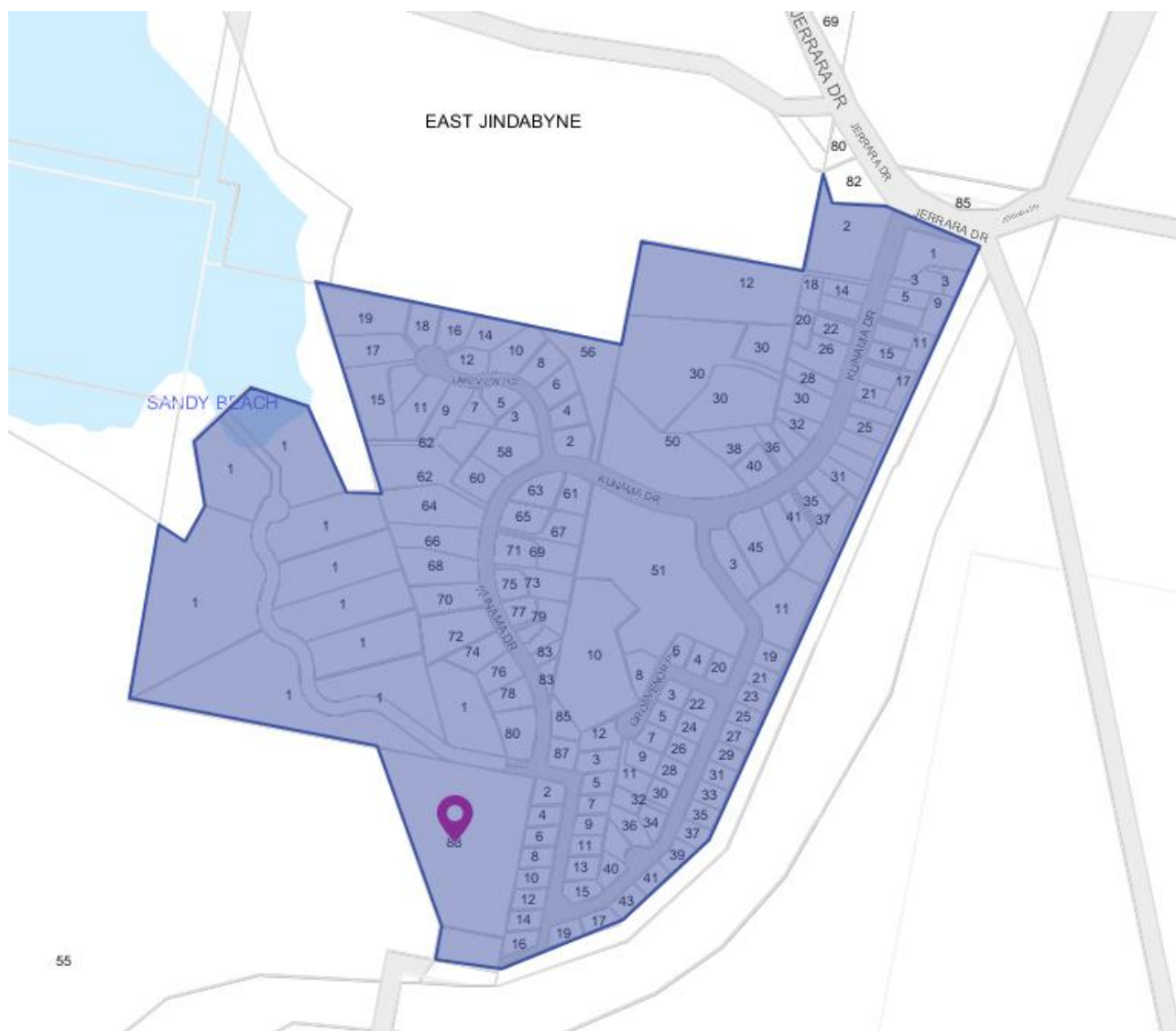


Figure 27: Kunama Drive catchment area

Willow Bay Place

Willow Bay Place would be considered to service the 27 existing lots shown in the Willow Bay catchment area (see Figure 28), calculated at a dual occupancy rate of 18% and the vehicle movements contributed to the proposed Eco-tourist facility and managers residence will be added, as per the above reasoning, and as such equate to 44 and 10 vehicles movements respectively. The estimated total number of vehicle movements per day, based on this calculation is **374 vehicle movements**.

Existing lots (27 lots)	88 Kunama (Eco-tourist Facility)		Total
32 dwellings	10 cabins	1 residence	
320 vehicle movements	44 vehicle movements	10 vehicle movements	374

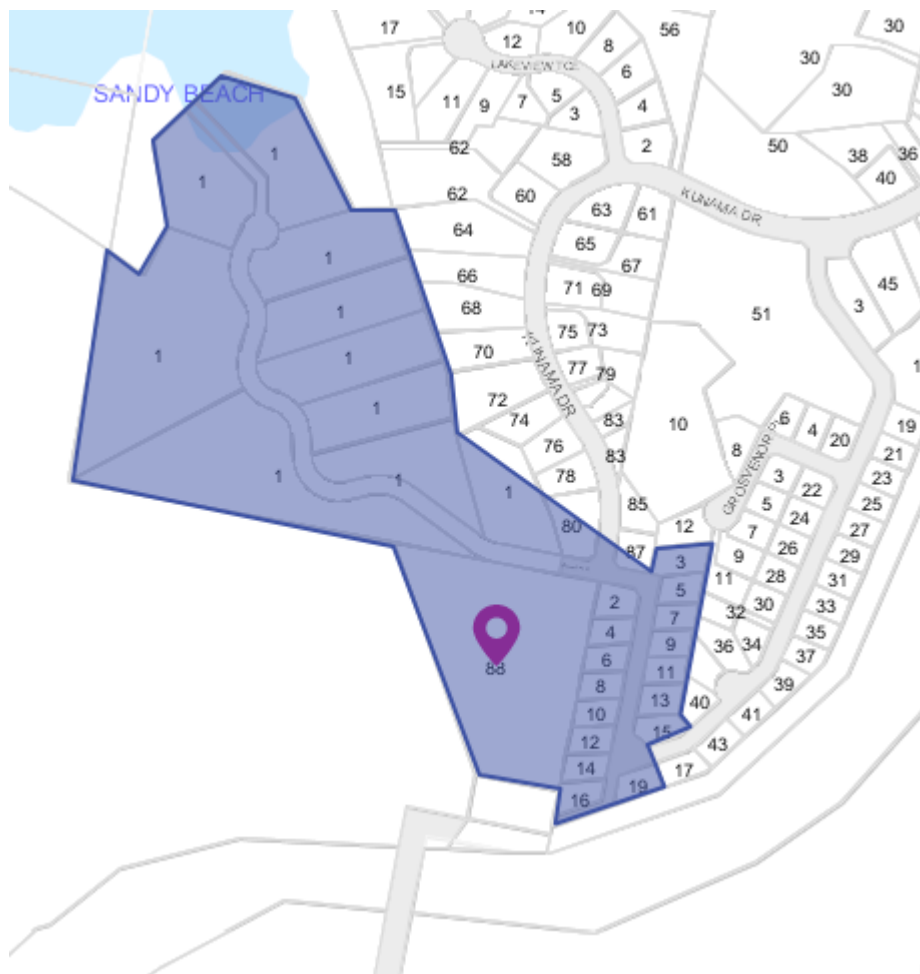


Figure 28: Willow Bay catchment area

Based on the calculation of traffic generated by the existing residential allotments and the proposed eco-tourist facility and in accordance with the table shown below, the proposed development will not generate traffic over that which is able to be accommodated by the existing road network.

Street	Existing Road Reserve width	Existing Carriage way Width	Existing Road Classification	Existing Traffic Volume Capacity	Estimated Traffic Volume	Required Road Classification	Capacity compliance
Kunama Drive	9m	16m	Collector	3000	2,370	Collector	Yes
Willow Bay Place	6m	15m	Local street	1000	374	Local Street	Yes



Figure 29: Willow Bay Place and Kunama Drive Carriageways

In summary, the applicant provided a Traffic Impact Assessment prepared by a qualified engineer and the above assessment also looked at the capacity of the existing street network using the standard Snowy River Geometric Road Design - AUS-SPEC-1 document to calculate vehicle movements. Consequently, both the traffic report and calculations made by Council staff conclude that there is adequate capacity within the existing road network to support the proposed development.

Snowy River Local Environmental Plan 2013

The following provisions are the additional relevance clauses in the SRLEP 2013 to this application:

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.

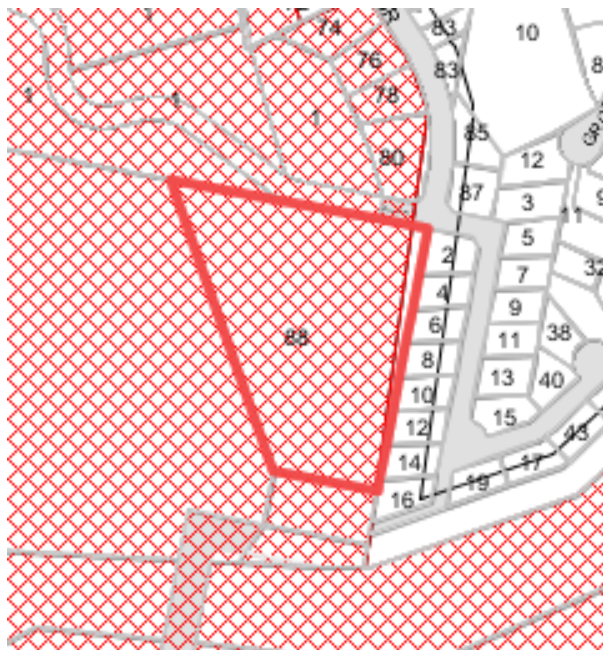


Figure 30: Bushfire Mapping on Subject Site – Category 3

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 31: 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 cabin will be serviced by a minimum 2000L tank 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 32: AHIMS report map result

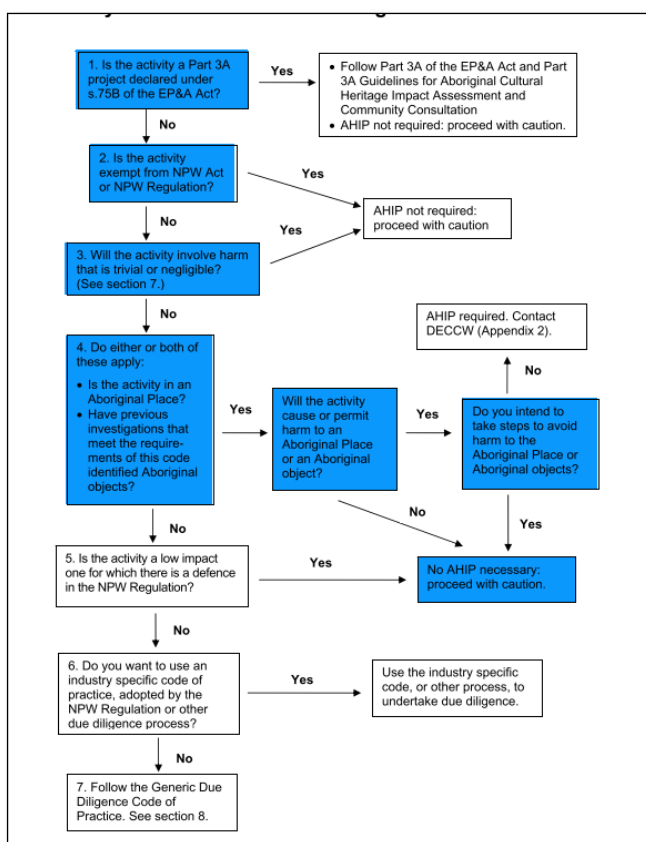


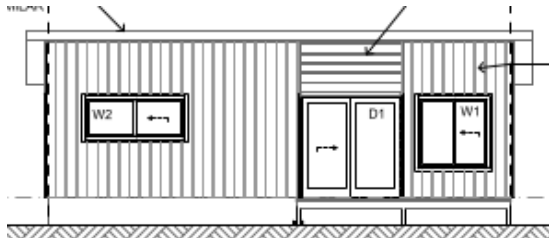
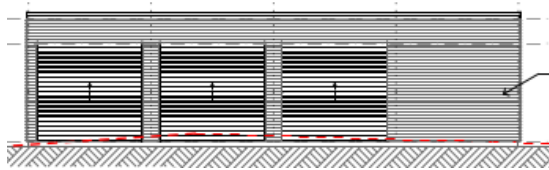
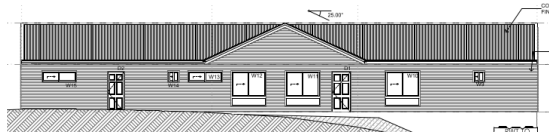
Figure 33: Due Diligence Code of Practice pathways flow chart



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

The following provisions are the additional relevance clauses in the SR DCP relevant to this application 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	
<p>C2 Design</p> <p><u>Cabin Elevation</u></p>  <p><u>Shed Elevation</u></p>  <p><u>Managers Residence Elevation</u></p>  <p><u>Colour Schedule - Managers Residence</u></p> <p>Roof: Woodland Grey</p>	<p>The design of the cabins is single storey, with low profile roofs and a colour schedule, which is compatible with the surrounding natural and built environment.</p> <p>The design of the cabins has applied modern alpine architecture including single storey skillion roof form, with views towards Lake Jindabyne.</p> <p><u>Colour Schedule – Cabins</u></p> <p>Roof: Iron Grey</p> <p>Walls: Pale Eucalypt</p> <p>The design of the shed is a standard design and the proposed colour is compatible with the natural and built environment.</p> <p><u>Colour Schedule – Shed</u></p> <p>Roof: Woodland Grey</p> <p>Walls: Woodland Grey</p> <p>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.</p> <p>The floor layout, whilst is large in size there are no</p>

 <p>Walls: Dune</p> 	<p>development standards which informs the size of a managers residence.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The primary energy source for the development will be renewable sources such as solar panels.</p>
<p>C3 Car-parking, Traffic & Access</p>	<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>
<p>C4 Heritage</p>	<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>
<p>C5 Tree preservation & Landscaping</p>	<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 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.
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</p>

	<p>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 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>

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

Response to the public speakers at the February 2022 meeting

Speaker 4

The speaker questioned how the development meet the definition of Eco-tourist facility, which in part requires educational/cultural programs and would like to know how this will be facilitated.

The speaker sort clarification on the definition of Eco-tourist facilities, how the proposed Solar & Water tank provisions would adequately meet the needs of the development.

The speaker also further reiterated their concerns regarding the increased traffic movements, the location of the School bus pick, the lack of footpaths in the area and the positioning of the cabins which will have Noise abatement and Privacy issues

Officer Response to Issues Raised by Speaker 4

Educational/cultural programs

The applicant has provided a Management Plan which outlines the educational/cultural infrastructure and programs proposed. *See body of the report and councils staff assessment of this document.*

Definition

The definition of an **eco-tourist facility** under the State Environmental Planning Policy (Planning Systems) 2021 - SCHEDULE 6 – Regionally Significant (1) is:

"eco-tourist facility" means a building or place used for tourist and visitor accommodation, function centres or environmental facilities that is located in a natural environment and is primarily used for activities involving education about, or the interpretation, cultural understanding or appreciation of, the natural environment.

This definition is applicable to development which reach the required Capital Investment Value (CIV) figure which triggers it to be a State Significant development. The subject development is below the \$5 million CIV and as such is not considered state significant development.

The definition under the **Snowy River LEP 2013 - Dictionary** is:

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 applicable local environment plan to the subject application is the Snowy River LEP 2013 and as such this definition is the applicable definition to his application.

Traffic

The applicant has provided a Traffic Impact Assessment. *See body of the report and councils staff assessment of this document.*

Speaker 5

The speaker stated that the definition of eco-tourist facilities requires that there be no ecological or visual impact and that documentation contained a lack of detail regarding the visual impact of the development as seen from Kunama Drive & Kosciuszko Road and residential development. Specifically they were hoping to see photomontages, 3D Rendering & Visual representation and a Visual Impact Statement (prepared by a suitably qualified person)

Similarly, the speaker raised concern regarding the lack of detail regarding the impact of the development in regards to Traffic and requested that a Traffic Impact Study be carried out.

The speaker raised concerns about the compatibility of the use being located next to a residential subdivision and that dwellings are held to a set of stringent standards and there are less standards associated with eco-tourist development.

The speaker stated that they are concerned that the approval would set a precedent and the council should get legal advice regarding the intent of the definition 'eco-tourism' and scale.

Officer Response to Issues Raised by Speaker 5

Visual Impact

The applicant has provided photomontages, 3D Rendering & Visual representation and a Visual Impact Statement. *See body of the report and councils staff assessment of this document on visual impacts.*

Traffic

The applicant has provided a Traffic Impact Assessment. *See body of the report and councils staff assessment of this document on traffic impacts.*

Compatibility

In regards to the compatibility please refer section to C8 Environmental Management - Minimising Conflicts section of this report.

Speaker 6

The speaker sort clarification on several inconsistencies in the original report;

- Screening planting
- Interim managers residence (cabin 3 and then cabin 9)

The speaker feels that the managers residence is over-sized and disproportionate to the development, does not believe that the development does not meet the objectives of E3 to Manage, Protect and restore ecological value and wonders how the Bushfire requirements affect the vegetation on the subject site and is located too close to the school bus collection point and adjoining the residential boundaries, including the drive way and cabins and seeks justification & clarification of the consideration privacy components

Furthermore the speaker feels that the development is aesthetically displeasing and that further tourist accommodation will ruin the community appeal of East Jindabyne.

Additionally, states that significant works already carried out such as levelling of dirt and the installation of a new driveway and that the officers Response not adequately address submissions.

Officer Response to Issues Raised by Speaker 6

Screening plants

Initially, after receiving the submissions, the applicant proposed to provide screening plants along the eastern boundary to address the privacy concerns. Due to the bushfire mitigation reasons, the proposed planting was not possible and the applicant will not be planting screening plants adjacent to the services easement. Instead the applicant will be erecting a fence with the neighbouring properties to create a screened barrier to the development.

It is acknowledged that wording of this change was missed in the response to one submission in the original report.

Interim managers residence (cabin 3 and then cabin 9)

Planning for Bushfire Protection requires that a bushfire refuge building is nominated and provided as part of all tourist facilities. The original Statement of Environment Effects noted Cabin 3 as the Refuge building and after the referral to the RFS the subsequent requirements and conditions changed the refuge building to cabin 9.

Over-sized Managers Residence

There are no development standards in the SR LEP or DCP which limit the size of the residence. The size of the residence is considered to be adequate to home a permanent manager and family whilst also providing additional office space to carry out the administration activities associated with the eco-tourist facility.

School bus location

The proposed location of the driveway from the subject development is located approximately 15m from the western side of the Willow Bay Place and Kunama Drive intersection. The school bus provider was contacted and it was clarified that the bus stops for this section of East Jindabyne were at the start of Heysen Drive and the corner of Kunama Drive and Lakeview

Terrace. The closest nominated bus stop is located at the corner of Kunama Drive and Lakeview Terrace.

There is no foreseen interaction between the traffic associated with the subject development and the current bus routes or collection points.



Figure 34: Location of nominated bus stop



Figure 35: Location driveway access to subject site

Objectives of E3

The applicant has provided further documentation, including the Management Plan and Resolution Response, which outlines the proposed methods to manage, protect and restore the vegetation and cultural areas on the subject site. *See body of the report and councils staff assessment of the LEP and DCP regarding how the development will enhance the environmental and cultural values of the site or area.*

Officers Response to Submissions

All submissions received were considered in good faith and in line with legislative provisions.

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 Councils 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

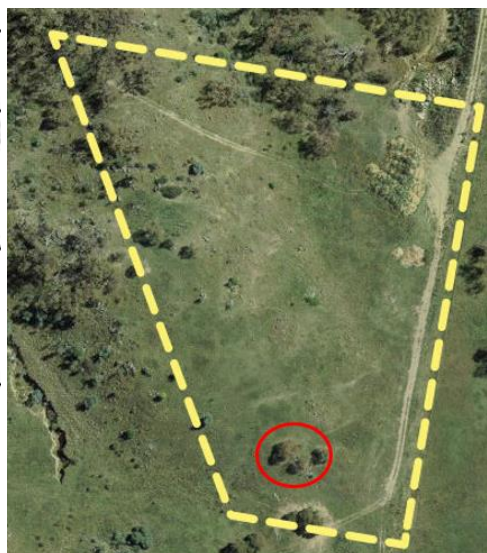
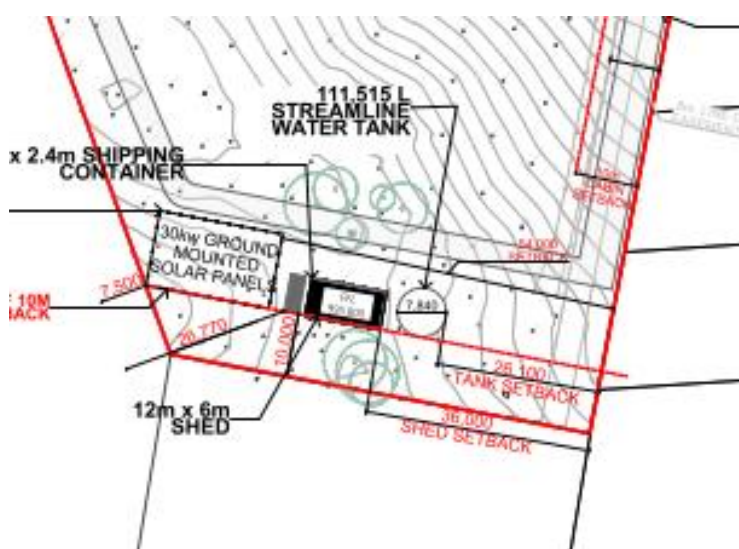
The proposed setback for the cabins is 10m. There is no minimum required setback for Eco-tourist developments, however it is considered that a 10m setback is satisfactory. Given the single storey nature of the proposed cabins and the predominant dwelling design being developed on the adjoining residential 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.

Added

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.

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 Heyden 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 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*.

9.1.1 MICHELAGO HALL AND TENNIS COURT COMMITTEE MEMBERSHIP

Record No: I22/208

OFFICER'S RECOMMENDATION

That Council

- A. Delegate authority to the committee through adoption of the Charter
- B. Appoint four members
- C. Note the minutes of the committee meeting held 16 March 2022

ISSUES

Council has received two resignations from the Michelago Hall and Tennis Court Management Committee. Nominations for the two vacant positions were called for, Council has received five nomination forms (attached).

The committee has also expressed its desire to increase its community membership from five (5) to seven (7). This is reflected in the committee minutes held on 16 March 2022.

The committee's charter has been amended to reflect this request and confirm its composition and responsibilities. Should Council agree to increase the community membership, this would increase the vacancies from two to four. It is recommended Council appoint four members to the Committee from the nominations received.

RISK ASSESSMENT

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

The Committee provides a valuable mechanism for members to actively and regularly inform Council of the conditions of the asset. This reduces the increasing pressures on limited resources to ensure these assets are fit for community use and comply with health and safety standards.

FINANCIAL IMPACTS

Maintaining the committee is contained within the adopted council budget. The committee raises its own revenue through the hiring of both facilities. The fees paid for use of these facilities is deposited into an account managed by the committee. The funds are then invested back into the facilities through general maintenance undertaken by the committee.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

Council may at any time disband an external volunteer committee. The disbandment of such a committee would return the facilities to council's management, increasing the resourcing requirements to maintain the facilities. This option is not recommended.

IMPLEMENTATION PLANS

Successful members will be notified of Council's decision, thus allowing them to be active and voting members on the committee.

Council provides support for these committees through the receipt of committee minutes and correspondence. Council officers provide technical advice and support as required.

EXISTING POLICY/DECISIONS

Committee members are required to adhere to Council's Code of Conduct and relevant policies.

BACKGROUND

In 2020 the scope of the Michelago Hall Management committee was extended to include the tennis courts and club house. This has increased the responsibility on the committee to manage both facilities.

The committee has requested an increase in their community membership to assist in the distribution of tasks amongst the members to maintain both facilities.

ATTACHMENTS

1. Minutes of the Michelago Hall and Tennis Courts Management Committee meeting held 16 March 2022
 2. Committee Charter
 3. Nomination Form - Belinda Sierzechula
 4. Nomination Form - Bronwyn Gattringer
 5. Nomination Form - Jenny Wholohan
 6. Nomination Form - Naomi Walton
 7. Nomination Form - Rachel Harling
-

Michelago Memorial Hall Section 355
Management Committee



General Meeting

Held at Michelago Memorial Hall, Ryrie Street, Michelago

On 16th March 2022

Commencing at 6.06pm

Members

Position	Name	Attendance
Treasurer	Mitch Lee	Present
Secretary	Anna Lucas	Present
Bookings Officer (Acting)	Rachel Harling	Present
MRCA Representative	Leanne Pattison	Present

1 Opening of the meeting

The President opened the meeting at 6:06pm.

2 Apologies

Nil

3 Adoption of previous minutes

Minutes of the meeting held on Feb 16 are confirmed as a true and accurate record of proceedings.

Moved	Anna Lucas
Seconded	Mitch Lee

4 Reports

4.1 Treasurer

- Westpac- Anna and Mitch went to Westpac to remove Kaitlin as signatory for account (as resigned from committee and role as President). However it needs to be recorded in the minutes (for Westpac) that the committee unanimously agreed Kaitlin Lee should be removed as signatory for Westpac account with Hall Committee. Two signatories requested are Mitch Lee and Anna Lucas. We are also looking at options of moving to Beyond Bank Mitch will research into.

4.2 Booking Officer Report

- Rachel is getting used to the system for bookings. The email system has been hard to access initially also but getting there. Discussed the need to aim to try to respond to inquiry and bookings within a day or two. Also have had some waiting for invoices a while so would like to see this streamlined/made easier. Maybe need to look at the system in more detail together to support Rachel and ensure that it is able to be shared amongst the committee members and record able in a spreadsheet.

- Rachel discussed future bookings. One being from a man wanting to provide regular classes on a Saturday mornings. The concern from some members was that if it was too late in morning it could limit other bookings from community. The person was also wanting to store some equipment for the classes. It was agreed that the option of having early classes may work. There are more details to discuss with him such as security and liability with storing equipment and for us to think about possible location for this, rental costs (for using the hall to store), etc. Rachel to communicate.

- Also discussed need to do an inventory on the hall assets. For example the BBQ that has been kept in hall was removed just before meeting with someone from community stating it belonged to them. Also need to look at the number of chairs in the hall, a number of which belong to the MRCA. Is the hall storing an excess than what may be needed? Leanne has volunteered to ask MRCA if they would like to store some at railway? Also check that they are labelled? Maybe plan for some tidying up of the chair storage area. Rachel help organise?

- Calendar payments (for fundraising for Michelago Memorial Hall) from General Store (Sally) to be paid to bank account shortly.

5 Business arising from previous minutes

- Annual Pest Control. This is usually done around this time of year and previously organised by Bronwyn Gattringer. The cost is \$300. Mitch has cancelled to get feedback first from the committee. It was determined that the committee would like to understand more what is involved in this process and the chemicals used etc to determine what should be done. Also noted that mice have become an issue inside hall and cubby house. Mitch to enquire about the details and any termite concerns...

- Roof on hall has been repaired and gyp rocking done in kitchen and a couple of holes in wall (one just outside kitchen and one just inside kitchen). One more hole (behind poster to still do). Anna to pass on request to Julie (council).
- Debbie from preschool needs the door knob fixed inside hall on the way to men's toilets. Mitch volunteered to look at..
- Sound System – Rachel was able to meet Shane from Better Music after the installation of the audio system. Better Music will also provide instruction booklet. This should be added to the Hall Committee folder that is left at the hall.
- ‘ Hall Opening/Beautification’ Isabelle to organise. Grant money (Boco Rock) to be used on providing sausage sizzle for community, improving acoustics in hall and some on landscaping at the side of hall. Anna, Zanetta and Jenny (friends) may also help and encourage local groups to participate with decorating acoustic panels...
- Note Ivan has again mowed recently. Last week it was hard for the preschool to use yard as grass so long.

6 Other business and Items for Council action

- Anna keen to step down as secretary for family reasons. Committee nominated Jenny Wholohan as acting Secretary with hopes council will approve her membership.
- Committee also confirmed desire for Rachel Harling to be also approved by council as a committee member so she may continue her role as Bookings Officer.
- Michelago Hall Committee also confirmed that after the approval of two more positions (just advertised by council) that we would request a further two more positions. Noting there is one community member (Naomi Walton) that is also keen to contribute and is also moving into a house directly adjacent to the hall. This could be very beneficial such as when the hall may need to be opened to give accommodation in needs of natural events such as a river flooding and locals being prevented from getting home or an accident on the highway where transport is effected, etc.

7 Items for Council action

8 Date of next meeting

The next meeting will be held at 6:00 on 26th April at Michelago Memorial Hall, Ryrie Street, Michelago.

9 Close of meeting

There being no further business the meeting concluded at 7:48pm



Michelago Hall and Tennis Courts Management Committee Charter



SNOWY MONARO REGIONAL COUNCIL

Document Name

Record of Versions

Date Published	Reason for Amendments	Resolution	Author/Document Owner

Uncontrolled document when printed. Please refer to intranet for controlled document

SNOWY MONARO REGIONAL COUNCIL

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SNOWY MONARO REGIONAL COUNCIL

Document Name

1 Role of the Committee

The Committee Charter sets out the membership, responsibilities, authority and operations of the Michelago Hall, Tennis Courts and Club House Section 355 Management Committee (the Committee) in the Local Government Area (LGA) of Snowy Monaro Regional Council.

In pursuance of Section 355 of the Local Government Act, 1993, and subject to the provisions of Snow Monaro Regional Council (SMRC), this committee has been established to manage and care for the Council facilities of Michelago Hall and the Tennis Courts and Club House (the facilities).

Facility details:

Property Name	Michelago Hall		
Land Owner	Council		
Locations:	Lot 19	DP 11158	Locality Michelago
	Street Address: 66 Ryrie Street		
Facility Details	Buildings: Hall		
	Grounds: Yard		
Utilities	Water: Tank		
	Sewer: town		
	Electricity:		
	Gas:		
Other/General			

Property Name	Michelago Tennis Courts and Club House		
Land Owner	Crown		
Locations:	Lot 6	DP 11158	Locality Michelago
	Street Address: 0 Ryrie Street		
Facility Details	Buildings: Clubhouse		
	Grounds: Tennis Court		
Utilities	Water: Tank		
	Sewer: Septic Tanks		
	Electricity:		
	Gas:		
Other/General			

Appendix 1: Map – Michelago Hall and Tennis Courts

2 Purpose of the Committee

The purpose of the Committee is to assist SMRC with the management and care of the Council facilities listed in this charter and comply with the terms of this charter and any Council Policy or Legislation in the management of the facilities. The Committee shall:

- Promote, encourage and provide for the use of the facilities to meet the current and future needs of the local community and of the wider public for public recreation and physical, cultural, social and intellectual welfare or development of individual members of the public.
- Monitor and manage the financial records for the facilities, including the management of bookings.
- Ensuring all monies received, through the hire of the facilities are used for the benefit of the facilities in an equitable, honest and consistent manner.
- Administering and overseeing the use of the facilities by other user groups.
- Encourage, promote and facilitate recreational and sporting pursuits in the community in line with current and future needs of SMRC.
- Ensure that such activities are managed having regard to any adverse impact on nearby residences.
- Ensure all facilities aim to be accessible to all members of the community.
- Liaise with Council staff to include works in Councils Asset Management Strategy.
- Provide input and financial information to support Councils decision-making process when setting the Fees and Charges for the facilities.

3 Power of the Committee

The Committee exercises functions of Council as a Committee under Section 355 of the Local Government Act 1993.

Pursuant to Section 377 of the Local Government Act 1993, Council has delegated to the Committee the power to carry out the functions necessary for its purposes.

The power of the Committee is limited to the management and care of the facilities. It does not have power to make decisions that will bind the Council or to commit the expenditure of the financial resources of Council or any other Organisation without express authorisation.

The Committee shall exercise its power by considering any matter relating to its purposes in a formal meeting and by making formal representation to Council, as it deems appropriate.

4 Sub-Committee

The Committee does not have authority to delegate its function to a sub-committee, however, working groups may be established by the committee to work towards achieving specific aims and objectives. The working groups will comprise committee members and others required to achieve the desired outcomes. Working groups and teams report back to the Committee and, therefore, their reports will be included in the reports to Council.

5 Structure and Composition of the Committee

The Committee shall consist of a minimum of five members. Equal representation is to be giving to sporting / user groups of the facilities for voting purposes, as such the Committee shall be made up of:

- *Seven members of the community*

- *One member from the MRCA, in an Ex-Officio role*

From this membership the Committee will elect its office bearers at its inaugural meeting, and thereafter at its AGM (12 monthly).

6 Appointment of the Committee

To hold office and provide advice to Council, all committee members are to be appointed by resolution of the Council before being able to vote or take part in meetings of the Committee.

Principal office bearers are to be elected from amongst the members, at its first meeting and thereafter at each Annual General Meeting (AGM) every 12 months. Throughout the term of the committee the composition, function (and charter) of the Committee shall be reviewed and a recommendation made to Council as required.

7 Meetings

Meetings shall be held at Michelago Hall. Meetings will be held annually and at other times in the discretion of the Chairperson or on the recommendation of the Committee. Meeting dates and times are to be determined by the Committee at its inaugural meeting.

8 Quorum

The quorum is five or half plus one and must include one (1) office bearer.

9 Vacancies

Vacancies on the Committee will be filled in accordance with the Section 355 Manual, and the term of any substituted Member appointed shall be the same term as that of the Member absent, whose position has been vacated or forfeited.

10 Leave of Absence

- A request for Leave of Absence can be applied for and approved by Committee Resolution.
- Failure to attend three consecutive meetings without submitting a satisfactory explanation or request for Leave of Absence will forfeit membership on the Committee.

11 Principal Office Bearers

11.1 Chairperson

The Chair shall be appointed by the committee at its inaugural meeting and then at each AGM.

If the Chair is absent from a meeting, and no Deputy Chairperson has been previously appointed, the committee shall elect a member to Chair the meeting in the absence of the Chairperson.

The role of the chairperson is to chair the meetings, act on behalf of the committee in an emergency,

assist committee members be providing direction, forward planning and vision for the committee, and liaise with council.

11.2 Secretariat

The Committee shall provide Secretariat support for all meetings. The Secretariat shall:

- Prepare all records, including the agenda, minutes and any reports or recommendations.
- Provide members of the Committee with adequate notice of meetings confirming the date, time and venue.
- An agenda will be forwarded to each member of the Committee as soon as is practicable.
- Maintain an action items list.
- Ensure the minutes of the meeting are promptly distributed to all members for review as soon as practicable after each meeting.
- Ensure the adopted minutes are signed by the Chairperson and presented to the next Council meeting.

11.3 Treasure

Report on the income, expenditure and cash flow of the committee.

11.4 Bookings Officer

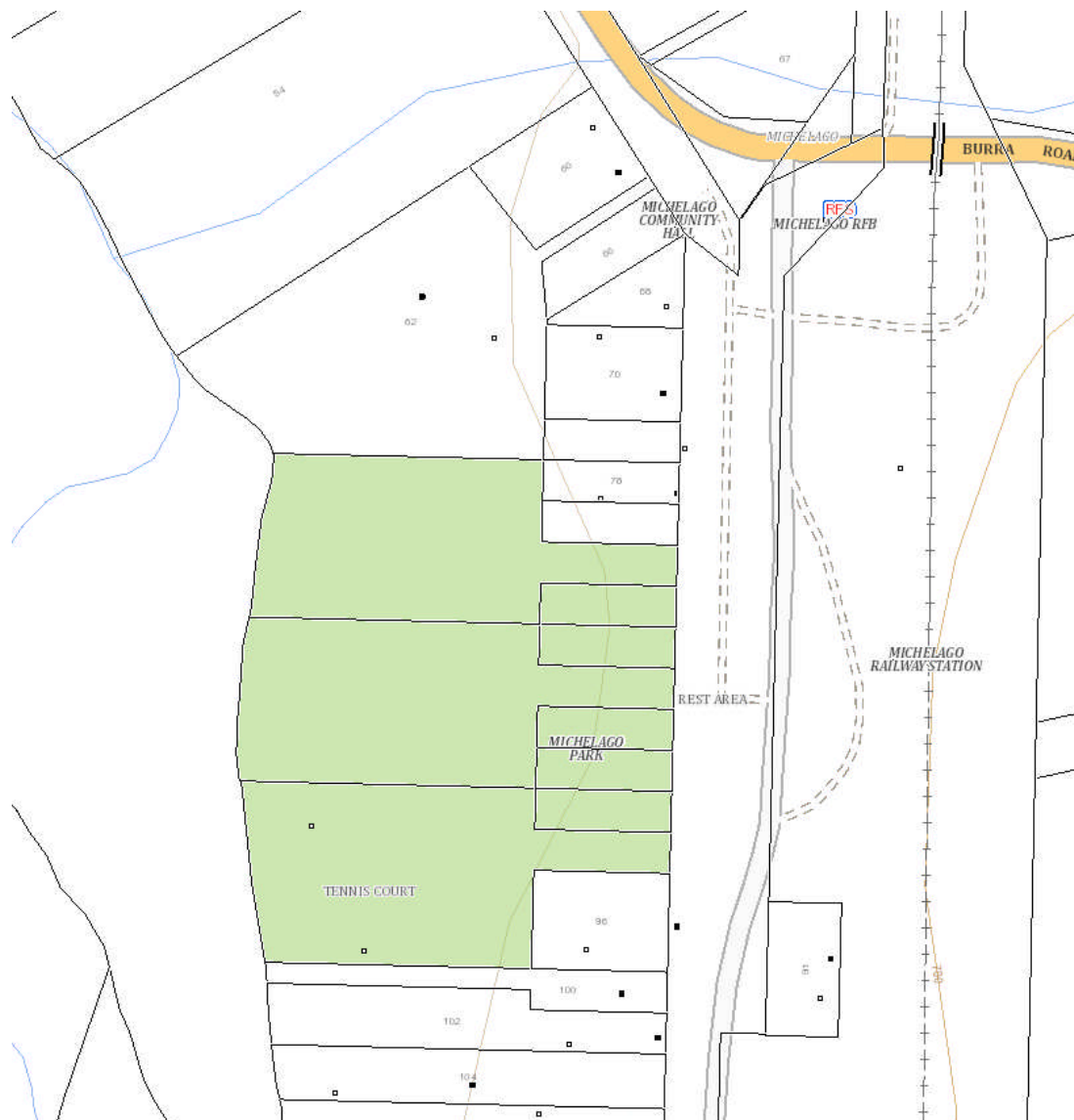
The bookings officer will:

- Handle the bookings for the facilities, including keeping accurate records of bookings
- Authorise the release of any bonds
- Provide venue briefings for hirers and inspections

SNOWY MONARO REGIONAL COUNCIL

Document Name

APPENDIX 1 Map - Michelago Hall and Tennis Courts





NOMINATION FORM FOR APPOINTMENT TO COMMITTEE

Name of Committee: Michelago Memorial Hall & Tennis Courts s355 Committee

Group Represented:

Nominee's Name: Belinda Sierzchula

Residential Address: Michelago NSW 2620

Postal Address: Michelago NSW 2620

Telephone: Home: Work:
Fax: Text Email:

Reasons for wishing to join the committee:

I love living in Michelago and being involved in our local community and helping to bring our community together. I previously had a position on the committee and unfortunately had to resign for health reasons. I am fully well again and would love to be able to contribute to this committee again. I have lots of skills in admin, bookkeeping, grant writing and organising events that I think will be very valuable as a member of the committee.

I acknowledge receipt of the *Privacy and Personal Information Protection Act 1998* Pre-Collection (Section 10). I confirm that I have read the contents of the notice and agree that the personal information may be used for the purposes identified and provided to the recipients identified in the notice.

Nominee's Signature:

A black rectangular box redacting the signature of the nominee.

Date: 1/3/2022

Nominees under 18 years of age - Parent/Guardian Consent

I, _____ hereby consent to the nomination of
_____ to the _____ Committee

Nominee's Signature: _____ Date: _____

Please return this form to
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630



NOMINATION FORM FOR APPOINTMENT TO COMMITTEE

Name of Committee: Michelago Community Hall and Tennis Courts Committee

Group Represented: _____

Nominee's Name: Bronwyn Gattringer

Residential Address: _____

Postal Address: As Above

Telephone: Home: _____ Work: _____

Fax: _____ Email: _____

Reasons for wishing to join the committee:

I have lived in Michelago for 18 years, I have been a part of the Michelago Hall committee, The Michelago RFS and the MRCA for the last 15 years. Speaking with many of the new Hall committee members, there seems to be a lack of local and community knowledge/ history, especially as far as the Hall goes. I would like to return to the Hall committee to help and guide the new committee through any difficulties they have or that may arise in the future. I am well known in the Michelago Village and feel my experience with our hall would benefit both the hall committee and our community members. I am only 4 doors down from the Hall so it is easy for me to keep an eye on the Hall re any booking issues, Vandalism issues or opening up the Hall quickly for our locals that have been stranded on the village side of the creeks due to the constant flooding we are experiencing. Thank you for considering my application. Brony

I acknowledge receipt of the *Privacy and Personal Information Protection Act 1998* Pre-Collection (Section 10). I confirm that I have read the contents of the notice and agree that the personal information may be used for the purposes identified and provided to the recipients identified in the notice.

Nominee's Signature: B Gattringer Date: 20/03/2022

Nominees under 18 years of age - Parent/Guardian Consent

I, _____ hereby consent to the nomination of
_____ to the _____ Committee

Nominee's Signature: _____ Date: _____

Please return this form to
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630



PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998

PRE-COLLECTION (SECTION 10)

Snowy Monaro Regional Council Management and Advisory

The personal information that Council is collecting from you is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* ("the Act").

The intended recipients of the personal information are:

- Members of the public and Council staff requiring contact information in relation to your Management/Advisory Committee.
- The personal information will appear in the Council Agenda at the time that your nomination will be considered by the Councillors and the personal information will as a result be available to the Councillors, members of staff and members of the public who obtain copies of the Council Agenda.

The provision of the information by you is voluntary.

The personal information will be used by the Council to choose members of the Committee.

Council is collecting this personal information from you in order to maintain an accurate contact list for members of the public, Council officers and other Council Committee members who may need to contact the appropriate members of your Committee.

If you do not provide this information, we will not be able to include details in the database.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Council is to be regarded as the agency holding the information.

Inquiries concerning this matter may be addressed to Council's Public Officer, 1300 345 345.

It would be appreciated if you would complete the Nomination Form and return to:

Insert name/position
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630



NOMINATION FORM FOR APPOINTMENT TO COMMITTEE

Name of Committee: MICHELAGO MEMORIAL HALL + TENNIS COURTS

Group Represented: —

Nominee's Name: JENNY WHOLOHAN

Residential Address: —

TINDERRY NSW 2620

APPROX. 18 km FROM
MICHELAGO VILLAGE,
WHICH IS OUR NEAREST
VILLAGE.

Postal Address: as above.

Telephone: Home: — — — — — Work: —

Fax: — — — — — Email: —

Reasons for wishing to join the committee: I AM CURRENTLY INTERIM SECRETARY FOR THIS COMMITTEE HAVING BEEN VOTED IN ON 16-3-22, MY HUSBAND & I HAVE BEEN FULL-TIME RESIDENTS HERE FOR 30 YEARS WITH MICHELAGO OUR LOCAL VILLAGE. IN EARLY 1990'S I WAS SEC./TREASURER FOR ANEMBO NEIGHBOURHOOD WATCH GROUP. I AM CURRENTLY AUDITOR FOR ANEMBO RURAL FIRE BRIGADE (FOR OVER 10 YRS). FOR 15 YRS WE HAD OUR OWN FAMILY BUSINESS AT OUR PROPERTY THAT GAVE EMPLOYMENT FOR A NUMBER OF LOCAL PEOPLE. I HAVE BEEN A BOOKKEEPER + ACCOUNTS MANAGER FOR OVER 30 YRS. I HAVE A POST GRADUATE CERTIFICATE IN ACCOUNTING + AM CURRENTLY A REGISTERED BAS AGENT WITH THE TAX PRACTITIONERS BOARD. I WOULD LIKE TO CONTRIBUTE BY ASSISTING GOOD ORGANISATION + THOROUGH, TRANSPARENT + ACCOUNTABLE RECORDS. I HAVE NO PERSONAL AGENDA - I SEE THE COMMITTEE'S WORK AS SIMPLY BENEFICIAL TO MY LOCAL COMMUNITY. I USED TO BE AN AVID TENNIS PLAYER TOO. I acknowledge receipt of the Privacy and Personal Information Protection Act 1998 Pre-Collection (Section 10). I confirm that I have read the contents of the notice and agree that the personal information may be used for the purposes identified and provided to the recipients identified in the notice.

Nominee's Signature: [REDACTED] Date: 22/3/2022.

Nominees under 18 years of age - Parent/Guardian Consent

I, _____ hereby consent to the nomination of
_____ to the _____ Committee

Nominee's Signature: _____ Date: _____

Please return this form to
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

SNOWY MONARO REGIONAL COUNCIL

NOMINATION FORM FOR APPOINTMENT TO COMMITTEE

Name of Committee: Michelago Hall and Tennis Court

Group Represented: myself?

Nominee's Name: Naomi Walton

Residential Address: [REDACTED]

Postal Address: Tinderry
as above (note: looking to move soon right behind hall in Michelago)

Telephone: [REDACTED] Home: [REDACTED] Work: [REDACTED]
Fax: [REDACTED] Email: [REDACTED]

Reasons for wishing to join the committee:
Contribute to local community

I acknowledge receipt of the *Privacy and Personal Information Protection Act 1998* Pre-Collection (Section 10). I confirm that I have read the contents of the notice and agree that the personal information may be used for the purposes identified and provided to the recipients identified in the notice.

Nominee's Signature: [REDACTED] Date: 16.3.2022

Nominees under 18 years of age - Parent/Guardian Consent

I, _____ hereby consent to the nomination of _____ to the _____ Committee

Nominee's Signature: _____ Date: _____

Please return this form to
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630



SNOWY MONARO
REGIONAL COUNCIL

NOMINATION FORM FOR APPOINTMENT TO COMMITTEE

Name of Committee: Michelago Memorial Hall Section 355

Group Represented: _____

Nominee's Name: Rachel Harling

Residential Address: _____ Michelago

Postal Address: As above

Telephone: Home: _____ Work: _____

Fax: _____ Email: r

Reasons for wishing to join the committee:

I have taken over from kaitlyn as the Bookings officer and would like to apply for a position on the committee.

I acknowledge receipt of the *Privacy and Personal Information Protection Act 1998* Pre-Collection (Section 10). I confirm that I have read the contents of the notice and agree that the personal information may be used for the purposes identified and provided to the recipients identified in the notice.

Nominee's Signature: _____ Date: 16/4/22

Nominees under 18 years of age - Parent/Guardian Consent

I, _____ hereby consent to the nomination of _____ to the _____ Committee

Nominee's Signature: _____ Date: _____

Please return this form to
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

9.1.2 COUNCILLOR MEMBERSHIP FOR COMMUNITY ENGAGEMENT PROJECT CONTROL GROUPS

Record No: I22/213

OFFICER'S RECOMMENDATION

That Council nominate Councillors onto the community engagement project control groups for the following projects:

- A. Adaminaby Projects (Supporting Tourism & Improving Streets in Adaminaby)
- B. Bombala Exhibition Ground and Sporting Facilities Upgrade
- C. Sports Hub Monaro High School & Snowy Oval
- D. Delegate School of Arts Upgrade

ISSUES

Council's project management framework does incorporate the development of project control groups for more complex and large scale projects, with the composition being developed based on identification of key stakeholders. A number grants received recently are being managed through Public Works Advisory (PWA) and PWA has advised the establishment of a Community Engagement Project Control Group (CEPCG) for each project. The makeup of the CEPCG (if approved) is at the discretion of the Council. In addition it is considered that due to the nature and scope of the Sports Hub project that a CEPCG would be a valuable addition for the delivery of that project.

Following from a review of the projects it was determined that the governing body should be represented in the CEPCG group as in most cases the projects will have significant impact and visibility across the communities within which they are being delivered. These are projects that the community will be wishing to be informed about and inclusion of a councillor can assist in facilitating information and feedback on the projects as they progress.

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	Medium	Low	Yes

The participation of councillors will improve communication between Council, staff and the community, reducing the likelihood of negative impacts.

FINANCIAL IMPACTS

This will have no financial impact as funding from Council is not required. All projects are grant funded.

RESPONSIBLE OFFICER: Manager Corporate Projects

OPTIONS CONSIDERED

Council could operate the projects without CEPCGs. Communications would need to be managed by the project managers and Council's communications team. The additional layer of communications that will be provided by having community stakeholders embedded as part of the process is seen to add value to improving the communications between Council and the community for these projects. It will also provide a mechanism for bringing various stakeholders together to provide a shared message.

IMPLEMENTATION PLANS

The CEPCG provides a good opportunity for councillor to gain exposure to communities outside of their "home base" and it is recommended that Council consider the opportunity to have councillors working across the region in supporting the community. Exceptions may be warranted where particular expertise would benefit the CEPCG. For example, the Adaminaby projects will have a focus on traffic issues and there may be benefit for the member of the Traffic Committee in liaising with the committee on issue arising from those works.

BACKGROUND

The community engagement project control groups would be:

- **Delegate School of Arts Facilities Upgrade** – Works include internal fit-out, external cladding, stormwater drainage, foundation, footpath, upgrade to heating, cooling and ventilation systems, and external toilet amenities. (\$ 874,362)
- **Adaminaby Projects** – The PCG would be responsible for two projects.
 - *Improving Streets in Adaminaby*. Kerb & guttering along Baker Street, footpath in Denison Street, drainage and sealing of un-named laneway (east of Denison Street), drainage and sealing of Lucas Street. (\$ 812,340)
 - *Supporting Tourism in Adaminaby* – Provision of a Light vehicle & Caravan Parking area and a Truck or Heavy Vehicle parking area. (\$ 1,000,000)
- **Bombala Exhibition Ground Projects** – The PCG would be responsible for three projects.
 - Demolition of the existing Caretaker Cottage and Construction of new Caretaker Cottage – Showground stimulus funding (\$ 172,700)
 - Painting the Exhibition Hall, CWA Building and existing Grandstand - Showground stimulus funding (\$ 144,332)
 - Bombala Sporting Facilities Upgrade – BLER funding (\$ 796,505)
- **Cooma Sports Hub** – Three indoor courts, synthetic athletics track and field (\$ 15,000,000)

ATTACHMENTS

Nil

9.1.3 SECTION 355 ADVISORY COMMITTEE CHARTER COOMA SALEYARDS

Record No: I22/210

OFFICER'S RECOMMENDATION

That Council adopt the Section 355 Advisory Committee Charter for Cooma Saleyards.

ISSUES

Reference is made to Council Resolution 19/22 from the meeting of 17 February 2022 whereby the Appointment of Delegates to Committees for the period to September 2023 were decided.

The Cooma Saleyards Advisory Committee has been inactive since around the time of amalgamation in May 2016.

At the request of Council and stakeholders this Committee has been reformed with an inaugural meeting held on Tuesday 5 April 2022. That meeting was held under the draft charter, however the charter is now required to be endorsed by Council.

RISK ASSESSMENT

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

By having this Committee functioning and working towards a common goal then the risk types with a medium current and expected risk should lower.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	Nil	
Estimated Annualised Net Cost	Nil	
Capital Investment	Nil	
Capital Funding Source	Nil	

There is no financial impacts to Council by adopting the new charter.

RESPONSIBLE OFFICER: Coordinator Community Facilities

OPTIONS CONSIDERED

No other options were required to be considered.

IMPLEMENTATION PLANS

The first meeting of the Cooma Saleyards Advisory Committee will meet on 5 April 2022 under the draft charter.

EXISTING POLICY/DECISIONS

Council Resolution 19/22 from the meeting of 17 February 2022 where the Appointment of Delegates to Committees for the period to September 2023 were decided.

ATTACHMENTS

1. Section 355 Advisory Committee Charter Cooma Saleyards



S355 Advisory Committee Charter Cooma Saleyards



SNOWY MONARO REGIONAL COUNCIL

Document Name

Record of Versions

Date Published	Reason for Amendments	Resolution	Author/Document Owner

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SNOWY MONARO REGIONAL COUNCIL

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1 Role of the Committee

The Committee Charter sets out the membership, responsibilities, authority and operations of the Cooma Saleyards Advisory Committee in the Local Government Area (LGA) of Snowy Monaro Regional Council.

2 Purpose of the Committee

The purpose of the Committee is to assist Snowy Monaro Regional Council to facilitate the provision of advice and governance by ensuring that Council is attuned to the needs and preferences of the community and has input such as local knowledge as well as religious, cultural and heritage perspectives.

With reference to Cooma Saleyards the Committee shall:

- Assist Council to:
 - Develop policies and procedures for the operation and maintenance of the Cooma Saleyards,
 - Monitor the operations of the Cooma Saleyards and ensure compliance with all statutory requirements including the licensing conditions,
 - Formulate and maintain rules and regulations for the operations of the Cooma Saleyards,
 - Develop a strategy for future operations at the Cooma Saleyards.

3 Power of the Committee

The Committee exercises functions of Council as a Committee under Section 355 of the *Local Government Act 1993*.

Pursuant to Section 377 of the *Local Government Act 1993*, Council has delegated to the Committee the power to carry out the functions necessary for its purposes.

The power of the Committee is limited to the exercise of advisory power. It does not have power to make decisions that will bind the Council or to commit the expenditure of the financial resources of Council or any other Organisation without express authorisation.

The Committee shall exercise its power by considering any matter relating to its purposes in a formal meeting and by making formal recommendations to Council as it deems appropriate.

4 Structure and Composition of the Committee

The Committee shall consist of a minimum of five (5) members and a maximum of seven (7). Equal representation is to be given to community groups / identified organisations for voting purposes, as such the Committee shall be made up of:

- Two elected representatives of Council – One of which will be the Chair
- Council staff (Chief Operating Officer, Manager Community Services and/or Coordinator Community Facilities)
- One member from the Cooma Associated Agents (Current President)

- One member from the Local Land Services
- One member from the local Transport Industry
- One member representing the local Farming/Landowner Industry

5 Appointment of the Committee

The term of the Committee shall be for the Council term, throughout the term, the composition and function of the Committee shall be reviewed and a recommendation made to Council as required.

6 Meetings

Meetings shall be held at Cooma Office Committee Meeting Room. Meetings will be held quarterly and at other times in the discretion of the Chairperson or on the recommendation of the Committee. Meeting dates and times are to be determined by the Committee at its inaugural meeting.

7 Quorum

The quorum is five (5) or half plus one and must include one (1) office bearer.

8 Vacancies

Vacancies on the Committee may be filled by a resolution of the Committee and the term of any substituted Member appointed shall be the same term as that of the Member absent, whose position has been vacated or forfeited.

Vacancies will be filled in accordance with the Section 355 Manual.

9 Leave of Absence

- A request for Leave of Absence can be applied for and approved by Committee Resolution.
- Failure to attend three consecutive meetings without submitting a satisfactory explanation or request for Leave of Absence will forfeit membership on the Committee.

10 Principal Office Bearers

10.1 Chairperson

The Chair shall be an elected representative of Council. If the Chair is absent from a meeting, and no Deputy Chairperson has been previously appointed, the committee shall elect a member to Chair the meeting in the absence of the Chairperson.

10.2 Secretariat

The Community Facilities Team shall provide Secretariat support for all meetings. The Secretariat shall:

- Prepare all records, including the agenda, minutes and any reports or recommendations.

SNOWY MONARO REGIONAL COUNCIL

Document Name

- Provide members of the Committee with adequate notice of meetings confirming the date, time and venue.
- An agenda will be forwarded to each member of the Committee as soon as is practicable.
- Maintain an action items list.
- Ensure the minutes of the meeting are promptly distributed to all members for review as soon as practicable after each meeting.
- Ensure the adopted minutes are signed by the Chairperson and presented to the next Council meeting.

DRAFT

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION

Record No: I22/19

OFFICER'S RECOMMENDATION

That Council

- A. Accept the tender of Project Coordination including their further clarifications and revisions and agree to proceed with awarding them the contract for construction of the indoor sports hall.
- B. Undertake an assessment of the stage 2 project for the sports hub.

ISSUES

In June 2020 Council committed to a funding agreement with the NSW Office of Sport (OoS) following an election promise by the local member prior to the state election in 2019. The scope of the agreement was the design and construction of an indoor sports hall and synthetic athletics track at Cooma North in the Snowy Oval-Monaro High School precinct. The funding provided was \$15 Million.

The original project timelines was for completion by February 2023. The OoS have indicated recently that (unlike earlier in the project) they are open to some flexibility on the construction completion date, even beyond the next state election, due in March 2023.

Estimated construction costs based on the detailed design have confirmed the project's original scope of works is over the \$15m project budget. With recent price rises in the context of supply chain disruptions caused by global factors it is estimated a total budget of \$23.5m would be needed to complete the entire project today. As a consequence the athletics track and field works within the original scope have been deferred to stage 2 and are presently unfunded and not included in this tender.

The Office of Sport currently has a grant funding stream (Multi-Sport Community Facility Fund) available which could potentially fund up to \$5m of stage 2 of the project. Stage 2 has an estimated total capital cost of \$8.5m, but could potentially be broken up into further stages if required. As Council does not have the funds to meet the required level (50%) of co-contribution to the grant, success in applying to this funding stream would be dependent on Council applying for and being successful in its application for an exemption from providing the required amount of capital co-contributions for the fund.

Due to the circumstances of Council receiving the stage 1 funding (ie through an election promise) and because the project would strongly meet other criteria for the fund, Council would have a reasonable chance of being successful if it applied. Another round of this funding stream will be open in June, however before applying stage 2 needs to be assessed under Council's project management framework and a further report will need to be provided to Council so a decision can be made whether or not to apply.

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION

The tender for the construction of the indoor sports hall was released in January and closed 2 March 2022. There were a total of 6 submissions. The tender evaluation process has been completed and the details of the assessment are provided in Attachment A- Tender Evaluation Report. The tender panel recommend the contract be awarded to Project Coordination, which had the lowest price and highest overall evaluation.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
External Political Environment	High	Medium	Yes
Financial Sustainability	High	Low	Yes
Reputation and Image	High	Medium	Yes
Service Delivery	Low	Low	Yes

Risk Class (Nature of Risk)	Identified Risks (What Can Go Wrong?)	Risk Treatment/Controls	Treatment To Be Implemented?
Asset Management	Take longer than planned for the new assets to be commissioned.	Award contract as soon as possible. Allocate appropriate contingency in project delivery program as advised by selected tenderer. Communicate with internal staff responsible for management of new facility regarding delivery timeframe	Communicate with internal staff Allocate appropriate contingency to delivery program
External Political Environment	Change in NSW Government priorities may decrease Council's chances in seeking additional funds to complete both stages of the project.	Complete detail design and approvals for stage two-athletics track and field. The 'shovel ready' plans place Council in a better position in seeking other funding sources. Continue liaising with State Government regarding additional funding sources. A change in local member may assist with the allocation of additional funds for completion of athletics track and field facilities.	Progress project planning for stage 2.
	Failure to deliver project by due date leads to Council not being ranked highly for future grant funding.	Ensure good project timeframes developed before projects commence. Ensure open communication with funding bodies on issues arising. Undertake all reasonable actions to ensure project delivery achieved as planned.	Communicate with funding body if changes to agreed timeframe occur
Financial Sustainability	Undertake projects that there is no funding for,	Develop full project plan before commencing project, including identification of operational and capital funding needs and their sources.	Develop business case for stage 2.

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION

Risk Class (Nature of Risk)	Identified Risks (What Can Go Wrong?)	Risk Treatment/Controls	Treatment To Be Implemented?
	leading to the need to cut other services.		
Reputation and Image	Risk to SMRC reputation for delivery of a major project on time and within budget	Continue to liaise with funding sponsor (NSW Office of sport) regarding project variation and additional funding opportunities for Stage 2	Continue communications with funding sponsor.
	Risk to SMRC Reputation in meeting community sporting group expectations in delivery all components of the sports hub as promised by the local member.	Continue providing project updates at community working group (CWG) meetings. Continue managing expectations by informing CWG and community that project scope exceeds budget allocations. Original grant submission for project scope was estimated at \$20M Inform CWG that stage 2 will be assessed and if approved Council will seek additional funds to complete stage two.	Continue communication with Community Working Group and providing broader community information on the status and approach being taken.
Service Delivery	Completion of the project will be delayed by six months.	Undertake all reasonable actions to ensure project delivery achieved as planned.	Proceed with indoor sports hall construction and advocate for funding to complete athletic track and field in the future

FINANCIAL IMPACTS

The *design* of stages 1 (indoor sports centre) and 2 (athletics track and Snowy Oval) are fully funded by the \$15m grant along with the *capital construction* costs of stage 1. The capital construction cost of stage 2 is currently unfunded. The operating costs of stage 1 are currently unfunded.

The overall basic project budget for Stage 1 is shown below:

Project Budget

Budget-Indoor Sports Hall	\$	Comment
Grant Funding approved	\$15M	Total project funding approved by NSW Office of Sport
Grant Funding received to date	\$0	NSW OoS have not yet paid Council's invoice of \$525,000 for completion of milestone one: detailed design. A second invoice for \$225,000 is imminent at time of writing. It is anticipated a total of \$750,000 from OoS will be received for both invoices prior to construction commencing.
Expenditure Committed	\$828,828.40	1. Ck Architecture- Detail Design \$640,327.40

		2. SW Partners- Private Certification \$42,200 3. Area 3- Project Management- construction phase \$146,301
Expenditure Actual	\$472,749.26	
Predicted Expenditure – Cost of construction	\$13,000,000	This figure will be refined to a more accurate estimate once a successful tenderer for construction is appointed

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

The following table shows the assessment of the top two tenders received for the works.

The table below summarises the combined non-price and price scoring for the works.

	Project Coordination		Lloyd Group	
	Score	Score	Score	Weighted
Work Health and Safety Management Environmental Management Systems	7.5	7.5	6	6
Understanding of Requirements	7	7	6	6
Recent Relevant Experience/Referees	6	3	7	3.5
Key Personnel and Experience	6	4.5	8	6
Proposed Subcontractors and Consultants	8	4	5	2.5
Project Program Information	6.5	6.5	8	8
Risk Management	8	6	6	4.5
TOTAL Non-Price (Score / 70 & Weighted % / 55)	49	38.5%	46	36.5%
Price (Score / 10 & Weighted % / 45)	10	45%	9.13	41%
TOTAL Price & Non-Price Weighted Percentage		83.5%		77.5%

With an overall score of 83.5%, Project Coordination scored the highest combined weighted score.

Not proceeding with stage 2, being the athletics track and field, was considered. This option has not been followed to date as there is a need to fully assess the relative merits of stage 2 of the project so that an informed decision can be made before deciding on whether to pursue another funding opportunity.

IMPLEMENTATION PLANS

Construction tender

Following Councils commitment to proceed with awarding the contract for construction of the indoor sports hall works are scheduled to commence in May.

Stage 2 – Athletics and field facilities

Development of the required information to allow Council to determine the direction to take with the project will continue under the grant project. When complete a report will come back to Council for a decision.

Timeframes

Construction timeframe for the indoor sports hall is 10-11 months. Completion of the indoor sports hall is anticipated for March 2023.

The next round of the Multi-Sport Community Fund is understood to be opening in June 2022 with applications due by September. This timeframe has not yet been confirmed by the Office of Sport.

EXISTING POLICY/DECISIONS

At the Council meeting held 18 June 2020 Council agreed to a Funding Agreement with the NSW Office of Sport for the delivery of a three-court indoor sports hall and synthetic athletics track. The budget allocation is \$15 million and delivery date is January 2023.

At the Council meeting held 16 September 2021 Council agreed in principle to the terms in the Joint Use Planning Agreement with Department of Education and Monaro High School for the indoor sports hall and delegated authority to the CEO to sign the final agreement. The agreement was finalised and signed by the CEO in December 2021.

BACKGROUND

The project has the potential to provide a significant new regional level facility for the community and substantially enhance the 'liveability' of our area. This will in turn help the Snowy Monaro Region be a more attractive place to live, work and visit.

A report to the February 2018 Council meeting sought Council's commitment and support for the Cooma Sports Hub project, following the offer of funding from the NSW Government. Council agreed to proceeding with seeking funding opportunities for the sporting facility and to continue pursuit of a binding joint use project agreement with the Department of Education (DoE).

A concept plan and business case were developed for a grant funding application. The scope included a basic concept and high level costing for a three-court indoor sports facility and synthetic athletics track located at Monaro High School (MHS). The scope of works was costed at \$20M.

In March 2019 the National Party announced a \$15 million funding commitment for a new sports hub in Cooma should the NSW state government be re-elected. The announcement stated that the project would include a new sports facility located at the Snowy Oval and Monaro High School precinct that will cater for basketball, netball, athletics, AFL, cricket and more.

At the Council meeting held 18 June 2020, Council agreed to sign the funding agreement with NSW Office of Sport for \$15 million to design and construct the Cooma Sports Hub. The Agreement specifically included the following key deliverables:

- Detail design and construction of a triple court sports hall and 400m synthetic athletics track (Attachment B Cooma Sports Hub Location Diagram)
- Total funding budget of \$15M
- Delivery by January/February 2023

Council also agreed to continue negotiations with Department of Education and Monaro High School for a Joint Use arrangement of the indoor sports facility in June 2020. The Joint Use

Planning Agreement between SMRC and NSW DoE determines the ongoing management of the indoor sports facility. This presents a significant saving for Council over running a standalone facility, as the operational and maintenance costs would be shared with the NSW Government. Negotiations were finalised and a heads of agreement was signed in December 2021. Both Council and the Department will split capital renewal, maintenance and repair costs. This includes 30% of costs covered by the Department and 70% covered by Council. These percentages are primarily based on the potential hours of use available for the community and the school respectively.

The detailed design for Sports Hub is complete. Construction of the sports hall will commence following council approval to award the contract. The estimated construction completion date is scheduled for the end of March 2023.

Figures 1-2 below show a 3D image of the north and south facing aspects. Attachment C Provides further detail on the indoor sports hall design. This includes site, floor, elevations and interior design plans. The design brief provides for regional level standards in the facilities as provided by relevant state or national sporting bodies, NSW Office of Sports and NSW Schools Infrastructure.

Cooma athletics, cricket, AFL, netball and basketball clubs have had input into the design.



Figure 1 Proposed indoor sports facility design – northern perspective



Figure 2 Proposed sports facility design- south-west perspective

The original project scope of works is over budget. Discussion with the OoS regarding sourcing additional funds for the athletics track and field have taken place. To stay within the available funding the project has been split into two stages.

Stage one includes construction of the indoor sports hall and stage two includes construction of the athletics track and Snowy Oval surface upgrade. The NSW State Government have approved a variation to reduce the scope of the project and to proceed with the construction of stage one. Subsequently acting premier, Paul Toole made a media announcement on 31 March 2022 stating that the project was moving to the next phase.

Monaro High School have also invested their own operational funding into extending their sports fields. This work was scheduled to allow for the new sports hall taking part of their existing green space.

Grant Funding

The NSW Government has recently committed \$200 million to the Multi-Sport Community Facility Fund. The funding is available for the development of well-designed new and improved multi-sport infrastructure project that will meet the current and future needs of the community. Projects can be valued between \$1 million and \$5 million. Applications for round 1 closed on 25 February 2022 but round 2 is understood to be opening mid-year.

The athletics track and field component of the sports hub would be an eligible project for this round of grant funding. With the completion of the detail design the project is 'shovel ready.' NSW Office of Sport has recommended that Council apply for the funding to complete stage two of the sports hub.

Grants for new sporting facilities are highly competitive, and if the Council hands back money that it has already been awarded the reputational damage with the state government may hinder success in future grant applications.

Strategic Direction

The Cooma Sports Hub aligns with strategic objectives at a number of different levels.

At a state level, the OoS 'South East and Tablelands Sport and Active Recreation Plan 2018-2023' highlights various goals of the OoS in South East NSW over this time period which contribute to

their general vision of 'A vibrant and valued sport and active recreation sector that enhances the lives of the people of NSW' (p.5). Their more specific vision for the South East and their intended outcomes are shown below:

VISION FOR THE SOUTH EAST & TABLELANDS REGION*



OUTCOMES

After a series of consultation sessions in the region, six outcomes have been identified for the South East & Tablelands region:

-  **INCREASED PARTICIPATION**
of adults and children in regular sport and active recreation.
-  **IMPROVED ACCESS**
to sport and active recreation for everyone in the region, regardless of background or ability.
-  **INTEGRATED PERFORMANCE PATHWAYS**
for participants in sport.
-  **FIT FOR PURPOSE FACILITIES**
in the region.
-  **VALUED REGIONAL SPORTING EVENTS**
which are valued by the region.
-  **EFFECTIVE COLLABORATION**
within the sport and active recreation sector.

The Cooma Sports Hub aligns strongly with this vision and intended strategic outcomes for the region.

At a Council level, the development of the Cooma Sports Hub also aligns with the key strategic directions in the community strategic plan to ensure recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle.

The current delivery plan seeks to ensure that regional level recreation facilities that encourage an active lifestyle are planned for and provided working in partnership with other government agencies.

In addition to the above the Snowy Monaro region has not seen a substantial investment in a quality community sporting facility for many decades, despite the importance of recreation to the community. A multi-sport indoor facility makes sense in our colder climate and will increase the capacity of our local sporting clubs to host inter town and other regional level sporting events. It will also contribute towards improving the overall amenity of our region, a key ingredient in attracting new residents and sustaining a growing population.

Growing the population is one of the four strategic imperatives identified in the Regional Economic Development Strategy. The purpose of population growth is to deepen the region's internal markets for goods, services and labour.

In terms of Council's operations, by locating a number of sporting facilities close together it allows their supporting infrastructure such as roads, car parking areas, stormwater drainage, water and sewer and landscaping to also be concentrated in the one location and where possible shared between the facilities, increasing their efficiency of use.

The sports hub also involves a strategic partnership with the Department of Education (DoE) and will cater for a range of community sporting clubs. The partnership with DoE is based around the premise that by combining resources and sharing costs each agency can benefit from a facility that is of a higher standard than could be achieved with each agency working alone. In this regard the design complies with regional level sports facility design standards, allowing our community sporting groups to host competitions and events at this level. These sporting clubs have also been participants in the design process.

The level of collaboration in the development of the sports hub to date has endeavoured to be a working example of Council's organisational vision of being a 'trusted community partner'.

Engagement

A community working group was formed in the early phases of the project and representatives have provided input into the design of the sports hub. Stakeholders include Cooma basketball, netball, athletics, AFL, cricket and tennis clubs. Sporting group representatives are keen to know the details on how the new sporting facility will operate in terms of the booking systems and costs. The Council team will continue working with our community working group to ensure the facility is well utilised and meets the needs of each club or sporting group.

Both Cooma athletics and AFL clubs are supportive and excited about the design and development of the athletics track and playing field at Snowy Oval. These clubs are of course disappointed that the budget will no longer cover costs of construction however they are hopeful that other funding sources will be available.

The Cooma Sports Hub concept designs were placed on public exhibition for comment, including on Council's Your Say Page, with feedback accepted until the 30 October 2020 and a survey was conducted during this time.

Service Levels

The Cooma Sports Hub will substantially enhance the 'liveability' of the area, which will in turn help Snowy Monaro be a more attractive place to live, work and visit.

Lifecycle Costing

All new services have a lifecycle cost. Facilities eventually need replacing, as do the many components of the facility. These need to be funded or a decision made to either not provide the facility long term or identify who will pay for the costs and when. Deferring the recovery of costs increases the impact on future generations.

Operating costs are dependent, to some degree, on the level of usage. Costs such as cleaning and electricity vary with usage. The table below summarises the costs of the facility based on three different high level estimates of operating costs and a 'full' lifecycle cost estimate, both sourced from a quantity surveyor.

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION

Item	QS OPEX Estimate based on building floor space	Low range industry standard estimate (OPEX 1% of CAPEX)	High range industry standard estimate (OPEX 3% of CAPEX)
CAPEX (Lifecycle annualised from Quantity Surveyor)	\$213,350	\$213,350	\$213,350
OPEX (Annual)	\$284,000	\$130,000	\$390,000
Insurance	\$17,000	\$17,000	\$17,000
Management costs	\$20,000	\$20,000	\$20,000
Total annual cost	\$534,350	\$380,350	\$640,350
Shared Revenue with Dept of Ed			
Sponsorship	\$200,000	\$200,000	\$200,000
Estimated Shared Revenue	\$200,000	\$200,000	\$200,000
Shared shortfall	\$334,350	\$180,350	\$440,350
Council 70% portion of shortfall	\$234,045	\$126,245	\$308,245
Council Revenue			
Court hire fees (2 hours per day average @ \$50/hr)	\$35,000	\$35,000	
Court hire fees (4 hours per day average @ \$50/hr)			\$70,000
Council unfunded shortfall	\$199,045	\$91,245	\$238,245
Equivalent to rate increase of:	1.16%	0.53%	1.39%

Indoor Sports Hall- Estimated Operational Costs

Operation and maintenance costs will be shared with the Department of Education as per the Heads of Agreement. In the HoA the Council and the DoE have agreed to sharing the operating and capital renewal costs of the facility on the basis of a 70/30 split. The heads of agreement (HoA) with DoE requires that the building be covered by Council's insurance.

A lifecycle and OPEX model report for the indoor sports hall has been sought for the first 30 years of the items lifespan to assist with determining the operational costs that need funding within the lease period. It should be noted that this is not the full lifecycle costing, only for the leased period.

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION

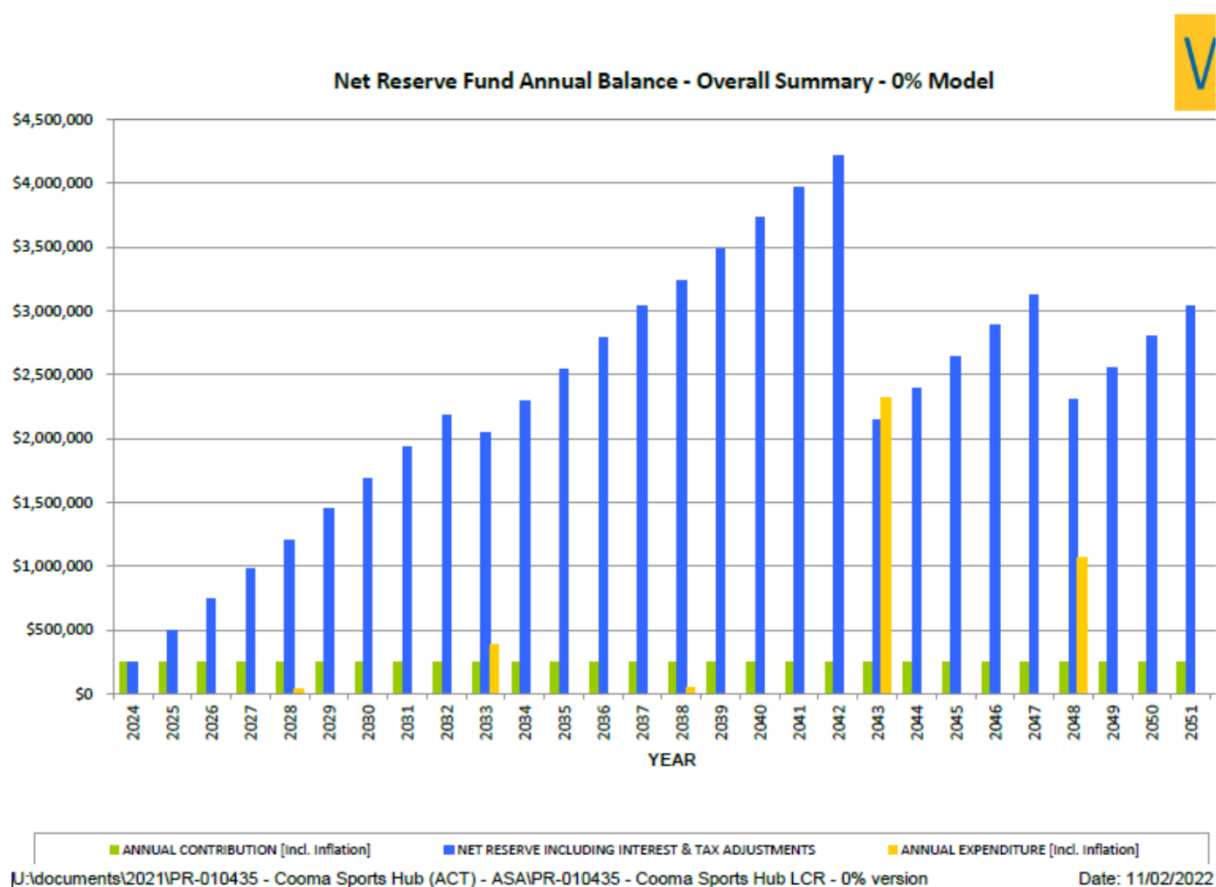
A summary of the key figures is shown in the table below providing an indicative estimate of the running costs of the facility for Council following completion of construction. The OPEX cost of the facility is estimated to be \$321,000 from the 2023-24 financial year onwards.

Component	Location	Cleaning	Maintenance	Utilities	Pest Control	OPEX Total \$ (Excl GST)	OPEX Council cost
QS – building operations	Front of House Area	8,024	14,867	4,880	306	28,077	
	Back of House Area	3,383	7,129	7,053	176	17,740	
	Sports Hall	45,356	95,597	94,569	2,360	237,882	
	Sub Total \$ (EXCL GST)	\$56,763	\$117,593	\$106,501	\$2,842	\$283,699	
Council component 70/30 with DoE							\$198,589
Council – Insurance						\$16,900	\$16,900
Council – Facility management						\$20,000	\$20,000
Total per annum (exc. GST)						\$320,599	\$235,489

The QS has also provided a model including a detailed, itemised, year by year maintenance plan for the facility for 30 years. At present it is based on average industry benchmarks. The table shows how a reserve fund would operate over 30 years if Council makes an annual contribution to it of \$245,587 (\$2022). These costs again do not include the full lifecycle costs that would be incurred if the facility was continued to be used by the community. They only show the situation if at the end of the lease term the Council handed the facility back to DoE.

The graph shows in visual form the relationship between annual contributions, the reserve balance and actual expenditure. This shows the full costs, not the 70% Council would be liable for. This means that the Council's contribution to lifecycle costs annually would be \$171,911 on the basis that the Council hands back the facility to DoE at the end of the lease term..

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION



The table below summarises the spread of lifecycle costs across the first 30 years of the building. The most significant costs are incurred in the second half of this period, particularly between years 20-25. The estimated costs are high level based on industry standards and benchmarks. However the quantity surveyor can refine these numbers as the building is constructed to reflect the actual manufacturer's warranty periods and estimated lifetime of the different components of the building once they are known and installed. There is obviously a vast variety of different products that can be chosen to comprise a building such as this, all with their individual nuances in quality and specifications.

Asset Component	Years 1-4	Years 6-10	Years 11-20	Years 21-30	Total \$ (Excl GST)
Building Fabric	0	252,727	798,045	1,376,137	2,426,909
Building Services	0	36,299	1,210,422	145,196	1,391,917
Special Equipment	0	101,986	334,396	1,019,856	1,456,238
External Works	0	16,142	16,142	16,142	48,426
Total \$ (EXCL GST)	\$0	\$407,154	\$2,359,005	\$2,557,331	\$5,323,489

Revenue Generation

To achieve optimum efficiency and revenue from the facility, and basically be a quality facility, the Council must aim to achieve several things:

- (a) It must maximise the revenue generated from business sponsorship of the facility;
- (b) It must keep user charges as low as possible to encourage maximum appeal and use of the facility (which in turn will make it more appealing for business sponsorship);
- (c) It must keep the facility maintained at a high standard;
- (d) It must ensure the facility can be easily booked and accessed;
- (e) It must manage the use and expectations of all sporting groups which use it, to ensure equity of access;
- (f) It must keep operating costs as low as possible without neglecting necessary maintenance;
- (g) It must promote the facility positively and proactively, including beyond the boundaries of Snowy Monaro.

Achievement of these aims will minimise financial risks to Council from the facility.

Council staff have been liaising with other local government areas with regard to average operational costs, fees and charges for similar sporting facilities. Most sporting centres are charging between \$50-65 per court per hour during weekdays and between \$65-75 per hour on weekends. If Council charged \$50 per court per hour 7 days a week it would need to achieve an average of 156 hours of booked courts per week to cover all estimated costs of the facility. This is unrealistic and not likely to be achieved.

Some understanding of likely usage levels can be surmised from recent liaison with key potential sporting groups, summarised below:

Sport	Likely use	Comments
Cooma Netball	5 hrs-all 3 courts 1 night per week 8 months per year	<ul style="list-style-type: none">Keen to move from outdoor courts to indoor and only use outdoor courts if extra courts are neededCurrently run netball Monday nights and would like to keep this timeWould like to know wifi access for community groups is possibleLogistics around canteen operation where two clubs may want to use centre at

9.1.4 COOMA SPORTS HUB PROJECT STAGE 1 CONTRACTING AND STAGE 2 CONSIDERATION

Sport	Likely use	Comments
		<p>same time</p> <ul style="list-style-type: none"> Want to make sure online booking is easy to access-will annual fee be an option
Cooma Basketball	<p>3 x carnivals per year</p> <p>Basketball camps</p> <p>Potentially Wednesday nights for men's comp (1 court year round 2-3hrs)</p>	<ul style="list-style-type: none"> Resistant to giving up current basketball stadium as there is a need to book a court Mon-Friday. New facility may not be free every night Club have raised funds and been granted funding/sponsorship to upgrade facility. Club do not want this to be wasted NSW basketball has recently met with Cooma basketball club to inform them that other sports hubs with Department of Education joint use arrangements have led to basketball comps failing due to access arrangements. Scenarios where school principals have come to the facility and asked community group to leave as school wanted to use it.
Judo		<p>Club currently inactive as COVID and years of changing venues identified as causing interest to drop. President is unsure if club will get going again.</p>
Cooma Soccer	<p>If Winter comp eventuates:</p> <p>Venue hire (3 courts) one night per week for 2 hrs</p>	<p>Soccer Club are currently running 6 aside soccer during summer at Nijong Oval however may consider use of the indoor sports hall during bad weather or winter. Club president will discuss at committee meeting.</p>

Considering the above uses as well as other forms of use of the facility such as individual and team practice, and other sport uses such as yoga, tai-chi, volleyball and badminton that may emerge once the building is available, it is estimated 800 hours of community use per year would occur. This would raise a total of \$40,000 per year at \$50 per court per hour. The fees for use of this facility represent a much higher financial cost compared to the existing facilities and members of those organisations would need to see value in using the better facilities for the use to occur.

It is proposed to seek business sponsorship to raise a substantial portion of the funds needed for the facility. A major sponsor would have naming rights for the building, already agreed with the DoE in the HoA. This would include having their logo on the external facades of the building (visible from the Monaro Highway) and inclusion on all promotional material. Further sponsorship from minor sponsors would also be sought. Minor sponsors would be permitted advertising inside the facility around court 1. It is hoped that up to \$200,000 can be raised from business sponsorship of the facility. It is agreed with DoE that any money raised in business sponsorship will be removed from the total costs of the facility before the 70/30 cost split is applied.

The project has the potential to provide a significant new regional level facility for the community and substantially enhance the 'liveability' of our area. This will in turn help the Snowy Monaro Region be a more attractive place to live, work and visit.

ATTACHMENTS

1. Attachment A - Tender Evaluation Report (*Under Separate Cover*) - **Confidential**
 2. Attachment B - Cooma Sports Hall - Construction Tender - Evaluation Spreadsheet (*Under Separate Cover*) - **Confidential**
 3. Attachment C - Appendix Tender Clarifications (*Under Separate Cover*) - **Confidential**
 4. Attachment D - Cooma Sports Hub Concept- Facility Location (*Under Separate Cover*) - **Confidential**
 5. Attachment E - Cooma Indoor Sports Hall Construction Plans (*Under Separate Cover*) - **Confidential**
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9.2.1 MAJOR EVENTS FUNDING POLICY

Record No: I22/211

OFFICER'S RECOMMENDATION

That Council adopt the attached draft Major Events Funding Policy.

ISSUES

At its previous meeting on 17 March 2022, Council made the following resolution:

COUNCIL RESOLUTION

1/22

That

- A. A policy be tabled at the April 2022 Council meeting for determining the process for the acceptance of event funding applications throughout a 12 month period. This would be separate from the donations and sponsorship program.*
- B. The list of events identified in item 9.2.1 in Council meeting report at 17 March 2022 be considered including approving retrospective funding if appropriate.*

In response to part A, a draft 'Major Events Funding Policy' is attached for consideration and decision.

In response to part B, the list of events identified at the previous Council meeting will be assessed against the Policy and presented at the May meeting of Council for consideration. An example has been presented in this report.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity SJ	Low	Low	Yes
Financial Sustainability	Low	Low	Yes
Reputation and Image	Medium	Low	Yes

The risks inherent in the recommendations of this report primarily concern Council's reputation and image. This is both in respect to Council providing and being seen to provide support for major events taking place in the region, including the return of events post COVID-19 impacts and attracting new events, as well as Council having transparent processes in giving out public money or providing in-kind support through fee waivers. The attached Draft Policy provides a framework which addresses both these areas of potential risk.

FINANCIAL IMPACTS

This program relies on a funding pool in Council's Economic Development budget which is set at the beginning of each financial year and once (if) fully expended it is anticipated it would not be renewed with further funds until the following financial year.

RESPONSIBLE OFFICER: Coordinator Economic Development

OPTIONS CONSIDERED

There are various ways the policy could have been written to provide specific weighting to certain criteria or to incorporate a 'lower bar' in terms of eligibility criteria. However the policy has been written with eligibility criteria that are directed at major events in the region as this is considered the primary purpose of the funding. In terms of the amount to be provided, it was considered this was best left open for Council to decide within a transparent framework of factors to consider, rather than becoming overly prescriptive with amounts or overly complex with weightings of the factors. This will provide the flexibility needed to cater for the incredible variety and types of events which may apply for funding, now and into the future, new and returning events.

IMPLEMENTATION PLANS

Whilst the Draft Policy outlines the framework and basic decision making process and requirements for event funding support, an administrative procedure and application form will need to be prepared by staff to implement the policy. These will be developed if Council agrees with the Draft Policy. Essentially the broad goals with the procedure, as with the Draft Policy, will remain transparency, fairness and consistency. These are the key elements that arise from Section 356 of the *Local Government Act 1993* and the Independent Commission Against Corruption Document 'Sponsorship in the Public Sector' (May 2006).

BACKGROUND

As an example, an assessment of the recent, new to region, Snowy Classic major cycling events has been presented below to show how the Draft Policy would be applied:

Snowy Classic

Eligibility criteria	Performance against criteria
Publicly accessible event	Satisfactory – anyone can enter or spectate
No promotion of excessive alcohol, gambling, tobacco, other inappropriate behaviour	Satisfactory
Not for political, religious or vilification purposes	Satisfactory
Child safe & COVID safe as appropriate	Satisfactory

9.2.1 MAJOR EVENTS FUNDING POLICY

Economic Assessment

Event name (optional)	Event Type:	Event Range:	Event start date:
<input type="text" value="Snowy Classic"/>	<input style="background-color: #e8f5e9; border: 1px solid #c8e6c9;" type="text" value="Sports and Recreation Activities"/>	<input style="background-color: #e8f5e9; border: 1px solid #c8e6c9;" type="text" value="State"/>	<input type="text" value="03/26/2022"/>
Event duration (days)	Attendance per day	Average daily spend (\$)	Event total spend (\$)
<input style="background-color: #e8f5e9; border: 1px solid #c8e6c9;" type="text" value="2"/>	<input style="background-color: #e8f5e9; border: 1px solid #c8e6c9;" type="text" value="1500"/>	<input style="background-color: #e8f5e9; border: 1px solid #c8e6c9;" type="text" value="360"/>	<input style="background-color: #e8f5e9; border: 1px solid #c8e6c9;" type="text" value="\$1,080,000"/> <input style="background-color: #4caf50; color: white; border: none;" type="button" value="submit"/>

The proposed Snowy Classic event is planned to start on March 26th, 2022 and to run for 2 days. It is an event of State significance and is estimated to attract 1500 visitors per day over the 2 days, with an average spend per person per day of \$360. This equals a total visitor spend of \$1,080,000 attributed to this event. Assuming the event will be held in Snowy Monaro Regional Council area, it is calculated to have the following potential impact:

Event Impact Summary

export 

Snowy Monaro Regional Council area - Modelling the effect of \$1,080,000 from a Sports and Recreation Activities event with State significance

	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	864,000	371,050	6.4
Industrial impact	216,345	88,500	0.8
Consumption impact	79,512	25,931	0.2
Total impact on Snowy Monaro Regional Council area economy	1,159,857	485,481	7

Source: National Institute of Economic and Industry Research (NIEIR) ©2021. Compiled and presented in economy.id by .id (informed decisions).

The event satisfies all eligibility criteria and has an estimated value added impact on the Snowy Monaro economy of more than \$100,000. It is therefore eligible for funding under the Draft Policy. The following table provides comment against the factors to consider in the Draft Policy when considering the funding amount.

Funding amount factors	Comment
Amount to cover Council charges	\$4,160 inkind fee waiver
Alignment with DMP, REDS and CSP	Strong alignment with the DMP
Commercial, Volunteer or Not for Profit	Commercial
Visitor attraction outside of LGA and generation of overnight stays	Most participants from outside the LGA including interstate.
Marketing, especially outside LGA	Utilising Yaffa Media with 35K+ print readership, 14K online subscribers, 40K+ unique website visitors per month, 32K social media base and 15K Classic events database
Significance for the local community	Inaugural event in the Snowies. Event held in three other locations in eastern Australia.
Proportion of total required funding sought	Not known

9.2.1 MAJOR EVENTS FUNDING POLICY

<i>from Council</i>	
<i>Funding remaining in funding pool</i>	\$50,000 this financial year
<i>Number of events applying for funding in year to date</i>	6
<i>Reason funding is being sought</i>	Fee relief, support for a significant event to assist in planning and delivery
<i>Any particular circumstances of the event</i>	This is the inaugural Classic event in the region

Funding sought: Fee relief for Council's fees

Funding recommended: \$4,160

The Snowy Classic is a significant event for the region attracting substantial visitation and promotion of the region. Considering competitors (participants) alone, the event will generate almost \$500,000 in value add to the Snowy Monaro economy and the equivalent of seven local jobs. Although it is commercial in nature, the amount requested is only to cover Council's fees for the event, not a cash contribution but in-kind fee waiver support only for facilities and waste.

As there are only four other locations in eastern Australia presently hosting a 'Classic' event (Mudgee, Noosa, Bowral and Clare), it is important that Council show its support for the event series which has identified this region as being the next destination that could benefit from an event of this type.

Considering these factors it is recommended Snowy Classic receive support of \$4,160 which is sufficient to cover Council's fees for the event.

2022 Fox Superflow Series – Mount Gladstone

Eligibility criteria	Performance against criteria
Publicly accessible event	Satisfactory – anyone can enter or spectate
No promotion of excessive alcohol, gambling, tobacco, other inappropriate behaviour	Satisfactory
Not for political, religious or vilification purposes	Satisfactory
Child safe & COVID safe as appropriate	Satisfactory

9.2.1 MAJOR EVENTS FUNDING POLICY

Economic Assessment

Event name (optional): Event Type: Event Range:

Event start date:

Event duration (days): Attendance per day: Average daily spend (\$): Event total spend (\$):

The proposed 2022 Fox Superflow Series Mt Gladstone event is planned to start on April 2nd, 2022 and to run for 2 days. It is an event of Region significance and is estimated to attract 850 visitors per day over the 2 days, with an average spend per person per day of \$205. This equals a total visitor spend of \$348,500 attributed to this event. Assuming the event will be held in Snowy Monaro Regional Council area, it is calculated to have the following potential impact:

Event Impact Summary

export

Snowy Monaro Regional Council area - Modelling the effect of \$348,500 from a Sports and Recreation Activities event with Region significance

	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	299,571	123,305	2.2
Industrial impact	74,221	30,442	0.3
Consumption impact	28,276	9,222	0.1
Total impact on Snowy Monaro Regional Council area economy	402,068	162,969	3

Source: National Institute of Economic and Industry Research (NIEIR) ©2021. Compiled and presented in economy.id by .id (informed decisions).

The event satisfies all eligibility criteria and has an estimated value added impact on the Snowy Monaro economy of more than \$100,000. It is therefore eligible for funding under the Draft Policy. The following table provides comment against the factors to consider in the Draft Policy when considering the funding amount.

Funding amount factors	Comment
<i>Amount to cover Council charges</i>	\$1300 inkind fee waiver
<i>Alignment with DMP, REDS and CSP</i>	Strong alignment with the DMP
<i>Commercial, Volunteer or Not for Profit</i>	Commercial
<i>Visitor attraction outside of LGA and generation of overnight stays</i>	Organisers estimate 70% of competitors and spectators were from outside the LGA. They also advised that some competitors arrived early and practiced at Thredbo, thereby extending their length of stay in region. This has not been included in the economic impact calculation.
<i>Marketing, especially outside LGA</i>	Rocky Trail promoted the event primarily through digital communication and online

9.2.1 MAJOR EVENTS FUNDING POLICY

	media platforms. They have approximately 13,000 followers across social media channels. The event also generate TV, radio and print media interest, plus strong social media coverage. Rocky Trail want to partner in Destination Marketing for the region as part of their event to give back to the region and help.
<i>Significance for the local community</i>	Inaugural event in the Snowy Monaro LGA. The Fox Superflow Series had over 4000 competitors in 2021. Event allows competitors to choose between Saturday or Sunday competition and encourages exploration of the wider region on the non-race day.
<i>Proportion of total required funding sought from Council</i>	Not known
<i>Funding remaining in funding pool</i>	\$50,000 this financial year
<i>Number of events applying for funding in year to date</i>	6
<i>Reason funding is being sought</i>	Fee relief, support for a significant event to assist in marketing, planning and delivery
<i>Any particular circumstances of the event</i>	This is the inaugural Fox Superflow event in the region. The event organisers are donating \$10 from each entry fee to the Snowy Mountains MTB Club to assist in trail maintenance. This will mean approximately \$3400 will be donated.

Funding sought: \$7500 support plus Council fee relief (\$1300)

Funding recommended: \$3,300 (\$2000 support plus \$1300 fee relief)

The Fox Superflow event is making its debut in the LGA and attracts around 70% of its hundreds of competitors and spectators from outside the LGA. Rocky Trail Entertainment (event organisers) also have a notable following on social media and therefore a significant capacity to promote the region more widely. This event is also being held at Mt Gladstone thereby bringing a significant sporting event to an area outside of the mountain resorts and lakes. Many of the competitors are below age 17 and hence travel with their family and are also likely to return to the region on many future occasions. The event also has plenty of competitors in the 40+ age bracket which is a core spend market in terms of increasing yield, length of stay, repeat visitation and positive referrals.

This event does have the quantity of economic impact of other cycle events in the region but is still the type of event that needs to be encouraged in the region and could increase in its significance and impact in future years. It is recommended Council provide \$2000 in funding support and \$1300 in fee relief.

These examples are provided to give an indication as to how the funding requests will be presented to Council should the Draft Policy be adopted. This and other events from the March meeting will be presented to the Council in May for consideration should the Policy be adopted.

ATTACHMENTS

1. Draft Major Events Funding Policy

(Draft) Policy



Title of Policy	SMRC Major Events Funding Policy		
Responsible Department	Economic Development	Document Register ID	250.[document year].[document number].[document part]
Policy Owner	Coordinator Economic Development	Review Date	Date [document date1] (Every 2 years from adoption date)
Date of Council Meeting	21 April 2022	Resolution Number	Number [checklist 25002 11 DD LAST VALUE]
Legislation, Australian Standards, Code of Practice	Section 356 of the Local Government Act 1993 SMRC Code of Conduct SMRC Operational Plan		
Aim	To provide a decision making framework and process for Council's financial support of major events in the region		

1 General purpose and background

Every year there are many events that are held within the Snowy Monaro LGA. They range in size from small local or neighbourhood level events to others of regional, state or even national significance. Generally the cost of holding an event increases with its size and significance.

Many events of all sizes request funding support from Council. The larger an event and the more visitors from outside the Snowy Monaro it attracts, the greater positive impact it will have on economic and business activity in the region.

Smaller local events can apply to the Council's annual donations and sponsorship program for funding support. Larger events can apply to this program as well, however their larger size means the amount they request is typically larger also. If supported under the donations and sponsorships program, they would draw down heavily upon the total funding pool available, reducing the amount available for more locally oriented events and projects which usually have smaller costs. In addition, a decision once a year on funding support is not practical for support of most large events, which occur throughout the year and require certainty of funding well before the event actually takes place. For some large events, the Snowy Monaro LGA is also competing with other LGAs to attract the event and the economic benefits they provide. Event organisers will not wait for annual decision making moments to come around before making a decision on whether or not to commit to a particular region. They typically require decisions regarding potential support in a much shorter time period.

It is intended that this policy will outline Councils approach and decision making framework towards financial support of larger events. The financial support is sourced from the Tourism budget using funding previously allocated to support Tourism Snowy Mountains.

2 Determining eligibility for funding support

Whilst this policy applies equally to all parts of the LGA, it is not the intention of this fund to be available for every event. Its focus is on support for larger and more significant events, regardless of where they may be held in the region. This means that not every event will be eligible for funding support under this policy. To determine which events are eligible for funding, an event will first need to meet the following requirements:

- (a) It must be a publicly accessible event: This means that the event must be open for any member of the public to attend the event, albeit that an attendee may need to satisfy a pre-requisite to attend, such as having a ticket or certain level of fitness, or the event may be primarily aimed at a certain sector of the community, such as a weeds conference. However events which are by private invitation only, other than competitive events such as a triathlon or bike race, are not eligible for funding support under this policy.
- (b) The event must not actively promote or support excessive consumption of alcohol, or promote gambling or tobacco products, or products it would be inappropriate for the Council as a public agency to associate itself with.
- (c) The event must not be for the primary purpose of making a political or religious statement or proclamation, or for vilifying certain sections of the community.
- (d) The event must be undertaken in a child safe and covid safe manner as appropriate for that particular event.

If an event meets these four basic standards, it must also meet an economic impact standard to be eligible for funding.

Council will estimate the economic impact of the event using the 'Event Impact Calculator' tool in Council's online .id economic profile which it subscribes to annually. This is essentially an economic modelling tool based on the attributes of Snowy Monaro's economic profile, and specifically designed to model the potential economic impact of events using an input-output table. This is a commonly used tool for modelling economic impact. The tool is only available for use internally by staff, but a copy of the modelling for each event will be provided in the relevant Council report. A sample of the tool and how it will appear in reports is shown below.

SNOWY MONARO REGIONAL COUNCIL

SMRC – [proposal]

Event name (optional)	Event Type:	Event Range:	Event start date:
<input type="text"/>	Arts and Heritage ▼	Local ▼	<input type="text"/>

Event duration (days)	Attendance per day	Average daily spend (\$)	Event total spend (\$)	
<input type="text" value="1"/>	<input type="text" value="1000"/>	<input type="text" value="200"/>	<input type="text" value="\$200,000"/>	<input type="button" value="submit"/>

The proposed event is planned to run for 1 day. It is an event of Local significance and is estimated to attract 1000 visitors during the day, with an average spend per person per day of \$200. This equals a total visitor spend of \$200,000 attributed to this event. Assuming the event will be held in Snowy Monaro Regional Council area, it is calculated to have the following potential impact:

Event Impact Summary			
Snowy Monaro Regional Council area - Modelling the effect of \$200,000 from an Arts and Heritage event with Local significance			
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	182,000	82,587	2.9
Industrial impact	33,615	13,885	0.1
Consumption impact	14,568	4,751	0.0
Total impact on Snowy Monaro Regional Council area economy	230,183	101,223	3

Source: National Institute of Economic and Industry Research (NIEIR) ©2021. Compiled and presented in economy.id by .id (informed decisions).

Once information about a potential event is received, Council's Economic Development unit will model the impacts of the event using the 'Event Impact Calculator'. If the event has a **total value added impact** on the Snowy Monaro economy of **at least \$100,000** as modelled in the tool, it will be considered eligible for potential funding under this policy, provided it has also met the basic criteria outlined in (a) to (d) above.

3 How much financial support will Council provide?

The Council will provide up to \$5000 in financial support for eligible events. In determining the amount of funding to be provided, the Council will consider the following factors:

- The amount of funding required to cover Council's normal Fees and Charges for the event
- Alignment with Council's relevant tourism and events and/or economic development strategies, and Community Strategic Plan
- Whether the event is commercial in nature or organised by a volunteer or not-for-profit group or agency
- The capacity of the event to attract visitors from outside the LGA and generate potential for overnight stays
- Any marketing strategies for the event, particularly outside the LGA
- The significance of the event for the local community
- The proportion of the total funding required for the event that is being sought from Council

- (h) The amount of funding remaining in the funding pool for that year at the time of determination of the application
- (i) How many events have applied for funding consideration so far that year
- (j) The reason funding is being sought from Council for the event
- (k) The particular circumstances of the event

The event organiser will be required to submit an application form for funding support which will provide an opportunity to address these factors.

Council also has discretion to provide funding of more than \$5000 in special or unique circumstances, such as where the value added impact of the event is modelled at over \$500,000, or where the event is of such unique significance (as determined by Council) that it warrants further funding. To be clear, just because an event might meet this additional criteria, it is not automatically entitled to funding amounts above \$5000. The amount of funding support provided remains at the discretion of Council following consideration of the above factors.

Retrospective funding may be provided for events occurring in the first quarter of each financial year (generally a low time for major events) on the basis that there may not have been sufficient time for Council to consider their funding request during that financial year before the event is scheduled to occur.

The decision to provide funding and the amount will be determined at a Council meeting, upon a report being provided by Council's Economic Development unit addressing the eligibility factors in Part 2 and factors (a) to (k) in Part 3 above and recommending a funding amount.

3.1 Special considerations during the 2021-22 financial year

This fund has first been made available during the 2021-22 financial year. During the two years prior, events have been significantly disrupted first by the Black summer bushfires and then the subsequent two years of Covid-19 restrictions and lockdowns. In the 2021-22 financial year, health restrictions have gradually been eased and events are returning. Due to these unique circumstances surrounding this particular financial year, Council may consider supporting events from this fund which don't strictly meet the eligibility criteria, on a case by case basis. The opportunity for this special consideration will cease at the end of the 2021-22 financial year. During the final quarter of the 2021-22 financial year, the Council may also provide funding for particular events retrospectively, at its complete discretion, provided it has considered the factors listed in (a) to (k) above.

3.2 Recurring funding

Funding will not be made available under this Policy for recurring funding beyond the financial year the funding is awarded in. This means that where an event applying for funding may intend to return the following or other subsequent years, they would need to apply during that subsequent financial year for further funding under this Policy. The reason for this is because Council is required to review and adopt its budget annually and this may include changes to the amount of money available in the fund from year to year.

4 Public notification

Council will promote awareness of the fund throughout the community and in particular through the Tourism and Events unit, its website and social media platforms. Most if not all major event organisers make contact with the Tourism and Events team during the course of organising their event. Potentially eligible event organisers will be informed of the possibility of applying to Council for funding support under this policy. In making an application (using the Council's application form), event organisers will be asked to supply particular details of the event to assist in the economic impact modelling and consideration of factors (a) to (k) in Part 3 of this Policy. These details will be reviewed by the Economic Development department and compared with other available data to ensure they are realistic.

To ensure maximum flexibility in use of the fund, and in consideration of the fact that many smaller events will not be eligible, it is not intended to advertise applications to 'rounds' of funding at certain pre-set intervals throughout the year. This would defeat the purpose of the fund to provide quicker answers at any time of the year to potential event organisers. Some state and federal grants also operate in this manner, with funding available until such time as the funding pool is depleted, rather than through 'rounds' which have opening and closing windows in which to apply.

The Council must also provide public notification of its intention to fund an event as per Section 356 of the *Local Government Act 1993*, which reads as follows:

356 Can a council financially assist others?

- (1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) *However, public notice is not required if—*
 - (a) *the financial assistance is part of a specific program, and*
 - (b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

During the 2021-22 financial year, the Council will be required to give 28 days notice of those events eligible under the fund that it intends to support. The earlier provisions of this Policy permitting retrospective funding for the current financial year will assist in facilitating this process. In future

years the program will be included in the draft operational plan. It will also be well below 5% of the income from rates each year and will apply uniformly throughout the region, though only to those events which meet the criteria of this policy.

The other requirements of this policy regarding funding only being allocated to events within the current financial year do not apply to cases where the 28 days notice period under Section 356 commenced in one financial year but was completed the following financial year. However due to the crossover of financial years, it may not be possible for Council to declare an intention to support an event at its June meeting if it would mean the 28 day notice period will then extend significantly into July, and beyond the time when Council's expenditure allocations in the budget rollover to the new financial year.

5 Payment of funds

Once Council decides to financially support an event, the Economic Development Department will contact the event organiser and organise a purchase order and subsequent invoice, to be paid via Council's normal accounting processes and procedures. Council will also confirm its funding support for the event and the amount it will pay, including any conditions of payment, in writing prior to the event following its decision on funding support.

5.1 Timing of payment

Council will provide payment in one of two ways:

- 50% prior to the event and 50% following the completion of the event; or
- 100% following the completion of the event

The funding recipient will be required to inform Council of its preference for payment in its application for funding support.

5.2 Conditions of funding support

The successful funding recipient will be required to comply with any conditions of funding support that Council supplies in writing as part of its agreement to provide funding. Such conditions will include:

- A requirement that the event organiser acknowledge Council's support in promotional material for the event and visibly on the day at the location of the event for the duration of the event;
- A provision that no payments will be made until all applicable regulatory or other required approvals for the event (as and if required) have been granted and provided to Council's Tourism and Events unit. Other approvals may include a facility booking, public liability insurance, event waste management arrangements, marketing plan, other agency approvals and a risk assessment.

Note: The list of required approvals can be obtained by submitting a 'Notice of Intention to Hold an Event' (NOIE) form to the Tourism and Events unit at the beginning of organising the event.

- A requirement to submit a post event evaluation providing details of how the event went compared to its pre-event predictions.

Other conditions of funding support will be specified in the agreement letter as required.

6 Register of events approved for funding

The Economic Development Department will maintain a register of events approved for funding under this policy and the funding amount, and other relevant details of the funding process and event. The register will be made publicly available upon request.

Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

250.2016.#.1 Name of Document here

250.2016.#.1 Name of Document here

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

9.2.2 MONTHLY FUNDS MANAGEMENT REPORT - MARCH 2022

Record No: I22/209

OFFICER'S RECOMMENDATION

That Council

- A. Receive the report indicating Council's cash and investments position as at 31 March 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	Low	Low	Yes

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: A/Chief Financial Officer

CERTIFICATION:

I, Gary Mottau, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2021, 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.

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 that are not required to manage short-term cash flow.

EXISTING POLICY/DECISIONS

Council's Investment Policy (SMRC258)

The Policy was reviewed in April 2020 by Council Resolution Number 72/20 and is next due for review on 16 April 2022. The aim of Council's Investment Policy is to provide a framework for the investing of Council funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

BACKGROUND

Council's Cash and Investments 31 March 2022:

Cash - general	\$5,407,830
Investments	\$92,848,073
Total	\$98,255,903

Investment Register – 31 March 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	44,521,092	0.61%	At Call
n/a	National Australia Bank - At Call^	A1+	AA-	At Call	18,326,980	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	1.12%	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
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
02-Dec-21	Judo Bank	A3	BBB-	TD	1,000,000	1.10%	02-Dec-22
17-Mar-22	Bendigo and Adelaide Bank Limit	A2	BBB+	TD	4,000,000	1.15%	17-Mar-23
					92,848,073		

*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.

Council's Unrestricted and Restricted Funds 31 March 2022:

Unrestricted Funds	\$22,247,903
Restricted Funds	\$76,008,000
Total	\$98,255,903

Unrestricted Funds are current funds with no internal or external restrictions imposed on them as to use or purpose, including grants to be applied to projects in the current financial year. Unrestricted funds are not completely free of restrictions, as they are still subject to Council regulations.

Restricted Funds refer to funds that cannot be used for general purposes as they are either subject to some form of external legislative, contractual obligation or are kept for the purpose of funding commitments that are expected to arise in the future. They are stated and restated each year and disclosed more fully in the general purpose financial report for each June year end.

Cash Flow Forecast to 30 June 2022:

Month	Opening Balance	Closing Balance	Movement (+/-)
04/2022 (*)	\$5,407,830	\$6,024,906	\$617,076
05/2022 (*)	\$6,024,906	\$7,302,941	\$1,278,035
06/2022 (*)	\$7,302,941	\$4,889,118	(\$2,413,823)

(*) *Projected cash flow for April, May and June 2022.*

The above table is a forecast of the expected cash holdings for the general fund as at 30 June 2022 of \$4.9M and shows the expected net cash flows for the remaining months of this financial year.

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.

9.2.2 MONTHLY FUNDS MANAGEMENT REPORT - MARCH 2022

Month	YTD Annualised Return	Monthly Average Interest Return	90 Day Bank Bill*	Margin
March	0.87%	0.78%	0.23%	0.55%
February	0.88%	0.78%	0.08%	0.70%
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

9.2.3 THE SNOWY MONARO BUSINESS AND RECOVERY HUB

Record No: I22/233

OFFICER'S RECOMMENDATION

That Council note

- A. The answers to questions asked at last meeting.
- B. That the Hub ceased operations on 14 April 2022 and all activities will be conducted out in community only.
- C. That Recovery Team will continue to rollout the remainder of the approved two-year community led recovery activity program that ceases end June 2022.

ISSUES

This report is in response to Council's request for further information from the March 2022 Council Meeting report regarding The Black Summer Bushfire Disaster Recovery Funding Arrangement (DRFA), for the Business and Recovery Hub services, specifically:

- What else the money could be used for?
- What is the traffic into The Hub?

Both questions have been addressed and further new information provided due to the resignation of The Hub Manager.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Reputation and Image	Low	High	No
Service Delivery	Low	High	No

Service Delivery: Council will no longer be able to provide this open door facility to the community.

Reputation and Image: As this funding was received in good faith, Council's reputation and image in the community may be damaged in closing the Business & Recovery Hub.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	88,000.00	
Estimated Annualised Net Cost		
Capital Investment		
Capital Funding Source	22,000.00	DRFA (WO 1768)

This project is Grant Funded through Disaster Recovery Funding Arrangement (DRFA).

RESPONSIBLE OFFICER: Chief Communications Officer

OPTIONS CONSIDERED

Employ a contractor to assist with the remaining programming and support until the end of the committed funding.

IMPLEMENTATION PLANS

Actions:

- Media Release regarding closure or extension to Business & Recovery Hub operations
- Update website information about the Business & Recovery Hub's operations

Engagement:

- Local Community Recovery Services
- Other Government funded business support services
- Bushfire impacted residents

Timeframes:

- Close the Business & Recovery Hub after Easter 2022

BACKGROUND

Operationally, The Snowy Monaro Business and Recovery Hub:

- Formed a key part of the local area recovery
- Provided access to relevant and timely recovery information
- Ticked three out of the four pillars of recovery - Social, Economic and Built
- Engaged other recovery services to inform Council and the State Government of any emerging challenges

Due to the geography of the Snowy Monaro Region, it is physically impossible for Council's Recovery team, Economic Development Officer and other recovery services to be undertaking all needed engagement on an outreach basis.

Opening the Business and Recovery Hub in Cooma made accessing relevant support easier for community members and business representatives than if it were opened elsewhere in the region, as Cooma is central in the Snowy Monaro Region context and its service provision infers that most of the community already readily travels there for everyday goods and services.

There was no expectation from Council staff for community and business owners to always attend the hub to receive support. An extensive program and range of outreach days and events supports local recovery, while routine outreach economic development efforts continued as usual. Combining outreach in place along with a Cooma Hub provided more readily available access and engagement.

9.2.3 THE SNOWY MONARO BUSINESS AND RECOVERY HUB

During the lockdown period and COVID-19 restriction period, the recovery team conducted online community meetings to ensure we continued to stay connected for programming when health orders were eased.

This table below show Hub statistics up until closure due to COVID-19.

BUSINESS & RECOVERY HUB		BUSINESS & RECOVERY HUB REPORT								
		Month: Aug-21								
Month	TOTAL ACCRUED	NEW BUSINESS	HUB VISITATION BUSINESS	HUB VISITATION NON BUSINESS	IN PERSON MEETINGS	VIRTUAL MEETINGS	OUT OF HUB MEETINGS	LANDLINE CALLS IN	REFERRALS MADE	AVERAGE REFERRALS
May-21	42	33	42	0	42	13	14	0	231	7.00
Jun-21	80	38	56	0	56	16	18	1	278	7.32
Jul-21	183	103	17	0	17	73	47	2	678	6.50
Aug-21	289	106	0	0	0	146	0	0	389	3.67

Funding for The Hub is a restricted fund as outlined below:

Disaster Recovery Funding Arrangement (DRFA) Exceptional Assistance Immediate Support Package

Suite 1 of 7 under the Bushfire Recovery - Exception Assistance Immediate Support Package resolved at an Extraordinary Council Meeting on 5 March 2020. The funding is a joint Commonwealth and State Government program to assist communities recover from the impact of eligible disasters - that being the 2020 Bushfires for the Snowy Monaro LGA. The funding ends in June 2022.

Under Suite 1 - the project is restricted for:

- Employment of a recovery team and associated expenses to develop and coordinate bushfire recovery actions to support the community in gaining access to the available programs of support.

Please note that there is an agreed activity plan (addressing criteria below) for this project suite. This has been developed through community consultation and extensive gap analysis. It is in the final three months of the two-year program rollout now and will cease at end June 2022. This is a plan that has been approved through ResilienceNSW and their funding support of the Community Recovery Officer role.

Under that project suite the required scope of activities for the funding approval was detailed as:

1. Community meetings held throughout the region - inc. joint presentations by council with government and non-government agencies provide info and support to the community and to seek community feedback on issues and what they need.
2. Mobile recovery centre days - events in specific locations to meet with community, addressing identified needs in point one, and introduce them to government/non-government agencies providing support. Focus on one-to-one contact with impacted residents to assist with grant applications and identify tailored assistance as require. Plus additional recovery days to address ongoing needs and provide a contact point for community.

3. Ongoing community engagement (provided through our assistant recovery officers and the Hub as base)
 - service delivery model of one to one - including phone calls, emails, mailouts, for community – consideration given for those who have no internet/mobile coverage - the Hub being the face to face portion/drop in centre for this service model
 - working with key agencies who need to be connected with residents/communities to provide information and support - the Hub being the face to face portion/drop in centre for this service model
 - development and implementation of a communications strategy with print, digital, broadcast (local radio), video information segments and virtual meeting formats to support the one to one service delivery model and information segments
 - Council Facebook group specific to bushfire recovery

Completion of the above elements was extended through the DRFA agreement, due to the impact of COVID-19 on elements such as community meeting delivery in particular.

Updated status:

The Assistant Recovery Officer who manages the day to day operations of The Hub will finish with Council on 14 April 2022. The Hub will close prior to Easter and not reopen.

The approved program of recovery activities as noted above, which ceases to be supported end June 2022, will continue to be rolled out across the region.

ATTACHMENTS

Nil

9.3.1 KALKITE PATHWAY CLOSURE & DISPOSAL - RESOLUTION AND SALE TERMS ADJUSTMENT

Record No: I22/163

OFFICER'S RECOMMENDATION

That Council

- A. Rescind Council resolution 57/20.
- B. Enter into a payment plan with owner of Lot 39 DP 260285, beginning May 2022 with final payment from purchasers due 31 August 2023.
- C. Agree to Contract of Sale consisting of extended settlement terms; with settlement & transfer of title to not occur until payment of the purchase price is received in full.

ISSUES

In 2019, via resolution 301/19 Council committed to the closure and disposal of the land located between Lot 38 & 39 DP 260285 located in Kalkite, now referred to as the Kalkite Pathway (as per attached map). The subject land was to be split 50/50 and sold to adjoining neighbours being the owners of Lot 38 & 39 DP 260285. Currently, the closure & subdivision of the land is being processed, the plans are awaiting registration with LRS. This leaves the disposal portion of the resolution to deliver.

Part "B" of resolution 301/19 stated that *"Notify the owners of lots 38 and 39 that Council approves the payment of 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."* Post resolution, it became apparent that this type of charge could not be made in conjunction with rates notices as per the resolution wording; and due to the extended delivery time of the matter, the 30 June 2020 payment plan timeframe was no longer relevant. A report tabled at the March 2020 Council meeting resulted in a subsequent resolution (Resolution 57/20), as per below:

13.5 PROPOSED CLOSURE AND SALE OF PUBLIC PATHWAY IN KALKITE

COUNCIL RESOLUTION

57/20

That Council

- A. Extend the maximum term for repayment of the purchase of the land, being the closed public pathway, to 30 June 2023 for both purchasers.
- B. Place a caveat on the subject land requiring payment for the outstanding amount before sale.

Moved Councillor Rooney

Seconded Councillor Corbett

CARRIED

Whilst processing this matter, Council's Land & Property team received legal advice that part "B." of resolution 57/20 does not offer Council sufficient protection if a purchaser was to default on a payment plan.

As the owners of Lot 38 are not entering into a payment plan their contract has been issued and their transaction should be complete by May 2022. The position of the owners of Lot 39 remains unchanged, as they still wish to enter into a payment plan with Council. This purchasing party has requested a final payment date of 31 August 2023. It is recommended Council enter into a Contract of Sale, with an extended settlement term allowing for a payment plan as mentioned in

the resolution ending 31 August 2023. Extended settlement offers Council protection in the event of non-payment.

Extensive consultation and negotiations have been undertaken with key stakeholders over the past months, with costs having been incurred by Council. This matter cannot be progressed further without Council consideration and resolution.

Approval of the Officer's Recommendation will portray Council as a responsible civic leader, by following through with legacy commitments and demonstrating organisational ability to adapt to changing circumstances.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Economic Activity	Medium	Low	Yes
Reputation and Image	High	Low	Yes
Service Delivery	High	Low	Yes

Delivery of the Kalkite Pathway legacy item via resolution 57/20 is a risk, as the ownership title would transfer without full payment for the land. The Officer's Recommendation removes economic risk by way of extended settlement terms. Non-delivery of this item in general will mean we have failed to deliver service, with Council's reputation and image negatively impacted.

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	WO1897 – Kalkite Pathway Close & Sale (Legacy matter; capital divestment)

The purpose of this report and the above Officer's Recommendation has no financial impacts to Council, it is purely a revised delivery method. The proceeds generated through the disposal of this asset to cover costs incurred by Council.

RESPONSIBLE OFFICER: Chief Operating Officer

OPTIONS CONSIDERED

Council can proceed with current resolution 57/20 however, this is not the ideal way forward as a caveat only registers Council's interest in the land. The ownership of the land would be transferred to the purchasers on settlement and Council would have no protection if the purchaser was to default on agreed payment plan terms. The recommended extended settlement

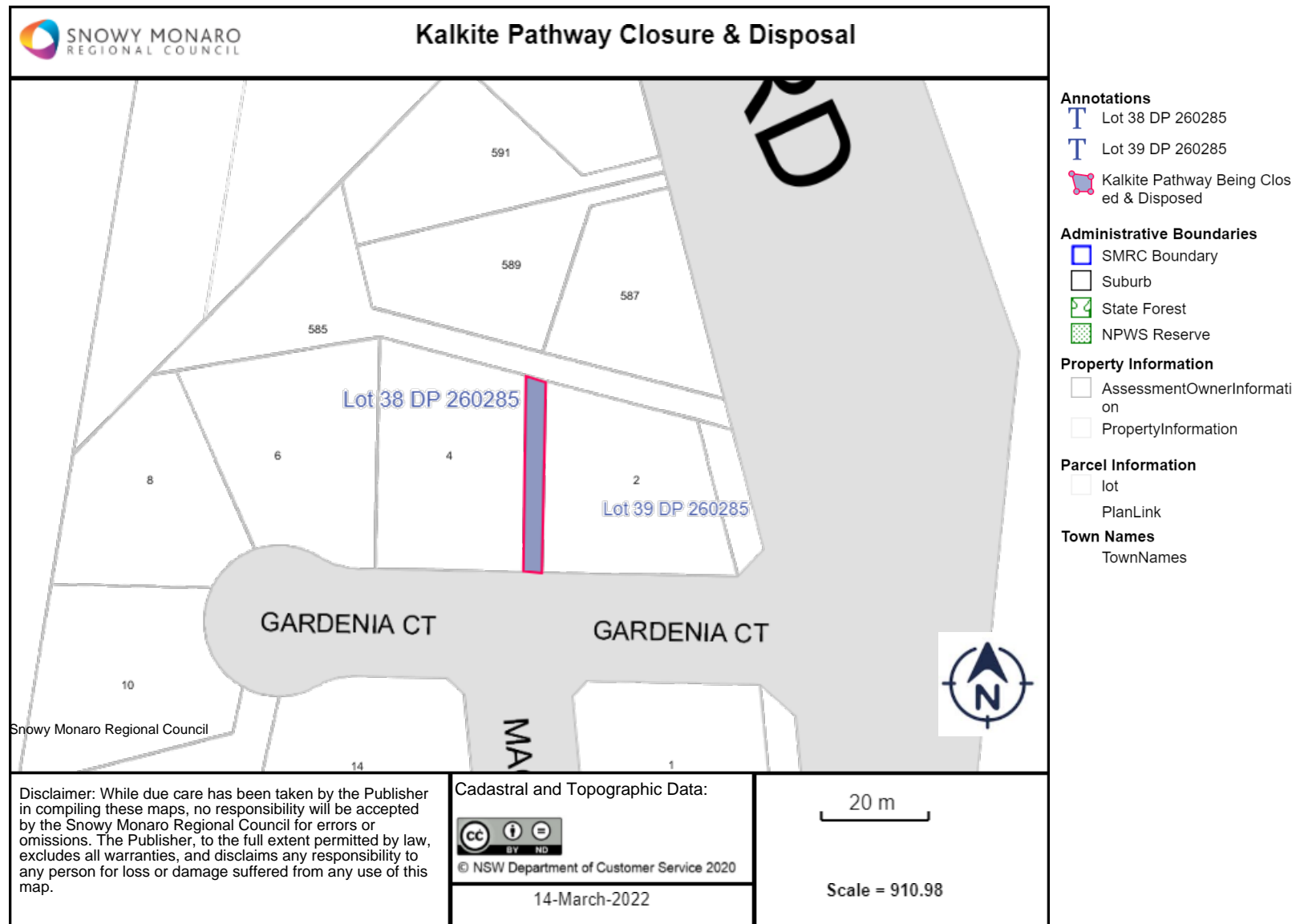
terms means the ownership title will remain as Snowy Monaro Regional Council therefore, if a default was to occur the land remains Council's and the Contract of Sale can be rescinded.

IMPLEMENTATION PLANS

To complete the above Officer's Recommendation Council will be required to communicate the resolution to the owners of Lot 39, and a Contract of Sale will be drafted and sent to owners of Lot 39. Once this contract is signed and exchanged, a debtor's account will be created and invoices will be issued in accordance with the payment plan ensuring final payment is received by 31 August 2023. When this is received settlement and title transfer will occur.

ATTACHMENTS

1. Kalkite Pathway Map



9.3.2 LAND ACQUISITION FOR ROAD RESERVE ALIGNMENT - MICALAGO ROAD & RYRIE STREET EXTENSION, MICHELAGO

Record No: I22/15

OFFICER'S RECOMMENDATION

That Council

- A. Approve and proceed with the acquisition of land described as part of Lot 1 DP 1158327 & Lot 5405 DP 1244970 for the purpose of creating road reserve over existing (Micalago Road) and new infrastructure (Ryrie Street), in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*;
- B. Where necessary, make an application to the Minister and the Governor for approval to acquire part of Lot 1 DP 1158327 & Lot 5405 DP 1244970 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 1991*; and
- C. Classify the land acquired as operational land in accordance with the *Local Government Act 1993*.

ISSUES

Snowy Monaro Regional Council (SMRC) has successfully secured funding through the Local Roads & Community Infrastructure Program (Phase 1) to deliver the extension of Ryrie Street, Michelago. The extension of Ryrie Street has been sought as there is no formally constructed road linking Michelago village to residents on Micalago Road. This missing link increases public risk when vehicles have to access the village via Monaro Highway, with no slip/turning lanes at the intersection. The ever increasing use of the informal track that is currently utilised to access the village, when track conditions permit, is having a negative impact on the environment, especially in the waterway that is traversed.

The response times from emergency services (namely RFS), especially during peak traffic times is longer due to detouring via the Monaro Highway; sometimes on multiple occasions depending on the incident location. This issue became apparent during the 2020 bushfires when RFS units were delayed by having to travel via the Monaro Highway rather than directly up Ryrie Street.

The preferred location of the Ryrie Street extension traverses Lot 1 DP 1158327 & Lot 5405 DP 1244970 (as per attached map) which are owned by Transport for NSW, and there is no existing public road reserve in the desired location. Therefore, to deliver the funded Ryrie Street Extension Project, in the most suitable location, Council needs to acquire the identified land for the purpose of public road reserve.

The existing road corridor has been identified as traversing a deep hole in the riverbed. This would increase the piling costs of the bridge and it is estimated that those costs would exceed the costs of the land acquisition. The new alignment also requires a shorter span bridge. The combination of factors is estimated to save \$1million from the cost of bridge construction.

In addition the deep hole indicates that this may be a point with higher turbulence during flood situations. Avoiding such areas reduces the risk of damage to the bridge in any future flood event.

The delivery of this project is perceived to have a positive impact on the local community, delivering a road network that increases the connectivity of Michelago village and the wider community.

Due to the complexity of this process and the positive outcomes delivered by Public Works Advisory Compulsory Acquisition (PWA) Team in similar past circumstance, it is proposed that Council engage PWA to complete this process; enabling Land & Property resources to maintain existing levels of service within the direct community.

RISK ASSESSMENT

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

As this project has been endorsed through resolution 104/20 and funded through the Local Roads & Community Infrastructure program delivery of this project is imperative to Council's reputation with both the community and grant provider. Council needs to consider the acquisition of land vs licensing the land from a risk perspective. The acquisition process is the more costly option though from an asset security and continuity of service delivery perspective it is most sustainable. Transport for NSW (TfNSW) have indicated agreeance to a licence, however, the terms and conditions of this licence will state that the licence can be revoked at any point in time. A licence in this instance does not give Council security over the asset remaining functional and available to the community in the long term. Acquiring the land from TfNSW will ensure that the road asset is built on Council land, to remain functional and available to the community for the life of the asset.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	N/A	
Estimated Annualised Net Cost	N/A	
Capital Investment	\$138,240	These costs include PWA engagement fees for acquisition works, purchase price of land, survey & legal costs. Purchase price of land is estimated to be \$117,240. This amount will be determined by the NSW Valuer General, and is an estimation only based on the rateable value of

	Amount	Details
Current Annualised Net Cost	N/A	
		neighbouring lands; as the land in question is not rateable land.
Capital Funding Source	(138,240)	Local Roads & Community Infrastructure Grant & General Funds committed through WO1464 - Ryrie Street Michelago Extension (capital upgrade urban sealed roads).

Expenses associated with this project are to be covered by the Local Roads & Community Infrastructure Grant and additional Council General Funds allocated to the Ryrie Street Extension Project - WO1464.

The costs of continuing within the existing road reserve are estimated to be \$1million higher than moving to the new location. The \$138,240 to achieve the \$1million lower costs if considered a good return on the investment.

RESPONSIBLE OFFICER: Chief Operating Officer; and Manager Corporate Projects (delivery of capital upgrade).

OPTIONS CONSIDERED

There are two options to align a road reserve with the existing Micalago Road & Ryrie Street extension.

- Option one - acquire the required land
- Option two - enter into a licence agreement with Transport for NSW (TfNSW) allowing Council road network to occupy their land.

Option two's licence agreement between SMRC & TfNSW is a cheaper option however, this option does not offer permanent security of the asset or occupancy of the land. Licence Terms & Conditions will state that TfNSW may revoke the licence at any time, TfNSW generally use this clause in the event the line was to return to an operational state. If the line was to become a Rail Trail it would also impact the licence agreement as Council would become the responsible authority for the whole rail reserve. If the line was to return to an operational state Council may be requested to remove the asset and discontinue occupancy of the licenced area.

The Officer's recommendation is option one – acquiring the land, given that the road project is a considerable capital investment, and this action will ensure security over the new Council asset, ensuring full access for the community across the life span of the asset.

IMPLEMENTATION PLANS

In NSW, all levels of government can acquire privately owned land and some Crown land for public purposes. They may acquire the whole property, part of a property or an interest in the property

including easements. The acquisition of land will be undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Just Terms is a statutory process for empowered authorities to acquire any interest in land for a public purpose.

Section 186 of the Local Government Act 1993 provides that council may acquire land (including an interest in land) for the purpose of exercising any of its functions. Section 187 of the Local Government Act 1993 states that if a council is using its powers under that Act to acquire land, the acquisition must occur in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms). This Act is a statutory process for empowered authorities to acquire any interest in land for a public purpose.

Expected Land Acquisition Key Action:

- Council engage PWA;

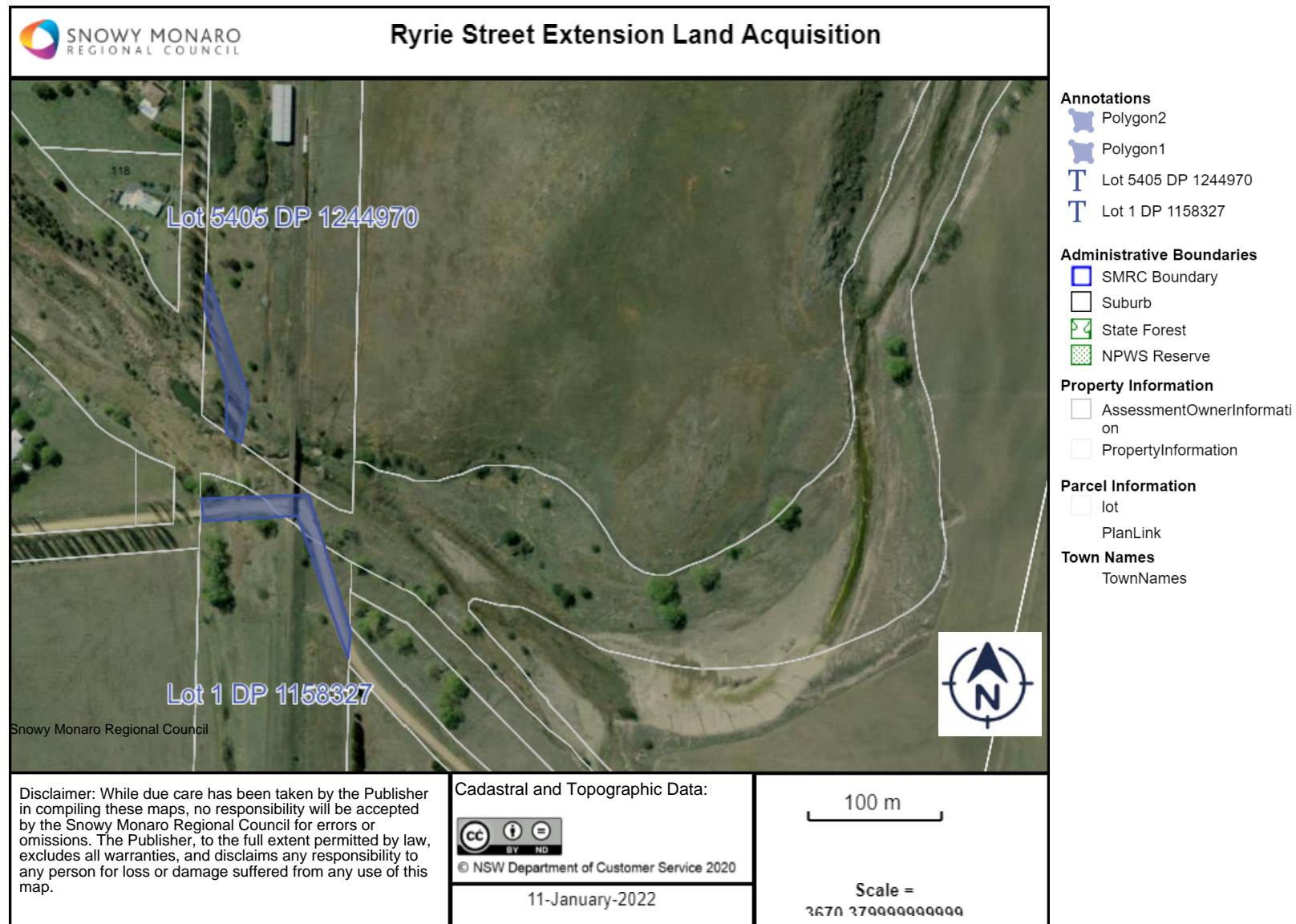
PWA action items:

- Undertake initial land investigation, obtaining required searches, and review particulars of same.
- Obtain official agreement and approval from land owner.
- Obtain necessary Council and Government approvals.
- Commence compulsory acquisition process, including engaging Valuer General.
- Facilitate finalisation of land acquisition facilitating any compensation payments.

It is estimate that the land acquisition process will be completed within 1.5-2 years of the initial engagement of PWA.

ATTACHMENTS

1. Ryrie Street Extension - Land Acquisition Map



9.3.3 FERAL PREDATOR FREE AREA AT NUNGATTA - TEMPORARY CLOSURE OF LAINGS ROAD

Record No: I22/234

OFFICER'S RECOMMENDATION

That Council proceeds with temporary closure of Laings Road using section 116 of the Roads Act 1993 to support the establishment of the Nungatta feral predator free area.

ISSUES

In December 2020, the former Minister for Energy and Environment, the Hon Matt Kean MP, announced a plan to establish four new feral predator-free areas (FPFA) in NSW, including a site in South East Forest National Parks between Eden and Bombala.

This site, known as the Nungatta FPFA was selected after the National Parks and Wildlife Service (NPWS) carefully considered the ecological and operational requirements to reintroduce several species now extinct or endangered in NSW, including the Long-footed Potoroo.

In addition to delivering important ecological outcomes, the Nungatta FPFA is set to become a new visitor destination, providing a unique visitor experience supported by a significant investment in infrastructure. This will attract additional visitors to the south coast region and generate employment and economic benefits for centres such as Eden and Bombala.

The Nungatta site incorporates a six-kilometre long council road reserve, known as Laings Road, that is the only legal access in this location. Although Laings Road is a dedicated public road, it is not used as such. Imlay Road, a 58-kilometre full sealed road owned and operated by Forestry Corporation of NSW (FCNSW) linking the Monaro and Princess Highways, is used and provides practical public access.

Establishing the Nungatta FPFA requires a fence to be constructed along Laings Road that will restrict public access.

After considerable internal investigation, TfNSW has determined that obtaining a temporary closure of Laings road using Part 8, Division 2, Section 116 of the Roads Act 1993 is appropriate to facilitate a viable interim solution. This approach requires BVSC and SMRC to support the project and to apply to TfNSW for consent to regulate traffic on Laings Road for the interim period until the permanent solution is implemented.

TfNSW have now written to Council seeking formal endorsement to proceed using the approach described above.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity SJ	Low	Low	Yes
Environmental Security	Medium	Low	Yes
External Political Environment	Medium	Low	Yes

9.3.3 FERAL PREDATOR FREE AREA AT NUNGATTA - TEMPORARY CLOSURE OF LAINGS ROAD

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

Implementation of this recommendation is within acceptable risk levels. An assessment of the location of Laings Road also demonstrates that no properties will be impacted by the temporary closure due to the ability to use Imlay Road and Nungatta Creek Road.

Not proceeding with the recommendation could pose medium risk to Council in terms of Environmental Security, External Political Environment and Reputation and Damage.

FINANCIAL IMPACTS

Nil.

RESPONSIBLE OFFICER: Chief Operating Officer

OPTIONS CONSIDERED

NPWS, Forestry Corporation of NSW (FCSW) and Transport for NSW (TfNSW) have collaborated to identify three possible permanent solutions to the impacts on Laings Road that can be supported by all three agencies. The following options were jointly presented to Bega Valley Shire Council (BVSC) and Snowy Monaro Regional Council (SMRC) in February and March 2022;

1. Modify the fence boundary of Feral Free Area Fence to exclude Laings Road.
2. Alternative to Laings Road as the public access.
3. Reclassification of the full length of Imlay Road to a Classified State Road

NPWS, FCSW and TfNSW will continue to work together to identify the preferred option. It is recognised that any one of these three options will require a considerable period of 3 – 5 years to fully implement. As a result, an interim solution is being sought to meet NPWS start of construction in September 2022.

IMPLEMENTATION PLANS

Implementation will be via a temporary closure of Laings road using Part 8, Division 2, Section 116 of the Roads Act 1993.

EXISTING POLICY/DECISIONS

Nil

BACKGROUND

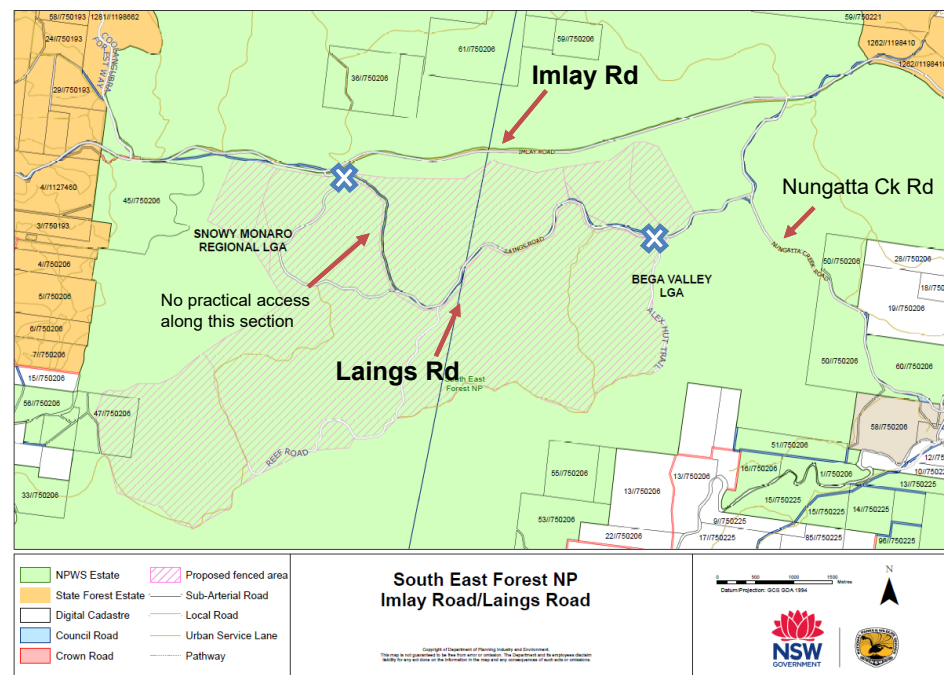
9.3.3 FERAL PREDATOR FREE AREA AT NUNGATTA - TEMPORARY CLOSURE OF LAINGS ROAD

Nil

ATTACHMENTS

1. Location map

Map of FPFA. Impact to Laings Road



Preferred site for the FPFA requires closure of Laings Road

- ✕ Proposed gates on Laings Road
 - Access along the Bundian Way will continue
 - Emergency services will have access
 - Current practical public access is along Imlay and Nungatta Creek Roads

9.3.4 PURCHASE OF LOT 9 DP239506 AND PART LOT 5 DP239506 JINDABYNE FROM SNOWY HYDRO LIMITED FOR FUTURE PROVISION OF WATER TREATMENT PLANT AND WASTE TRANSFER STATION RESPECTIVELY

9.3.4 PURCHASE OF LOT 9 DP239506 AND PART LOT 5 DP239506 JINDABYNE FROM SNOWY HYDRO LIMITED FOR FUTURE PROVISION OF WATER TREATMENT PLANT AND WASTE TRANSFER STATION RESPECTIVELY

Record No: I22/235

OFFICER'S RECOMMENDATION

That Council

- A. Proceed with purchase of lot 9 DP239506 Jindabyne from Snowy Hydro Limited for the future provision of a water treatment plant and passive recreation and upon purchase classify the land as operational land in accordance with the *Local Government Act 1993*;
- B. As part of the purchase of lot 9 DP239506, enter into a lease with Snowy Hydro Limited for the management of part lot 11 DP239506 being for Lake Jindabyne foreshore land for a period of 45 years at a cost of \$100 per annum (indexed by CPI);
- C. Proceed with purchase of part lot 5 DP239506 Jindabyne from Snowy Hydro Limited for the future provision of a waste transfer station and upon purchase classify the land as operational land in accordance with the *Local Government Act 1993*;
- D. Proceed with a subdivision (boundary adjustment) as part of the sale process to adjust the property boundary to align with the survey boundary of land to be acquired.

ISSUES

Council has previously considered purchase of lot 9 DP239506 in December 2018 when Council resolved to submit an expression of interest to acquire this land, known as Coppertom. This sale process did not proceed and more recently, the NSW Government Special Activation Precinct (SAP) project has resulted in discussions between Council, the SAP team and Snowy Hydro Limited for Council's need to acquire land for the future provision of a water treatment plant and waste transfer station in Jindabyne.

Lot 9 DP239506 has been offered by Snowy Hydro Limited to Council for acquisition for the purchase price of \$1.00. It is intended that the land, known as Coppertom, will be utilised for the provision of a water treatment plant as well as passive recreation. Special conditions of contract restrict the use of the land for these purposes. The contract of sale also requires Council to enter into a 45 year lease for part lot 11 DP239506 being for Lake Jindabyne foreshore land, at a cost of \$100 per annum (indexed by CPI).

On 21 February 2022, Snowy Hydro Limited wrote to Council confirming that Snowy Hydro Ltd agrees (subject to all appropriate approvals) to sell around 5ha of land (to be confirmed by survey) identified as Part Lot 5 DP 239506 to Snowy Monaro Regional Council (SMRC) for \$15,000 per hectare (or part thereof). This is based on valuations that Snowy Hydro Ltd have received from an independent valuer (Cushman and Wakefield) for the SAP. The final area of land is to be determined by survey which is to be undertaken by SMRC at SMRC cost, and broadly agreed by Snowy Hydro Ltd on the site walkover undertaken with Council officers.

A subdivision (or boundary adjustment) of the land will be required to achieve the SMRC's purpose. This will also be at the SMRC cost.

9.3.4 PURCHASE OF LOT 9 DP239506 AND PART LOT 5 DP239506 JINDABYNE FROM SNOWY HYDRO LIMITED FOR FUTURE PROVISION OF WATER TREATMENT PLANT AND WASTE TRANSFER STATION RESPECTIVELY

Council's long term water supply infrastructure planning, and the SAP, identifies the need for a new water treatment plant in Jindabyne that will service Jindabyne in the short / medium term and East Jindabyne, Kalkite and Berridale in the longer term. Lot 9 DP239506 is suitable land for this purpose.

Council's waste strategy, adopted by Council in 2021 identifies the need for a new waste transfer station in Jindabyne due to the existing facility nearing end of life. Part lot 5 DP239506 is suitable land for this purpose.

Section 31 of the Local Government Act 1993 (2) states; *"Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land"*. Due to this legislative requirement, it is recommended that Council resolves to classify the land as operational land. This classification will enable the provision of a waste transfer station, water treatment plant and passive recreation on the land.

RISK ASSESSMENT

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

Current risk levels in relation to the Jindabyne water treatment plant and waste transfer station are all high. Purchase of lot 9 and part lot 5 will ensure Council can move risks toward low, once the facilities are constructed.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	\$0	Not applicable
Estimated Annualised Net Cost	\$100	Part lot 11 lease fee
Capital Investment	\$100,000	Land purchase and associated costs
Capital Funding Source	\$100,000	Water fund and Waste fund

Both the water fund and waste fund will cover land purchase and associated costs

9.3.4 PURCHASE OF LOT 9 DP239506 AND PART LOT 5 DP239506 JINDABYNE FROM SNOWY HYDRO LIMITED FOR FUTURE
PROVISION OF WATER TREATMENT PLANT AND WASTE TRANSFER STATION RESPECTIVELY

RESPONSIBLE OFFICER: Chief Operating Officer

OPTIONS CONSIDERED

Council may choose to consider the option not to proceed with the purchase however this is not recommended as it will result in Council not being able to proceed with the provision of critical infrastructure for the community.

IMPLEMENTATION PLANS

Implementation will be via the CEO exercising delegated authority to finalise purchase for lot 9 and part lot 5, entering a lease for part lot 11 and classifying lot 9 and part lot 5 as operational land as authorised by the resolution of Council.

EXISTING POLICY/DECISIONS

The purchase of lot 9 and part lot 5 is consistent with Council's long term planning for provision of a water treatment plant and the waste management strategy for provision of a new waste transfer station.

BACKGROUND

Nothing further

ATTACHMENTS

1. Part lot 5 DP239506 waste transfer station
 2. Lot 9 DP239506 - water treatment plant
 3. Part lot 11 DP239506 - to be leased
-

Proposed Boundary Adjustment - Part Lot 5 DP 239506





9.4.1 POLICY: PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS AND COUNCILLORS

Record No: I22/169

OFFICER'S RECOMMENDATION

That Council

- A. Place the Payment of Expenses and Provision of Facilities for Mayor and Councillors policy on public exhibition.
- B. Approve inclusion of the budget allocation in the 2022/23 budget for consideration.
- C. Adopt the policy at the completion of the required consultation process if no submissions are received during the exhibition period.

ISSUES

The Local Government Act (the Act) 1993 defines how Councillors may be paid. Division 5 of the Act deals with what fees, expenses and facilities may be paid or provided to councillors in carrying out their civic function.

During the first 12 months of its term, Council is required to review and adopt a policy for the payment of expenses and provision of facilities to councillors. Attached to this report is a policy that is required to go on public exhibition for 28 days prior to adoption by Council.

Council is also required to adopt the fees payable to the Mayor and Councillors in carrying out their civic function. This is often done annually, following a review and recommendations received from the NSW Remuneration Tribunal <https://www.remtribunals.nsw.gov.au/local-government>.

Historically the Council has made the same decision each time that it has considered this matter. It is considered that this would be more efficiently dealt with by placing this within the policy, which can then be enacted without the need for additional reports to be written. It is proposed Council adopt the inclusion of the payment of the maximum fees payable, per Remuneration Tribunal determinations.

In the past the council has set the fees at the maximum to make it more appealing to people to stand for the role of councillor, seeking to remove the impediment of the cost of undertaking the role. It has also been set to reflect that there is a large time commitment required in the role.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management – Provision of assets and resources contained with the policy	Low	Low	Yes
Economic Activity – Fees and allowances contained within proposed budget	Low	Low	Yes
External Political Environment – Consistent with OLG guidelines	Medium	Low	Yes
Financial Sustainability – Expenditure specified in adopted budget	Medium	Low	Yes

Legislative Governance and Compliance – Allows compliance with legislative requirements	Low	Low	Yes
Reputation and Image – Transparency and accountability to engender public trust	Medium	Low	Yes

FINANCIAL IMPACTS

Councillor Fees and Facilities Budget	Current Budget	Next Year Budget
Elected Members : Total Operating Expenditure	\$519,639	\$492,019
14 - Elected Members Administration		
14.0020.0425 - Mayoral Fee	\$44,256	\$47,000
14.0020.0426 - Elected Members Allowances	\$223,080	\$233,000
14.0020.0442 - Conference expenses	\$15,000	\$25,500
14.0020.0445 - Telephone & Internet Charges	\$7,000	\$7,210
14.0020.0499 - Other Sundry Expenses	\$5,000	\$5,150
14.0020.0500 - Materials Purchased	\$1,000	\$1,030
14.0020.0521 - Printing and Photocopying	\$200	\$206
14.0020.0532 - Stationery & Office Consumables	\$500	\$515
14.0020.0570 - Food & Catering Costs	\$7,000	\$5,150
14.0020.0571 - Travel Related Costs Other	\$10,000	\$10,300
14.0020.0970 - Plant Hire - Internal Usage	\$12,000	\$12,360
14.0026.0459 - Training	\$0	\$10,000
Total	\$325,036	\$357,421

The proposed policy and recommendations present a consistent and responsible approach based on previous practice and advice from the OLG.

RESPONSIBLE OFFICER: Coordinator Governance

OPTIONS CONSIDERED

Council may consider applying less than the maximum fee payable to the Mayor and Councillors.

The option is not recommended.

(See Regional Rural category)

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee (\$) effective 1 July 2021		Mayor/Chairperson Additional Fee* (\$) effective 1 July 2021	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	28,190	41,340	172,480	226,960
	Major CBD	18,800	34,820	39,940	112,520
	Metropolitan Large	18,800	31,020	39,940	90,370
	Metropolitan Medium	14,100	26,310	29,950	69,900
	Metropolitan Small	9,370	20,690	19,970	45,110
General Purpose Councils - Non-Metropolitan	Major Regional City	18,800	32,680	39,940	101,800
	Major Strategic Area	18,800	32,680	39,940	101,800
	Regional Strategic Area	18,800	31,020	39,940	90,370
	Regional Centre	14,100	24,810	29,330	61,280
	Regional Rural	9,370	20,690	19,970	45,140
	Rural	9,370	12,400	9,980	27,060
County Councils	Water	1,860	10,340	4,000	16,990
	Other	1,860	6,180	4,000	11,280

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Source:

https://www.lgns.wa.gov.au/common/Uploaded%20files/LG_Remuneration_Tribunal/2021-Local-Government-Remuneration-Tribunal-Annual-report-and-determination.pdf Page 10

IMPLEMENTATION PLANS

The policy is required to be placed on public exhibition for a period of 28 days, per s253 of the Act. Following the Council's decision the policy will be published on Council's 'Your Say' website with the submission period ending on 20 May 2022.

The draft policy and submission period will also be promoted on Council's website, social media and the Monaro Post.

Should no comments be received it is recommend the policy be considered as adopted. If substantial changes are proposed following public consultation, the policy will come back to Council for consideration and adoption.

This report also serves as Councils' public notice of its intention to adopt a policy for payment of expenses and provision of facilities.

EXISTING POLICY/DECISIONS

Councillor expenses and facilities policies are made under the Act and in accordance with section 252 and 253, as well as section 403 of the Local Government (General) Regulation 2021.

The policy specifies increased detail in the reporting of Councillors expenses supported by OLG guidelines.

BACKGROUND

What are Fees?

Under s248 of the Act a council must pay each councillor an annual fee.

The fixing of fees are to be in accordance with the appropriate determination of the Remuneration Tribunal (the Tribunal). Each year the Tribunal is required to report to the Minister for Local Government by May on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors and councillors.

Snowy Monaro Regional Council is classified as Regional Rural, it is recommended this Council adopt the maximum fees to be paid to Councillors and the Mayor. It is also recommended that, Council support the inclusion of the maximum fee being paid to Councillors annually in the facilities policy.

What are Expenses and Facilities?

Under s252 Councils are required to review their Payment of Expenses and Provisions of Facilities Policy within the first 12 months of a newly elected Council.

To promote accountability and transparency, advice from OLG is that this policy must be clear and specifically state the details and amounts for expenses and facilities to be provided to Councillors to support them in performing their civic function. The draft policy has been updated to reflect this advice.

The attached draft policy has been updated informed by the OLG suggested template and guidelines.

This policy has also been updated to be more inclusive for councillors that are carers or have a disability.

ATTACHMENTS

1. Draft Policy - Payment of Expenses and the Provision of Facilities for Mayor and Councillors
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Policy



Title of Policy	Payment of Expenses and Provision of Facilities for Mayor and Councillors		
Responsible Department	Governance	Document Register ID	250.2016.2.2
Policy Owner	Coordinator Governance	Review Date	March 2024
Date of Council Meeting		Resolution Number	
Legislation, Australian Standards, Code of Practice	S252 and S253 of the Local Government Act 1993 Section 403 of the Local Government (General) Regulation 2021 SMRC Code of Conduct Gifts and Benefits Policy Office of Local Government (OLG) Guidelines		
Aim	To provide clear limits and processes and ensure accountability and transparency in the payment of expenses and the provision of facilities incurred by councillors when carrying out their civic duties.		

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with OLG guidelines and community expectations. Councillors must not obtain private or political benefit from any expenses or facility provided under this policy.

1 Purpose

This policy sets the framework for:

- The provision of adequate and reasonable expenses and facilities to the Mayor, Deputy Mayor and Councillors to enable them to carry out their respective roles under the Act.
- The provision of expenses and facilities to all members of Council's governing body in a manner that is transparent and accountable, and meets the expectations of the local community; and
- Compliance with the relevant legislative requirements for Council to review and adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Annual Fees

The Mayor and Councillors are to be paid the maximum recommended remuneration as determined by the Remuneration Tribunal.

<https://www.remtribunals.nsw.gov.au/local-government/all-lgrt-determinations>

Under the Local Government Act 1993 (the Act), the Tribunal's role is to determine the categories of councils and mayoral offices in New South Wales, place each council into one of the categories it has determined (at least once every three years), and on an annual basis set the minimum and maximum fees payable to councillors and mayors in each category.

Snowy Monaro Regional Council is currently classified as Regional Rural, Councillors annual fees are set in accordance with this classification and paid monthly in arrears in accordance with the provisions of the Act.

Relationship between Annual Fees and Expenses

Consistent with the provisions of the Section 403 of the Local Government (General) Regulation 2021 and the Tribunal, this policy provides for a level of expense and facility entitlements, informed by, but set independent of, the level of annual fees payable to the Mayor and Councillors.

1.2 Legislative and Policy Provisions

Provisions under the Act

Section 252 of the Act requires Council to adopt or amend a policy for the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors.

Section 253 of the Act specifies actions Council must undertake before its policy concerning Councillors' expenses and facilities can be adopted or amended.

Section 254 of the Act requires that a part of the Council or Committee meeting which considers adoption or amendments of the expenses and facilities policy will be open to the public.

Provisions under the Regulation

Section 403 of the Regulation disallows the payment of a general expense allowance to any Councillor and for a vehicle to be made available for the exclusive use of a Councillor, other than the Mayor.

Councillor must not pay an allowance in the nature of a "general expense allowance", which is unrelated to actual expense incurred and designed to supplement the Councillor's annual fee.

Section 217 of the Regulation requires the SMRC to include detailed information in its Annual Report about the payment of expenses and provision of facilities to Councillors

SMRC Code of Conduct

Under section 439 of the Act, Councillors must act honestly and exercise a reasonable degree of care and diligence in carrying out their functions. SMRC's Code of Conduct outlines the minimum requirements of conduct for council officials carrying out their functions.

This policy is to be read in conjunction with the Code of Conduct, which incorporates the provisions of the Model Code of Conduct for Local Councils in NSW prescribed by the Office of Local Government.

2 General Policy Provisions

- 2.1 Payments for expenses and facilities not included in this policy cannot be made by SMRC in accordance with section 252(3) of the Act. All expenses and facilities under this policy will be provided to Councillors for a purpose specific to the functions of holding civic office and are only to be used for Councillors' civic duties.
- 2.2 For the purpose of this policy, functions of civic office, civic duties or Council business may be defined as "functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area."
- 2.3 Unless otherwise stated in this policy, all requests from Councillors for the provision of services, facilities and claims for the payment or reimbursement of expenses are to be directed to the Executive Office.
- 2.4 Equipment, facilities and other resources supplied to Councillors under this policy will be compatible with and of the same standard as other SMRC equipment and resources.
- 2.6 The services and facilities, as detailed in this policy, are available to Councillors while carrying out the functions of civic office. These services and facilities, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.
- 2.7 Councillors are encouraged to pool or share facilities in order to make the best use of Council resources. Councillors are also encouraged to limit their use of the expenses and facilities provided for in this policy to the minimum required to enable them to effectively and efficiently discharge the functions of their civic office.
- 2.8 All equipment and facilities provided under this policy remain the property of the SMRC. On cessation or expiration of a Councillor's term of office, use of all equipment and facilities must cease immediately. Equipment and facilities must be returned to the SMRC no later than 14 days from the date of cessation or expiration of a Councillor's term of office, or such other time period as may be specified.
- 2.9 Facilities provided to Councillors under this policy are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.
- 2.10 Annual expense limits apply to several categories of expenditure in this policy. All annual expense limits are based on a financial year and, where applicable, may be applied on a pro-rata basis e.g., before or after a local government election, or where the term of office of a Councillor ceases or commences during a financial year.
- 2.11 SMRC's regular monitoring and reporting on capped expenditure will identify whether any Councillor has exceeded an annual expense limit. Councillors who exceed an annual expense limit will be invoiced and must reimburse SMRC in accordance with section 15.15 of this policy.
- 2.12 This policy will apply to any Administrator(s) appointed by the Minister, subject to any necessary modifications.

2.2 Private Benefit

- 2.13 Councillors should not obtain private benefit from the provision of equipment and facilities while on Council business. SMRC, however, acknowledges that incidental personal use of Council equipment, facilities and resources may occur from time-to-time. This means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct. Reimbursement to the SMRC is not required for incidental personal use.
- 2.14 Councillors should not obtain any greater private benefit from SMRC equipment, facilities and resources than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of SMRC equipment and facilities does occur, Councillors must advise the Chief Executive Officer in writing and the Councillor will be invoiced for such private use and must reimburse SMRC in accordance with section 15.14 of this policy.

3 Payment of Expenses

- 3.1 Expenses may be defined as “payments made by SMRC to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.”
- 3.2 Unless stated otherwise, the expense reimbursement and entitlement provisions (including expenses limits) detailed in this policy apply to the Mayor, Deputy Mayor and all Councillors on a uniform basis.

Annual Conference – Local Government NSW

- 3.2 SMRC will meet the following costs of attendance at the annual Local Government NSW Conference (the Conference) by all Councillors nominated as delegates;
- Delegate registration costs
 - The reasonable cost of overnight accommodation
 - The cost of any meals and the reasonable cost of beverages accompanying a meal, where any such meals are not provided as part of the Conference registration fee.
 - The cost of reasonable associated travel (refer relevant provisions of section 9 of this policy)
 - The cost of other reasonable incidentals (e.g. telephone calls, internet, newspapers and parking fees).
- 3.3 Under section 7 of this policy, costs associated with the attendance of spouses, partners or accompanying persons of Councillors at the Conference are limited to the cost of registration and official conference dinners. SMRC will therefore meet the direct cost of spouses, partners or accompanying persons attendance at the President’s Opening Reception and the Conference Gala Dinner, or the cost of partner registration (which includes tickets to the official Conference reception and dinner).
- 3.4 SMRC will not meet the cost of travel expenses, additional accommodation expenses (in addition to the expenses incurred for the Councillor) and partner tours/activities for any spouses, partners or accompanying persons attending the Conference. These expenses are the responsibility of, and must be paid for personally by, individual Councillors.

- 3.5 Costs associated with the attendance of Councillor delegates at the Conference are not to be included within the annual expense limits applicable to Interstate and Intrastate Conferences in sections 3.10 of this policy.

Conferences and seminars

Interstate

- 3.6 The annual limit for attending conferences or seminars outside New South Wales including registration, travel, accommodation and meal expenses, is included in the total budget.
- 3.7 Councillors may be nominated to attend conferences, seminars and similar functions by:
- The Council, through resolution, or
 - The Mayor or Chief Executive Officer acting under delegated authorities and subject to budget requirements being adhered to.
 - In addition, the Mayor may nominate the Deputy Mayor as a substitute attendee for functions within the Council area or the ACT
 - Council may resolve to delegate authority to the Mayor to appoint Councillors to attend specific conferences, seminars or similar functions.
- 3.8 SMRC will pay expenses, including registration fees, domestic travel, accommodation, meals and reasonable incidental expenses, associated with Councillors attending conferences or seminars outside New South Wales, provided the Councillor's attendance is approved per section 3.7.
- 3.9 The conference or seminar must be directly relevant to the functions of Council and/or benefit the community/local government area. The request for approval should include details of the travel, including itinerary and costs.

Conferences Intrastate

- 3.10 The annual limit for attending conferences or seminars within New South Wales (including the ACT) is included in the total budget. In addition to this annual expense limit, the standing authority of Council in section 3.2 of this policy allows for the attendance by Council's official delegates at the annual Local Government NSW Conference
- 3.11 SMRC will pay expenses including, but not limited to, registration fees, domestic travel, accommodation, meals and reasonable incidental expenses associated with Councillors attending conferences or seminars within New South Wales (including the ACT). The conference or seminar must be directly relevant to the functions of Council and/or benefit the community/local government area.
- 3.12 Councillors may attend conferences and seminars within New South Wales at SMRCs expense:
- without approval of the Mayor and Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference or seminar does not exceed \$500; or
 - with the prior approval of the Mayor and Chief Executive Officer where the all-inclusive cost of the Councillor's attendance at the conference or seminar exceeds \$500.

Overnight Accommodation

- 3.13 SMRC will pay reasonable costs of overnight accommodation for stays outside the LGA. Expenses are payable for the night of the conference or seminar and the night before and after where necessary. Accommodation is to be at the conference venue, where possible.
- 3.14 SMRC will pay reasonable costs of overnight accommodation where Councillors are expected to travel more than 80km, in each direction, for Council meetings or events that are expected to end after 10pm.
- 3.15 In all other cases, accommodation should be based on best value available and proximity to the conference venue. Preference will be given to accommodation venues providing Government Rates, where available.
- 3.16 These costs are included in the total annual expense limit.

Meals

- 3.17 SMRC will pay for all meals for Councillors attending approved conferences or seminars, where any of those meals are not provided as part of the conference or seminar fee. The SMRC will also pay the reasonable cost of beverages accompanying a meal.
- 3.18 These costs are included in the total annual expense limit as identified above.

Council Representation at Non-Council Functions and Other Events

- 3.19 SMRC will not pay for Councillors attending non-council functions, community, corporate and industry events where Councillor representation would not reasonably be expected.
- 3.20 SMRC will not pay for or reimburse to a Councillor costs associated with attendance at any political fundraising event, and donation to a political party or candidate's electoral fund or for some other private benefit.

4 Carer Expenses

- 4.1 The annual limit of \$3,000 will apply to carer expenses.

Criteria

- 4.2 A carer is a person who cares for a dependent child or an elderly, disabled and/or sick immediate family member.
- 4.3 Immediate family members include the carer's current partner a child, partner, grandparent or sibling of either the carer or the carer's spouse or domestic partner.
- 4.4 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 4.5 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

- 4.6 Expenses for alternative carer arrangements, including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, are payable when a Councillor attends:
- Council meetings, standing committee meetings, sub-committee meetings, inspections, formal briefing sessions and civic or ceremonial functions convened by the Mayor or Council.
 - Meetings scheduled by Council or the Mayor
 - Meetings necessary for the Councillor to exercise a delegation given by Council or meetings arising from their official role as chairperson of a standing committee
 - Meetings arising as a result of a Councillor being appointed by Council to an outside body or committee
 - A meeting, function or other official roles as a representation of the Mayor or Council
 - Councillor training, education, professional development approved under this policy
 - Local Government NSW Annual Conference
 - Functions where the payment of carer expenses has been approved by the Chief Executive Officer.

Fees

- 4.7 Carer expenses may consist of:
- Childcare centre fees
 - Hourly fees
 - Agency booking fees (if claimed)
 - Reasonable traveling expenses (if claimed by the carer)
- 4.8 Fees are payable per hour (or part of an hour) subject to any minimum period which is part of the carer providers usual terms, to a maximum hourly rate approved by the Chief Executive Officer.
- 4.9 Claims for reimbursement of carer expenses must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion, and submitted on the required claim form.

5 Expenses and Facilities for Councillors with Disabilities

- 5.1 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 5.2 For any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their functions of civic office.

6 Communications and Mobile Devices

- 6.1 Councillor may seek reimbursement for \$50 per month for their mobile device during a Councillor's term of office, for carrying out their civic duties.

- 6.2 Councillors will be issued with a lap-top or tablet (or similar), including a data sim for access to the internet, at the beginning of their term. For Councillors that return these devices and choose to use their personal device Council will pay all reasonable costs associated with the internet connection, equivalent to the cost of the data sim, and service provider fee to a combined maximum of \$50 per month.
- 6.3 Council will make available the Councillors SMRC email address for general public information.
- 6.4 Reimbursement of costs will only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim form within one months.

7 Spouses, Partners and Accompanying Persons Expenses

- 7.1 The cost of a spouse, partner or accompanying person attending official Councils functions of a formal and ceremonial nature is appropriate when accompanying a Councillor:
- within the local government area;
 - at the annual conference of Local Government NSW with costs limited to the cost of registration and official conference dinners as per section 3.3 of this policy.
- 7.2 Official functions include, but are not limited to, Australia Day ceremonies, civic receptions and functions formally supported by Council.
- 7.3 Where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions, then those costs will be reimbursed to the Councillor.
- 7.4 Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc. are the personal responsibility of the individual Councillor.

8 Training, Educational and Professional Development

- 8.1 Training will be provided in accordance with Council's policy 'Councillor Training'.
- 8.2 SMRC will include an amount in its annual budget for training and development courses, education and professional body membership expenses that are directly related to Councillors' civic functions and responsibilities.
- 8.3 Council may also agree to allocate additional funding in specific cases where it decides there is a benefit to Council from Councillors' attendance or membership. The budget allocation is for all Councillors and the Chief Executive Officer will ensure that access to training and education courses and expenses relating to professional body membership is distributed equitably.

9 Travel

General

- 9.1 All travel arrangements (excluding local travel, within the LGA) must be made through the Executive Office and must not be made by Councillors unless prior approval has been provided in accordance with this policy.
- 9.2 All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport.
- 9.3 Where possible, Councillors shall use a Council vehicle when travelling on Council business.
- 9.4 Councillors are responsible for ensuring that they maintain all supporting documentation for travel expenses, as required under this policy.
- 9.5 Councillors are not to seek or accept loyalty or frequent flyer points from organisations such as airlines, hire car companies or hotels in respect of transport and accommodation costs associated with travel approved in accordance with this policy.

Travel Local

- 9.6 Councillors using their private vehicles to travel to and from meetings of Council, Committees of Council, and to carry out their other Council functions, may be reimbursed according to the rates prescribed by the Australian Tax Office. All references to private vehicles also include car share and rental vehicle use.
- 9.7 A record of private vehicle use must be maintained by the Councillor and submitted on a monthly basis using the provided reimbursement form. The record shall contain details of the Council business for which the travel was undertaken, dates, destinations, number of kilometres and any tolls, for which receipts must be provided.
- 9.8 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or SMRC vehicles on Council business.

Travel Overseas

- 9.9 The cost of overseas travel for purposes such as conferences and delegations for sister city (or similar) arrangements shall not be met by Council unless Council determines otherwise. Any agreement to meet the cost of overseas travel whether in whole or in part, a list of associated cost and anticipated expenses must be included in a report to Council and approved by resolution of the Council prior to the trip.

Class of Air Travel

- 9.10 Unless otherwise specified in a resolution of Council, the class of international air travel to be used by the Mayor or delegated Councillor is to be economy.
- 9.11 In the case of travel via a non-direct route, travel expenses are payable for the amount which would have been incurred if the most direct route had been taken.

Report on Attendance

- 9.12 A report or relevant material must be prepared for circulation to the Council and review by the public within six months of the travel undertaken.

10 Insurance

- 10.1 Councillors are covered under the following SMRC insurance policies on a 24 hours basis while discharging the duties of civic office, including attendance at meetings and external bodies as Council representatives:
- Personal injury while on Council business,
 - Professional Indemnity (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions)
 - Public Liability insurance (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions)
 - Councillors and Officers Liability insurance (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions)
 - Council will reimburse any insurance excess payment and loss of no claim bonus or any increase in premium subsequent to an accident to a Councillors private vehicle whilst on official Council business and the accident is not the Councillors fault.
 - Where a Councillor is without transport during repairs to their private vehicle damaged whilst on official Council business, Council will reimburse costs of a hire vehicle or a Council vehicle be made available during the period the repairs are being made. The Councillor will be responsible for all fuel costs incurred during this time.
 - For matters arising out of Councillor's performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is authorised under the Act, was carried out in good faith and is in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out

11 Legal costs

- 11.1 In particular circumstances outlined below, SMRC may indemnify or reimburse the reasonable legal expenses of a Councillor for:
- Defending an action arising from the performance, in good faith, of a function under the Local Government Act
 - Defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act
 - An inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body, including:
 - NSW Civil and Administrative Tribunal
 - Independent Commission Against Corruption
 - Office of the NSW Ombudsman

- Office of Local Government
 - NSW Police Force
 - Director of Public Prosecutions
 - Council's Code of Conduct reviewer – only where a matter has been referred by the Chief Executive Officer in accordance with the Code of Conduct.
- 11.2 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of their function under the Act, should be distinguished from expenses incurred in relation to proceedings arising merely from something which a Councillor has done during their term.
- 11.3 SMRC will not meet legal expenses of legal proceedings initiated by a Councillor under any circumstance.

12 Provision of Facilities

- 12.1 Facilities may be defined as “equipment and services that are provided by councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors”.
- 12.2 Unless stated otherwise, the facilities, equipment, administrative and other support services detailed in this policy are to be made available to the Mayor, Deputy Mayor and all Councillors on a uniform basis.
- 12.3 Specific additional facilities, equipment, administrative and other support services for the Mayor and Deputy Mayor are detailed in section 13 and 14.
- 12.4 As detailed in this policy, Councillors must only use Council facilities, equipment and services in accordance with the Code of Conduct.

Administrative and Other Support Services

- 12.5 The Mayor and Councillors will be provided with basic administrative and other support services through the Executive Office.

Office Equipment

- 12.6 Councillors will be provided with a lap-top or tablet (or similar) for use at their home, non-Council workplace and office. The device will include a data sim (at a rate of approximately \$25/month) for access to the internet and may be subject to data cost variation.
- 12.7 Usage of the equipment is subject to SMRC policy (including internet and /records) and is to only be used in the execution of the Councillors civic duties.
- 12.8 Training in the use of the equipment and systems provided by SMRC will be provided by staff at the expense of SMRC.
- 12.9 Other equipment available through the Executive Office includes the following:
- Access to a multi-function device for printing, scanning, copying and faxing
 - Paper shredder/ secure disposal facilities
 - Day to day stationary and other minor office equipment.
- 12.10 Councillors may request six reams of paper (per annum) to cover printing.
- 12.11 The annual budget for printing and photocopying is included.

Building Access and Parking

- 12.13 Each Councillor will receive one security card, allowing them 24 hour access to the Cooma office building. Access to the Berridale, Bombala and Jindabyne buildings will be made by appointment through the Executive Office.
- 12.14 The Mayor and Councillors (when not in use by the Mayor), are entitled to use the Mayor’s Office in the Cooma and Bombala offices. Use of an office space in Berridale and Jindabyne will be by appointment through the Executive Office.

Other Venues

- 12.15 Meeting rooms in other SMRC venues, such as the Library, community centres and halls, may be booked at no cost for meetings, subject to availability, in the exercise of the Councillor's civic duty.
- 12.16 Booking requests for these venues are to be made through the Executive Office, who will seek the approval of the Chief Executive Officer and the Mayor.
- 12.17 All Councillors are to be invited to meetings held in other SMRC venues.

Conditions of Usage

- 12.18 Room or venue bookings which may be perceived to be of a political nature or not related to the Councillor's civic duties will not be approved for free use. Where applicable, room or venue usage in those circumstances would be charged at the current community rate.
- 12.19 Costs for catering, audio visual equipment, where no equipment is available, or other meeting requirements are to be met by the Councillor.

Name badge

- 12.20 Each Councillor is entitled to two standard name badges.

Phone

- 12.21 The Mayor, Deputy Mayor and Councillors will have access to office telephones to carry out their civic duties.

Stationery

- 12.22 Councillors will be supplied with corporate standard Council stationery, note paper, envelopes (including postage), business cards and diaries.
- 12.23 Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of civic office
- 12.24 All mail is to be directed through Council's own mailing system.

Refreshments for Council Related Meetings

- 12.25 Food and beverages will be available for Council meetings, standing committee and sub-committee meetings and councillor briefings, approved meetings and arrangements, and official council functions as approved by the Chief Executive Officer and Mayor.

13 Additional Facilities for the Mayor

- 13.1 This policy recognises the additional authorities and functions exercised by the Mayor, in accordance with the Act (section 226) and Council's adopted delegations to the Mayor.
- 13.2 Council will provide the Mayor with an office, in the Cooma office building and access to administrative support, through the Executive Office, to support the Mayor in carrying out these authorities and functions.
- 13.3 Other facilities include:
- Allocation of a Council vehicle, including a fuel card, to assist with civic duties. This vehicle is maintained and replaced in accordance with SMRC policy 'Motor Vehicle Lease Back and Private Use'.
 - Mobile phone
 - Provision of a corporate credit card
 - Parking Space at the Cooma office
 - Access to meeting rooms
- 13.4 The office of the Mayor is not to be used to provided services or facilities of any other purpose.
- 13.5 Resources utilised and expenditure incurred by the Mayor must be in accordance with relevant financial delegations and in consultation with the Chief Executive Officer.
- 13.6 Expenses reimbursed and facilities made available to the Mayor in accordance with the other provisions of this policy will be funded from the overall budget allocation for the provision of expenses and facilities to councillors and be subject to the limits specified in this policy (appendix 1).

14 Additional facilities for the Deputy Mayor

- 14.1 The Deputy Mayor may utilise the Mayor's office, when not in use, and access to administrative support.

15 Payment and Reimbursement

- 15.1 Expenses and facilities provided for in the policy can be paid by:
- SMRC directly
 - Reimbursement
 - Advanced payment (in exceptional circumstances e.g. overseas travel)
- 15.2 All payments by SMRC under this policy will be made in accordance with existing SMRC financial delegations, policies and procedures applicable to the particular payment method used (i.e. Purchase order, corporate credit card, payment requests.)
- 15.3 The payment method used for particular expenses and facilities may vary depending on the cost involved in the particular expenses or facility, payment deadline, staff availability and expediency.

Assessment and Approval of Payment and Reimbursement

- 15.4 Claims for payment or reimbursement of expenses and the provision of facilities under this policy will be assessed/approved by the Chief Executive Officer (or their delegate) and the Mayor.
- 15.5 If a claim is refused, SMRC will inform the Councillor that the claim has been refused and the reasoning.

Process for Direct Payment and Reimbursement of Expenses

- 15.6 Wherever possible and practicable, SMRC will directly pay for Councillors' expenses and provide facilities, equipment and other resources up to the relevant annual expenses limit or standard specified in this policy.
- 15.7 If sought by a Councillor, SMRC will pay or reimburse expenses incurred by a Councillor in carrying out the functions of civic office. Claims for payment or reimbursement of expenses by SMRC must be made using the appropriate form and provide sufficient supporting information to allow assessment of the claim.
- 15.8 Where direct payment by SMRC of an expense is sought by a Councillor, pre-approval under this policy must be obtained prior to the expense being incurred.
- 15.9 Councillors are responsible for providing original receipts and completing any other required documentation in support of claims for payment or reimbursement of an expense by SMRC under this policy.
- 15.10 Unless otherwise stated in this policy, claims for reimbursement of expenses incurred by a Councillor must be lodged within two months of the date of the cost being incurred, or issue date of a periodic statement or billing summary detailing the expenditure incurred by the Councillor.
- 15.11 If a claim is lodged after the time period provided in section 15.10 it may be refused. Requests for reimbursement outside of this time limit may be accepted in exceptional circumstances, subject to the approval of the Chief Executive Officer and Mayor.

Payment in Advance

- 15.12 Councillors seeking payment in advance for the cost of any expenses provided for in this policy that they anticipate will be incurred in the course of undertaking their civic duties must provide sufficient supporting information to allow assessment of the request.
- 15.13 If a Councillor receives an advance payment from SMRC, the Councillor must, within one month of receiving such a payment, provide to SMRC:
- i. a full reconciliation of all expenses, including receipts; and
 - ii. a reimbursement of any amount of the cash advance that was not expended

Reimbursement to SMRC

- 15.14 For expenses that are later billed directly to the SMRC, such as mobile phones and internet, Councillors are required to review the relevant bill, confirm those expenses that were incurred in carrying out their Council duties and declare any private usage.
- 15.15 If SMRC has incurred any other expense on behalf of a Councillor that exceeds an annual expense limit as detailed in this policy, or exceeds reasonable incidental private use (as declared by the councillor in writing or determined by the Chief Executive Officer or their delegate):
- SMRC will invoice the Councillor for the amount by which the annual expense limit for a category has been exceeded, plus GST, for the actual costs incurred by the Councillor for private benefits where these can be ascertained, or at market value; and
 - The Councillor will reimburse the SMRC for that expense as per the invoice amount and payment terms.

Return of Equipment and Facilities by Councillors

- 15.16 Councillors are required to return all Council issued equipment to Council, no later than 14 days after the completion of the Councillors term of office or at the cessation of their civic duties.
- 15.17 Alternatively, Councillors have an option to purchase council equipment previously allocated to a Councillor at an agreed fair market price or written down value.

Dispute Resolution Procedure

- 15.18 In the event of a dispute regarding the reimbursement of expenses or the provision of facilities under this policy, the Mayor or a Councillor may, by written request to the Chief Executive Officer, request the review and determination of the dispute matter by the Chief Executive Officer or their nominated delegate.
- 15.19 If any matter remains in dispute, or the review parties (as detailed above) are unable to determine the matter, the disputed matter may be referred to a meeting of the Council.

16 Accountability and Transparency

- 16.1 The Governance section is responsible for the oversight of the policy to ensure probity is maintained.

Budget Oversight and Financial Accountability

- 16.2 The Chief Executive Office maintains the budget and the following internal controls:
- Hierarchical approval requirements for all claims for expenses reimbursement and the provision of facilities
 - Regular management reporting for budget and expenditure review.
 - Annual operating budget development and approval.

Statutory Reporting Requirements

- 16.3 Under the Act and Regulation, SMRC is required to include specific information in its Annual Report about the payment of expenses and facilities to Councillors in relation to their civic function.
- 16.4 A statement of the total amount expended on the provision of facilities and the total cost of particular categories of expenses and facilities as detailed in section 217 the Local Government (General) Regulation, are included in SMRCs annual report, and includes the following:

General

- The total cost of expenses and the provision of facilities for the Mayor and Councillors
- details, including the purpose, of overseas visits taken during the year while representing Council.

Expenses

- Dedicated office equipment allocated to Councillors on a personal basis such as laptop computers, mobile phones/telephones and facsimile machines and internet installed in the Councillors' homes (including line rental and internet access). This item does not include the cost of using this equipment, such as calls.
- Telephone calls made by Councillors including calls from mobile phones provided by Council
- The attendance of Councillors at conferences and seminars
- The provision of induction training and professional development programs for Mayors and other Councillors
- Other training and skills development
- Interstate visits undertaken during the year
- Overseas visits undertaken during the year
- The expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic function.
- Expenses involved in the provision of care

17 Definitions

The Act	Local Government Act 1993
The Regulation	Local Government (General) Regulation 2021
Expenses	Payment made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a council's policy and may be either reimbursed to a Councillor or paid directly by a Council for something that is deemed to be necessary expense to enable them to perform their civic functions/ expenses are separate and additional to annual fees.
Facilities	Equipment and services that are provided by Councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.
Functions of civic office/civic functions	Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.
LGA	Local Government Area

Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

250.2016.1.4 Code of Conduct

250.2016.83.3 Gifts and Benefits Policy

250.2016.0.1 Claims Reimbursement form

250.2016.174.2 Motor Vehicle Leaseback and Private Use Policy

250.2017.405.1 Councillor Training Policy

Variation

Council is required to review this policy within the first 12 months of each term of Council. Council may from time to time amend this policy in accordance with legislative changes.

Amounts referred to in this policy will be subject to increase in accordance with the Consumer Price Index (CPI) and the Australian Tax Office (ATO) advice, and included in Council's operational budget.

Appendix 1

2022-23 Budget

Expense		Maximum amount \$	Frequency
Travel related costs (including Interstate and overseas travel and accommodation)		10,300	Per year
Training		10,000	Per year
Conferences expenses		25,500	Per year
Telephone and internet charges		7,210	Per year
Carer expenses		3,000	Per year
Printing and photocopying		206	Per month
Stationary and office consumables		515	Per year
Food & catering		5,150	Per year
Plant hire		12,360	Per year

Facilities		
Plant hire	16,320	Per year
IT Equipment:		
Laptop plus 4G sim x 11	30,976	Council term
Mobile Phone (Mayor)	2,300	Council term

9.4.2 DRAFT VOLUNTARY PLANNING AGREEMENT POLICY

Record No: I22/158

OFFICER'S RECOMMENDATION

That Council endorses the Voluntary Planning Agreement and Land Dedication Policy attached for public exhibition for a period of not less than 28 days.

ISSUES

A Voluntary Planning Agreements (VPA) and Land Dedication Policy sets out Council's position relating to VPAs and guides the process when Council enters into a planning agreement with a Developer that provides funds, works in kind or land dedication as an alternative or in addition to local infrastructure contributions. Historically, Council has accepted land that offers little or no public benefit or is difficult and expensive to maintain. This policy will ensure that future acceptance of land will be provisional to the functionality and public benefit of the dedicated land.

Council is expected to experience an increased use of VPAs as growth occurs, and projects such as the Snowy Mountains Special Activation Precinct (SAP) generates a need for more development. Therefore, a robust framework and criteria that will address Council's and community needs are necessary to justify. The draft policy forms a basis for sound decision-making that will provide a public benefit above and beyond the Local Infrastructure Contributions Plan. Criteria within the draft policy establishes the requirements that dedicated land or other VPA contributions must meet. The framework will ensure a consistent approach to Council's dealing of VPAs, providing confidence to the community of Council's leadership.

It was identified within an internal audit as a recommendation that Council would benefit from a policy and procedure on land dedication and voluntary planning agreements.

RISK ASSESSMENT

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

If Council accepts the dedication of additional land, this becomes another asset of Council requiring maintenance and may become a financial burden. This policy aims to ensure that any land dedicated to Council is sustainable, up to standards and will improve the public sphere. It will ensure that the benefits to the community outweigh and alleviate the costs imposed by the development.

FINANCIAL IMPACTS

The implementation of a voluntary planning agreement and land dedication policy will have a positive financial impact, accumulated from derived effects.

When instigated at the rezoning stage, planning agreements can be used to fund and implement early infrastructure that creates the capacity for new development. VPAs can be beneficial should there be insufficient funding or infrastructure required to support the new development. Early delivery of enabling infrastructure assists in avoiding risks relating to costs of works increasing over and above what has been paid under a contribution plan.

The draft policy steps out Council's approach to planning agreements. Council is given the ability and guidance to avoid proposals that could prove financially unsustainable. This would improve Council's delivery of public facilities and infrastructure.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

The voluntary planning agreement and land dedication policy outlines the procedure for developers to dedicate land free of cost or in lieu of payments. The alternative option is not to implement a policy for voluntary planning agreements or land dedication. This was considered unacceptable as a policy will ensure a consistent approach that addresses all legislative requirements for such agreements.

Land dedication under Council's current Snowy Rivers contribution plan, is required subdivisions to dedicate 6% of the land to Council for open space. 6% is generally considered an arbitrary figure that applies to all subdivisions regardless of size, scale or suitability. The draft Policy proposes to only accept land that has proven functionality purposeful public benefit and meets Council's standards for land dedication without a rigid size indication.

IMPLEMENTATION PLANS

If Council supports the recommendation, the draft policy will be placed on public exhibition for a minimum of 28 days in accordance with Council's community participation plan. The draft policy will be available on Council's YourSay page, providing an interactive forum for feedback. Any feedback received will then be considered, and adjustments to the policy may be made before reporting the policy back to Council for consideration.

Implementation of this policy will occur when adopted by Council post community feedback and published on Council's website.

EXISTING POLICY/DECISIONS

This voluntary planning agreements policy has been prepared in response to the outstanding internal audit item IA20-1A_R14 (FN16) with a risk rating of 'High'. The recommendation from the internal audit was to formalise a procedure for the dedication of land in lieu of direct financial contributions. This procedure was to ensure the inclusion of the following requirements:

- A. Value of proposals for works in kind or the dedication of land in lieu of direct financial contributions are assessed independently of the applicant
-

- B. All works in kind are provided under a direct contributions scheme are subject to a legal agreement between Council and the applicant
- C. All legal agreements pertaining to works in kind include
 - i. Works to be undertaken
 - ii. The timing of the works
 - iii. The quality of the works
 - iv. The costs of the works
 - v. The applicant's rights and responsibilities
 - vi. Council's rights and responsibilities
- D. That Council does not issue credits to applicants for works in kind which are provided in excess of the approved condition outside of a standard procedure involving approval by Council

While not required under legislation, councils are strongly encouraged to publish policies and procedures concerning their use of planning agreements. Best practice principles, policies and procedures should be implemented as safeguards to protect the public interest and the integrity of the planning process as identified in the practice note. This policy has been prepared under the following applicable legislation:

- *Environmental Planning and Assessment Act 1979* – Part 7 Division 7.1 Subdivision 2
- *Environmental Planning and Assessment Regulation 2021* – Part 9 Division 1

This voluntary planning agreement and land dedication policy works with the local infrastructure contributions plan as an alternative pathway to administering scheduled works or providing public facilities above and beyond the schedule.

BACKGROUND

Planning agreements are a tool that allows planning authorities, namely councils and developers, to work together to deliver innovative infrastructure outcomes through a flexible framework that permits tailored governance arrangements. Planning agreements can enable the provision of community infrastructure and facilities that are not obtainable under a contributions plan. This flexible framework shares the responsibility of infrastructure provision between both Council and the developer.

They are a legal agreement between a developer and a planning authority and are usually negotiated when a developer is submitting a development application or a planning proposal. Planning agreements enable the provision of development contributions for various public purposes, some of which extend beyond the scope of section 7.11 and 7.12 (local infrastructure contributions), of the Environmental Planning and Assessment Act 1979. For example, these additional purposes could include the recurrent funding of public facilities provided by councils, the capital and recurrent funding of transport, the protection and enhancement of the natural environment, and the monitoring of the planning impacts of development. NSW councils have previously used land dedicated in lieu of payment through a planning agreement for opportunities such as open space, road infrastructure, affordable housing or other such public benefits.

ATTACHMENTS

1. DRAFT Snowy Monaro Voluntary Planning Agreement and Land Dedication Policy

Policy



Title of Policy	SMRC Voluntary Planning Agreements and Land Dedication Policy		
Responsible Department	Strategy	Document Register ID	22/14867
Policy Owner	Strategic Planning	Review Date	25/3/2022
Date of Council Meeting	Date Approved:	Resolution Number	Number:
Legislation, Australian Standards, Code of Practice	<i>Environmental Planning and Assessment Act 1979</i> – Part 7 Division 7.1 Subdivision 2 <i>Environmental Planning and Assessment Regulation 2021</i> – Part 9 Division 1 Practice Note: Planning Agreements (February 2021) Practice Note: Local Infrastructure Contributions (January 2019)		
Aim	This policy establishes a framework to guide the preparation of Planning Agreements entered into with Snowy Monaro Regional Council in a manner that is efficient, fair, transparent and accountable.		

Terminology

The following terminology will be used throughout this policy:

Act means the *Environmental Planning and Assessment Act 1979*;

associated development means the development that is associated with a planning agreement;

Council means Snowy Monaro Regional Council;

developer is a person who has sought a change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument (s7.4(11)), or who has made or proposes to make a development application, or who has entered into an agreement with or is otherwise associated with such a person;

development application has the same meaning as in the Act;

development contribution means the kind of provision made by a developer under a Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material Public Benefit;

explanatory note means a written statement that provides details of the objectives, nature, effect and merits of a planning agreement, or an amendment to or revocation of a planning agreement;

functional purpose means land that is accessible and fairly level, centrally located and landscaped to an approved plan, identified within Council's strategic documents or other purposes as identified within this policy;

instrument change means a change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a Planning Agreement;

planning agreement has the same meaning as in the Act. They have also been referred to as Voluntary Planning Agreements or VPA's;

planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or to the wider community;

planning obligation means an obligation imposed by a planning agreement on a development requiring the developer to make a development contribution;

public means a section of the public;

public benefit means a development contribution that provides amenity or services to the broader community;

public facilities means public infrastructure, facilities, amenities and services;

Regulation means the *Environmental Planning and Assessment Regulation 2021*; and

surplus value means the value of the developer's provision under a Planning Agreement less the sum of the value of public works required to be carried out by the developer under a condition imposed under s4.17 of the Act and the value of Development Contributions that are or could have been required to be made under s7.11 or s7.12 of the Act in respect of the development the subject of the Planning Agreement.

Work in Kind means the construction or provision of the whole or part of an infrastructure item that is identified in a works schedule in a contributions plan in lieu (wholly or partially) of a monetary payment.

1 Introduction

1.1 Application of This Policy and Commencement

This Policy applies to development applications lodged pursuant to the Bombala, Cooma-Monaro and Snowy River Local Environment Plans (LEPs) and planning proposals seeking a change to the LEPs for land and development within the local government area of Snowy Monaro Council ("Council").

This Policy has been prepared for public exhibition.

1.2 Objectives of This Policy

The objectives of this Policy are:

- a) To establish a framework governing the use of planning agreements by Council.
- b) To ensure that the framework established is efficient, fair, transparent and accountable.
- c) To enhance planning flexibility in Snowy Monaro local government area (LGA) through the use of planning agreements.
- d) To enhance the range and extent of development contributions made by development towards public facilities in the LGA.
- e) To set out Council's specific objectives and procedures relating to the use of planning agreements within the LGA.
- f) To give all stakeholders to the development greater involvement in determining the type, standard and location of public facilities and other public benefits.
- g) To facilitate public participation and to consult with the community in regards to the benefits of appropriate planning agreements for the provision of public infrastructure.
- h) To provide a framework for Council's consideration of land dedication.

1.3 Statutory Framework

The current legal and procedural framework for planning agreements is set in Subdivision 2 of Division 7.1 of the *Environmental Planning and Assessment Act 1979*. Council is also bound by the provisions of Division 1 of Part 9 of the *Environmental Planning and Assessment Regulation 2021*.

Section 7.4(1) of the Act sets out the circumstances under which a planning agreement may be entered into. It provides a planning agreement may be made between a planning authority (or two or more planning authorities) and a person (the developer):

- a) Who has sought a change to an environmental planning instrument, or
- b) Who has made, or proposes to make, a development application or application for a complying development certificate, or
- c) Who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,

Under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for applied towards a public purpose.

1.4 Mandatory Requirements of a Planning Assessment

Section 7.4(3) of the Act requires planning agreements to provide for the following:

- a) A description of the land to which the agreement applies,
- b) A description of:
 - i) The change to the environmental planning instrument to which the agreement applies, or
 - ii) The development to which the agreement applies,
- c) The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,
- d) In the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development,
- e) If the agreement does not exclude the application of section 7.12 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.12
- f) A mechanism for the resolution of disputes under the agreement,
- g) The enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.

Clause 205(1) of the Regulation requires that Council, as a planning authority, proposing to enter into a planning agreement, or an agreement that revokes or amends a planning agreement, must prepare a written statement (referred to as an explanatory note):

- a) That summarises the objectives, nature and effect of the proposed agreement, amendment or revocation, and
- b) That contains an assessment of the merits of the proposed agreement, amendment or revocation, including the impact (positive or negative) on the public or any relevant section of the public.

From 1 July 2022, Council under the Act will be required to publish the following information on their individual website and on the NSW Planning Portal:

- a) Copies of all planning agreements (including amendments and variations to the agreements).
- b) Copies of the explanatory notes relating to those agreements or amendments.
- c) Planning agreement registers with additional information required in amending Regulation.
- d) Annual financial statements for planning agreements showing aggregate totals of money, land, and works received.

1.5 Disclaimer

Any advice given by Council at any stage when negotiating or submitting a Planning Agreement is considered to be provided without prejudice. Council accepts no responsibility for the misinterpretation or inaccuracy of any advice given. It is the applicant's sole responsibility to seek clarification.

This Policy is not legally binding. However, it is intended that the Council and all persons dealing with the Council, in relation to planning agreements, will follow this Policy to the fullest extent possible.

Section 7.4(9) of the Act states that a planning agreement cannot impose an obligation on Council as a planning authority:

- a) To grant development consent, or
- b) To exercise any function under this Act in relation to a change to an environmental planning instrument.

1.6 Periodical Updates

It is intended that this Policy will be periodically updated. The updates may cover additional matters to those covered in this Policy or provide more detailed information of guidance on specific matters covered in this Policy.

2 General Requirements

2.1 Fundamental Principles

The Practice Note for planning agreements sets out guidelines and safeguards in the application of planning agreements that ensure transparency, fairness and flexibility of planning decisions. A planning agreement cannot and should not purport to fetter any authority's exercise of statutory functions, in particular the function of a relevant planning proposal authority in relation to a planning proposal, a local plan-making authority in relation to the local environmental plan that gives effect to a planning proposal or the consent authority for a development application.

Council's use of planning agreements will be guided by these fundamental principles:

- a) Planning authorities should always consider a development proposal on its merits, not on the basis of a planning agreement.
- b) Planning agreements must be underpinned by proper strategic land use and infrastructure planning carried out on a regular basis and must address expected growth and the associated infrastructure demand.
- c) Strategic planning should ensure that development is supported by the infrastructure needed to meet the needs of the growing population.
- d) A consent authority cannot refuse to grant development consent on the grounds that a planning agreement has not been entered into in relation to the proposed development of that the developer has not offered to enter into such an agreement.
- e) Planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- f) Planning agreements must not include public benefits wholly unrelated to the particular development.
- g) Value capture should not be the primary purpose of a planning agreement.

2.2 Circumstances in Which Council will Consider Negotiating a Planning Agreement

Council, at its complete discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an instrument change or for development consent relating to any land in the Council's area.

A planning agreement is entered into when it is signed by all parties after the agreement is publicly notified in accordance with the Act and Regulation.

2.3 Strategic Planning Context

An important role for planning agreements is achieving specific land use planning outcomes with strategic and/or site-specific merit. A planning agreement should facilitate the provision of public facilities and amenity outcomes that advance the delivery of Council's corporate and strategic planning objectives and deliver valuable community benefits where appropriate. Long-term strategies including Snowy Monaro Local Strategic Planning Statement (LSPS) and Snowy Monaro Community Strategic Plan (CSP) and the delivery program are based on the outcomes of engagement with the community. The implementation of key aspects of some of these goals, the broader strategic directions and the delivery of key infrastructure areas can be directly or indirectly achieved through planning agreements.

The vision and goals established within Council's long-term strategic plans such as the CSP and LSPS flow through to supporting plans that guide Council's medium and short-term priorities:

- a) Long Term Financial Plan (10 years)
- b) Delivery Program (4 years)
- c) Operational Plan (Annual)

Council's Local Strategic Planning Statement, supported by a number of environmental studies and considers planning for growth in Snowy Monaro, including relevant supporting strategies which seek to identify the community's needs for infrastructure such as community facilities, transport, open space, public domain, recreation infrastructure, utility services and capital works.

Alignment with relevant regional strategic plans including the South East and Tablelands Regional Plan should also be considered.

2.4 Acceptability Test

When considering entering into a planning agreement, Council will apply the following test in order to assess the desirability of the possible outcome of a proposed planning agreements:

- a) Is the proposed planning agreement directed towards a proper and legitimate planning purpose, having regard to its statutory planning controls and other adopted planning policies applying to the development?
- b) Does the planning agreement align with Council's other plans and policies or address a shortfall or deficiency in Council's plans and policies?
- c) Does the planning agreement promote Council's strategic objectives in relation to Council's strategic plans?
- d) Does the planning agreement provide for the delivery of infrastructure or result in a public benefit related to the development?
- e) Does the planning agreement provide for a reasonable means of achieving the desired outcomes and secure the benefits?
- f) Can the planning agreement be taken into consideration in the assessment of the relevant planning proposal or development application?

- g) Does the planning agreement produce outcomes that meet the general values and expectations of the public and protect the overall public interest?
- h) Does the planning agreement conform to the fundamental principles governing the Council's use of planning agreements?
- i) Are there any relevant circumstances that may operate to preclude Council from entering into the proposed planning agreement?

The matters that Council may consider in any negotiations for a planning agreement include whether:

- a) Whether the planning agreement(s) meets the demands created by the development for new public infrastructure, amenities and services.
- b) If inclusions in the development meet specific planning objectives of the Council.
- c) If compensation is required for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration.
- d) Rectification of an existing deficiency in the existing provision of public facilities in the Council's area is made.
- e) Whether recurrent funding of public facilities and/or public benefit is required or provided.
- f) The extent to which the Council needs to monitor the planning impacts of development.
- g) Whether planning benefits for the wider community accrue from the planning agreement.

Factors such as the size of development, the location or the resulting type of development may be relevant. These will establish core information such as likely increases in population and demand for particular public services.

This information will help Council with the determination of the development application/planning proposal and to prepare the planning agreement.

2.5 Standard Planning Agreement Template

Council has prepared a Standard Planning Agreement Template (Appendix 2). This template is to assist developers in preparing a planning agreement and contains clauses that Council considers to be mandatory inclusion in all planning agreements. Any variation to the clauses contained within it will need to be agreed upon by Council.

3 Contributions

3.1 Relation to Existing Contributions Schemes

Planning agreements do not necessarily exclude the application of Development Contributions under Council's Contributions Plans. The level to which these contributions apply will be discussed as part of the negotiation process. Council will insist these contributions apply if the proposed planning agreement is not considered to provide the equivalent public benefit or are not considered to produce a surplus value. Developers will not be compensated for dedicated land when the estimated value exceeds works identified in a Contribution Plan.

Section 7.4(3A) of the Act sets out that a planning agreement cannot exclude the application of section 7.11 or 7.12 in respect of development unless Council as the consent authority for the development or the Minister is a party to the agreement.

Section 7.4(5) of the Act sets out that if a planning agreement excludes the application of section 7.11 or 7.12 to a particular development, a consent authority cannot impose a condition of development consent in respect of that development under either of those sections (except in respect of the application of any part of those sections that is not excluded by the agreement).

3.2 Calculation of Contributions

Council will insist that the calculation of all contributions are consistent with the calculations used in the Contributions Plan, and agreed upon by Council.

3.3 Collection and Distribution of Monetary Contributions

The following items relate to the collection and distribution of monetary contributions:

- a) Council does not support deferred payments for contributions that can be implemented immediately,
- b) Council may seek to include a provision permitting any money paid under the agreement to be pooled with money paid under other planning agreements or developer contributions. Pooling may be appropriate to stage expenditure and allow public benefits, particularly essential infrastructure, to be provided in a fair, equitable and timely way, and
- c) Council may request the inclusion of a provision to make regular development contributions towards the recurrent costs of public facilities if provided for in the planning agreement.

Council is required to hold any monetary contribution or levy paid in accordance with a planning agreement (together with any additional amount earned from its investment) for the purpose for which the payment was required, and apply it towards that purpose within a reasonable time. A similar requirement in respect of land dedicated in accordance with a planning agreement applies.

3.4 Credits and Refunds

Council will not consider giving any additional credit, refunds or offset against development contributions required to be made by the developer in respect of other development in the LGA for any contributions considered to have a surplus value under a planning agreement. Surplus value being when compared to what could have been attained under the conditions of development consent or Council's other development contribution plans.

3.5 Provision of Financial Security

Council will generally require a planning agreement to make provision for security to cover the developer's obligations under the agreement. The form of security will generally require the developer to furnish Council with an unconditional Australian Bank Guarantee with no maturity date or cash deposit, with an amount to be determined by Council. This will depend on the nature and scale of capital works being proposed. The bank guarantee must also state the development application number for the associated development where possible. An insurance bond may also be deemed acceptable. Other security will generally be required.

3.6 Fees and Charges

Council may require a planning agreement to make provision for payment by the developer of part or all of the Council's costs of and incidental to:

- a) Negotiating, preparing and entering into the agreement,

b) Enforcing the agreement

The amount to be paid by the developer will be determined by negotiation in each case. In particular cases, Council may require the planning agreement to make provision for a development contribution by the developer towards the on-going administration of the agreement.

Lodgement, processing, legal fees and any fees associated with maintaining the planning agreement may be applicable under Council's fees and charges. Where not already provided for under Council's fees and charges, Council reserves the right to seek full cost recovery for any planning agreement.

3.7 Recurrent Charges

The Council may request developers, through a planning agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the planning agreement relates or neighbouring development, the arrangement for recurrent funding may be in perpetuity.

Where the public facility of public benefit is intended to serve the wider community, the planning agreement may, where appropriate, only require the developer to make contributions towards the recurrent costs of the facility for a set period which will be negotiated according to the impact of the development and/or until a public revenue stream is established to support the on-going costs of the facility.

3.8 Types of Public Benefits to be Delivered under Planning Agreements

Public benefits received through Planning Agreements contribute to Council's ability to deliver:

- a) Infrastructure identified with existing development contributions plans,
- b) Infrastructure identified within Council's strategic plans, e.g. commercial floor space in village centres, affordable housing, and open space acquisition,
- c) Infrastructure required directly as a result of density increases experienced or expected from the redevelopment of a site, e.g. due to changes in development controls arising from a planning proposal, and
- d) Land identified in a strategic plan, policy, planning instrument, development control plan or contributions plan for a public purpose, dedication or acquisition.

A matrix of public benefit to cost criteria has been produced in Appendix 1.

3.9 Methodology for Valuing Public Benefits under a Planning Agreement

Subject to clause 2.3 Strategic Planning Context of this policy, unless otherwise agreed in a particular case, public benefits will be valued as follows:

3.9.1 Provision of Land for a Public Purpose

Where the benefit under a planning agreement is the provision of land for a public purpose, the value of the benefit will be determined by an independent valuer who is experienced in valuing land in regional New South Wales and who is acceptable to Council, on the basis of a scope of work which is prepared by Council. All costs of the independent valuer in carrying out such a valuation will be borne by the developer.

3.9.2 Carrying out of Works for a Public Purpose

Where the benefit under a planning agreement is the carrying out of works for a public purpose, the value of the benefit will be determined by an independent quantity surveyor who is acceptable to Council, on the basis of the estimated value of the completed works being determined using the method that would ordinarily be adopted by a quantity surveyor. Council will prepare the scope of work for the independent quantity surveyor. All costs of the independent quantity surveyor in carrying out the work will be borne by the developer.

3.9.3 Other Public Benefit

Where the benefit under a planning agreement is the provision of public benefit other than under 3.9.1 or 3.9.2, Council and the developer will negotiate the manner in which the benefit is to be valued for the purposes of the agreement.

4 Land Dedication

4.1 Relation to Development

Land dedicated must have demonstrated need or requirement from a Development Control Plan and must have a functional relationship with the proposed development. Council will not accept land that serves no functional purpose, including land that adjoins land that does not serve a functional purpose.

The dedication of land does not satisfy monetary contributions unless the provision of infrastructure, embellishments or other Work in Kind are also included within the planning agreement that the land prior to dedication to Council is fit for purpose as per s7.4(1) of the Act.

Land must not be dedicated outside of a VPA.

4.2 Relation to Recreation Strategy

Council will generally not accept any dedication of land for the purpose of open or recreational space unless it can be considered to fulfil a need or recommendation identified in a Recreational Strategy adopted by Council.

4.3 Asset Protection Zone Land

Council will not accept the dedication of land that serves no other purpose than as an asset protection zone against natural hazards.

4.4 Stormwater Treatment Facilities

The following items relate to the dedication of stormwater treatment facilities and drainage reserves:

- a) Council will generally seek full cost recovery for the dedication of all drainage reserves and stormwater treatment facilities based on the values of land determined under clause 3.2 Calculation of Contributions of this policy,
- b) The dedication of drainage reserves or stormwater treatment facilities will not be considered unless they cannot reasonably be vested in private ownership in the opinion of Council, and
- c) Any land to be dedicated as drainage reserve or stormwater treatment facility is to be restricted to the minimum amount of land that is reasonably required in order to perform its function as a drainage reserve, stormwater treatment facility or any other functional use in accordance with this policy and in the opinion of Council.

4.5 Sewer Pumping Stations

Council is supportive of the dedication of the land on which sewer pumping stations are located and would prefer this land to be dedicated in all instances. This land dedicated must be restricted to no more than the minimum amount of land required to carry out maintenance works and provide direct vehicular access, as determined by Council's Water and Waste Water staff. Sewerage pump stations must be constructed in accordance with *Council's Development Engineering Specifications C402* and hand over subject to the discretion of Council's Water and Waste Water staff.

4.6 Right to refuse

Land dedicated to Council through a planning agreement must be for public benefit that is, to be quality open space, accessible and fairly level, centrally located and landscaped to an approved plan, or other purposes as identified within this policy. Council will not accept land which is steep, hard to maintain, isolated from the proposed urban area or otherwise of limited value to residents, unless it is in addition to the above and Council specifically accepts the maintenance burden of such lands for documented reason (e.g. because it is part of a planned or recognised wildlife corridor; there are trade-offs negotiated with the developer for community benefit).

5 Application Process

5.1 Relationship to Lodging a Development Application

Planning agreements can be lodged during or after the lodgement of the associated development application. However it is recommended that all planning agreements be negotiated prior to this happening, as each planning agreement requires a resolution at a Council meeting and a mandatory exhibition period of minimum 28 days under the Act s7.5(1). The development application and planning agreement should be publicly exhibited together where possible.

5.2 Preparation of the Planning Agreement

The planning agreement process, from initial discussion to execution, consists of 6 key steps as outlined below. The negotiation of planning agreements can be complex, and a number of the steps below may need to be repeated, including negotiation and public exhibition.

Step 1 – Commencement

Before making a development application or submitting a planning proposal, Council and the developer will decide whether to negotiate a planning agreement. In making this decision consideration should be given to this policy, relevant practice notes, relevant legislation and any other relevant policies. The parties will consider whether other planning authorities and other persons associated with the development should be additional parties to the planning agreement, such as the landowner if the landowner is a different person to the developer.

Council and the developer will, in each case, decide who will prepare the planning agreement relating to a particular application for an instrument change or development application.

Council is not under any obligation to enter into a planning agreement.

Step 2 – Negotiation

If an agreement or arrangement is negotiated, it will be documented as a draft planning agreement with an accompanying explanatory note. The draft planning agreement will be assessed against the acceptability test outlined in this policy. Council will generally require the planning agreement to be in or to the effect of the standard planning agreement template.

The parties will consider how the draft planning agreement will be enforced and when the draft planning agreement will be executed, as this will inform the security provisions and conditions of the agreement. Legal advice should be sought in each case to ensure that the appropriate provisions are included in the planning agreement.

Step 3 – Application

When the developer makes the application or submits a planning proposal to the relevant authority, it will generally be accompanied by the draft planning agreement that has been signed by the developer and the explanatory note.

Step 4 – Notification

Relevant public authorities are consulted and the application or planning proposal, draft planning agreement and explanatory note are publicly notified in accordance with the Act and Regulation. Any amendments required to the application or planning proposal and draft agreement as a result of submissions received are made. If necessary, the amended application, draft planning agreement and explanatory note are re-notified.

Step 5 – Assessment

The draft planning agreement and public submissions are considered in the determination of the related application. The weight given to the draft planning agreement and public submissions is a matter for the relevant authority acting reasonably.

Step 6 – Execution

The draft planning agreement will be either executed before the relevant application is determined or not long after the application is determined.

5.3 Negotiation Procedures

Council is required to ensure that a planning agreement is publicly notified as part of and in the same manner as the application for the instrument change or the development application to which it relates. The planning agreement must therefore be negotiated and documented before it is publicly notified as required by the Act and Regulation.

Council prefers that planning agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

A Council officer or officers with appropriate delegated authority will negotiate a planning agreement on behalf of Council. No planning agreement shall become binding until it is approved and accepted by a resolution of Council.

The Councillors will not be involved in the face to face negotiation of the agreement.

The negotiation of a planning agreement will generally involve the following key steps:

- a) Before lodgement of the relevant application by the developer, the parties will decide whether to negotiate a planning agreement.
- b) The parties will then appoint persons to represent them in the negotiations, generally involving a minimum of 2 and maximum of 3 persons per party.
- c) The parties may appoint an additional person to attend and take minutes of all negotiations.
- d) The parties will also decide whether to appoint an independent person to facilitate or otherwise participate in the negotiations or aspects of it.

- e) The parties will also agree on a timetable for negotiations and the protocols and work practices governing their negotiations.
- f) The parties will then identify the key issues for negotiation and undertake the negotiations.
- g) If agreement is reached, the agreed party (Council or developer) will prepare the proposed planning agreement and provide a copy to the other party.
- h) The parties will undertake further negotiation on the specific terms of the proposed planning agreement.
- i) Once agreement is reached on the terms of the proposed planning agreement, the developer will be required to execute the agreement.
- j) The developer may then make the relevant application to the Council accompanied by a copy of the proposed agreement.
- k) The parties may be required to undertake further negotiations and, hence, a number of the above steps as a result of the public notification and inspection of the planning agreement or its formal consideration by the Council in connection with the relevant application.

5.4 Probity

Public probity will ensure that the negotiation of any planning agreements is fair, transparent and is directed at achieving public benefits in an appropriate manner, free of corruption.

In this regard, Council will:

- a) Inform any application about Council values and business ethics – specifically, about ethical behaviour appropriate to business dealings that conform with Council’s code of conduct.
- b) Ensure that its communities understand the system and the Council’s role – specifically, how the planning system operates and how Council will deal with developments/planning proposals objectively.
- c) Notify planning agreements to ensure they are open and transparent – specifically, achieving maximum public awareness of the matters contained in a planning agreement(s) and the potential benefits of an agreement.
- d) Ensure appropriate delegations and separation of responsibilities in considering development applications/planning proposals that involve planning agreements – specifically, the need to ensure processes adequately address the level of risk corruption or a process while at the same time being appropriate to the likely level of risk.
- e) Ensure that modifications to approved developments should be subject to the same scrutiny as the original development application.
- f) Ensure that Councillors and Council staff understand their varied roles, some of which have potential to conflict.
- g) Complete negotiations via written correspondence, rather than face to face meetings, to ensure the highest level of transparency, accountability and record-keeping. This also allows timely consideration and resolution of any issues raised and facilitates carefully considered decision making by all parties.

- h) Take every step to ensure that conflicts of interest are ameliorated to the greatest extent possible – specifically, independent assessment by third parties where Council has an interest and not entering into any contractual arrangement which purport to guarantee outcomes that are subject to separate regulatory processes.

Apart from the above procedures, further procedures that will be implemented to address these matters may also include, but not limited by, the following procedures:

- a) The Councillors will not be involved in the face to face negotiation of the agreement but will ultimately execute the planning agreement as part of their duties as Councillors.
- b) A Council officer with appropriate delegated authority will negotiate the planning agreement on behalf of the Council in accordance with this policy.
- c) The Council will in all cases, ensure that Council staff with key responsibility for providing advice on approvals, approving applications or ensuring compliance, do not have a role in the assessment of the commercial aspects of the agreement nor on the conditions of the planning agreement except where advice is required on matter relating to the conditions of consent for a particular proposal.
- d) The Council may involve an independent person(s) to facilitate or otherwise participate in the negotiations or aspects of it, particularly where this will lead to a better planning outcome.
- e) The Council will ensure that all negotiations with a developer and their consultants are sufficiently separated and documented.
- f) Where the Council has a commercial stake in development the subject of an agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial interest in the development.

5.5 Separation of Roles

The assessing officer of the associated development application is not permitted to also be the assessing officer of the planning agreement. This is to avoid a conflict of interest between Council's role as a statutory planning authority and Council's status as an asset owner and manager.

The governing body of Council will, in all cases, determine development applications to which planning agreements relate.

5.6 Involvement of Independent Third Parties in the Negotiation Process

Council may encourage the appointment of an independent person (the costs of the independent person will be borne by the developer) to facilitate or otherwise participate in the negotiations or aspects of it, particularly where:

- a) An independent assessment of a proposed instrument change or development application is necessary or desirable,
- b) Factual information requires validation in the course of negotiations,
- c) Sensitive financial or other confidential information must be verified or established in the course of negotiations,

- d) Facilitation of complex negotiations are required in relation to large projects or where numerous parties or stakeholders are involved,
- e) Dispute resolution is required under a planning agreement.

5.7 Dispute Resolution

Council will exhaust all means it deems necessary to ensure that disputes are resolved prior to any legal proceedings or challenges. Council will require a planning agreement to provide for mediation of disputes between the parties to the agreement before the parties may exercise any other legal rights in relation to the dispute. The standard planning agreement template contains several mandatory clauses to this effect.

5.8 Public Notification of Planning Agreements

A planning agreement must be publicly notified and be available for public inspection for a minimum period of 28 days as prescribed by the Act and Regulation.

Council is required to ensure that a planning agreement is publicly notified as part of and in the same manner as with the application for the instrument change or the development application to which it relates.

Where the application, to which a planning agreement relates, is required by the Act or Regulation to be publicly notified and available for public inspection for a period exceeding 28 days, the Council will publicly notify the planning agreement and make it available for public inspection for that longer period.

Where the application to which a planning agreement relates is permitted by the Act or Regulation to be publicly notified and available for public inspection for a period of less than 28 days, the Council will publicly notify the application and make it available for public inspection for a minimum period of 28 days.

Council will publicly re-notify and make available for public inspection a proposed planning agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made, or the formal consideration by the Council, or for any other reason.

5.9 Explanatory Notes

Council is required under the Regulation to prepare an explanatory note that accompanies the planning agreement for public exhibition.

The explanatory note must:

- a) Identify how the agreement promotes the public interest.
- b) Identify whether the agreement confirms with the Council's capital works program, if any.
- c) State whether the agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

The explanatory will be written in layman terms for the public to readily understand the nature of the development proposed and the public benefits provided. The explanatory note will indicate timing of delivery and should include maps, diagrams and other material to help explain what is proposed.

The explanatory notes will summarise the objectives, nature and effect of the proposed agreement and contain an assessment of the merits of the proposed agreement, including the impact on the public or relevant section of the public.

5.10 Planning Agreement Register

Council is required to keep a register of planning agreements applying to land within Council's area, whether or not Council is a party to a planning agreement. Council is required to record in the register the date an agreement was entered into and a short description of the agreement (including any amendment).

Council will make the following available for public inspection (free of charge) through online publication:

- a) The planning agreement register,
- b) Copies of all planning agreements (including amendments) that apply to the area of Snowy Monaro Regional Council,
- c) Copies of the explanatory notes relation to those agreements, and
- d) Annual financial statements for planning agreements with a breakdown of money, land, and works received.

5.11 Plans to be Provided

Whenever plans are to be provided with the planning agreement, these plans must:

- a) Be consistent with the plans approved for the associated development, and
- b) Be drawn and documented in such a way that at any stage or component of the planning agreement can be clearly identified and be referred to.

5.12 Implementation

In appropriate cases, Council may require a planning agreement to provide that before the development the subject of the agreement is commenced, the Parties are to enter into an implementation agreement that provides for matters such as:

- a) The times at which and, if relevant, the period during which, the developer is to make provision under the planning agreement.

Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is subject of the agreement.

- b) The design, technical specification and standard of any work required by the planning agreement to be undertaken by the developer.
- c) The manner in which a work is to be handed over to Council.
- d) The manner in which public benefit is to be made available for its public purpose in accordance with the planning agreement.
- e) The management or maintenance of land or works following hand-over to Council.

Where it is inappropriate for Council to determine practical completion of works, Council will insist upon the appointment of an independent certifier at the developer's expense. This will require a clause to be created in the planning agreement.

5.13 Hand-Over of Works

Council will generally not accept the hand-over of a public work carried out under a planning agreement unless the developer furnishes to the Council a certificate to the effect that the work has been carried out and completed in accordance with the agreement and any applicable development consents (which certificate may, at the Council's discretion, be a final occupation certificate, compliance certificate or a subdivision certificate) and, following the issue of such a certificate to Council, the work is also certified as complete by a Council building surveyor or engineer.

Council will also require the agreement to provide for a defects liability period during which any defects must be rectified at the developer's expense.

5.14 Management of Land or Works after Hand-Over

If a planning agreement provides for the developer, at the developer's cost, to manage or maintain land that has been dedicated to the Council, the Council may require the parties to enter into a separate implementation agreement in that regard (see clause 5.12).

The failure of the parties to reach agreement in relation to management and maintenance of the land or works may be dealt with under the dispute resolution provisions of the planning agreement.

5.15 Operation, Monitoring and Review of a Planning Agreement

Council will continuously monitor the performance of the developer's obligations under a planning agreement.

Council will require the planning agreement to contain a provision establishing a mechanism under which the performance and milestones contained under the planning agreement are periodically reviewed with the involvement of all parties. This monitoring system will enable information about the implementation of the planning agreement to be readily available to public agencies, developers and the community.

Council may appoint an officer to supervise the implementation of the works that are subject of the planning agreement.

5.16 Modification or Discharge of Obligations

The planning agreement will not impose obligations on the developer indefinitely. The planning agreement will set out the circumstances in which the parties agree to discharge the developer's obligations under the agreement.

Council will generally only agree to a provision in a planning agreement permitting the developer's obligations under the agreement to be modified or discharged before end of terms agreed where the modification or discharge is linked to the following circumstances:

- a) The developer's obligations have been fully carried in accordance with the agreement
- b) The developer has assigned the developer's interest under the agreement in accordance with its terms and the assignee has become bound to the Council to perform the developer's obligations under the agreement
- c) The development consent to which the agreement relates has lapsed

- d) The performance of the planning agreement has been frustrated by an event beyond the control of the parties
- e) The Council and the developer otherwise agree to the modification or discharge of the agreement.

Such a provision will require the modification or revocation of the planning agreement in accordance with the Act and Regulation.

5.17 Assignment and Dealings by the Developer

Council will not generally permit the assignment of any or all of the developer's rights or obligations under the agreement, nor will Council permit any dealing in relation to any part or the whole of the land the subject of the agreement. However Council may agree to an assignment when:

- a) The developer has, at no cost to Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of Council by which that person agrees to be bound by the agreement as if they were a party to the original agreement, and
- b) If the proposed dealing involves a mortgage, charge or other encumbrance in relation to the party's right, title and interest in the land, such documents provide for an agreement by the person to the effect that they, and any receiver appointed by them, will not enjoy rights greater than those of that party, and
- c) The party is not in breach of the agreement.

This does not affect the operation of any other requirements of the agreement.

Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

250.2016.#.1 Name of Document here

250.2016.#.1 Name of Document here

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

Appendix 1 – Potential Public Benefits in Snowy Monaro

Examples of Public Benefit and Cost Analysis

Category	Type of Impact	Analysis
Productivity and economic impacts	Reliability impacts	The value of improvements in reliability for the community.
	Long term employment impacts	The value of the (indirect) sustained increase/decrease in employment caused by the operation of the Development. For example, the employment of otherwise unemployed or underemployed people by the Development.
	Travel time impacts	The value of time travel benefits/costs to the community, businesses and tourists.
	Operating cost savings	Reduced expenditure due to savings in operating, maintenance, compliance and investment costs, and the direct economic benefits of reduced operating costs.
	Capacity increase	Capacity increase that enables greater opportunity/access to infrastructure services.
	Resilience	Value of improved economic, physical and social resilience to adverse events. For example, a lower probability, or frequency, or impact of adverse events.
	Accessibility and connectivity benefits	Value of accessibility and connectivity improvements, including any induced demand.
Impacts on individuals	Service improvement impacts	The value of greater amenity from improved services.
	Health, safety and security	The value of an increase/reduction in the number of accidents, deaths and/or security incidents.
	Environmental impacts	The value of positive or negative environmental impacts of the Development.
Community impacts	Social impacts	The value of positive or negative social impacts of the Development. This may include considerations of equity or the distribution of benefits or the types of groups/individuals impacted as a result of the Project
	Network significance of Project	Value of wider 'network implications' of the Development. For example, noise, delay, disrupted services, congestion.
Network impacts	Avoided costs	Costs that would be incurred under a 'do minimum' option, such as under the contributions plan, but which are avoided in the option considered.
Other	Other	Other potential sources of benefit or costs.

Examples of Public Benefit Outcomes

- Affordable housing
- Cultural Infrastructure – music performance space / gallery / exhibition space
- Dedicated land or floor space for a public purpose
- Open space acquisition opportunities identified in the Recreation Strategy
- Publicly accessible through site links
- Publicly accessible recreation (e.g. tennis courts, indoor play, swimming) and youth facilities
- Playful spaces
- Water and Wastewater Infrastructure

Appendix 2 – Standard Planning Agreement Template

DRAFT

[Street Address, Suburb/City of
development]

Planning Agreement No. _____

Section 7.4 of the Environmental Planning and Assessment Act 1979

Snowy Monaro Regional Council

[Insert Developer Name]

[Insert Name of Third Party if applicable]

[Insert Date]

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Summary Sheet

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SNOWY MONARO REGIONAL COUNCIL

SMRC – [proposal]

Dated / /**Parties****Council:****Name****Address****Telephone****Email****Representative****Developer:****Name****Address****Telephone****Email****Representative****Landowner: *If applicable*****Name****Address****Telephone****Email****Representative****1. Background**

- A. The Developer is the registered proprietor of the Development Land.
- B. The Council is the local authority constituted under the *Local Government Act 1993* and the planning and consent authority under the Act.
- C. On [Date] the Developer made (or caused to be made) the [Planning Proposal/Development Application] to Council for Development consent to carry out the Development on the Land.
- D. The Developer has offered to provide the Contributions if the Development is undertaken.
- E. This is a Planning Agreement pursuant to section 7.4 of the Act.

2. Definitions

In this Agreement, unless expressed or implied to the contrary:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this voluntary planning agreement and any schedules or annexures forming part of the agreement.

API NSW means the NSW Division of the Australian Property Institute.

Approval means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development.

Bank Guarantee means an unconditional undertaking without an expiry date, by an authorised deposit taking institution under the *Banking Act 1959* (Cth), on terms and in a form acceptable to the Council, acting reasonably.

Business Day means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.

Claims means all or any claims, proceedings, actions, rights of action, liabilities, damages, losses, remedies, expenses, fines and penalties (including associated expenses and legal costs on a full indemnity basis).

Commencement Date means the date on which Council proposes to commence the Development.

Construction Certificate means a certificate referred to in section 6.7 of the Act.

CPI means the Consumer Price Index released by the Australian Bureau of Statistics for “Sydney – All Groups” or such other consumer price index that might replace it.

Costs include costs, charges, fees, disbursements and expenses, including those incurred in connection with advisers.

Defects Liability Period means [insert a period agreed upon by Council].

Development means the development for the purposes of a [Drafting Note: insert land use of proposed development e.g. shopping centre] on the Development Land, which is authorised by the Development Consent.

Development Consent means the development consent numbered [Drafting Note: insert DA or Planning Proposal number], dated [Drafting Note: insert date of consent], and any modification of that consent.

Development Contributions means the kind of provision made by a developer under a planning agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

Development Land means the land to which the Development relates, being [Drafting Note: insert address of Land], legally identified as Lot [...] in Deposited Plan [.....].

Explanatory Note means the Explanatory Note attached in [insert title of attached document]].

GST has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.

Insolvency Event means, in relation to a person, any of the following events;

- a) The person, being an individual, commits an act of bankruptcy;

- b) The person becomes insolvent;
- c) The person ceases, suspends or threatens to cease or suspend the conduct of a majority of its business, or disposes of or threatens to dispose of its assets, except for the purposes of a solvent reconstruction or amalgamation previously approved by Council;
- d) The person is or states that it is, or under applicable legislation is taken to be, unable to pay its debts (other than as a result of a failure to pay a debt or claim that is the subject of a dispute in good faith), or stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts;
- e) A receiver, receiver and manager, administrator, controller or similar officer of any of the assets or the whole or any part of the undertaking of the person is appointed;
- f) A resolution is passed by the person to appoint an administrator, or an administrator of the person is appointed;
- g) An order is made to appoint a liquidator or a provisional liquidator of the person;
- h) The person resolves to wind itself up or otherwise dissolve itself, or gives notice of its intention to do so, except for the purposes of a solvent reconstruction or amalgamation previously approved by the Council, or is otherwise wound up or dissolved;
- i) An order is made that the person be wound up;
- j) The person is, or makes a statement from which it may be reasonably inferred by the Council that the person is, the subject of an event described in s 459C(2) of the *Corporations Act 2001* (Cth);
- k) The person assigns any of its property for the benefit of creditors or any class of them;
- l) An order is made or a resolution for the person to enter into any arrangement, compromise or composition with, or assignment for the benefit of, its creditors or any class of them except for the purposes of a solvent reconstruction or amalgamation previously approved by the Council;
- m) An Security Interest becomes enforceable or is enforced against that person; the person's interest is or under this Agreement or in the subject matter of this Agreement becomes attached or is taken, in execution or under any legal process;
- n) A distress, attachment, or other execution is levied or enforced against that person in excess of \$10,000;
- o) The person has a judgment or given order against it in an amount exceeding \$10,000 (or the equivalent in another currency) and that judgement or order is not satisfied or quashed or stayed within 20 Business Days after being given;
- p) Any power of sale is exercised or steps are taken to take possession of any assets of the person subject to a Security Interest;
- q) Any step is taken to do anything listed in the above paragraphs; and
- r) Any event that is analogous or has a substantially similar effect to any of the events specified in this definition in any jurisdiction.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

LRS means the NSW Land Registry Services.

Monetary Contribution means \$[.....] increased by CPI as provided in this Agreement, calculated as following clause 13 of this Agreement.

Notice of Dispute is defined in clause 30 of this Agreement.

Party means a party to this agreement, including their successors and assigns.

Planning Proposal means a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.

Public means a section of the public.

Public Purpose means the provision of, or the recoupment of, or the recoupment of the cost of providing public amenities and public services (as defined in section 7.4 (11) of the EP&A Act), affordable housing, transport or other infrastructure. It also includes the funding of recurrent expenditure relating to such things as the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Transfer means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

Work means the works specified or described in [insert title of attached document that lists the schedule of works and dedications relevant to this Agreement, including all relevant plans and attachments].

Part 1 - Preliminary

3. Interpretation

3.1. In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- 3.1.1. Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- 3.1.2. A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in NSW.
- 3.1.3. If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- 3.1.4. A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- 3.1.5. A reference in this Agreement to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 3.1.6. A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 3.1.7. A reference in this Agreement to any agreement or document is to that agreement, deed or document as amended, novated, supplemented or replaced.

- 3.1.8. A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule of or to this Agreement.
- 3.1.9. An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 3.1.10. Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 3.1.11. A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 3.1.12. References to the word 'include' or 'including' are to be construed without limitation.
- 3.1.13. A reference to this Agreement includes the agreement recorded in this Agreement.
- 3.1.14. A reference to a Party to this Agreement includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 3.1.15. A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 3.1.16. Any schedules, appendices and attachments form part of this Agreement.
- 3.1.17. Notes appearing in this Agreement are operative provisions of this Agreement.

4. Status

- 4.1. This Agreement is a planning agreement within the meaning of s7.4(1) of the Act.
- 4.2. The Developer agrees that this Agreement operates as a deed poll in favour of the Council on and from the date of execution of this agreement by the Developer until the date on which this agreement commences.

5. Application of this Agreement

This Agreement applies to the Land and to the Development [Drafting Note: Include 'and the taking effect of the LEP Amendment' if relevant].

6. Operation of Document

- 6.1. Subject to clause 6.2, this document operates from the date it is executed by both parties.
- 6.2. The following clause of this document will only operate if and when Council grants Development Consent.

7. Warranties

The Parties warrant to each other that they:

- 7.1. Have full capacity to enter into this Agreement, and
- 7.2. Are able to fully comply with their obligations under this Agreement.

8. Further agreements

The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

9. Surrender of Right of Appeal, etc.

The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Agreement, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to the validity of this Agreement or any condition in the Approval requiring the entering into or compliance with this Agreement.

10. Application of s7.11, s7.12 and s7.24 of the Act to the Development

- 10.1. This Agreement [excludes / does not exclude] [Drafting Note: Delete whichever is not applicable] the application of s7.11 of the Act to the Development.
- 10.2. This Agreement [excludes / does not exclude] [Drafting Note: Delete whichever is not applicable] the application of s7.12 of the Act to the Development.
- 10.3. This Agreement does not exclude the application of s7.24 of the Act to the Development.

Part 2 – Developer Contributions

11. Provision of Development Contributions

- 11.1. The Developer is to make Development Contributions to the Council in accordance with [Drafting Note: reference to relevant attachment], any other provision of this Agreement relating to the making of Development Contributions otherwise to the satisfaction of the Council.
- 11.2. Any Contribution Value specified in this Agreement in relation to a Development Contribution comprising dedication of land or the carrying out of a Work does not serve to define the extent of the Developer's obligation to make the Development Contribution.
- 11.3. The Council is to apply each Development Contribution made by the Developer under this Agreement towards the public purpose for which it is made and otherwise in accordance with this Agreement.
- 11.4. Despite clause 11.2, the Council may apply a Development Contribution made under this Agreement towards a public purpose other than the public purpose specified in this Agreement if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

12. Payment of monetary Development Contributions

- 12.1. A monetary Development Contribution is made for the purposes of this Agreement when the Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer or cleared funds into a bank account nominated by the Council.

- 12.2. If the Development Consent is modified to allow for additional [Drafting Note: Insert relevant details e.g. dwelling/final lots] after [Drafting note: Insert timing, which may, for example, be the issuing of the first relevant Part 6 certificate e.g. Construction Certificate/Subdivision Certificate] for the Development, the Developer is to pay monetary Development Contributions to the Council for the additional [Drafting Note; insert relevant details e.g. dwellings/Final Lots] not later than 7 days after the Development Consent has been modified.

13.CPI Increases

- 13.1. On the date of payment of the Monetary Contribution, the Monetary Contribution will be the greater of:

- a) \$[Drafting Note: insert agreed monetary contribution]; and
- b) The amount calculated as follows:

$$A = \frac{B \times C}{D}$$

Where:

- A = the Monetary Contribution increased by CPI;
- B = \$[Drafting Note: insert agreed monetary contribution];
- C = the Consumer Price Index last published before the payment date of the Monetary Contribution;
- D = the Consumer Price Index 1 January [Drafting Note: year agreement signed]

- 13.2. If at any time the Australian Bureau of Statistics changes the reference base for the Consumer Price Index, then, for the purposes of the application of this clause after the change takes place, regard shall be had only to index numbers published in terms of the new reference base.

14.Dedication of Land

- 14.1. A Development Contribution comprising the dedication of land is made for the purposes of this Agreement when:

- 14.1.1. The Council is provided with:

- a) a Clearance Certificate that is valid and at the time of dedication of land, and

- 14.1.2. One of the following has occurred:

- a) A deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
- b) The Council is given:

- i) an instrument in registrable form under the Real Property Act 1900 duly executed by the Developer as transferor that is effective to transfer the title to the land to the Council when executed by the Council as transferee and registered,
 - ii) the written consent to the registration of the transfer of any person whose consent is required to that registration, and
 - iii) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer, or
- c) the Council is given evidence that a transfer has been effected by means of electronic lodgement through Property Exchange Australia Ltd or another ELNO.
- 14.2. The Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 14.3. The Developer is to ensure that land dedicated to the Council under this Agreement is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council.
- 14.4. If, having used all reasonable endeavours, the Developer cannot ensure that land to be dedicated to the Council under this Agreement is free from all encumbrances and affectations, the Developer may request that Council agree to accept the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.
- 14.5. Despite any other provision of this Agreement, if the Developer is required to dedicate land to the Council on which the Developer is also required to carry out a Work under this Agreement, the Developer is to comply with clause 14.1.2(b) not later than 7 days after the Work is completed for the purposes of this Agreement.

15.Value of Dedicated Land

- 15.1. The parties acknowledge and agree that the Value of the Dedicated Land as at the date of the original letter of offer, being [Drafting Note: insert date of offer] is \$[Drafting Note: insert value of offer].
- 15.2. The Council acknowledges and accepts that the value of the Dedicated Land may have increased since [Drafting Note: insert date of offer].

16.Carrying out of Work

- 16.1. Without limiting any other provision of this Agreement, any Work that is required to be carried out by the Developer under this Agreement is to be carried out in accordance with any design or specification specified or approved by the Council, any relevant Approval and any other applicable law.

- 16.2. The Developer, at its own cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Work that the Developer is required to carry out under this Agreement.

17.Variation to Work

- 17.1. The design or specification of any Work that is required to be carried out by the Developer under this Agreement may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Agreement
- 17.2. Without limiting clause 17.1, the Developer may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 17.3. The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 17.2.
- 17.4. The Council, acting reasonably, may from time to time give a written direction to the Developer requiring it to vary the design or specification of a Work before the Work is carried out in a specified manner and submit the variation to the Council for approval.
- 17.5. The Developer is to comply promptly with a direction referred to in clause 17.4 at its own cost.

18.Access to land by Developer

- 18.1. The Council authorises the Developer to enter, occupy and use [Drafting Note: Specify particular land owned or controlled by the Council] for the purpose of performing its obligations under this Agreement.
- 18.2. The Council is to permit the Developer, upon receiving reasonable prior notice from the Developer, to enter any other Council owned or controlled land in order to enable the Developer to properly perform its obligations under this Agreement.
- 18.3. Nothing in this Agreement creates or gives the Developer any estate or interest in any part of the land referred to in clause 18.1 or 18.2.

19.Access to Land by Council

- 19.1. The Council may enter any land on which Work is being carried out by the Developer under this Agreement in order to inspect, examine or test the Work, or to remedy any breach by the Developer of its obligations under this Agreement relating to the Work.
- 19.2. The Council is to give the Developer prior reasonable notice before it enters land under clause 19.1.

20.Protection of People, Property & Utilities

- 20.1. The Developer is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Agreement that:
- a) all necessary measures are taken to protect people and property,

- b) unnecessary interference with the passage of people and vehicles is avoided, and
 - c) nuisances and unreasonable noise and disturbances are prevented
- 20.2. Without limiting clause 20.1, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

21. Repair of Damage

- 21.1. The Developer is to Maintain any Work required to be carried out by the Developer under this Agreement until the Work is completed for the purposes of this Agreement or such later time as agreed between the Parties.
- 21.2. The Developer is to carry out its obligation under clause 21.1 at its own cost and to the satisfaction of the Council.

22. Works-As-Executed Plan

- 22.1. No later than 60 days after Work is completed for the purposes of this Agreement, the Developer is to submit to the Council a full works-as-executed-plan in respect of the Work.
- 22.2. The Developer, being the copyright owner in the plan referred to in clause 22.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Agreement.

23. Completion of Work

- 23.1. The Developer is to give the Council written notice of the date on which it will complete Work required to be carried out under this Agreement or any Stage.
- 23.2. The Council is to inspect the Work that is the subject of the notice referred to in clause 23.1 within 14 days of the date specified in the notice for completion of the Work.
- 23.3. Work required to be carried out by the Developer under this Agreement, or a Stage, is completed for the purposes of this Agreement when:
- a) the Developer gives the Council a compliance certificate within the meaning of s6.4(e)(i) or (v) of the Act to the effect that the Work has been completed in accordance with this Agreement and any applicable Development Consent and standards and specifications, and
 - b) Council, acting reasonably, gives a written notice to the Developer that the Work is complete.
- 23.4. If the Council is the owner of the land on which Work the subject of a notice referred to in clause 23.3 is issued, the Council assumes responsibility for the Work upon the issuing of the notice, but if it is not the owner at that time, it assumes that responsibility when it later becomes the owner.

23.5. Before the Council gives the Developer a notice referred to in clause 23.3, it may give the Developer a written direction to complete, rectify or repair any specified part of the Work to the reasonable satisfaction of the Council.

23.6. The Developer, at its own cost, is to promptly comply with a direction referred to in clause 23.5.

24. Rectification of Defects

24.1. The Council may give the Developer a Rectification Notice during the Defects Liability Period.

24.2. The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.

24.3. The Council is to do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given to it under clause 24.1

25. Removal of Equipment

25.1. When Work on any Council owned or controlled land is completed for the purposes of this Agreement, the Developer, without delay, is to:

- a) remove any Equipment from Land and make good any damage or disturbance to the land as a result of that removal, and
- b) leave the land in a neat and tidy state, clean and free of rubbish.

Part 4 – Position of Council

26. Consent Authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

27. Document does not Fetter Discretion

This document is not intended to operate to fetter:

- 27.1. the power of Council to make any Law; or
- 27.2. the exercise by Council of any statutory power or discretion.

28. Severance of Provisions

28.1. No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:

- a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 28 is substantially satisfied;

- b) in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
- c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.

28.2. Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

29.No Obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

Part 3 – Dispute Resolution

30.Notice of Dispute

30.1. If a dispute between the parties arises in connection with this document or its subject matter (Dispute), then either party (First Party) must give to the other (Second Party) a notice which:

- a) Is in writing;
- b) Adequately identifies and provides details of the Dispute;
- c) Stipulates what the First Party believes will resolve the Dispute; and
- d) Designates its representative (Representative) with the necessary authority to negotiate and resolve the Dispute.

30.2. The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person with the necessary authority to negotiate and settle the Dispute (the representatives designated by the parties being together, the Representatives).

31.Conduct Pending Resolution

31.1. The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

32.Further Steps Required Before Proceedings

Subject to clause 41 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 34 or determination by an expert under clause 35, first be referred to the Representatives. The

Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 30 is served.

33. Disputes for Mediation on Expert Determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 34 or expert resolution under clause 35.

34. Disputes for Mediation

- 34.1. If the parties agree in accordance with clause 33 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- 34.2. If the mediation referred to in paragraph (a) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 35.

35. Choice for Expert

- 35.1. If the Dispute is to be determined by expert determination, this clause 35 applies.
- 35.2. The Dispute must be determined by an independent expert in the relevant field:
 - a) agreed between and appointed jointly by the parties; or
 - b) in the absence of agreement within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- 35.3. If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- 35.4. The expert appointed to determine a Dispute:
 - a) must have a technical understanding of the issues in dispute;
 - b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- 35.5. The parties must promptly enter into an agreement with the expert appointed under this clause setting out the terms of the expert's determination and the fees payable to the expert.

36. Directions for Expert

36.1. In reaching a determination in respect of a dispute under clause 35, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.

36.2. The expert must:

- a) act as an expert and not as an arbitrator;
- b) not accept verbal submissions unless both parties are present;
- c) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
- d) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
- e) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
- f) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
- g) issue a final certificate stating the expert's determination (together with written reasons); and
- h) act with expedition with a view to issuing the final certificate as soon as practicable.

36.3. The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:

- a) a short statement of facts;
- b) a description of the Dispute; and
- c) any other documents, records or information which the expert requests.

37. Expert may Convene Meetings

The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.

38. Other Courses of Action

If:

- 38.1. the parties cannot agree in accordance with clause 32 to refer the matter to mediation or determination by an expert; or
- 38.2. the mediation referred to in clause 34 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation;

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

39.Final Determination of Expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

40.Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

41.Remedies Available Under the Act

Part 3 – Dispute Resolution does not operate to limit the availability of any remedies available to Council under sections 9.45 and 9.46 and Division 9.6 of the Act.

42.Urgent Relief

This clause 42 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

Part 5 – Enforcement**43.Security for Performance of Obligations**

- 43.1. The Developer is to provide Security to the Council in the amount of [Drafting Note: Insert \$ amount. This amount will normally be full value of the developer's provision under the VPA] in relation to the performance of its obligations under this Agreement.
- 43.2. The Developer is to provide the Security to the Council [Drafting Note: Insert timing for provision of Security. At the latest it should be before the developer commences any part of the Development] unless, before that time, the Council agrees in writing to apportion the Security to different Stages, in which case the Developer is to provide the portion of the Security relating to a particular Stage to the Council before it commences any part of the Development comprised in the Stage.
- 43.3. The Council, in its absolute discretion and despite clause 18, may refuse to allow the Developer to enter, occupy or use any land owned or controlled by the Council or refuse to provide the Developer with any plant, equipment, facilities or assistance relating to the carrying out the Development if the Developer has not provided the Security to the Council in accordance with this Agreement.
- 43.4. The Council may call-up and apply the Security in accordance with clause 52 to remedy any breach of this Agreement notwithstanding any other remedy it may have under this Agreement, under any Act or otherwise at law or in equity.
- 43.5. The Council is to release and return the Security or any unused part of it to the Developer within 14 days of completion of the obligation to which the Security relates.
- 43.6. The Developer may at any time provide the Council with a replacement Security.
- 43.7. On receipt of a replacement Security, the Council is to release and return the Security that has been replaced to the Developer.

43.8. If the Council calls-up the Security or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement Security to ensure that the amount of Security held by the Council equals the amount it is entitled to hold under this Agreement.

43.9. The Developer is to ensure that the Security provided to the Council is at all times maintained to the full current indexed value.

44. Provision of Bank Guarantee

44.1. On the date the Developer [Drafting Note: Or Landowner is a different entity] executes this Agreement, the Developer [Drafting Note: Or Landowner if the landowner is a different entity] grants to the Council a fixed and specific charge over the Developer's right, title and interest in the Charge Land to secure:

- a) the performance of the Developer's obligation to make monetary Development Contributions under this Agreement, and
- b) any damages that may be payable to the Council, or any costs which may be incurred by the Council in the event of a breach of this Agreement by the Developer

44.2. Upon the execution of this Agreement, the Developer is to give to the Council an instrument in registrable form under the Real Property Act 1900 duly executed by the Developer that is effective to register the Charge on the title to the Charge Land.

44.3. If the Charge Land comprises part only of a lot in a deposited plan at the time that the instrument referred to in clause 44.2 is required to be given, the Developer is to give the Council an instrument that charges a greater area of the Land which includes the whole of the Charge Land.

44.4. The Developer is to do all other things necessary, including execute all other documents, to allow for the registration of the Charge.

45. Council's Right to Call Upon Bank Guarantee

45.1. The Council may call on the Bank Guarantee in the event that the Developer:

- a) fails to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
- b) breaches any other term or condition of this Agreement, and fails to remedy the relevant failure or breach within 7 days after the Council's notice.

45.2. If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

46. Return of Bank Guarantee

Provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council must return the remaining Bank Guarantees (if any) to the bank within 30 days from the expiration of the Defects Liability Period for the last Item of Work that is Completed.

47. CPI Increases – Bank Guarantee

On each anniversary of the date of this Agreement, the Developer must provide the Council with a replacement Bank Guarantee and the amount of the replacement Bank Guarantee provided will be the amount of the Bank Guarantee provided immediately prior to that anniversary increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary.

48. Grant of Charge

48.1. On the date the Developer [Drafting Note: Or Landowner if the landowner is a different entity] executes this Agreement, the Developer [Drafting Note: Or Landowner if the landowner is a different entity] grants to the Council a fixed and specific charge over the Developer's right, title and interest in the Charge Land, to secure:

- a) the performance of the Developer's obligation to make monetary Development Contributions under this Agreement, and
- b) any damages that may be payable to the Council, or any costs which may be incurred by the Council in the event of a breach of this Agreement by the Developer

48.2. Upon the execution of this Agreement, the Developer is to give to the Council an instrument in registrable form under the Real Property Act 1900 duly executed by the Developer that is effective to register the Charge on the title to the Charge Land.

48.3. If the Charge Land comprises part only of a lot in a deposited plan at the time that the instrument referred to in clause 48.2 is required to be given, the Developer is to give the Council an instrument that charges a greater area of the Land which includes the whole of the Charge Land.

48.4. The Developer is to do all other things necessary, including execute all other documents, to allow for the registration of the Charge.

49. Caveat and Discharge

49.1. The Developer agrees that:

- a) the Council may lodge a caveat on the title of the Land to which the Charge applies,
- b) the Council is to release the caveat from any part of the Land to which the Charge applies that is not the Charge Land once that part of the Land is contained in a separate lot to the Charge Land, and
- c) the Council cannot be required to have the caveat removed from the title to the Charge Land other than in accordance with clause 49.2.

- 49.2. In order to enable Final Lots to be sold, the Council is to release the Charge and withdraw the caveat from the title to any Final Lot on satisfaction by the Developer of its obligations under this Agreement to make Development Contributions in respect of the creation of the lot.
- 49.3. For the purposes of clause 49.2 the Council is to use its reasonable endeavours to provide any documentation necessary to enable the release of the Charge and withdrawal of the caveat from the title of a Final Lot on or immediately prior to the date for settlement of the sale of that lot.
- 49.4. Nothing in this Agreement prevents the registration of a plan of subdivision in respect of the Charge Land nor the creation of a Final Lot from the Charge Land.

50. Priority

The Developer is not to create any mortgage or charge over the Charge Land or grant any other interest in the Charge Land ranking in priority equal with or ahead of the Charge created under this Agreement without the prior written approval of the Council.

51. Acquisition of Land Required to be Dedicated

- 51.1. If the Developer does not dedicate land required to be dedicated under this Agreement at the time at which it is required to be dedicated, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 51.2. The Council is to only acquire land pursuant to clause 51.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the land required to be dedicated under this Agreement.
- 51.3. Clause 51.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 51.4. If, as a result of the acquisition referred to in clause 51.1, the Council is required to pay compensation to any person other than the Developer, the Developer is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can call on any Security provided under clause 43.
- 51.5. The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- 51.6. The Developer is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 51, including without limitation:
- signing any documents or forms,
 - giving land owner's consent for lodgement of any Development Application,
 - producing certificates of title to the Registrar-General under the Real Property Act 1900, and
 - paying the Council's costs arising under this clause 51.

52. Breach of Obligations

52.1. If the Council reasonably considers that the Developer is in breach of any obligation under this Agreement, it may give a written notice to the Developer:

52.1.1. specifying the nature and extent of the breach,

52.1.2. requiring the Developer to:

- a) rectify the breach if it reasonably considers it is capable of rectification, or
- b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,

52.1.3. specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.

52.2. If the Developer fails to fully comply with a notice referred to in clause 52.1, the Council may, without further notice to the Developer, call-up the Security provided by the Developer under this Agreement and apply it to remedy the Developer's breach.

52.3. If the Developer fails to comply with a notice given under clause 52.1 relating to the carrying out of Work under this Agreement, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer and any Equipment on such land for that purpose.

52.4. Any costs incurred by the Council in remedying a breach in accordance with clause 52.2 or clause 52.3 may be recovered by the Council by either or a combination of the following means:

- a) by calling-up and applying the Security provided by the Developer under this Agreement, or
- b) as a debt due in a court of competent jurisdiction.

52.5. For the purpose of clause 52.4, the Council's costs of remedying a breach the subject of a notice given under clause 52.1 include, but are not limited to:

- a) the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
- b) all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
- c) all legal costs and expenses reasonably incurred by the Council, by reason of the breach.

52.6. Nothing in this clause 52 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Agreement by the Developer, including but not limited to seeking relief in an appropriate court.

53. Enforcement in a Court of Competent Jurisdiction

53.1. Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.

53.2. For the avoidance of doubt, nothing in this Agreement prevents:

- a) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates, or
- b) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

Part 6 – Registration and Restriction on Dealings

54.Registration of VPA on Title

- 54.1. The Parties agree this Agreement is to be registered on the title of the Land by the Registrar-General pursuant to section 7.6 of the Act.
- 54.2. The Developer must:
 - a) Do all things necessary to enable this Agreement to be registered under section 7.6 of the Act, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land; and
 - b) Pay any reasonable costs incurred by Council in undertaking that registration.

55.Removal from Title of the Land

- 55.1. Council will do all things necessary to allow the Developer to remove the registration of this document from the title of the Land where the Developer has:
 - a) Provided all Monetary Contributions;
 - b) Completed the Works; and
 - c) Dedicated the Designated Land.
- 55.2. The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.

56.Restriction on Dealings

- 56.1. The Developer is not to:
 - a) sell or transfer the Land, other than a Final Lot, or
 - b) assign the Developer's rights or obligations under this Agreement, or novate this Agreement,
 to any person unless:
 - c) the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Developer's rights or obligations under this Agreement are to be assigned or novated, of an Agreement in favour of the Council on terms reasonably satisfactory to the Council, and
 - d) the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Agreement, and
 - e) the Developer is not in breach of this Agreement, and

- f) the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.

56.2. Subject to clause 56.3, the Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Agreement unless and until it has complied with its obligations under clause 56.1.

56.3. Clause 56.1 does not apply in relation to any sale or transfer of the Land if this Agreement is registered on the title to the Land at the time of the sale.

Part 7 – Indemnities & Insurance

57.Risk

The Developer performs this Agreement at its own risk and its own cost.

58.Release

The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

59.Indemnity

The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

60.Insurance

60.1. The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Agreement up until the Work is taken to have been completed in accordance with this Agreement:

- a) contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
- b) public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
- c) workers compensation insurance as required by law, and
- d) any other insurance required by law.

60.2. If the Developer fails to comply with clause 60.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:

- a) by calling upon the Security provided by the Developer to the Council under this Agreement, or
 - b) recovery as a debt due in a court of competent jurisdiction.
- 60.3. The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 60.1.

Part 8 - GST

61. Definitions

In this clause: Taxable Supply, GST, Tax Invoice and Input Tax Credit have the same meaning given to them in GST Law.

62. Non-monetary Supplies

- 62.1. The parties agree that any non-monetary supplies made by one party to the other pursuant to this agreement (including Works and the dedication of land) will be exempt from GST pursuant to Division 82 of the GST Law.
- 62.2. In the event that one party reasonably believes that the non-monetary supply it makes to the other is a Taxable Supply then the parties agree to negotiate in good faith to agree to the GST inclusive market value of that Taxable Supply as follows:
- a) The party making the Taxable Supply will issue a Tax Invoice to the other as soon as practicable after agreeing to the GST inclusive market value and will disclose the amount of GST included in the GST inclusive market value.
 - b) The recipient of the Taxable Supply will pay to the other party the amount of the included GST within fifteen (15) days of receiving the Tax Invoice.
- 62.3. In the event that both parties reasonably believe that each make a non-monetary Taxable Supply to the other, any GST payable by one party to the other will be off-set against each other and any net difference will be paid by the party with the greater obligation.

63. Supply Expressed in Terms of Money

- 63.1. If any party reasonably believes that it is liable to pay GST on a supply expressed in terms of money (or where the consideration for the supply is expressed in terms of money) and made to the other party under this document and the supply was not expressed to include GST, then:
- a) the recipient of the supply must pay an amount equal to the GST on that supply to the other party;
 - b) the party making the supply will issue a Tax Invoice to the other party; and
 - c) the recipient of the supply will pay the amount of the GST to the supplier within fifteen (15) days of receiving the Tax Invoice.

64. Expenses and Costs Incurred

If any expenses or costs incurred by one party are required to be reimbursed by the other party under this document, then the amount of the reimbursement will be calculated as follows:

- 64.1. The amount of the cost or expense incurred by the party seeking reimbursement will be initially calculated excluding any Input Tax Credit to which that party is entitled to claim.
- 64.2. This amount initially calculated will be increased by the applicable rate of GST to equal a GST inclusive reimbursement amount and this amount will be paid by the party liable to make the reimbursement.
- 64.3. The party being reimbursed will issue a Tax Invoice to the other at the GST inclusive reimbursement amount prior to being reimbursed.

65.Survival of Clause

The clauses 60 – 65 continue to apply after the expiration or termination of this agreement.

Part 9 – General

66.Legal Costs and Expenses

Each party is responsible for its own legal costs and expenses in relation to the negotiation, preparation and execution of this Agreement and other documents referred to in it, unless expressly stated otherwise.

67.Variation

- 67.1. The design or specification of any Work that is required to be carried out by the Developer under this Agreement may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Agreement
- 67.2. Without limiting clause 67.1, the Developer may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 67.3. The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 67.2.
- 67.4. The Council, acting reasonably, may from time to time give a written direction to the Developer requiring it to vary the design or specification of a Work before the Work is carried out in a specified manner and submit the variation to the Council for approval.
- 67.5. The Developer is to comply promptly with a direction referred to in clause 67.4 at its own cost.

68.Counterparts

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

69.Liability

Except as otherwise set out in this Agreement:

- 69.1. any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and

- 69.2. any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually

70. Entire Agreement and No Reliance

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

71. Severability

- 71.1. If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 71.2. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

72. Waiver

- 72.1. The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.
- 72.2. Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 72.3. A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach in any other circumstance or instance.

73. Further Assurance

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

74. Survival and Enforcement of Indemnities

- 74.1. Each indemnity in this Agreement is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this Agreement.
- 74.2. It is not necessary for a party to incur expense or make payment before enforcing a right of indemnity conferred by this Agreement.

75. No Merger

The warranties, undertakings, agreements and continuing obligations in this Agreement do not merge on completion of this Agreement.

76. Business Day

If a payment or other act is required by this Agreement to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

Part 10 - Other Provisions

77. Notices

- 77.1. Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
- a) delivered to that person's address;
 - b) sent by pre-paid mail to that person's address; or
 - c) sent by email to that person's email address.
- 77.2. A notice given to a person in accordance with this clause is treated as having been given and received:
- a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - b) if sent by pre-paid mail, on the third Business Day after posting; and
 - c) if sent by email to a person's email address and a conformation of receipt can be retrieved, on the day it was sent if a Business Day, otherwise on the next Business Day.
- 77.3. For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

78. Annual Report by Developer

- 78.1. The Developer is to provide to the Council by not later than each anniversary of the date on which this Agreement is entered into a report detailing the performance of its obligations under this Agreement.
- 78.2. The report referred is to be in such a form and to address such matters as required by the Council from time to time.

79. Review of Agreement

- 79.1. The Parties agree to review this Agreement every [Drafting Note: Insert number] years, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.
- 79.2. For purposes of clause 79.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 79.3. For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 79.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.

79.4. If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

79.5. A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 79.1 (but not 79.4) is not a Dispute for the purposes of this Agreement and is not a breach of this Agreement.

80.Approvals and Consent

80.1. Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.

80.2. A Party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

81.Costs

81.1. The Developer is to pay the Council the Council's costs of and incidental to preparing, negotiating, executing and stamping this Agreement, and any document related to this Agreement within 7 days of a written demand by the Council for such payment.

81.2. The Developer is also to pay the Council the Council's costs of and incidental to enforcing this Agreement within 7 days of a written demand by the Council for such payment.

82.Notations on section 10.7(2) Planning Certificates

82.1. The Parties agree that the Council may, in its absolute discretion, make a notation under section 10.7(5) of the Act regarding this Agreement on any certificate issued under section 10.7(2) of the Act relating to the Land.

83.Governing Law and Jurisdiction

83.1. This Agreement is governed by the law of New South Wales.

83.2. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.

83.3. The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

84.Joint and Individual Liability and Benefits

84.1. Except as otherwise set out in this Agreement:

- a) any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and
- b) any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

85.No Fetter

Nothing in this Agreement shall be constructed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

86. Illegality

- 86.1. If this Agreement or any part of its becomes illegal, unenforceable or invalid as result of any change to law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

87. Amendment

No amendment of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement in accordance with clause 203 of the Regulation.

88. Explanatory Note

- 88.1. The Appendix contains the Explanatory Note relating to this Agreement required by clause 205 of the Regulation.
- 88.2. Pursuant to clause 205(5) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Agreement.

89. Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

Schedule 1**Development Contributions**

Item/Contribution	Public Purpose	Manner & Extent	Timing
A. Monetary Contributions			
[Drafting Note: insert description]	[Drafting Note: insert public purpose]	[Drafting Note: Insert manner in which contributions are to be provided including details of any design, technical specification and standards of work. Details can also be provided in a separate Schedule]	[Drafting Note: insert timing by which contributions are to be provided]
B. Dedication of Land			
C. Carrying out of Work			
D. Other Material Public Benefits			

Schedule 2

[insert schedule of works and dedications relevant to this Agreement, including all relevant plans and attachments].

DRAFT

SNOWY MONARO REGIONAL COUNCIL

SMRC – [proposal]

Execution

Dated:

Executed in behalf of the Council

Chief Executive Officer

Name of Chief Executive Officer:

Witness

Name of Witness:

Executed in behalf of the Developer in accordance with s127(1) of the Corporations Act (Cth) 2001

Director

Name of Director:

Director/Secretary

Name of Director/Secretary:

Appendix 3 – Explanatory Note Template**Explanatory Note**

(Clause 205 of the Environmental Planning and Assessment Regulation 2021)

Draft Planning Agreement

The purpose of this explanatory note is to provide a summary of the proposed planning agreement prepared jointly between Snowy Monaro Regional Council and the Developer under s7.4 of the *Environmental Planning and Assessment Act 1979* (the Act).

This explanatory note has been prepared as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021*.

1 Parties

Snowy Monaro Regional Council (“Council”) and
Developer (ACN #) of Address (“Developer”)

2 Description of Subject Land**3 Description of Development****4 Background****5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement****6 Assessment of the Merits of the Draft Planning Agreement****6.1 The Planning Purposes Served by the Draft Planning Agreement****6.2 How the Draft Planning Agreement Promotes the Public Interest****6.3 How the Draft Planning Agreement Promotes the Objectives of the
Environmental Planning and Assessment Act 1979 (the Act)****6.4 How the Draft Planning Agreement Promotes Elements of the Council’s
Charter Under Section 8 of the *Local Government Act 1993***

6.5 Conformity with the Council’s Capital Works Program

6.6 Whether the Agreement Specifies that Certain Requirements of the Agreement Must be Complied with Before a Construction Certificate, Occupation Certificate or Subdivision Certificate is Issued

This explanatory note is not to be used to assist in construing the planning agreement.

DRAFT

9.4.3 DRAFT SECTION 7.12 LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

Record No: I22/162

OFFICER'S RECOMMENDATION

That Council consent to the public exhibition of the draft Section 7.12 Local Infrastructure 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 *Environmental Planning and Assessment Act 1979* Clause 28 of the *Environmental Planning and Assessment Regulation 2000* and Council's Community Participation Plan.

ISSUES

Council currently operates under four (4) adopted Local Infrastructure Contributions (LIC) Plans, each relating to former local government areas:

- Bombala section 94A Contributions Plan 2008
- Cooma-Monaro section 94 Development Contributions Plan 2005
- Snowy River section 94 Development Contributions Plans 2008
- Yarrowlumla section 94 Development Contributions Plan 1994

The current plans that are in force are outdated, are no longer fit for purpose and do not represent good practice. Council requires a contemporary, consolidated and consistent approach to Local Infrastructure Contributions across the LGA to ensure that we are able to meet our obligations under the plans and the infrastructure demands of future growth.

There are two forms of LIC Plans provided for under the *Environmental Planning & Assessment Act 1979*:

- Section 7.11 (formerly s94)
- Section 7.12 (formerly s94A)

Each of the above plans have a particular application and are more appropriate depending upon the circumstances. The Department of Planning and Environment recently released the 'Infrastructure Contributions Practice Note Review Policy Paper October 2021'. Appendix C of this Policy Paper provides guidance on determining the most appropriate Local Infrastructure Contribution Plan mechanism.

When to use section 7.11 contributions

Section 7.11 contributions plans are usually most appropriate in greenfield or major redevelopment infill areas where the rate and type of development is more predictable and there will be a significant increase in demand for infrastructure created by the development. They are also more appropriate where the high cost of infrastructure justifies the significant resources needed in undertaking section 7.11 contributions planning and the ongoing management of these funds. This type of plan requires the council to consider the connection (sometimes referred to as 'nexus') between the development and the demand for infrastructure. Councils must apportion costs, so that the development is only paying for the demand it creates. This often means that councils will need to fund the part of the costs that benefit their existing residents from other funding sources, such as rate revenue or grants.

When to use section 7.12 levies Section

Section 7.12 levies are a flexible mechanism that can be used in a broad range of situations. For example, they are often used in areas experiencing low or unpredictable rates of development, rural and regional areas, or areas with a significant commercial or industrial development component. In such areas, it can be difficult to determine the types of future development and activities, the rate at which development will occur, and where it will occur, making detailed infrastructure contributions planning difficult. Section 7.12 plans generally have lower rates of contributions, but this is offset by greater flexibility in expenditure and administrative efficiency. This type of plan does not have the same requirements to consider the connection between the development and the demand for infrastructure as section 7.11 contributions plans

Based on Council's circumstances and the nature of development within the LGA, a section 7.12 plan is considered most appropriate for most of the Local Government Area (LGA).

Works Schedules

Projects identified within the Work Schedules (Appendix D of the Plan) must be for capital projects and cannot fund maintenance or operations. The following principles have been used to guide what projects are included in the Plans.

Principles for LIC Work Schedule projects

- Projects that are identified or consistent with an adopted strategy
- Identify projects that have not yet been delivered but are identified in existing contributions plans
- Look for opportunities to embellish or replace existing assets
- Areas that have their own funds i.e. water and wastewater are not included
- Projects for which Council has sought a loan
- Projects that are well planned, scoped and shovel ready as possible
- Roll over funds to be spent as closely as possible to what collected for and in similar location.

This project has recently been elevated to a high priority and as a result, resources have been diverted away from existing projects such as the revision of the Draft Rural Land Use Strategy and Local Environmental Plan.

This project is an outstanding Internal Audit item with a risk rating of 'High'. The recommendation from the Internal Audit is;

"Management to formulate a combined Developer Contribution Plan for SMRC Region and update to current standards / regulations. Ensure that contribution plan only permits the uniform deferral, waiver or discounting of contributions when certain conditions are met and do not allow this on a case-by-case basis."

This project is also identified within Council's Local Strategic Planning Statement 2020 as a short term action (1-5 years from adoption).

LSPS Action 10.10 - Council will develop a new development contributions plan for the region to provide for improved road, recreational, active transport and community infrastructure.

RISK ASSESSMENT

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

There are significant legislative, financial and reputational risks associated with not implementing a comprehensive and contemporary LIC Plan, which has clearly been identified within the Internal Audit.

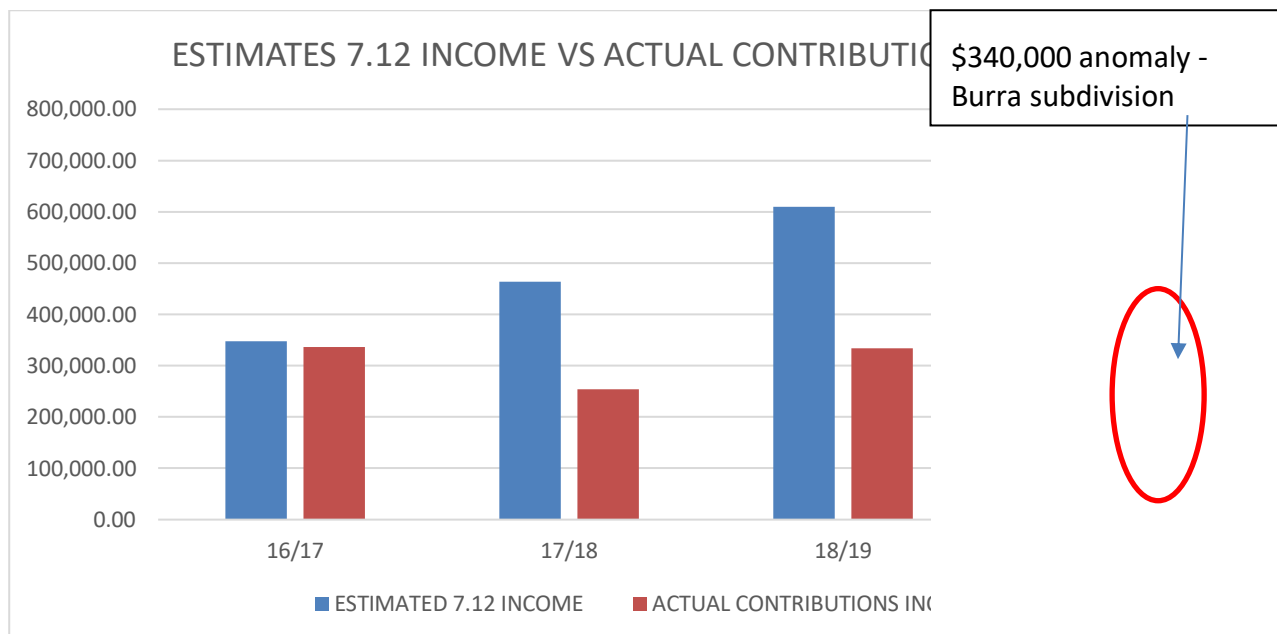
The preparation of a new plan will address the matters raised in the Internal Audit ensuring that a new, up to date plan is consistent with current legislation, regulation and guidance. The plan also provides LGA wide conditions for the uniform deferral, waiver and discounting of contributions to ensure that waivers and discounting does not occur on a case by case basis.

A new plan will also reduce reputational and image risk, which is currently quite high as the view from some parts of the community is that contributions are not being invested back in the community, which due to the use of section 7.11 plans is accurate. A section 7.12 plan in particular, will significantly reduce this risk.

FINANCIAL IMPACTS

As a conservative estimate, Council would receive approximately \$500,000 to \$600,000 per annum in development contributions if a new plan is implemented in the near future, based on the income testing that has been undertaken. This is compared with the actual income received under the current plans, which has been between \$250,000 to \$350,000 from FY 16/17 to FY 19/20, excluding the \$340,000 anomaly received in the 19/20 year.

9.4.3 DRAFT SECTION 7.12 LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN



As they stand, the current plans do not reflect the infrastructure needs of the community. As a result, current community infrastructure projects are not listed within the works schedules and therefore not able to be (part) funded by Contributions. Council has sought loans for these works where contributions should be utilised. A new plan will contain up to date work schedules which will be able to assist with some of those projects for which Council has sought a loan, reducing the amount of interest paid and therefore costs to our community.

The existing section 7.11 plans (three out of the four plans) utilise the concept of 'apportionment'. Apportionment refers to the concept that development should only pay for its share of demand.

For example if a town or area is anticipated to grow by 10%.

New community facility = \$200,000

Local infrastructure contributions may only contribute \$20,000

Other Council revenue must pay for the remaining \$180,000.

Given Council's current financial situation, Council does not have resources to make the co-contribution to deliver the projects required by section 7.11 plans. Transitioning to a section 7.12 Plan removes the apportionment requirement, meaning that Council can more flexibly deliver the projects outlined in the work schedule.

Finally, as the existing section 7.11 Plans are outdated, the current charges being levied do not actually represent the cost of delivering the infrastructure identified in the work schedules and therefore we are under collecting under the existing Plans.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

Consideration has been given to continuing or amending the current plans. However, these plans are no longer fit for purpose, the works schedules are out of date, the Strategies that inform them

are outdated and Council is unable to spend the accrued funds given the apportionment requirements. Therefore, this option was not chosen.

Consideration was given to preparing a section 7.11 contributions plan for the higher growth areas of our LGA, primarily growth areas identified under the Snowy Mountains Special Activation Precinct at East Jindabyne and Jindabyne West. However, given that the growth areas overall scale of development, the infrastructure required to support the development and Council resources to manage the Plan, a section 7.12 Plan was determined as most appropriate.

Consideration was given to preparing a new plan that would be able to be adopted once the Infrastructure Contributions Reforms proposed by the Department of Planning and Environment occurs, indicated as July 1 2022. While the reform package has been exhibited, there is too much uncertainty surrounding the reform, i.e. what was exhibited vs what will ultimately be legislated to proceed with preparing a plan. There is also concern that the reform could be delayed given the large number of submissions the Department received. Lastly, as far as Council is aware, the drafting instructions have not been provided to Parliamentary Counsel's Office, indicating that commencement could be delayed beyond 1 July 2022.

The changes proposed within the reform include digital tools to assist Council's in preparing new plans, including templates. When the new legislation does commence, it would be a relatively simple process to translate the details of this plan across into the new digital template. However, we would likely need to re-exhibit the plan as the charging regime is proposed to change under the reform, moving away from a percentage levy on each individual development, to a 3% of the average cost of construction (as recommended by the Productivity Commissioner).

IMPLEMENTATION PLANS

The Draft Section 7.12 Local Infrastructure Contributions Plan will be publicly exhibited for a period of 28 days as required by Schedule 1 Part 1 of the *Environmental Planning and Assessment Act 1979*, Clause 28 of the *Environmental Planning and Assessment Regulation 2000* and Council's Community Participation Plan.

The document will be placed on Council's YourSay page, including a frequently asked questions document which has been prepared to provide a quick and easy to understand overview of the draft Plan.

Council will directly notify via email those consultants and developers who regularly interact with Council, including private certifiers as they are also required to implement the Plan.

A post exhibition report will be brought back to Council in June or July, after any and all submissions are considered.

EXISTING POLICY/DECISIONS

This project is an outstanding Internal Audit item with a risk rating of 'High'. The recommendation from the Internal Audit is;

"Management to formulate a combined Developer Contribution Plan for SMRC Region and update to current standards / regulations. Ensure that contribution plan only permits the uniform deferral, waiver or discounting of contributions when certain conditions are met and do not allow this on a case-by-case basis."

The Snowy Monaro Regional Council Local Strategic Planning Statement was adopted on 21 May 2020. This project was identified within the LSPS as a short term action, which

LSPS Action 10.10 - Council will develop a new development contributions plan for the region to provide for improved road, recreational, active transport and community infrastructure.

ATTACHMENTS

1. DRAFT Section 7.12 Snowy Monaro Local Infrastructure Contributions Plan 2022
2. DRAFT Local Infrastructure Contributions Frequently Asked Questions

f

2022

Section 7.12 Snowy Monaro Local Infrastructure Contributions Plan 2022

DRAFT FOR PUBLIC EXHIBITION – APRIL/MAY 2022
STRATEGY DEVELOPMENT

Acknowledgement of country

We acknowledge the Ngarigo people as the first people of this land and traditional custodians of the region around Michelago. We pay respect to knowledge holders and community members of the land and to Elders past, present and future.

Prepared by Snowy Monaro Regional Council, Strategic Planning Unit

Record of Version

Date Published	Reason for Amendments	Resolution	Author/Document Owner
17/06/2022	Draft for Internal Comments	N/A	Strategic Planning
	Draft for Public Exhibition		Strategic Planning

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Executive Summary

Purpose and Objectives of the Plan

This Plan is the Draft Snowy Monaro Local Infrastructure Plan and has been prepared to satisfy the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, enabling Council or an accredited certifier to levy contributions from development for the provision of public amenities or services.

This Plan will assist in the provision of adequate public facilities for future development and ensure that the existing community is not burdened by the costs of public facilities required as a result of future development. In addition, this Plan provides the administrative framework for the collection, expenditure, accounting and review of development contributions on a reasonable basis. In this way, the Plan provides for public and financial accountability.

Nature of Future Development

It is anticipated that up to 2031, the population of the Snowy Monaro Local Government Area (LGA) will grow by 1,273 people, accommodated within 1,890 dwellings and other residential accommodation.

There is also estimated to be an increase in non-residential development over this 10-year period comprising between 13,700 and 24,325 square metres of retail and commercial floor space and approximately 99.77 hectares of industrial land.

This future development will require new, extended or augmented public amenities and services.

Life of the Plan

The Plan caters for a 10 year planning period, aligning with Council's 10 year financial plan and generally aligning with various NSW State Government and Council strategies and being within the horizon of residential and employment forecasts utilised by Council for planning and infrastructure purposes.

The levy payable under this Plan will be indexed between the date of determination and the date of payment of the contribution. Furthermore, the cost of development used to determine the levy under this Plan will be indexed from the date of the cost estimate to the date of determination.

Other funding sources

Contributions sought by this Plan may only partially fund infrastructure listed in this Plan. Council will draw upon other funding sources to meet the residual costs to deliver such infrastructure.

Treatment of funds collected prior to the commencement of this Plan

Funds levied and collected under previous Development Contributions Plans will be used to deliver community infrastructure of a similar facility category as they were originally collected for and spent within the same catchment from within which they were levied.

Summary of contribution rates

Cost of Development	Contribution levy rate %
All development valued up to and including \$100,000	0%
All development valued between \$100,000 to \$200,000	0.5%
All development valued in excess of \$200,000	1%

Works schedule

Contributions sought through this Plan will be used to fund, in part or in full, the public amenities and services set out in the Schedule of Works at **Appendix E**.

Introduction

This Plan has been prepared to determine the Section 7.12 local infrastructure levy that applies and what public facilities are to be funded by the levy.

1.1. Name of the plan

This plan is the ***Draft Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022***.

1.2. Abbreviations and definitions used in the plan

The meanings of key words and terms used in this Plan are contained in the Abbreviations and definitions at **Appendix A**.

1.3. Commencement of the Plan

This Plan has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

The Plan will be adopted following public exhibition of the draft version of the Plan.

This plan is anticipated to commence in July 2022.

1.4. Purpose and objectives of the Plan

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979*.
- To assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- Ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- To publicly identify the purposes for which the levies are required.
- To govern the application of money paid to Council under a condition authorised by this Plan.

1.5. Area to which the Plan applies

This Plan applies to the Snowy Monaro Regional Council Local Government Area, except for the area to which the Michelago Local Infrastructure Plan 2021 (Hybrid Section 7.11 & 7.12) applies, as per the map below.

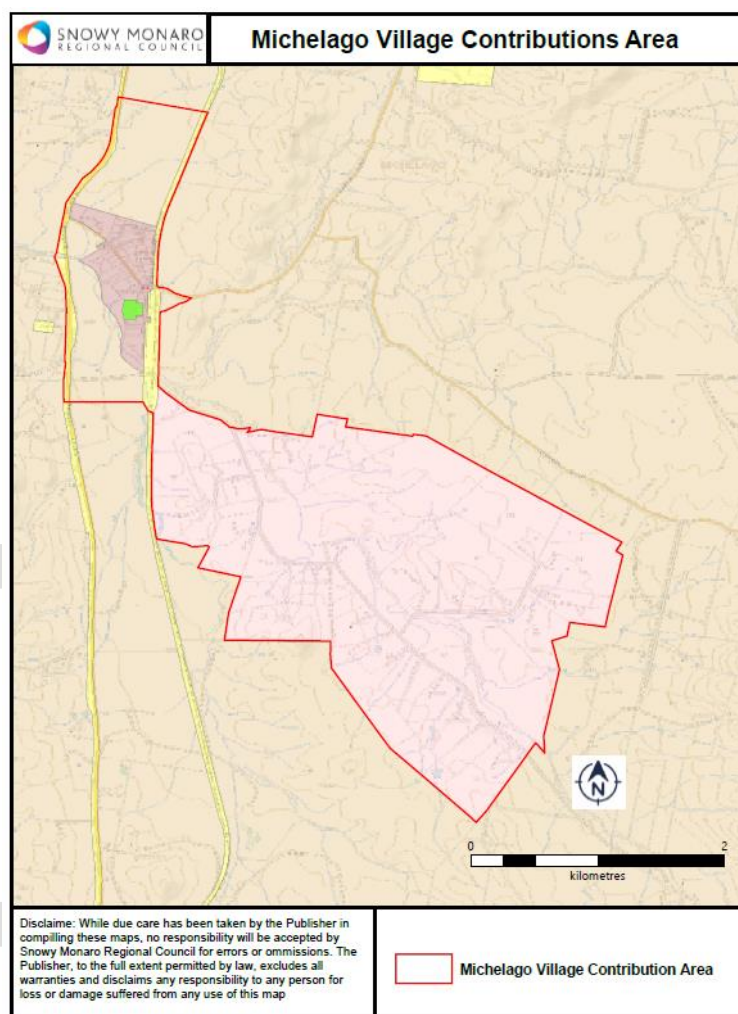


Figure 1 Area to which this Plan does not apply

1.6. Operation period of this Plan

The Plan is intended to cater for a 10 year planning period from 2022 to 2032 with this period generally aligning with the Integrated Planning and Reporting Framework Resourcing Strategy.

The Plan will be monitored and if necessary, the works schedule may be amended to account for infrastructure works that have been delivered or for which there has been a change in the estimated costs or timing.

In line with Delivery Program, the Plan will be reviewed every 4 years.

1.7. Structure of this Plan

Section 1 – Introduction (this section), identifies the name of the Plan, its commencement date, the purpose, aims and objectives of the Plan, the land and forms of development which the Plan applies and the Plan’s relationship to other plans, reports and policies.

Section 2 – Administration and Operation of the Plan, outlines the types of public amenities and services addressed by the Plan, describes how and when contributions are to be made and provide details regarding the ongoing management of the Plan.

Section 3 – Forecast Development and Demand for Infrastructure, outlines the residential and employment generating development forecast to occur during the life of this Plan and the plans, strategies and other documents that have contributed to the works schedule for this Plan.

Appendix A Abbreviations and definitions

Appendix B Determining the proposed Costs of Development

Appendix C Cost Summary Report Templates

Appendix D Model Conditions of Consent

Appendix E Rollover funds, Catchments and Work Schedules

1.8. Relationship with other contributions plans

This plan repeals the following contributions plans

- Bombala Section 94A Contributions Plan
- Cooma-Monaro Council – Section 94 Contributions Plan (Management and Administration)
- Cooma-Monaro Council – Section 94 Contributions Plan (Roads and Open Space)
- Snowy River Development Contributions Plan 2008
- Snowy River Development Contributions Plan 2010
- Yarrowlumla Council Section 94 Plan – Provision of Community Facilities
- Yarrowlumla Council Section 94 Plan – Access Roads

Contributions imposed on developments under the above plans and paid to or held by Council will be applied to completing the works shown in **Appendix E**.

1.9. Savings and transitional arrangements

There are no savings or transitional provisions under this Plan. That is, if a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application shall be determined in accordance with the provisions of this Plan.

If a modification application pursuant to s4.55 or s4.56 of the Act has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined in accordance with the contributions plan that applied at the date that the original development consent was granted.

This Plan does not affect any conditions imposed under a previous plan(s). Any application made under the Act to modify a development consent issued before the commencement date of this plan will be determined against the plan that applied at the date the consent was originally determined.

DRAFT

2. Administration of the Plan

2.1. Development to which this plan applies

This Plan applies to:

- Residential development
- Subdivisions
- Seniors living (integrated facilities, hostels and residential care facilities)
- Rural industries, agriculture and agritourism
- Industrial development
- Retail shops, business premises, commercial premises, offices
- Educational establishments
- Tourist and visitor accommodation
- Eco-tourist facilities
- All other development

2.2. Calculating the contributions

The maximum percentage of the proposed cost of carrying out development that may be imposed by a development levy for development is:

Cost of Development	Contribution levy rate %
All development valued up to and including \$100,000	0%
All development valued between \$100,000 to \$200,000	0.5%
All development valued in excess of \$200,000	1%

The levy will be determined on the basis of the rate as set out in the table above. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times (\$C-E)$$

Where:

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development

E is the exemptions as per Clause 208 of the Environmental Planning and Assessment Regulations 2021.

2.3. Calculating the cost of works

The proposed cost of carrying out the development will be determined in accordance with clause 208 of the EP&A Regulation. The procedures set out for submitting a development application (included in this plan) must be followed to enable Council to determine the amount of the levy to be paid.

The proposed cost may be adjusted before payment of a development levy, to reflect annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

The genuine estimate of the cost of works must be supplied at the time an application is lodged. When determining the estimated cost of works, applicants must have regard to [Planning Circular PS 21-022 Calculating the genuine estimated cost of development](#). Consistent with this circular, development applications are to be estimated in accordance with the following:

- for development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person, with the methodology used to calculate that cost submitted with the DA.
- for development between \$100,000 and \$3 million, a suitably qualified person should prepare the cost estimate and submit it, along with the methodology, with the DA.
- for development more than \$3 million, a detailed cost report prepared by a registered quantity surveyor

A **suitably qualified person** is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven experience in costing of development works at least to a similar scale and type as is proposed.

Cost Summary Report Templates are available in **Appendix C**.

The Council may at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 2.3.

2.4. Exemptions

This plan does not apply to the following types of development:

- Where the proposed cost of carrying out the development is \$100,000 or less.

- A single dwelling house on a lot created in an earlier subdivision where that approval was subject to a section 7.11 (former s94) contribution. Where the development will, or is likely to, increase the demand for public amenities or public services beyond the demand attributable to the initial subdivision, contributions will be payable.
- Development ordinarily incidental or ancillary to the use of a dwelling house, such as a swimming pool, garages, sheds, carports, decks and the like.
- Alterations, fit outs, or refurbishment of an existing development, where there is no enlargement, expansion, increase in floor area or intensification of the current use (208)(4)(g).
- An application for demolition (where there is no replacement building or development).
- An application by or on behalf of Council for community infrastructure, such as, but not limited to: libraries, community facilities, waste management facilities, recreation areas, recreation facilities and car parks.
- Development for the sole purpose of adaptive re-use of an item of environmental heritage contained in Council's Heritage Schedule in the LEP (208)(4)(m).
- Dwelling house that replaces an existing dwelling house, with the same number of bedrooms.
- Development for the sole purpose of providing affordable housing assessed under the State Environmental Planning Policy (Housing) 2021.
- Development that involves the rebuilding or repair of damage resulting from declared natural disasters by the NSW State Government, such as flooding or bushfires.
- Not for profit or charity groups - the standard of evidence required is:
 - A Certificate of Registration with the Australian Charities and Not-for-Profit Commission; or
 - A Notice of Endorsement as a Deductible Gift Recipient, issued by the Australian Taxation Office (ATO); or
 - A Notice of Endorsement for Charity Tax Concessions, issued by the ATO.

Council will not provide exemptions to development contributions made under this Plan other than exemptions or discounts outlined above or outlined by a Ministerial direction under Section 7.17 – 'Directions by Minister' of the EP&A Act.

Council does not apply discounts to the payment of development contributions unless otherwise stated in this Plan.

2.5. Refunding contributions

The EP&A Act and Regulation do not make provision for refunds for contributions and there is no express power for a council to refund contributions already paid in accordance with a condition of consent. However, Council at its complete discretion, may consider a refund where:

- A consent has been modified under the Act resulting in a reduction of the contributions payable; or
- Contributions have been paid but development has not commenced and will not proceed in accordance with the consent. In this instance, the consent will need to be surrendered in accordance with the provisions of the Act.

In each case, Council will consider refunding contributions if it has not been spent and the refund will not impact on Council's ability to deliver the works outlined in the Works Schedule. The applicant must apply for a refund in writing within 12 months of the payment of the contribution.

2.6. Imposing contributions

In accordance with the Act, a development levy under this Plan will be imposed as a condition of development consent, or as a condition on a Complying Development Certificate. Model Conditions of Consent are available in **Appendix D**.

2.7. Payment of the contribution

A levy must be paid to the council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid as per the following:

- **Development involving building work:** prior to the issue of the Construction Certificate;
- **For Complying Development:** Prior to the issue of the Complying Development Certificate; and
- **In the case of Development Applications where no Construction Certificate or Occupation Certificate is required:** prior to the commencement of works or use.

Where an application is dealt with by an Accredited Certifier other than Council, the development consent shall not operate unless until the amount required by the consent under this Contributions Plan is paid to Council. The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan.

2.8. Indexation of contributions

This Plan authorises Council to undertake these indexed based changes without the necessity of preparing a new or amending the contributions plan.

This is to ensure that that the value of contributions is not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of

facilities and administration of the Plan, or through changes in the costs of studies to support the Plan.

Contributions required as a condition of development consent will be adjusted at the time of payment using the following formula.

$$\text{CP} = \text{CDC} \times \text{Current index}$$

Base index

Where:

- i. **CP** is the amount of the contribution calculated at the time of payment;
- ii. **CDC** is the amount of the original contribution as set out in the development consent; and
- iii. **Current index** the Consumer Price Index:
All Groups Index for Sydney (as currently available from the Australian Bureau of Statistics at the time of payment).
- iv. **Base index** is the Consumer Price index: All Groups Index for Sydney which applied at the time of calculation as shown on the development consent.

2.9. Construction certificates and the obligations of accredited certifiers

In accordance with the Act and the Regulation, a certifying authority must not issue a Construction Certificate or an Occupation Certificate, whichever is applicable under a development consent, unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.10. Complying Development and the obligation of accredited certifiers

In accordance with the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan for all types of development, except for those development that are exempt from charges as per clause 2.4 or those listed under clause 208 of the Regulation.

The conditions imposed must be generally consistent with Council's standard condition for Complying Development Certificates (see **Appendix D**) and be strictly in accordance with this Plan. It is the professional responsibility of an accredited certifier to inform themselves of any amendments to this Plan (including current indexed rates), to accurately calculate the contribution and to apply the development contributions condition correctly in accordance with Council current consent condition requirements.

It is also the professional responsibility of an accredited certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

2.11. Pooling of levies

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

2.12. Deferred or periodic payment of levies

Deferred or periodic payments may only be permitted in:

- Circumstances where the applicant can demonstrate to the Council that the payment of contributions in accordance with 2.14 Timing of payments is unreasonable, and Council accepts deferred or periodic payment; or
- Circumstances where the developer intends to make a contribution by way of works in-kind or land dedication in lieu of a cash contributions in a future stage of the one development and Council and the developer have a legally binding agreement for the provision of the works or dedication; or
- In other circumstances determined to be reasonable by Council.

All requests for deferred or periodic payment of contributions are required to be made in writing and may only be accepted (in writing) where:

- There are valid reasons for the deferral or periodic payment (as outlined above),
- They will not adversely impact on the administration or operation of the Plan,

- They will not jeopardise the timely provision of works or land identified within the Plan,
- They will not adversely impact on the cash flows of the Plan.

Should a deferred or periodic payment be accepted by Council, a suitable bank guarantee, to the value of the outstanding contributions is to be lodged.

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development,
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the overall development.

The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to twelve months interest,
- The Bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work whichever occurs first,
- The Bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- The Bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the Bank in writing that the guarantee is no longer required.

Matters that will be considered for deferral requests include:

- The financial position of the contribution scheme,
- The extent of any loan borrowing,
- Future Capital commitments,
- Whether or not infrastructure works essential for the initial development can be deferred,
- Whether or not development/land release can be staged to more appropriately match infrastructure requirements and commitments.

Under certain circumstances, an applicant may also request in writing, a deferral or variation of the contribution through a Voluntary Planning Agreement (Division 7.1 – Subdivision 2 of the *Environmental Planning & Assessment Act 1979*).

2.13. Alternatives to payment of the levy

If an applicant does not wish to pay the section 7.12 levy applicable to their development, they may offer to enter into a voluntary planning agreement with Council under Section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with the making of a development application or in an application for a modification.

The applicant's provision under a planning agreement may be additional to or instead of paying a levy in accordance with a condition of development consent authorised by this Plan. This will be a matter of negotiation with Council. The offer to enter into the planning agreement together with the draft agreement should accompany the relevant development application.

Acceptance of an offer to enter into a voluntary planning agreement is at the sole discretion of Council and, if Council does not agree to the offer, the payment of the section 7.12 levy will be required. Applicants should refer to Council's Policy on Voluntary Planning Agreements and Land Dedication for further information available on Council's website.

2.14. Accounting and management of funds

Separate accounting records are maintained for all development contributions made to Council under this Plan and a development contributions register will be maintained by Council in accordance with the Regulation.

Council is also required to publish details of development contributions accounts annually and this is undertaken as part of Council annual financial reporting cycle.

2.15. Treatment of funds received prior to the commencement of this Plan

Funds levied and received under previous plans will be used to deliver public amenities of a similar facility type as the funds were originally received. Rollover funds are outlined in **Appendix E**.

Funds levied and received under previous plans will be spent within the same catchment from which they were levied.

2.16. Monitoring and review of the Plan and contributions

It is intended that this Plan be monitored and reviewed on a regular basis as it contains forecasts of future development including likely future population and about the likely demands and costs of providing community infrastructure for that population.

Monitoring actual developments, population changes and community demands will allow appropriate updating and amendment as necessary.

The cost of works proposed by the Plan (including land values) may also need review over time if there is a concern that the indexation of costs may not be adequately reflecting actual current costs.

Council's aim is that all forecasts, costs and assumptions are reviewed and adjustments and/or amendments as appropriate will be made at four yearly intervals after the date of adoption of this Plan.

The Plan may also be amended to address the matters listed in the Regulation. In particular, the Plan may amended from time to time to reflect indexation of contributions and the cost of works without the need for public exhibition.

DRAFT

3. Forecast development and demand for infrastructure

3.1. Strategic Context

3.1.1. Local Strategic Planning Statement

The Snowy Monaro Local Strategic Planning Statement was adopted by Council on 21 May 2020. The LSPS planning priorities, strategic directions and actions provide the rationale for land use planning decision making on how we will use our land to achieve the community's broader goals.

'Planning Priority 12 – Capitalise on Growth and Change by Preparing for New Business and Population' outlines three potential future scenarios. These scenarios are based on a number of factors including potential drivers and assumptions. This allows a guide for planning and monitoring of growth which will assist to determine allocation of resources.

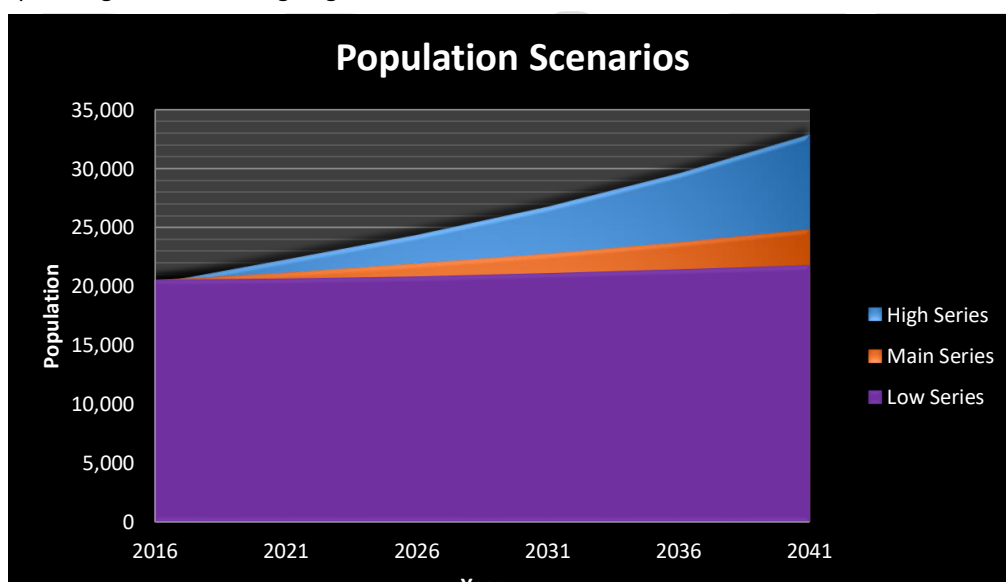


Figure 2 Population Scenarios for the Snowy Monaro LGA (Snowy Monaro LSPS, 2020)

The low scenario will see a population increase of only 1000 people by 2041, the main scenario will see an additional 4,000 residents in the region by 2041 and the high growth scenario could see an addition 12,000 residents in the region by 2041 as shown above.

The Local Strategic Planning Statement also identifies a new Local Infrastructure Contributions Plan as a short term priority for Council.

"LSPS Action 10.10 - Council will develop a new development contributions plan for the region to provide for improved road, recreational, active transport and community infrastructure."

3.2. Forecast development

The Snowy Monaro Region is experiencing a considerable amount of change with investment into the Jindabyne area and the Alpine resorts through the Snowy Mountains Special Activation Precinct. Significant infrastructure projects such as Snowy 2.0 and other renewable energy projects are also well underway or in the pipeline. At the same time important health, education and other social infrastructure upgrades are occurring. Steady growth in our traditional rural industries such as agriculture, forestry and extractive industries is expected.

This significant public and private investment in the region is likely to drive population growth and increase the demand for public facilities.

It is anticipated that up to 2031, the population of the Snowy Monaro Local Government Area (LGA) will grow by 1,273 people, accommodated within 1,890 dwellings and other residential accommodation.

There is also estimated to be an increase in non-residential development over this 10 year period comprising between 13,700 and 24,325 square metres of retail and commercial floor space and approximately 99.77 hectares of industrial land.

This future development will require new, extended or augmented public amenities and services.

3.3. Demand for public facilities and services

The increased usage of and demand for new transport and social infrastructure as a consequence of the forecast additional development will in most cases, exceed the capacity of existing public facilities in the LGA and therefore, it will be necessary for new and embellished transport and social infrastructure to be provided to cater for the anticipated demand of future development.

For the purposes of this Plan, Council has drawn upon a variety of strategies and plans which set out the transport and social infrastructure requirements of the future population, including, but not limited to the following:

- Draft Snowy Monaro Regional Trails Masterplan 2021
- Draft Snowy Mountains Special Activation Precinct Masterplan 2021
- Berridale Village Landscape Master Plan Report 2014
- Polo Flat Structure Plan 2009
- Youth Strategy 2019-2022
- Bombala Masterplan 2017
- Jerrara Drive Road Safety Review 2020
- Regional Waste Management Strategy 2021

In addition to public infrastructure projects specifically identified in these documents, this Plan includes other projects which align with the Planning Priorities in the LSPS and Settlements Strategy.

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Appendix A - Abbreviations and definitions

Words and phrases used in this plan have the same meaning as the terms defined the EP&A Act, or the Standard Instrument – Principal Local Environmental Plan (SI LEP).

In this plan, the following words and phrases have the following meanings:

Act means the Environmental Planning and Assessment Act 1979.

ABS means the Australian Bureau of Statistics.

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

applicant means the person(s) or organisation(s) submitting a development application.

ATO means the Australian Taxation Office.

CDC means complying development certificate.

Consent authority has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

Consumer Price Index (CPI) is a standard measure of price movements published by the Australian Bureau of Statistics.

Council means Snowy Monaro Regional Council.

DCP means a Development Control Plan adopted by Council under the Act.

development has the meaning under Section 4 of the Act which in relation to land means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing that may be controlled by an environmental planning instrument.

development consent means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.

development levy means a levy referred to in the Act, section 7.12.

development levy condition means a condition of development consent, referred to in the Act, section 7.12, requiring the payment of a levy.

GFA means the same as gross floor area.

LEP means a Local Environmental Plan made by the Minister under the Act.

LGA means Local Government Area.

material public benefit means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement;

Ministerial Direction means a Direction by the Minister pursuant to Section 7.9 or Section 7.17 of the Act.

planning agreement means a planning agreement referred to in the Act.

public infrastructure means:

- (a) public amenities and public services, and
 - (b) affordable housing, and
 - (c) transport infrastructure,
- but does not include water supply or sewerage services.

Regulation means the Environmental Planning and Assessment Regulation 2021

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 82 of State Environmental Planning Policy (Housing) 2021, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital;

SILEP means the Standard Instrument—Principal Local Environmental Plan.

social housing provider means a social housing provider as defined by State Environmental Planning Policy (Housing) 2021.

Appendix B - Determining the proposed Cost of Development

208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

- (1) The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.
- (2) The costs of carrying out development include the costs of, and costs incidental to, the following—
 - (a) if the development involves the erection of a building or the carrying out of engineering or construction work—
 - (i) erecting the building or carrying out the work, and
 - (ii) demolition, excavation and site preparation, decontamination or remediation,
 - (b) if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,
 - (c) if the development involves the subdivision of land—preparing, executing and registering—
 - (i) the plan of subdivision, and
 - (ii) the related covenants, easements or other rights.
- (3) In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.
- (4) The following costs and expenses must not be included in an estimate or determination of the proposed cost—
 - (a) the cost of the land on which the development will be carried out,
 - (b) the costs of repairs to a building or works on the land that will be kept in connection with the development,
 - (c) the costs associated with marketing or financing the development, including interest on loans,
 - (d) the costs associated with legal work carried out, or to be carried out, in connection with the development,
 - (e) project management costs associated with the development,
 - (f) the cost of building insurance for the development,

- (g) the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,
 - (h) the costs of commercial stock inventory,
 - (i) the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,
 - (j) the costs of enabling access by people with disability to the development,
 - (k) the costs of energy and water efficiency measures associated with the development,
 - (l) the costs of development that is provided as affordable housing,
 - (m) the costs of development that is the adaptive reuse of a heritage item.
- (5) The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

Example—

A contributions plan may adopt the Consumer Price Index.

- (6) To avoid doubt, this section does not affect the determination of the fee payable for a development application.

Appendix C – Cost Summary Report Templates

Cost Summary Report	
Development Cost less than \$3,000,000	
	Date
Applicant name	
Proposed development	
Development address	

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$
Engineering and Earthworks	
Structure	\$
External walls, windows and doors	\$
Internal walls, screens and doors	\$
Wall finishes	\$
Floor finishes	\$
Ceiling finishes	\$
Lighting	\$
Fittings and equipment	\$
Hydraulic Services	\$
Mechanical Services	\$
Fire Services	\$
Lift Services	\$
External Works	\$

External Services	\$
Landscaping	\$
Other related works	\$
SUB-TOTAL	\$
Consultant fees	
Goods & Services Tax	
TOTAL DEVELOPMENT COST	

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 208 of the *Environmental Planning & Assessment Regulation 2021*.
- Included GST in the calculation of development cost.

Name	
Signed	
Position & Qualification	
Date	

Note: For development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person , with the methodology used to calculate that cost submitted with the DA.

Note: For development between \$100,000 and \$3 million, a suitably qualified person should prepare the cost estimate and submit it, along with the methodology, with the DA.

A **suitably qualified person** is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven experience in costing of development works at least to a similar scale and type as is proposed.

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Cost Summary Report	
Development Cost more than \$3,000,000	
	Date
Applicant name	
Proposed development	
Development address	

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area Car Parking	m ²	Total car parking spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

Professional fees	\$	Excavation	\$
% of Development cost	%	Cost per m ² of site area	\$ / m ²
% of Construction cost	%	Car Park	\$
Demolition and site preparation	\$	Cost per m ² of site area	\$ / m ²

Cost per m ² – site area	\$ / m ²	Cost per space	\$
Construction – Commercial	\$	Fit out – Commercial	\$
Cost per m ² – commercial area	\$ / m ²	Cost per m ² – commercial area	\$ / m ²
Construction Residential	\$	Fit out – residential	\$
Cost per m ² – residential area	\$ / m ²	Cost per m ² – residential area	\$ / m ²
Construction – retail	\$	Fit out - retail	\$
Cost per m ² – retail area	\$ / m ²	Cost per m ² – retail area	\$ / m ²

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development or construction certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors (AIQS).
- Calculated the development costs in accordance with the definition of development costs in clause 208 of the *Environmental Planning & Assessment Regulation 2021*.
- Included GST in the calculation of development cost.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix 2.

Name	
Signed	
Position & Qualification	
Date	

Note: For development more than \$3 million, a detailed cost report prepared by a registered* quantity surveyor.

*A member of the Australian Institute of Quantity Surveyors

Appendix D - Model Conditions of Consent

The following model Conditions of Consent may be used for Development Consents and Complying Development Certificates.

Model Development Condition of Consent

Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022 (the Plan), a monetary contribution of **\$(insert total amount)** must be paid to Council for the purposes of the provision, extension or augmentation of public amenities and services within the **[insert catchment]** catchment.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022. The contribution is to be paid before **[insert requirement]**. It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contribution has been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at <https://www.snowymonaro.nsw.gov.au/Home> or a copy may be inspected at Council's Offices during normal business hours.

Model Complying Development Condition

Pursuant to Section 4.28(6) of the Environmental Planning and Assessment Act 1979, and the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022 (the Plan), a monetary contribution of **\$(insert total amount)** must be paid to Council for the purposes of the provision, extension or augmentation of public amenities and services within the **[insert catchment]** catchment.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022. The contribution is to be paid before **[insert requirement]**. It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contribution has been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at <https://www.snowymonaro.nsw.gov.au/Home> or a copy may be inspected at Council's Offices during normal business hours.

Appendix E – Rollover funds, Catchments and Works Schedules

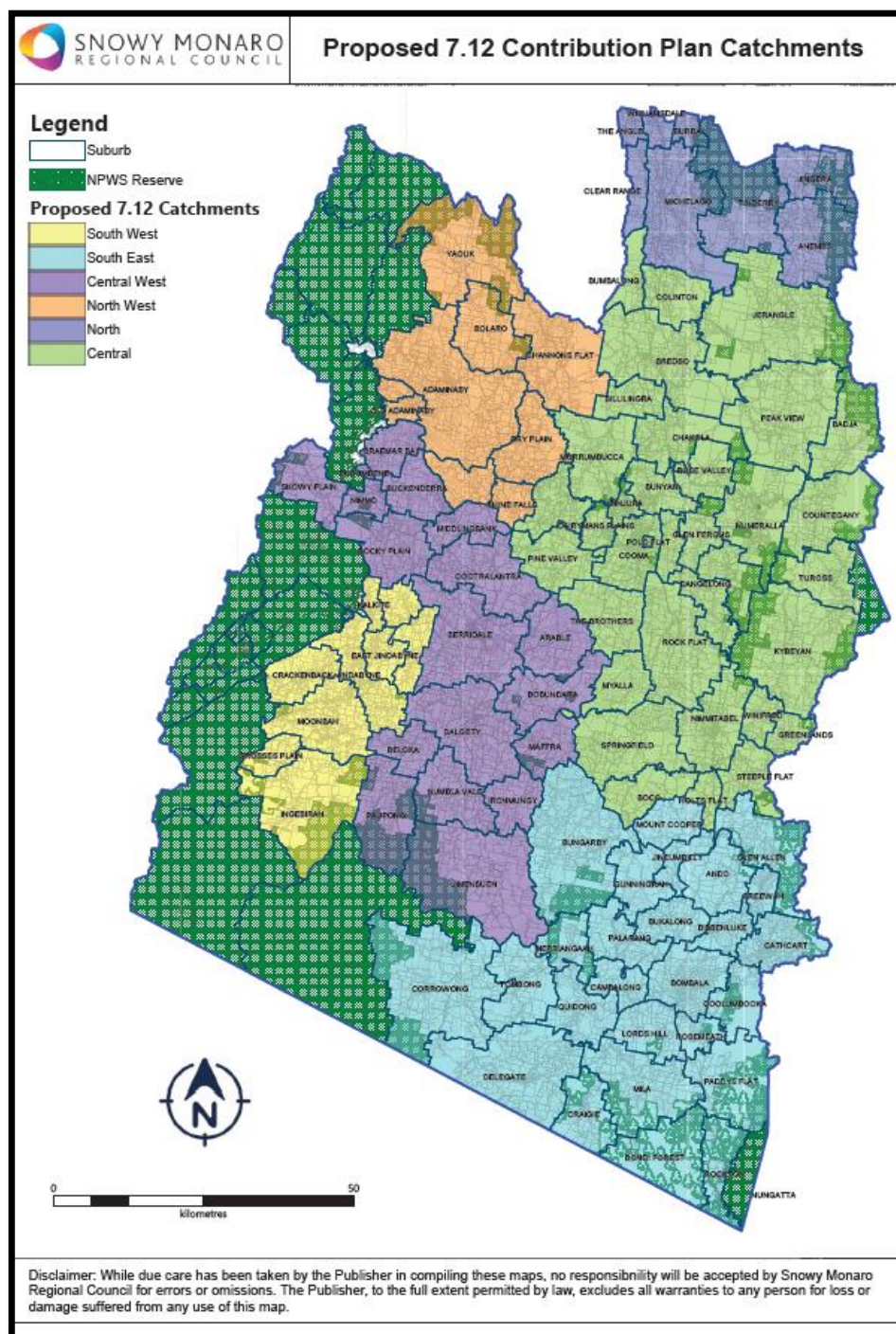


Figure 3 Catchments under the Draft Snowy Monaro 7.12 LIC Plan

North West (Adaminaby)

1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Waste Management	\$2,679.06
Bushfire	\$648.94
Community Facilities	\$3,707.06
Open Space & Public Art	\$1,549.37

2. Schedule of Works

Description	Approximate Total Facility Cost	Priority/Timing
Playground embellishments including shade	\$68,000	
Upgrade of public toilets	\$250,000	
Footpaths along Dension Street and Baker Street	\$120,000	
Regional Waste Infrastructure	\$55,200	Over the life of the Plan
Plan administration	\$2,760	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

Central West (Berridale, Dalgety)

1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Sport & Recreation	\$12,476.76
Waste Management	\$30,807.39
Bushfire	\$7,470.72
Roads	\$20,187.58
Community Facilities	\$51,869.50
Open Space & Public Art	\$7,129.64
Kerb & Gutter	\$30,908.69

2. Schedule of Works

Description	Approximate Total Facility Cost	Priority/Timing
Berridale Town Masterplan	\$807,636	
Stage 2, including Berridale Civic Plaza		
Berridale Town Masterplan	\$787,646	
Stage 3, including upgrade Myack Street & Park Street, pond & external courtyard		
Provision of shade, water bubblers and bins at Berridale skate park	\$68,000	
Myack Creek Walk	\$520,000	

Berridale footpath connections	\$250,000	Over the life of the Plan
Regional Waste Infrastructure	\$217,000	Over the life of the Plan
Plan administration	\$10,850	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

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South East (Bombala, Delegate, Cathcart)

1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
N/A as former section 94A plan	\$20,090.96

2. Schedule of Works

Description	Approximate Total Facility Cost	Priority/Timing
Public realm landscaping and planting	\$5,000 per year	Ongoing throughout the life of the plan
Delegate School of Arts	\$292,000	2021/2022
Provision of shade, water bubblers and bins at Bombala skate park	\$60,000	
Ginger Leigh Playground	\$330,000	
Bombala Swimming Pool	\$5,000,000	
Endeavour Reserve Trail Network	\$350,000	
Regional Waste Infrastructure	\$105,800	Over the life of the Plan
Plan administration	\$5,290	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

Central (Cooma, Numeralla, Bredbo, Nimmitabel)

1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Parking	\$38,793.35
Roads	\$403,327.60
Open Space (Cooma)	\$357,794.46
Open Space (Villages)	\$3,321.80

2. Schedule of Works

Description	Approximate Total Facility Cost	Priority/Timing
Public realm landscaping and planting	\$10,000 per year	Ongoing throughout the life of the plan
Cooma Swimming Pool	\$5,000,000	
Polo Flat works, roads, drainage, landscaping	\$2,500,000	
Cooma Lions Park Master Plan Embellishments	\$640,000	
Provision of shade, water bubblers and bins at Cooma skate park	\$68,000	
Bredbo River Trail	\$55,000	
Nimmitabel Heritage Walk	\$50,000	
Massie Street Bridge	\$2,000,000	

Shared pathway construction Cooma	\$500,000	Over the life of the Plan
Bredbo footpath connections	\$250,000	Over the life of the Plan
Regional Waste Infrastructure	\$453,000	Over the life of the Plan
Plan administration	\$22,650	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

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South West (Jindabyne, East Jindabyne, Kalkite)

1. Funds to be rolled over from previous plan

Infrastructure Category	Balance to be rolled over
Shared Trails (East Jindabyne)	\$100,912.54
Sport & Recreation (Jindabyne)	\$34,234.08
Sport & Recreation (East Jindabyne)	\$9,807.60
Waste Management	\$210,475.63
Bushfire	\$48,854.79
Roads	\$309,022.89
Community Facilities	\$373,939.66
Open Space & Public Art (East Jindabyne)	\$12,044.39
Open Space & Public Art (Jindabyne)	\$31,583.32
Shared Pathways (East Jindabyne)	\$7,848.41
Shared Pathways (Jindabyne)	\$18,549.97

2. Schedule of Works

Description	Approximate Total Facility Cost	Priority/Timing
Public realm landscaping and planting	\$10,000 per year	Ongoing for the life of the plan
Take flight sculpture	\$12,284	2021

Jindabyne Library	\$3,500,000	2022/2023
Highview Park, including car parking	\$530,000	
Barry Way Shared Pathway	\$484,000	
Jindabyne Town Centre	\$1,100,000	
Jerrara Drive kerb & gutter	\$1,000,000	
East Jindabyne Park, including parking	\$760,000	
Jindabyne West Park	\$380,000	
East Jindabyne Boat Ramp	\$330,000	
Banjo Patterson Park embellishments	\$2,250,000	
Kalkite open space embellishment	\$200,000	
Shared pathway construction Jindabyne	\$500,000	Over the life of the Plan
East Jindabyne footpath widening and extension	\$250,000	Over the life of the Plan
Regional Waste Infrastructure	\$1,036,000	Over the life of the Plan
Plan administration	\$51,800	Over the life of the Plan

Contributions levied under this plan will not entirely fund facilities identified in the plan and therefore, timeframes for delivery are dependent on additional funding sources.

Draft Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022



Frequently Asked Questions

What is a 7.12 Local Infrastructure Contributions Plan?

Section 7.12 of the Environmental Planning and Assessment (EP&A) Act 1979, allows a percentage levy to be imposed when a development consent or complying development certificate is issued.

How are development contributions levied under the Draft Plan?

Levies are calculated based on the estimated cost of works of the development in accordance with the following table. The following thresholds and percentages are set by Clause 209(2) of the EP&A Regulation 2021.

Cost of Development	Contribution levy rate %
All development valued up to and including \$100,000	0%
All development valued between \$100,000 to \$200,000	0.5%
All development valued in excess of \$200,000	1%

Example: I am building a new home. The certified estimated cost of development is \$250,000.00

Applicable Percentage is 1%

Required Contribution Payable is \$2,500.00 plus GST.

What land does the Draft Plan apply to?

The Draft Plan applies to the entire Snowy Monaro Regional Council Local Government Area, except for the Michelago Village and Michelago Road which the recently adopted the Michelago Local Infrastructure Plan 2021 (Hybrid Section 7.11 & 7.12) applies.

What types of development does the Draft Plan apply to?

In general, the s7.12 Plan will apply to all development that generates demand for public facilities and services, including:

- Residential development
- Subdivisions
- Seniors living (integrated facilities, hostels and residential care facilities)
- Rural industries and agritourism
- Industrial development and commercial development
- Tourist development
- All other development

Further information can be found in Section 2.1 of the Plan.

Are there any exemptions for some types of development?

There are some exemptions for development which does not generate any additional demand for public facilities and services or where the development is to be encouraged, such as:

- Swimming pools, garages, sheds, carports, decks and the like that are ancillary to dwellings
- Alterations, fit outs, or refurbishment of an existing development, where there is no enlargement, expansion, increase in floor area or intensification
- Demolition
- For a single dwelling house on a lot created in an earlier subdivision where that approval was subject to a section 7.11 (former s94) contribution.
- Adaptive re-use of a heritage item
- Affordable rental housing
- Not for profit or charity groups

Further information can be found in Section 2.4 of the Plan.

What information will I need to provide to Council or Certifiers to calculate the levy?

The genuine estimate of the cost of works must be supplied at the time an application is lodged. When determining the estimated cost of works, applicants must have regard to [Planning Circular PS 21-022 Calculating the genuine estimated cost of development](#). Consistent with this circular, development applications are to be estimated in accordance with the following:

- for development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person, with the methodology used to calculate that cost submitted with the DA.
- for development between \$100,000 and \$3 million, a suitably qualified person should prepare the cost estimate and submit it, along with the methodology, with the DA.
- for development more than \$3 million, a detailed cost report prepared by a registered quantity surveyor

A **suitably qualified person** is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven experience in costing of development works at least to a similar scale and type as is proposed.

Based on the above information, development assessment staff will calculate the levy applicable at the time of determination.

How will the funds be spent?

The funds levied will assist in delivering the projects identified in the Works Schedule contained in Appendix E of the Draft 7.12 LIC Plan. These schedules outline the infrastructure that Council will provide, an estimate of the cost, and likely timing. In developing the Works Schedules, the 'Priority/Timing' column has been left empty (except for those projects that are completed or underway) so that the community can indicate their preference for timing. It is not anticipated that contributions will fund the entire cost of the projects identified and other sources of funding, such as general revenue or grant funding will contribute to the delivery of projects. The timing and delivery of projects will ultimately be subject to available funding.

The projects identified within the Works Schedule are projects that have been identified through Council's Strategies, Masterplans or other Plans.

SNOWY MONARO REGIONAL COUNCIL

It should be noted that contributions levied must be spent on capital works and can't be used for maintenance or operations.

How will contributions that were collected in the past be spent?

Contributions levied and collected under the previous Yarrawlumla, Cooma-Monaro, Bombala and Snowy River Development Contributions Plans will be rolled over and used for a purpose similar to what they were originally collected for. These funds will also be spent back within the same catchment (see catchment map at the end of this document) from within which they were levied.

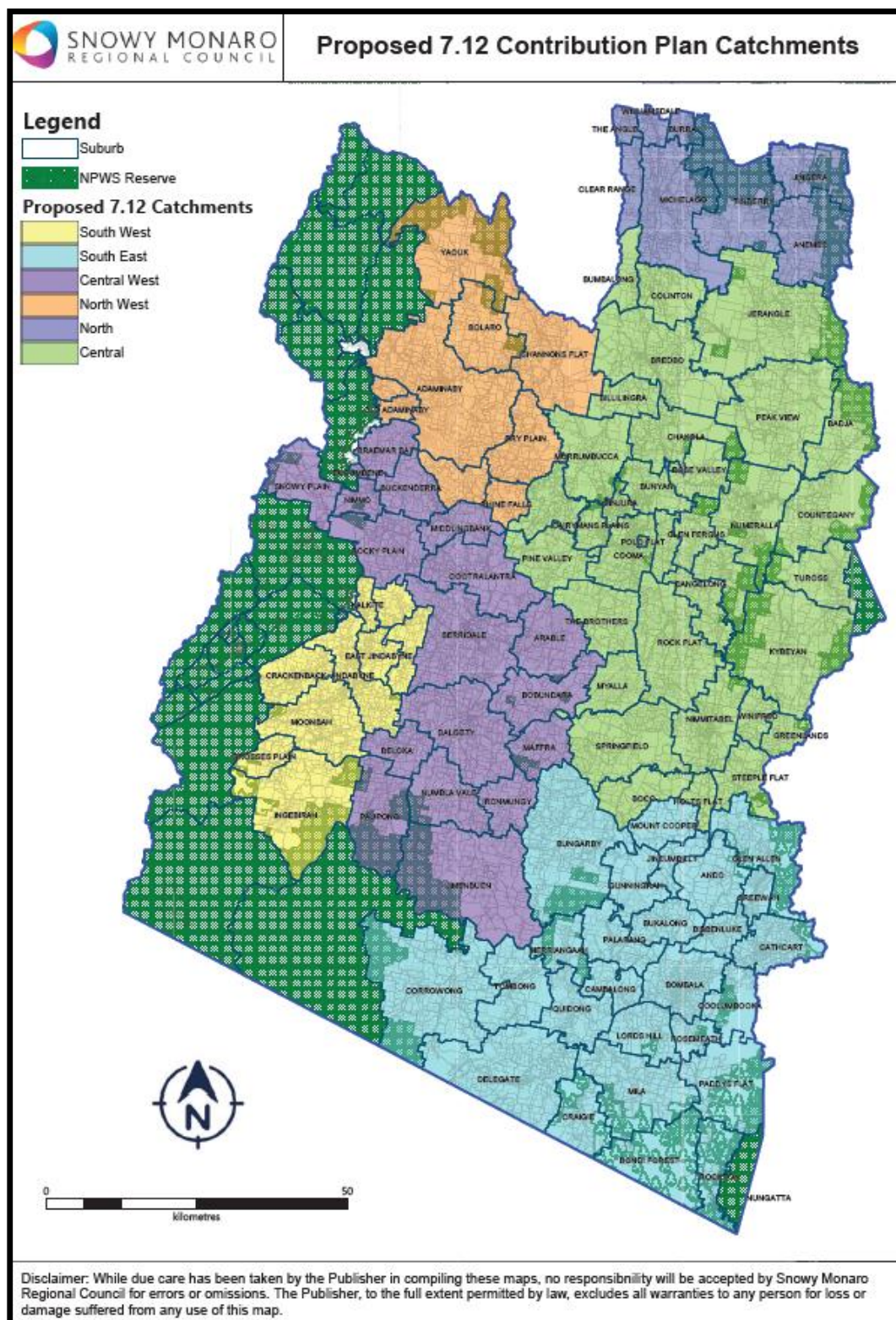
What are the catchments for?

The catchments proposed under the Plan are to ensure that contributions are spent back in the same area they were collected in. The catchments are based on where the community would most likely access open space, recreation facilities, footpaths, community facilities and other public infrastructure. If you have any comments or recommended changes on the catchments (see catchment map at the end of this document), we would be grateful for your input.

When will the changes come into effect?

Once the Draft Local Infrastructure Contributions Plan (Section 7.12) Plan has been exhibited for a period of 28 days, a review of any submissions will be undertaken and any changes made to the Plan if necessary. A post exhibition report and final contributions Plan will then be considered by Council. If Council endorses the Section 7.12 Contributions Plan, it is anticipated that the new Plan will commence in June or July 2022.

SNOWY MONARO REGIONAL COUNCIL



9.4.4 ORGANISATION PERFORMANCE REPORT MARCH 2022

Record No: I22/214

OFFICER'S RECOMMENDATION

That Council vary the 2021-2022 Operational Plan as follows:

- A. Amend the scope of the Numeralla Road (Polo Flat Road - 1500m East Polo Flat Road): upgrade to Numeralla Road to complete stage 1 design works by 30 June 2022 and to move the construction phase to the 2022-2023 Operational Plan.
- B. Amend the scope of the Countegany Road (900m east Peak View Road - 1375 east Peak View Road) upgrade to complete stage 1 design works by 30 June 2022 and move the construction phase to the 2022-2023 Operational Plan.
- C. Amend the target completion date of the Crown Land Plans of Management to June 2023, ensuring this activity is included within the 2022-2023 Operational Plan.

ISSUES

This report covers the period February to end of March 2022 (see full report attached).

Several operational plan actions are shown to be off track. There are two higher level issues impacting the ability of the Council to deliver services and projects, including:

- There has been a continuation of the difficulty in filling a number of vacancies that remain across the organisation. This has impacted on our ability to complete actions originally listed and impacts on service delivery. The cost of bringing in external contractors to offset these vacancies has become extremely high. This has particularly been the case in the areas of project management and engineering. Bringing in these resources was the fall-back position for corporate projects to allow us to undertake the projects that would have been otherwise unachievable with internal resources alone. The combination of not being able to recruit and not being able to afford the cost of contractors has led to projects being delayed.
- The resignation of Council's Economic Development Officer and Coordinator of Tourism and Events in March has meant that some operational plan actions have now fallen behind.
- Council is still affected by the fact that a range of projects had no proper scope or project planning in the initial stages. This has led to some projects being delayed as our employees focus on determining how best to deliver those projects with the available funds or to determine exactly what is required to be done. Frameworks are being put into place to ensure that projects are well planned before they are approved in the future.

The summary below indicates the last six months performance against the actions included in the 2021 – 2022 Operational Plan.

OVERVIEW

ACTION SUMMARY

By Performance

133 On Track

50 Off Track

17 Monitor

0 Not Applicable

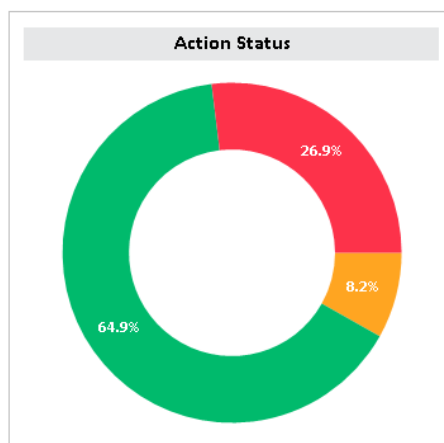


Table 1: Notable achievements (Selected activities from the full report)

Activity: Responding to environmental complaints - Council responds to environmental pollution matters through public complaint or direct report to ensure that our environment is kept in a healthy and safe condition.

Council responded to a fuel spill near Bibbenluke this month. The fuel was contained and the investigation and subsequent clean-up of the contaminated material is an ongoing matter. The estimated cost to clean up such a spill can be around the \$20K mark. Council investigating the potential of using clean up notices and its associated penalties to force the owner and driver of the vehicle responsible for the spill to take ownership of its clean

up. Quick action by Council ensured environmental procedures were followed and appropriate notification to NSW EPA was undertaken.
Activity: Implementation of a centralised booking system for public event spaces and venues to deliver increased engagement opportunities and elevate booking experience equity.
The 'BOOKA' centralised system implementation (phased roll out) has been actioned, with transitional aspects now being worked through progressively by broader internal SMRC working group. Key frontline stakeholders within SMRC are Visitor Information Centre staff & Customer Service Officer staff.
There are now over 1500 bookings that have been taken through Booka. The people using Booka are more comfortable with the process. Training with Council's Customer Service Officers is now planned to ensure the new system is embedded across the organisation.
Activity: Produce regular newsletter for local businesses across the LGA to advise of relevant business trends, grant funding, support and relevant business news.
Read rate in October was 26% from over 3000 email recipients which shows that the email has been read by over 750 local businesses. Moving to campaign monitor platform in December 2021 with updated template and automatically cleaned up database function. First e-Newsletter in new format sent in February 2021 to 3992 recipients with a 41.3% open rate - clearly showing improvement in new format.
Activity: Cooma sale yards are provided for local and regional use.
S355 Committee has been re-established, the committee has met, and a refreshed commitment to the sales has been agreed on by council staff, councillors, transport and agents

Table 2: Identified variances for off track projects/services

Activity: Numeralla Road (Polo Flat Road - 1500m East Polo Flat Road): Council is undertaking an upgrade to Numeralla Road to increase road shoulder widths.
Variation Reason: Design works have been completed. Tender was released in February but with no responses. Requesting Transport for NSW to move funding to 2022/23 financial year to enable Council teams to deliver work.
Impact: The project will not commence construction this financial year and is to be a planned project for the 2022-2023 Operational Plan.
Activity: Countegany Road (900m east Peak View Road - 1375 east Peak View Road): Council is undertaking an upgrade to Countegany Road to increase road shoulder widths.
Variation Reason: Tender was released in February but with no responses. . Requesting Transport for NSW to move funding to 2022/23 financial year to enable Council teams to deliver work.

Impact: The project will not commence construction this financial year and is to be a planned project for the 2022-2023 Operational Plan.
Activity: Plans of Management for Crown Reserves to provide strategic planning and governance for the management and use of community land in Council's care and control.
Variation Reason: An amendment to the Crown Land Management Regulation 2018 was made to provide councils with more time to complete Plans of Management (PoMs) for council-managed Crown reserves. This allowance has been made through the Crown Land Management Amendment (Plan of Management) Regulation 2021 (CLM Regulation 2021) and will enable greater flexibility for developing PoMs. The Office of Local Government (OLG) has extended funding agreements to allow allocated grants to be used for this purpose for a further two years, up until 1 July 2023.
Impact: The project will not commence construction this financial year and is to be a planned project for the 2022-2023 Operational Plan.
Activity: Continue to operate a Tourism Advisory Committee in order to provide Councillors with information to make sound decisions on behalf of the community
Variation Reason: The new Council resolved not to continue with the Tourism Advisory Committee; as such, this action is to be removed from the 2021-2022 Operational Plan
Impact: Advisory committee to be removed from the 2021-2022 Operational Plan.

Table 3: Projects and activities requiring monitoring

Project: Councils reactive maintenance strategy for sealed and unsealed roads aligns with the road service levels.
Status: Roads have been severely impacted by rain events throughout the year, including declared natural disaster events. Due to these rain events there has been a considerable increase of maintenance work in the roads which has stretched Council resources. Additional funding has been secured from the NSW Government following declaration of disaster events and road maintenance work recovering from the November declared disaster events is expected to be ongoing well into the next financial year.
Risk: As this activity has been severely impacted by the weather, normal reactive maintenance workload has increased significantly and is beyond Council's control.
Project: Engage with all Chambers of Commerce throughout region to ensure businesses are updated on opportunities and Council activities.
Status: Vacancy in the Economic Development Officer role has made it hard to make Chamber meetings in March, but Coordinator Economic Development is meeting with the Bombala Chamber again in early April.
Risk: Short term abeyance of meetings until the role is filled.
Project: Conduct regular audits of retail uses in town CBDs to monitor change and assess issues and opportunities.
Status: These audits are conducted quarterly. The December audit is complete (please note September audit was not completed due to the COVID-19 lockdown). Next audit in

<p>March 2022. This will be carried out late due the vacancy in the Economic Development Officer role.</p> <p>Risk: Short term abeyance of audits until the role is filled.</p>
<p>Project: Jointly organise a Snowy Monaro tourism forum to understand the trends, issues and opportunities in the local tourism sector (Action 4 in the DMP).</p>
<p>Status: The resignation of the Coordinator Tourism and Events is impacting on Council's ability to deliver this project along with indications that the originally planned forum is now not appropriate given TSMs recent well received development workshop. Alternatives are being considered but may not proceed due to current staff resources.</p> <p>Risk: The forum may not be delivered.</p>
<p>Project: Commence planning for lookouts at appropriate locations along popular drive and walking routes (Action 23 in the DMP) to enhance visitor experience and drive journey offerings</p>
<p>Status: This project has begun but is running behind schedule due to time demands from other projects already in progress. Its commencement was also impacted by COVID-19 restrictions which at times prevented travel.</p> <p>Risk: It is anticipated the project will commence during the second quarter of 2022, which will meet the target in the operational plan, but the project will be behind where it was originally planned to be.</p>
<p>Service: Assess and determine residential development applications in compliance with planning instruments including Council's Local Environment Plan.</p>
<p>Status: 58% of residential Development Applications were determined in 40 days which is under the 70% target.</p> <p>Risk: Minimal. Throughout March resourcing was stretched due to a number of Planning assessment staff coming down with COVID-19.</p>
<p>Project: Development and implementation of grant funding policy and procedure</p>
<p>Status: The draft policy has been developed. Resources have been focused on developing solutions to move the projects forward and take advantage of grant funding opportunities, which has not allowed this project to proceed to the next stage.</p> <p>Risk: The project may not be completed by the due date.</p>
<p>Service: Facilitate Council's service review program</p>
<p>Status: The first two service reviews, facilitated by external consultants, have been successfully carried out for Infrastructure and Governance. A contract variation has been entered into to look at condensing the balance of reviews into one broader approach with the potential to complete these in Q1 next year.</p> <p>Risk: The scope of the review program has been expanded and this, as well as staff vacancies, will lead to the service reviews planned taking longer to complete, but for a better outcome.</p>
<p>Service: Coordinate the delivery of improvement opportunities identified through business excellence self-assessments</p>

<p>Status: With service reviews completed for Governance and Infrastructure, action planning sits within the business units. Follow ups will continue ongoing by way of oversight, with responsibility for taking action sitting within the business unit.</p> <p>Risk: Nil. Service level of monitoring the completed reviews is being undertaken.</p>
<p>Service: Support the organisation in the application of the Australian Business Excellence Framework (ABEF)</p>
<p>Status: Actions are underway to support ABEF introduction and awareness raising.</p> <p>Risk: This is an ongoing process and work is proceeding within the resources available.</p>
<p>Service: Support people and leadership corrective actions resulting from ABEF self-survey</p>
<p>Status: This is an ongoing action which is tracked separately as part of the organisations transformation process which will be updated with ARIC reporting and to ELT.</p> <p>Risk: Work is proceeding within the resources available.</p>

RISK ASSESSMENT

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

Council's adopted Delivery Program and Operational Plan are the mutually agreed plans with our community. Any variance through not being able to meet measures, actions, and delivering projects increases the risks of financial sustainability if projects do not stay on budget and significant reputational risk through not delivering projects and not meeting agreed service levels. Providing updated information on the current status reduces the risk of reputational damage.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	0	
Estimated Annualised Net Cost	0	
Capital Investment	0	
Capital Funding Source	0	

Budget variances are currently reported separately through the budget reporting. With the financial position of the Council there is a strong focus on amending the scope of projects to stay within the available funding.

RESPONSIBLE OFFICER: Coordinator of Strategy Development

OPTIONS CONSIDERED

It is a statutory requirement to report a minimum every six months to Council; however, a move towards monthly reporting is currently underway with a review of our processes and systems with a focus to plan and deliver on improved accountability and increased agile decision making across the organisation.

IMPLEMENTATION PLANS

Adopted variances to the 2021-2022 Operational plan will be undertaken as amendments to the original adopted 2021-2022 Operational Plan and version control undertaken. The amended document will be published on Council's webpage.

EXISTING POLICY/DECISIONS

In accordance with Section 404 of the *Local Government Act 1993* (the Act) and the Integrated Planning and Reporting Guidelines for Local Councils in NSW 2021, the Chief Executive Officer must ensure that regular progress reports are provided to Council with respect to the principle activities detailed in the Delivery Program. Progress reports must be provided at a minimum every six months.

ATTACHMENTS

1. SMRC Performance Report March 2022
-



Action and Task Progress Report- Standard

Snowy Monaro Regional Council (SMRC)

camms**strategy**

Print Date: 12-Apr-2022

OVERVIEW

ACTION SUMMARY

By Performance

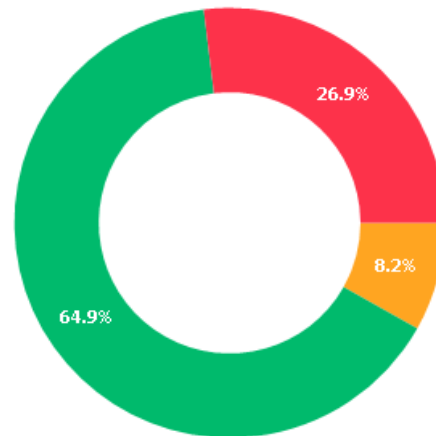
133 On Track

50 Off Track

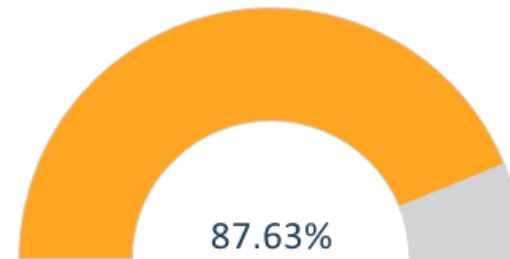
17 Monitor

0 Not Applicable

Action Status



Action Progress Against Targets



208 actions reported on
135 At least 90% of action target achieved
17 Between 70% and 90% of action target achieved
56 Less than 70% of action target achieved
00 actions with no target set

ACTION PLANS



GREEN

At least 90% of action target achieved



AMBER

Between 70% and 90% of action target achieved



RED

Less than 70% of action target achieved



No target set

* Dates have been revised from the Original dates


Communications Portfolio


Communications

Communication and Engagement

Action Title: 1.4.1.1 Delivery of waste avoidance and resource recovery education programs to schools and community in conjunction with Council's Communications Department.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	85%	75.00%	<div><div></div><div></div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Face to face activities limited by COVID-19 restrictions including lockdowns, indoor gatherings and access to schools. Returned to 2022 agricultural shows in region complete plus school visits underway. Planning and stakeholder liaison continues with review of collateral and strategy also underway to effect behaviour change in this space. Litter Prevention Strategy activities to align with CRJO following successful funding application valued at \$75,000. Cleanup event with Sustainable Snowies to be held in Jindabyne in April. Chem Cleanout for Cooma being promoted. Recycle Right promotions ongoing - print, digital, social.						
Last Updated: 24-Mar-2022						

Action Title: 12.2.1.1 Plan, deliver and monitor communication and education activities that inform the community and stakeholders of Council’s projects, initiatives and events.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	85%	75.00%	 GREEN
<p>Action Progress Comments: Utilising framework for stakeholder engagement is key to improvements in this space. Ensuring maximum coverage of messaging to all residents, across all demographics through a mix of digital and traditional media usage. Communication channel spreadsheet per town/village created to ensure broad communications</p> <p>New eNewsletter launched in Q4 2021. Promotion to increase subscriber numbers continues with avg 20 new signups per week.</p> <p>New website delivered in February 2022.</p> <p>New intranet will be delivered by end June 2022 to assist in enhancing internal communications and access to information.</p> <p>Post council meeting email summaries shared with employees plus monthly Chambers Chatter with the CEO to discuss outcomes.</p> <p><i>Last Updated: 24-Mar-2022</i></p>						

<p>Action Title: 12.2.1.2 Manage the distribution of communications through a range of traditional and digital channels to disseminate communications broadly and cost-effectively.</p>						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	80%	75.00%	 GREEN
<p>Action Progress Comments: Per 12.2.1.1</p> <p>Utilising framework for stakeholder engagement is key to improvements in this space. Ensuring maximum coverage of messaging to all residents, across all demographics through a mix of digital and traditional media usage. Communication channel spreadsheet per town/village created to ensure broad communications. New website delivered February 2022.</p> <p>New eNewsletter launched Q4 2022 with high performance exceeding the key measurable metrics compared to the average for government organisations (28.77% for open and 3.99% for CTR/link clicks). SMRC newsletter (fortnightly) continues to perform at over 70% open rate and average click through rate (CTR/link clicks) at 19%.</p>						

Last Updated: 24-Mar-2022


Action Title: 12.2.1.3 PROJECT - Investigate and implement an e-comms (i.e direct newsletter) platform that can provide a unified and cost-effective solution across all Council departments for internal and external use.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	 GREEN

Action Progress Comments: Complete: Campaign Monitor implemented and launched with new council eNewsletter. Launched in Q4 2021. Templates and cleaned databases are being installed for use across council. Economic Development Industry newsletter (quarterly, moving to bi-monthly) has been transferred to new system. Tourism, Community Services and Aged Care to be addressed next. Allows for broader reach, reporting on click through and readership rates, plus less printing (costs/environment savings). Review of all council newsletters to be undertaken to ensure best practice, high engagement and centralised development/distribution cost savings. System also allows for database cleanup (automated and manual) to ensure best practice privacy standards are met with all digital communications.

Last Updated: 24-Mar-2022


Action Title: 12.2.1.4 PROJECT - Community input on preferred method of communications with spreadsheet per location developed to list appropriate channels and mediums. Central source of information provided for whole of organisation use.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: Ongoing while working with communities on various projects, and gained from variety of source inputs including bushfire recovery, community services and communications. Spreadsheet developed and updated as contacts change etc. Ongoing updates - addressing return to face-to-face transactions, pop-up stalls for community engagement/consultation and continuing behaviour change post relaxation of COVID-19 restrictions.

Last Updated: 24-Mar-2022


Action Title: 12.2.2.1 Provide 24/7 access to customer service and information to customers.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	80%	75.00%	 GREEN

Action Progress Comments: Reviewed AH call centre procedures and ensure regular updating of manual and contacts is provided. Ongoing. Regular monthly meetings with AH contact now in place for 2022.

Last Updated: 24-Mar-2022

Action Title: 12.2.2.2 Monitor after-hours logs daily and address key issues and themes.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	80%	75.00%	 GREEN

Action Progress Comments: Collated by customer service team and shared with relevant departments to advise of overnight issues and actions.

Reviewed by Coordinator Engagement or Chief Communications Officer on a daily basis.


Any ongoing issues raised with relevant Chiefs.

Most afterhours calls are for water or rangers.

ONGOING DAILY.

Last Updated: 24-Mar-2022

Action Title: 12.2.2.3 Monitor and respond to Facebook inbox enquiries, emails and phone calls in a timely manner.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	80%	75.00%	 GREEN

Action Progress Comments: Given nature of enquiries, access has been expanded to CSO team to assist with responses. This is just another channel by which the community can contact council.


AH messaging is clear on how to get help.

Inbox monitored throughout the day by CSOs and AH/weekends by Comms team.

Daily/ongoing.

Last Updated: 24-Mar-2022

Action Title: 12.2.2.8 PROJECT - Review existing digital platforms and deliver cost effective solutions within existing budget to provide improved functionality and usability for our community including, but not limited to, website, intranet and YourSay community communications.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: New website project launched in Q1 2022. OpenCities is the provider and they are familiar with local government requirements.

New intranet will launch in June 2022.

Assessment of Your Say/Bang the Table will occur after that (there have been platform ownership changes) to ensure efficient engagement methods and cost savings achieved.

Will also review microsites and appropriateness of platform for new economic development/investment site and new tourism microsite (with redirect from visitcooma.com.au and links to snowymountains.com.au)

New eNewsletter launched and Campaign Monitor platform rolled out across council as a centralised service, aligned with privacy legislation re database usage.

Last Updated: 24-Mar-2022

Action Title: 12.3.2.1 Provide support across the organisation to ensure effective communications at all levels of project and campaign delivery. Conduct regular meetings from initiation, through delivery, and post-implementation.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN

Action Progress Comments: Stakeholder framework being utilised across projects. Regular meeting with Comms and key departments to ensure stakeholder comms are well considered and managed as part of the project or issue. Regular meetings are held with built & natural environment, corporate projects, water wastewater, education, community services, strategic planning. Ongoing.

Last Updated: 24-Mar-2022

Action Title: 7.1.1.5 Build community capacity to manage weeds with a committed educational and advisory program.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina Woodward - Chief Communications Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Face to face affected by COVID-19 restrictions. Now returning to planned series of events post restrictions lifting. Weed of the week campaign conducted in key period for action - six weeks. Good pickup from broad media outlets. Returned to agricultural show season for the region - complete. Landholder liaison re spraying plus focus on Orange Hawkweed with more community sessions planned.

Last Updated: 24-Mar-2022

Economic Development


Action Title: 1.3.1.2 PROJECT(CW): Complete the detailed design of the Cooma Sports Hub (grant funded).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN


Action Progress Comments: Completed

Last Updated: 28-Feb-2022

Action Title: 4.1.3.1 Engage with all Chambers of Commerce throughout region to ensure businesses are updated on opportunities and Council activities.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: Vacancy in the Economic Development Officer role has made it hard to make Chamber meetings in March, but Coordinator Economic Development is meeting with the Bombala Chamber again in early April. <i>Last Updated: 28-Mar-2022</i>						

Action Title: 4.1.3.2 Produce regular newsletter for local businesses across the LGA to advise of relevant business trends, grant funding, support and relevant business news.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: A quarterly email update was sent in October following the July update to over 2500 local business contacts in the Economic Development team business contact list. Read rate in October was 26% from over 3000 email recipients which shows that the email has been read by over 750 local businesses. Moving to campaign monitor platform in December 2021 with updated template and automatically cleaned up database function. First eNewsletter in new format sent in February 2021 to 3992 recipients with a 41.3% open rate - clearly showing improvement in new format. One edition remaining to send in this financial year (in April). <i>Last Updated: 28-Mar-2022</i>						

Action Title: 4.1.3.3 PROJECT: Support the Business Recovery Hub – a 12 month commitment to partner with Business Australia to grow local business.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	90%	100.00%	 GREEN
Action Progress Comments: Due to staffing issues from Business Australia, the partnership was ceased after six months and the funding returned to council for employment of assistant recovery officers to manage the hub and continue the delivery of service to the community. Unsuccessful in next round of bushfire funding so the hub will need to close in mid 2022 which will affect staff and provision of services to community. Council considered a report from the Community Recovery Officer at its March meeting and a further report is being prepared. <i>Last Updated: 28-Mar-2022</i>						

Action Title: 4.1.3.4 PROJECT: Establish a South East Forestry Working Group – short-term recommendation from the Bombala Region Softwoods Industry Bushfire Recovery Study.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	0.00%	 GREEN


Action Progress Comments: The Economic Development unit is maintaining regular contact with Rob de Fegerly who is organising the South East Forestry Hub consultation with local industry.
Last Updated: 28-Mar-2022

Action Title: 4.1.4.2 Conduct regular audits of retail uses in town CBDs to monitor change and assess issues and opportunities.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: These audits are conducted quarterly. The December audit is complete (please note September audit was not completed due to the COVID-19 lockdown). Next audit in March 2022. This will be carried out late due the vacancy in the Economic Development Officer role.
Last Updated: 28-Mar-2022

Action Title: 4.1.4.3 PROJECT: Regional Economic Opportunities Analysis - detailed investigation of the region's economy and opportunities/barriers to growth.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	 GREEN


Action Progress Comments: This project is complete and Council will be briefed on its findings and outcomes at an upcoming briefing session.
Last Updated: 28-Mar-2022

Action Title: 4.1.4.4 PROJECT: Investigation of housing issues across the region - examination of the many facets of housing problems in our region and possible solutions.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	0.00%	 GREEN


Action Progress Comments: The ED unit continues to investigate background economic causes and impacts of the housing issues in the region. Monthly discussions are held with FGJV on their housing situation and the ED Coordinator is meeting the Land and Housing Corporation project manager for the crown land proposal near Polo Flat in early April to discuss local economic development issues.
Last Updated: 29-Mar-2022

Action Title: 4.1.4.5 PROJECT: Work with state agencies to implement the Snowy Mountains Special Activation Precinct as a key opportunity and project for economic development and support of regional growth.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	68%	75.00%	 GREEN
Action Progress Comments: The Coordinator Economic Development continues to work with state agencies on the Snowy Mountains Special Activation Precinct. The business case is currently making its way through state government processes and the final amended draft masterplan will be sent to key stakeholders including Council for review in early April. Council planning staff also continue to work with DPIE on legislative amendments to support the final masterplan. Update briefings on the SAP to Councillors by the SAP team are being organised for April and May.						
<i>Last Updated: 28-Mar-2022</i>						

Action Title: 6.1.1.4 PROJECT: Continue to support and progress the Monaro Rail Trail towards becoming a shovel ready project (Action 36 in DMP).						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	85%	75.00%	 GREEN
Action Progress Comments: The Coordinator Economic Development meets fortnightly with MRT Inc and counterparts at Queanbeyan Palerang Regional Council. Preliminary draft costings have been prepared by the consultants for review and the draft trail development plan is also expected early April.						
<i>Last Updated: 28-Mar-2022</i>						


Action Title: 6.1.1.5 PROJECT: Jointly organise a Snowy Monaro tourism forum to understand the trends, issues and opportunities in the local tourism sector (Action 4 in the DMP).						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	25%	100.00%	 RED
Action Progress Comments: The resignation of the Coordinator Tourism and Events is impacting on Council's ability to deliver this project along with indications that the originally planned forum is now not appropriate given TSMs recent well received development workshop. Alternatives are being considered but may not proceed due to current staff resources.						
<i>Last Updated: 28-Mar-2022</i>						

Action Title: 6.3.1.1 PROJECT: Complete a tourism data portal to bring together local and close to real-time data on visitation throughout the region.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	 GREEN

Action Progress Comments: This project has been completed.

Last Updated: 28-Feb-2022


Action Title: 6.3.1.2 PROJECT: Develop a video promoting visitation to the region's towns.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	70%	100.00%	 AMBER

Action Progress Comments: This project is progressing with 30 businesses in Cooma participating. One video is completed promoting Cooma and a second video being prepared in May for commercials. Will receive an update from Bombala Chamber on their video in April.

Last Updated: 29-Mar-2022

Action Title: 6.3.1.3 PROJECT: Commence planning for lookouts at appropriate locations along popular drive and walking routes (Action 23 in the DMP) to enhance visitor experience and drive journey offerings.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	5%	75.00%	 RED


Action Progress Comments: This project has begun but is running behind schedule due to time demands from other projects already in progress. Its commencement was also impacted by COVID-19 restrictions which at times prevented travel.

Last Updated: 29-Mar-2022

Economic Development

Tourism & Events

Action Title: 6.1.1.1 Continue to operate a Tourism Advisory Committee in order to provide Councillors with information to make sound decisions on behalf of the community.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	Not Started	01-Jul-2021	30-Jun-2022	0%	75.00%	 RED

Action Progress Comments: The new Council elected not to continue the Tourism Advisory Committee; as such, this action should be removed from the 2021-2022 Operational Plan.

Last Updated: 11-Apr-2022

Action Title: 6.1.1.2 Process Council's Notice of Intention to Organise an Event (NOIE) forms so applicants can progress with event organisation in a timely manner.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
<p>Action Progress Comments: Events were impacted directly by the lockdown restrictions but are now returning to normal. The Events team continue to assist potential organisers with NOIE forms and have established quarterly meetings with events staff from the wider Council who provide input into the processing of NOIE forms. Desired KPIs for this process are still not being met however progress is being made. The Council's new booking system 'Booka' also requires integration into the events management process and this is being considered and refined by the Tourism and Events unit in liaison with other relevant units of Council.</p> <p><i>Last Updated: 28-Mar-2022</i></p>						

Action Title: 6.1.1.3 Continue to welcome and inform visitors to the region in order to enhance the visitor experience through the provision of information, increase the length of stay and yield per guest through awareness of activities on offer, increase return visitation and positive word of mouth referrals.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mark Adams - Coordinator Economic Development	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	<div><div></div><div></div><div></div><div></div><div></div></div> GREEN
<p>Action Progress Comments: Visitation to the region ceased during the recent lockdown restrictions but is slowly returning now that restrictions have eased. The Cooma and Bombala VCs continue to provide information in a range of formats and mediums. Increasing length of stay and visitor yield are being worked on through regional events and the date they are held. These statistics will also receive a substantial boost once the SAP projects are completed.</p> <p><i>Last Updated: 20-Dec-2021</i></p>						

Finance Portfolio

Financial Services


Finance

Action Title: 11.2.1.1 PROJECT: Development and implementation of Grant Funding Policy and Procedures to ensure sound governance and consistency across the organisation in the application for and management of grants.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Phoebe Rainer - Grants Officer	In Progress	01-Jul-2021	30-Jun-2022	25%	75.00%	<div> <div></div> <div></div> <div></div> </div> RED
Action Progress Comments: The draft policy has been developed. Resources have been focused on developing solutions to move the projects forward and take advantage of grant funding opportunities, which has not allowed this project to proceed to the next stage. This action may not be completed before June 2022 and will be a required action for the 2022-2023 Operational Plan.						

Last Updated: 11-Apr-2022


Action Title: 11.2.2.1 Coordinate the annual budget, fees & charges and revenue policy for the Operational Plan.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Mottau - Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	 RED

Action Progress Comments: Budgets have been entered, fees & charges and revenue policy drafted for FY 2022/23.

Last Updated: 30-Mar-2022


Action Title: 11.2.2.2 Completion and lodgement of the annual financial statements including coordination of interim and annual audits.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Mottau - Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	25%	75.00%	 RED

Action Progress Comments: Audit engagement plan has been considered ARIC. Audit planning commences 4 Apr 2022

Last Updated: 30-Mar-2022


Action Title: 11.2.2.3 Completion of quarterly budget review statements to Council.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Mottau - Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	67%	75.00%	 AMBER

Action Progress Comments: December 2021 QBR completed.

Last Updated: 30-Mar-2022

Action Title: 11.2.2.4 Ensure Council meets its taxation compliance obligations.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Mottau - Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Voluntary GST has been paid for the period 1 July 2021 to 28 February 2022.

Last Updated: 30-Mar-2022


Action Title: 11.2.2.5 Cash flow management.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Mottau - Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Funds management report is presented at monthly Council meetings.

Last Updated: 30-Mar-2022

Action Title: 11.2.2.6 Accounts Receivable Management.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Mottau - Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Financial statements FY20/21 performance measure percentage for rates and annual charges outstanding is 9.52%.


Last Updated: 30-Mar-2022

Operations Portfolio

Built & Natural Environment

Biosecurity


Action Title: 7.1.1.1 Prevent the introduction of new weeds by ensuring the rapid detection of new weeds at high-risk pathways and sites.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Brett Jones - Coordinator Biosecurity	In Progress	01-Jul-2021	30-Jun-2022	95%	75.00%	 GREEN

Action Progress Comments: Council has a responsibility to monitor all high-risk pathways and high-risk sites under the NSW Weeds Action Program and is paid by the NSW government for this service. In fulfilling this obligation the Biosecurity team monitor all roadsides, rest areas, camping areas, nurseries etc for the presence of new incursion weeds. The team have completed 95% of this surveillance program and will continue monitoring for the remainder of the growing season. High risk sites are inspected on an adhoc basis. No unexpected issues have been identified. Of particular concern has been the recent identification of Chilean Needle Grass at sites along Bobundara lane, Snowy River Way and on Nimmo TSR. Infestations have been destroyed and neighbouring landowners notified. Coolatai Grass infestations on the Monaro highway have been treated a number of times. Surveillance for new weed incursions also continues at firehedges and staging areas used during the 2019-20 bushfires. These are additional high risk sites due to the potential for new weed species having been introduced on firetrucks and equipment brought in from elsewhere throughout the State. No unexpected weeds have been identified at these sites.

Last Updated: 30-Mar-2022


Action Title: 7.1.1.2 Eliminate new weed incursion through the maintenance of a coordinated inspection and control regime.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Brett Jones - Coordinator Biosecurity	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Snowy Monaro Regional Council is a major partner to the NSW Orange Hawkweed Eradication program, being the only Council within NSW to have known infestations on private land. For a number of years Council has managed two known infestations of this weed. Of these, the Braemar Bay site has been dormant for the past two years and only one plant was been identified by staff at the Greenhills site this year. The site was later inspected using 'sniffer' dogs and no new plants were identified. Five new infestations were reported in the Snowy Plains area throughout January and February, mostly using sniffer dogs and drones. All infestations have been treated and reported to NSW DPI. Color recognition and machine learning technologies are being utilised to bolster Council's high level drone surveillance program, which is backed by ground inspections and ground truthing throughout the growing period of December through February. Orange Hawkweed is the only prohibited matter weed known to exist in the Snowy Monaro region and being subject to an eradication program.

Last Updated: 30-Mar-2022

Action Title: 7.1.1.3 Effectively manage widespread weeds to minimise the impact of weeds on the region's economy, environment and community.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Brett Jones - Coordinator Biosecurity	In Progress	01-Jul-2021	30-Jun-2022	80%	75.00%	 GREEN

Action Progress Comments: Council's Biosecurity team have conducted 1271 property inspections during the period July 2021 - March 2022, equating to an inspected area of 356,970 hectares of land. Serious breaches of the Biosecurity Act 2015 have resulted in the issue of six individual biosecurity directions, one penalty infringement notice and one Section 133 entry totaling approximately \$40,000. A further Section 133 entry estimated at \$25,000 is currently on hold due to wet weather and boggy conditions. Council is on target to meeting its annual quota of 1,600 property inspections. During the reporting period Council awarded 2021-24 weed control services contracts, enabling it to manage priority weeds on its network of roads, reserves and operational lands. Six individual contracts were awarded throughout the Snowy Monaro region. Works are well underway, with approximately 65% of the budget invoiced at the time of writing. Difficulties in managing grassy weeds following the onsite of frosts is expected due to the unavailability of Flupropanate. A series of nine 'Weed of the Week' media releases were published throughout the peak season, providing the community with current information on the identification and effective control of existing and new potential weed threats. Three workshops have been hosted to promote sustainable land management activities, reaching a total of 82 attendees. Two online surveys were published with valuable feedback received from 63 respondents and staff were in attendance at the regional shows.

Last Updated: 30-Mar-2022

Action Title: 7.1.1.4 Facilitate Biosecurity Advisory Committee meetings.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Brett Jones - Coordinator Biosecurity	In Progress	01-Jul-2021	30-Jun-2022	25%	75.00%	 RED

Action Progress Comments: Council facilitates quarterly Biosecurity Advisory Committee meetings. The July meeting was hosted in Cooma Council offices and via Microsoft Teams as scheduled. The Chair requested that the November meeting be cancelled due to Council entering caretaker mode. The Biosecurity team are currently awaiting advice on the establishment of the new Committee following Council elections. Council's Biosecurity Coordinator attended the regional and sub-regional weeds committee meetings in Batemans Bay during November to coordinate cross-border activities and programs. He gave a presentation to the sub-regional Committee on Snowy Monaro Regional Council's policies and procedures relating to the successful enforcement of the Biosecurity Act 2015. The Committee secretary is currently awaiting advice on meeting dates and times before scheduling meetings for the remainder of the year.

Last Updated: 30-Mar-2022

Building Certification


Action Title: 8.1.3.1 Undertake and respond to customer enquiries. Provide technical advice for a variety of construction matters.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Neil Messinbird - Manager Building Certification	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	

Action Progress Comments: The Building Certification team members receive direct inquiries in regards to Construction certificates, Complying Development Certificates, Building Information Certificates, Pool fencing, complaints etc. mainly by phone or e-mail, counter inquiries and on site during inspections, recording of the discussions outcome are recorded in each officers diary. Majority of inquiries are resolved at the time of discussion and within the 10 day customer service charter.

Last Updated: 14-Dec-2021

Action Title: 8.1.3.2 Undertake assessment, inspection, and certification of construction certificates and complying development certificates.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Neil Messinbird - Manager Building Certification	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	

Action Progress Comments: The Building Certification team undertake assessment of construction certificates, complying development certificates, Building Information Certificates, Swimming Pool fencing, On-site Sewerage Management Facilities, Plumbing and Drainage application in a in a timely manner, however there are no statutory time frames for CC, CDC, OSSM and P&D applications.

Delays are usually due to lack of information to complete the assessments, the introduction of the mandatory lodgement through the NSW Planning Portal is assisting in ensuring the required documentation is received with the applications.

Last Updated: 08-Apr-2022

Action Title: 8.1.3.3 Undertake mandatory inspections.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Neil Messinbird - Manager Building Certification	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	

Action Progress Comments: The Building Certification team undertake inspections of mandatory construction certificates, complying development certificates inspections and required inspections for Building Information Certificates, On-site Sewerage Management Facilities, Plumbing and Drainage application within the required 48 hour notice of request. Inspections are booked, recorded and results forwarded to the client and or builder within 24 hours of the inspection being undertaken.

Last Updated: 08-Apr-2022

Cemeteries

Action Title: 3.1.2.1 Maintain the cemeteries as a respectful and pleasant environment for visitors.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

The increased rainfall continues to determine the focus of maintenance works in the Region's cemeteries. Even with increase mowing, our contractors are struggling to stay ahead of the rapid growth of the grass in the cemeteries. The rainfall has resulted in some damage to trees. Council contracted works to cut and remove a tree which fell in the Cathcart Cemetery.

Last Updated: 30-Mar-2022

Action Title: 3.2.1.1 Prepare and lodge annual Internment Activity return to Cemeteries and Crematoria NSW to ensure regulatory requirements are met.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

This is an annual report for our cemeteries. In the month of February 2022 there were 9 interments, which will form part of the report presented in July 2022.

Last Updated: 30-Mar-2022

Action Title: 3.2.1.2 Issue Interment Orders and Interment Rights in accordance with NSW Cemeteries and Crematoria legislation upon application.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN


Action Progress Comments: March 2022

Council received 12 orders for interment in the month of March 2022. The data was recorded in Council's Civica Authority database. All documents were issued in accordance with the criteria as specified in the Cemeteries and Crematoria Act 2013. The services provided to the local community and funeral directors continue to be recognised with positive feedback from both client groups.

Last Updated: 11-Apr-2022

Development Assessment


Action Title: 8.1.3.4 Assess and determine residential development applications in compliance with planning instruments including Council's Local Environment Plan.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Sophie Ballinger - Manager Development	In Progress	01-Jul-2021	30-Jun-2022	65%	75.00%	 AMBER

Action Progress Comments: March Update – 32 Development applications/modifications were determined within the period 22/2/2022 and 21/03/2022. Of these 21 were related to residential development. These applications have been assessed in accordance with legislative requirements including the three applicable Local Environmental Plans. The development assessment report template is updated on a regular basis to ensure compliance with legislation. Of these 11 applications, 58% (being 9 out of the 21) were determined in 40 days which is under the 70% target. Throughout March resourcing was stretched due to Planning Assessment staff coming down with COVID-19.

Last Updated: 11-Apr-2022


Action Title: 8.1.3.5 Assess and determine many different types of Development Applications other than residential development, such as subdivision applications and commercial developments in compliance with Planning Instruments including Council's Local Environment Plan.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Sophie Ballinger - Manager Development	In Progress	01-Jul-2021	30-Jun-2022	65%	75.00%	 AMBER

Action Progress Comments: March Update – 32 Development applications/modifications were determined between 22/2/2022 and 21/03/2022. Of these, 11 were related to non-residential development. These applications have been assessed following legislative requirements, including the three applicable Local Environmental Plans. The development assessment report template is updated regularly to ensure compliance with legislation. Of these six applications, 54% (6 out of the 11) were determined in 40 days which is over the 50% target. This action is an ongoing action which will continue through the year.

Last Updated: 11-Apr-2022

Action Title: 8.1.3.6 Provide informative and timely advice to customer enquiries in relation to development within the council region.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Sophie Ballinger - Manager Development	In Progress	01-Jul-2021	30-Jun-2022	65%	75.00%	 AMBER

Action Progress Comments: The Development Section has completed 135 property information requests in the period. This includes both written requests for advice and copies of development documents. They have also provided development documents through the GIPA process. The Duty Planners and Town Planners provide a phone, email and face to face customer service function providing development advice to customers. All PIRs are acknowledged within the Customer Service Charter time frames, phone calls and emails are returned within the

required time frames to meet the action requirements. The section is working on a method of capturing more accurately the number of phone calls, emails and counter inquiries being dealt with by the staff. This project will be worked on in the second half of the 2021/22 financial year to create a number of reports from the Authority System that will better inform this metric. The completion percentage is based on this reporting being for the first half of the financial year. This action is an ongoing action which will continue through the year.


January Update - 19 PIRs were issued in the period 20/12/2021-20/01/2022. We are commencing work on the revised process for recording phone and email inquiries to allow for more accurate reporting on these for future updates.

February Update - 15 PIRs were issued in the period 21/1/2021-21/02/2022. We are commencing work on the revised process for recording phone and email inquiries to allow for more accurate reporting on these for future updates.

March Update - 18 PIRs were issued in the period 22/2/2022-21/3/2022. We are commencing work on the revised process for recording phone and email inquiries to allow for more accurate reporting on these for future updates.

Last Updated: 31-Mar-2022

Action Title: 8.1.3.7 Council is required to upload data to the NSW Planning Portal for local development performance monitoring reporting. This is to contribute towards state statistics via a performance dashboard and to report on Council's individual performance in relation to development assessment of local development.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Sophie Ballinger - Manager Development	Not Started	01-Nov-2021	30-Jun-2022	0%	75.00%	 RED


Action Progress Comments: The NSW Local Performance Monitoring report for the 2020/2021 Financial year has yet to be requested by the department of planning as such no upload has occurred in the period. The 2020/2021 Financial year data is the first to be required after all Councils in NSW have transitioned to the NSW Planning Portal via government mandate. The Department of Planning Industry and Environment are yet to decide how this information is to be presented. We have been advised to wait on submitting this data for the past year (which is usually due in September) until the format has been decided upon. The Development Section however keeps the information required by DPIE updated so that if a request is forthcoming the information can be provided.

Update - no change to reporting requirements since the last update in December.

Last Updated: 08-Apr-2022

Public Health & Environment

Action Title: 3.2.1.3 Undertake food premises surveillance in accordance with the NSW Food Authority's Partnership Agreement to ensure public health safety in relation to retail food businesses within our region.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Nov-2021	30-Jun-2022	25%	75.00%	 RED

Action Progress Comments: March 2022

Food premises assessments has recommenced in earnest. Out the premises inspected 75% rated 5 stars, 15% rated 4 stars, 2% rated 3 stars and 8% rated no stars. No star business are given a chance to obtain a rating with a series of unannounced reinspection planned to improve their operating practices, thereby obtain a star rating.

Last Updated: 30-Mar-2022

Action Title: 3.2.1.4 Carry out NSW Health Drinking Water Monitoring program to ensure reticulated water supplies meet Australian Drinking Water Guidelines.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

The recent rains did result in a rise in the turbidity of the water in Jindabyne's water supply. High turbidity reduces the effectiveness of the water sanitation. As a result a boil water alert was issued.

Last Updated: 30-Mar-2022

Action Title: 3.2.1.5 Responding to environmental complaints - Council responds to environmental pollution matters through public complaint or direct report to ensure that our environment is kept in a healthy and safe condition.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

Council responded to a fuel spill near Bibbenluke this month. The fuel was contained and the investigation and subsequent clean up of the contaminated material is an ongoing matter. The estimated cost to clean up such a spill can be around the \$20K mark. Council investigating the potential of using clean up notices and its associated penalties to force the owner and driver of the vehicle responsible for the spill to take ownership of its clean up.

Last Updated: 30-Mar-2022

Action Title: 3.2.1.6 Council receives reports on illegal dumping activities. Council investigates all reports and arranges for clean-up and removal of waste

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

Illegal dumping continues to be an issue across the region, ranging from car and truck tyres to discarded furniture to general household waste. More waste mater is being brought to a Jerangle

property. A reminder notice was sent to the owner with clean up action pending clear weather. While four illegal dumping matters were reported in the month, Council's Roads, Parks and Waste Management Teams clean up small issues on a daily basis to keep our area clean, neat and tidy.

Last Updated: 11-Apr-2022

Rangers

Action Title: 3.2.1.7 Undertake companion animal management with the management of microchipping, registration and impoundment of dogs and cats to ensure compliance with the Companion Animals Act.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

Rangers investigated three dogs attacks this month. Council received two reports of dogs barking and causing a nuisance to neighbouring residents. The complainants were encouraged to complete log books and provide statements. These matters are still under investigation. Issues regarding cats continue to be raised with Council. Unfortunately, the Companion Animals Act limit Council's actions regarding these matters. Council provided assistance to the RSPCA to deal with a welfare issue microchipping companion animals to allowing for them to be legally tracked following their seizure and placement for care by the RSPCA.

Last Updated: 11-Apr-2022

Action Title: 3.2.1.8 Respond to straying stock matters and impound when required to ensure that our public roads are kept safe.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022

Stock issues continue to be low in the number of instances reported. A horse was impounded and held in Council's care due to continued straying. The horse was sold through an expression of interest process at the end of the impounding period.

Last Updated: 11-Apr-2022

Action Title: 3.2.1.9 Respond to matters raised through the out of hours call centre as required on a 24-hour basis.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Michele Rogers - Manager Public Health and Environment	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: March 2022


The Rangers attended nine calls out-of-hours during March, meeting the 100% call-out response target. Most call-outs were animal-related matters.

Last Updated: 11-Apr-2022

Community Services

Community Facilities

Action Title: 1.3.3.2 Swimming pools are provided as a service and benefit to the community.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN


Action Progress Comments: Jindabyne, Berridale, Cooma and Bombala Pools have all been available to the public for more than 80% of the season. Jindabyne has had the worst result but was still able to be open 84% of the season. Jindabyne will likely drop below this target in the second half of 2022 when it will close for significant structural repairs to both its roof and the HVAC system.

Adaminaby is currently only operational for 60% due to difficulties in staffing this pool. This will go back to 100% operations in January 2022. 2022 will be a challenging year for our operations as there are also planned significant capital works taking place at Cooma and Bombala.

It has been a difficult year for swimming pools in the regions however with only the Jindabyne pool still in season, it is expected that the pools will remain open with 100% availability for the remainder of the year ending 20/6/22

Last Updated: 11-Apr-2022

Action Title: 1.3.3.3 Caravan parks are provided to utilise by visitors.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN


Action Progress Comments:

Most Caravan parks have remained open 100% of the time, except for Delegate Caravan Park, which lost four days due to flooding throughout March.

Last Updated: 11-Apr-2022

Action Title: 3.1.2.3 PROJECT: Review the Bombala Truck Wash usage to determine the volume of activity to inform the future direction of the truck wash.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Keiran Spillane - Manager Community Services	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: The review of Bombala Truck wash has commenced and is ongoing.						
<i>Last Updated: 11-Apr-2022</i>						

Action Title: 6.1.2.1 PROJECT: Implementation of a centralised booking system for public event spaces and venues to deliver increased engagement opportunities and elevate booking experience equity.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN
Action Progress Comments: The 'BOOKA' centralised system implementation (phased rollout) has been actioned, with transitional aspects being progressively worked through by a broader internal SMRC working group. Key frontline stakeholders within SMRC are Visitor Information Centre staff & Customer Service Officer staff.						
There are now over 1500 bookings that have been taken through Booka. Training will commence for Council's Customer Services Officers to embed the system across the organisation.						
<i>Last Updated: 11-Apr-2022</i>						

Action Title: 6.3.2.1 PROJECT: Review operation and leasing arrangements of caravan parks and camping grounds to ensure consistency of operations.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	In Progress	01-Mar-2022	30-Jun-2022	90%	75.00%	 GREEN
Action Progress Comments: Caravan and Camp grounds have increased consistency in their leasing and running. We have negotiated a new lease with Rainbow Pines Caravan and Camp ground and implemented a booking system across all Council run camp sites. 'Booka' is now able to be used for all bookings at all council run sites.						
<i>Last Updated: 08-Apr-2022</i>						

Action Title: 8.1.2.1 Cooma sale yards are provided for local and regional use.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN

Action Progress Comments: S355 Committee has been re-established, and the committee has met, and a refreshed commitment to the sales has been agreed on by council staff, councillors, transport and agents

Last Updated: 11-Apr-2022

Community Support Program

Action Title: 1.2.1.1 Deliver high-quality community support programs in accordance with legislation by maintaining funding.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN


Action Progress Comments: The Community Support Program has seen some small broad-scale increases in financial support in delivering services.

- * Centre Based respite care - an increase of \$2,674 - total \$159,921
- * Person Care Community and Home Support - an increase of \$434 - total \$25,969
- * Transport - Community and Home Supports - an increase of \$524 - total \$31,402
- * Domestic Assistance - Community and Home Support - an increase of \$1,688 - total \$100,935
- * Goods Equipment and Assistive Technology - an increase of \$32 - total \$1901
- * Flexible respite - Care Relationships and carer support - an increase of \$5,476 - total 327,621
- * Home Maintenance - Community and Home Support - an increase of \$1,389 - total \$83,076
- * Home Modifications - Community and Home Support - an increase of \$1,053 - total \$63,012
- * Meals - Community and Home Support - an increase of \$1,979 - total \$118,375
- * Social Support - Group - Community and Home Support - an increase of \$2,569 - total \$153,680
- * Social Support - Individual - Community and Home Support - an increase of \$2,009 - total \$120,191
- * Specialised Support Services - Community and Home Support - an increase \$70 - total \$4186

The Community and home supports program is currently increasing funding by %1.7 to \$1,190,269

Last Updated: 11-Apr-2022


Action Title: 1.2.1.2 Maintain governance in the delivery of community services.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	In Progress	01-Jul-2021	30-Jun-2022	92%	75.00%	 GREEN

Action Progress Comments: A new s355 Community Services advisory committee has been formed with the representation of new Councillors. The first meeting is scheduled for April 2022.

Last Updated: 11-Apr-2022

Action Title: 1.4.1.2 Coordinate and mentor the Snowy Monaro Youth Council to provide young people with the opportunity to develop leadership skills. Action 3.3.1 Youth Strategy 2019/2022.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: The Snowy Monaro Youth Council has completed another successful year providing young people with the opportunity to develop leadership skills. The council is on target to meet 10 times throughout the reporting period and will continue this into 2022. As per the constitution, nominations have been sought and have been received in line with election procedures. the announcement of the new council for the 2022 calendar year will be made in January.


Covid restrictions have made it difficult for the Youth Council members to meet face to face, however they have been holding Zoom meetings when this was not possible. Unfortunately some activities have been cancelled due to Covid restrictions including the Burn Bright National Leadership Camp. This will attempt to run again in 2022.

The new Youth Council is now elected and Councillor Frolich is the Council Representative

Last Updated: 08-Apr-2022

Library Services

Action Title: 10.1.4.5 PROJECT: Survey community to inform the new Library Strategy 2023-2026

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	Completed	01-Nov-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: A Library Survey was conducted in November 2021. There were over 200 responses which was very positive. The survey covered areas such as

- * customer satisfaction
- * types of reading materials preferred
- * how regularly the libraries are being used
- * what services the libraries are used for


There were also several question on the new Jindabyne Library to capture community wants and needs.

The results have given us a good basis to develop the Library strategy for 2023 - 2030

Last Updated: 21-Dec-2021

Action Title: 5.1.1.1 Continue to provide and maintain the highly successful Tech-Savvy sessions for our seniors to fill an education gap for our seniors.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Keiran Spillane - Manager Community Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN
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Action Progress Comments: Due to COVID-19 restrictions, the sessions were put on hold, and critical staff delivering the program resigned from Council. Tech Savvy Seniors is being implemented successfully at both Cooma and Bombala Libraries due to COVID-19 restrictions lifting and more staff being trained to deliver the program.

Last Updated: 11-Apr-2022

Residential Aged Care

Action Title: 1.2.1.3 Maintain service levels and customer satisfaction in accordance with Aged Care Quality Standards. Submit all quality indicators quarterly.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: Service levels continue to be maintained at Yallambee and Snowy River Hostels.

Service levels are being maintained and customer satisfaction is being gathered and reported on in accordance with Aged Care Quality Standards. Quality indicators are being submitted quarterly.

Last Updated: 08-Apr-2022

Action Title: 1.2.1.4 Maintain governance in the delivery of community services.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: Community Services is continuing to maintain governance in its delivery through the convening of 3 monthly Community Services Advisory Committee Meetings. New Councillors have been appointed to the committee via Council resolution in February 2022.

Last Updated: 11-Apr-2022

Action Title: 1.2.1.6 PROJECT: Transition to a new provider of aged care services within the region.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Manager	Current Status	Start Date	End Date	Progress	Completion %	Health
Keiran Spillane - Manager Community Services	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN
<p>Action Progress Comments: Due diligence period with Sapphire Coast Community Aged Care is ongoing. Significant improvement being delivered in revenue, occupancy and rostering.</p> <p>Significant improvements in revenue due to ongoing ACFI uplifts currently sitting at approximately \$500,000 per year. Rosters are being reviewed with significant changes which will see us stay well above the minimum minutes per day per resident of care time whilst reducing the cost of salaries and wages.</p> <p>We are still working closely with Sapphire Coast Community Aged Care with an expected decision regarding the completion of the due diligence period and divestment process to occur in November</p>						
<p><i>Last Updated: 08-Apr-2022</i></p>						

Infrastructure

Civic Maintenance


Action Title: 1.3.1.1 Maintain a range of sporting facilities that meet the standards required for regional and local sporting events.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jean-Monique Hawkins - Supervisor Civic Maintenance	In Progress	01-Jul-2021	30-Jun-2022	58%	75.00%	<div><div></div><div></div><div></div></div> AMBER
<p>Action Progress Comments: Sporting fields across the region were subject to spring renovations, consisting of aeration and fertilisation. Some top dressing took place on a number of ovals where the uneven ground was found during regular maintenance. Drop-in cricket pitches were installed in both the Bombala and Jindabyne ovals, ready for the summer sports. Lines are marked for summer sports on Snowy Oval, Nijong and the Cooma Showground ovals. A strong growing season has meant that sporting fields have needed to be mown twice weekly to ensure standards for play are upheld.</p> <p><i>Last Updated: 11-Apr-2022</i></p>						

Action Title: 1.3.3.1 Maintain open spaces and parks to be safe, accessible and visually appealing.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jean-Monique Hawkins - Supervisor Civic Maintenance	In Progress	01-Jul-2021	30-Jun-2022	57%	75.00%	<div><div></div><div></div><div></div></div> AMBER
Action Progress Comments: Parks and Open spaces have been assessed regularly whilst routine maintenance s undertaken. Due to a vigorous growing season, the work load to keep these public places presented at a high level has been challenging. Mowing is occuring on a regular schedule, plants replaced and						

cared for according to horticultural best practice. Broken fencing and bollards have been replaced in Bredbo Centennial Park, Lights fixed in Delegate. Cleaning up large amounts of vandalism has been a constant.

Last Updated: 22-Dec-2021

Action Title: 1.3.3.4 PROJECT:Tender for the operation and management of Council's swimming pools to ensure ongoing contracts are in place.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Keiran Spillane - Manager Community Services	In Progress	01-Nov-2021	30-Jun-2022	20%	75.00%	 RED

Action Progress Comments: Tender to be undertaken in quarter 4.

No new tenders for pools. Bombala under contract and Cooma will extend their contract.

Last Updated: 08-Apr-2022

Action Title: 3.1.2.2 Undertake regular maintenance and playground inspections ensuring playgrounds are safe and compliant.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jean-Monique Hawkins - Supervisor Civic Maintenance	In Progress	01-Jul-2021	30-Jun-2022	56%	75.00%	 AMBER

Action Progress Comments: Visual inspections of the regions playgrounds have been carried out during daily maintenance visits. Comprehensive inspections and scheduled monthly and recorded. Tender to be undertaken in quarter 4.

Last Updated: 08-Apr-2022


Action Title: 7.1.2.1 Maintain declared asset protection zones (APZ) as per Snowy Monaro Bush Fire Management Plan to protect the community.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jean-Monique Hawkins - Supervisor Civic Maintenance	In Progress	01-Jul-2021	30-Jun-2022	48%	75.00%	 RED


Action Progress Comments: Working with RFS, the APZ zones within SMRC have been identified and staff and contractors and mowing and slashing these accessible areas regular. These sites will continue to be monitored throughout the growing season and maintained accordingly.

Last Updated: 11-Apr-2022


Action Title: 7.1.3.2 PROJECT - Investigate and develop park and open space furniture standard design styles.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jean-Monique Hawkins - Supervisor Civic Maintenance	In Progress	01-Jul-2021	30-Jun-2022	36%	75.00%	 RED
Action Progress Comments: Supervisor Civic Maintenance has been heavily involved in discussions with the SAP team who have utilised their experts to develop a broad spectrum street furniture guide. Agreed materials have been selected, and actual final design is still to be selected and a supplier sourced. The aim of this process is to ensure our townships are furnished with cohesive elements that reflect a high standard of amenity, which in turn will also reduce the randomness of maintenance and replacement costs. <i>Last Updated: 22-Dec-2021</i>						

Action Title: 7.1.3.6 PROJECT - Investigate and develop a street tree strategy for the region.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jean-Monique Hawkins - Supervisor Civic Maintenance	In Progress	01-Jan-2022	30-Jun-2022	7%	75.00%	 RED
Action Progress Comments: Investigations into how other Councils deliver street tree strategies have begun through online research. Communication with the planning team has been undertaken, with options to support street tree establishment via development contributions have begun. <i>Last Updated: 11-Apr-2022</i>						

Action Title: 8.2.1.7 PROJECT(CW): Bombala and Delegate Water Treatment Plant Augmentation. Design and commence construction.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: Currently out for the recruitment of Engineer Capital Projects to oversee Water and Waste Water projects. The project is expected to be taken on by Corporate Projects in February 2022. Completion dates to be revised. Update December 2021: The concept design is complete, and the final approval from NSW Department Planning Industry Environment (DPIE) Water is expected by the end of January 2022. Once the approval is received from DPIE, the construction tender will be advertised. Update January 2022: Corporate Projects recruiting Engineer Capital Projects. <i>Last Updated: 31-Jan-2022</i>						

Action Title: 9.1.2.4 Deliver Council's capital works program for roads infrastructure department.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
<p>Action Progress Comments: The program is progressing as scheduled. The ongoing weather events have had a significant impact on the progress along with the existing staff resources who have been allocated to other ongoing projects. Council is mitigating the impact of staff resource allocation by engaging subcontractors to keep up with the progress.</p> <p><i>Last Updated: 29-Mar-2022</i></p>						

Infrastructure -Roads

Action Title: 9.1.1.1 Repair and renewal to the bituminous seal of roads within the sealed road network via the annual resealing program.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	<div><div></div><div></div><div></div></div> GREEN

Action Progress Comments: The weather has impacted this annual program; however, works are 75% complete.

Last Updated: 11-Apr-2022

Action Title: 9.1.1.3 PROJECT(CW): Maybe Street / Forbes Street Stormwater Upgrade Design: Council is upgrading the stormwater infrastructure in this area to increase drainage, minimise the risk of flooding and to maintain local Council and residential assets.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div></div> RED

Action Progress Comments: Stormwater infrastructure at Maybe St and Therry St driveway has been assessed. Design completed. Work to be undertaken before end of financial year..

Last Updated: 30-Mar-2022


Action Title: 9.1.1.4 PROJECT(CW): Countegany Road (900m east Peak View Road - 1375 east Peak View Road): Council is undertaking an upgrade to Countegany Road to increase road shoulder widths to increase motorist safety.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	25%	0.00%	<div><div></div><div></div><div></div></div> GREEN

Action Progress Comments: The tender was released in February but with no responses. Council is requesting Transport for NSW to move funding to 2022/23 financial year to enable Council teams to deliver work.

Last Updated: 11-Apr-2022


Action Title: 9.1.1.5 PROJECT(CW): The Snowy River Way (Maffra Road - Springfield Road Intersection): Council is undertaking an upgrade to The Snowy River Way to increase road shoulder widths to increase motorists safety

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	100.00%	

Action Progress Comments: Design works completed, construction tender to be released.

Last Updated: 30-Mar-2022


Action Title: 9.1.1.6 PROJECT(CW): Barry Way (Jillamatong Road - Bungarra Lane): Council is undertaking an upgrade to Barry Way to increase road shoulder widths to increase motorist safety.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	30%	100.00%	

Action Progress Comments: 80% design completed. Final design tied in with Barry Way blackspot program. Construction to be undertaken in 2022/23

Last Updated: 30-Mar-2022

Action Title: 9.1.2.1 Road maintenance schedules are published to inform the community of planned maintenance activities.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	

Action Progress Comments: Road maintenance schedules continue to be published for the maintenance grading schedule for the unsealed road network and for planned works for the sealed road network. Significant weather events declared as natural disasters have impacted the unsealed road maintenance schedule and priorities are allocated to immediate restoration work required to ensure roads are trafficable.

Last Updated: 18-Jan-2022


Action Title: 9.1.2.2 Maintain transport networks in accordance with Road Maintenance Council Contracts (RMCC) agreement for current agreed roads, and any future additional roads.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	

Action Progress Comments: The RMCC contract is progressing well and on schedule. The same has been communicated with Transport for NSW during their meetings. Some minor additional ordered works have been requested.

Last Updated: 30-Mar-2022


Action Title: 9.1.2.3 Councils reactive maintenance strategy for sealed and unsealed roads aligns with the road service levels.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Roads have been severely impacted by rain events throughout the year, including declared natural disaster events. Due to these rain events there has been a considerable increase of maintenance work in the roads which has stretched Council resources. Additional funding has been secured from the NSW Government following declaration of disaster events and road maintenance work recovering from the November declared disaster events is expected to be ongoing well into the next financial year.

Last Updated: 30-Mar-2022

Action Title: 9.1.2.5 Repair and/or maintain existing bridges across the Snowy Monaro region.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Extensive bridge inspection and reporting has been carried out for the bridge network, these reports have been assisting council in understanding the condition of the bridges as well as guide the maintenance program for the bridge network. A number of bridges have been identified for replacement due to the inspection carried out. Tombong bridge, Little Plains bridge both repaired in the past 2 months due to natural disaster events.

Last Updated: 30-Mar-2022

Action Title: 9.1.2.7 PROJECT(CW): NSW Funded Road Upgrade Springfield Road: Council is upgrading Springfield Road to overlay the road with a bitumen seal in order to increase connectivity between townships.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	 RED

Action Progress Comments: Tender closed. All tenders have come in significantly over budget. Currently discussing options with Transport for NSW and awaiting direction.

Last Updated: 30-Mar-2022


Action Title: 9.1.2.8 PROJECT(CW): NSW Funded Road Upgrade Tinderry Road: Council is upgrading part of Tinderry Road with a bitumen seal to increase connectivity and reduce maintenance.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div></div> RED
Action Progress Comments: Construction works are being carried out by Council. Currently working on installing Stormwater. The project has been heavily impacted by rain events since construction started, with more recent March disaster events having a major impact. Significant impact on budget and time has been experienced. Currently finalising discussions with Transport for NSW on funding allocation for Tinderry Rd. <i>Last Updated: 11-Apr-2022</i>						
Action Title: 9.1.2.9 PROJECT(CW): Numeralla Road (Polo Flat Road - 1500m East Polo Flat Road): Council is undertaking an upgrade to Numeralla Road to increase road shoulder widths to increase motorist safety						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div></div> RED
Action Progress Comments: Design works have been completed. Tender was released in February but with no responses. Requesting Transport for NSW to move funding to 2022/23 financial year to enable Council teams to deliver work. <i>Last Updated: 30-Mar-2022</i>						
Action Title: 9.1.4.1 Inform the public about road safety.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div></div> RED
Action Progress Comments: • Social media messaging: focusing on cycle safety, road closures for various events such as Snowy Classic, Plan B promotion, school zones returns and driving in flood waters • General liaison with residents about road safety or parking related issues – major focus on speed zones in the last few months across the region • Article in the NSW Roadside Environment Committee in relation to wombats and roadside research in Nimmitabel • Regular liaison with the NSW Police about local road safety issues and fatalities - major focus on conditions of some of the roads during the rain • Cycling – working with local cycling clubs to review cycle signage • School Infrastructure Grant Program – roll out of zone signage, 40km/h patches and dragons teeth • Events and community engagement • 5/3/22 Delegate Agricultural Show • 6/3/22 Dalgety Agricultural Show • 12/3/22 Electric Vehicle Event						

- 19/3/22 Bombala Agricultural Show
- 6/4/22 Safety When Work and Transport Merge Workshop – hosting this with other Road Safety Officers

Last Updated: 30-Mar-2022

Action Title: 9.1.4.2 PROJECT(CW): Leesville Estate Intersection Upgrade Design: Council is upgrading the intersection with Leesville Estate Jindabyne and the Barry Way to increase motorist safety.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Shakespeare - Manager Infrastructure	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	 RED

Action Progress Comments: Design works are in progress and currently being designed in conjunction with Barry Way Safer Road Program

Last Updated: 13-Jan-2022

Land & Property


Action Title: 1.1.1.1 Continued maintenance and repairs of WerriNina, Snowy River Health Centre, Berridale Surgery sites.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Maintenance and repair works progressively actioned at the sites (3).

Last Updated: 08-Apr-2022

Action Title: 1.1.1.2 PROJECT: Formation of a Building Management Committee to oversee delivery obligations related to the Building Management Statement, specific for the SRHC.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	70%	75.00%	 GREEN

Action Progress Comments: The formation of the Building Maintenance Committee is linked to, and dependent on, the final subdivision approval by Council's Planning team.

Last Updated: 11-Apr-2022

Action Title: 1.3.1.6 Operate and maintain the Snowy River Health Centre (SRHC) in accordance with DoHA requirements.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
<p>Action Progress Comments: The activities necessary for the ongoing, quality operations at the SRHC continue to be ably delivered. Ongoing consultation with the Commonwealth continues to ensure that alignment with DoHA parameters (linked to the capital funding requirements that established the facility) is maintained.</p> <p><i>Last Updated: 11-Apr-2022</i></p>						

Action Title: 12.3.2.2 PROJECT: Demonstrate elevated engagement with Snowy Hydro Limited with the aim of securing further positive outcomes for foreshore public space engagement.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: Collaboration on the Management Plan development for the East Jindabyne foreshore area has been initiated. Broader general consultation between SMRC Infrastructure/Land & Property and SHL is ongoing. <i>Last Updated: 11-Apr-2022</i>						


Action Title: 2.2.2.1 PROJECT: Maintenance schedule developed for key sites such as the Raglan Gallery and the upgraded Bombala Arts & Innovation Hub (former TAFE building).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	<div><div></div><div></div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Routine asset inspections and development of condition reports and maintenance schedules for Council assets is the longer term, system aim. . The Bombala Arts & Innovation Hub upgrade has yet to be finalised. Progressive maintenance needs to be confirmed upon handover from Corporate Projects to Operations (L&P) once complete.						
<i>Last Updated: 11-Apr-2022</i>						

Action Title: 2.2.2.2 PROJECT: Investigate the broader structural needs of the Raglan Gallery site in order to discern capital treatment options to support ongoing site sustainability.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	<div><div></div><div></div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Wind and drainage issues (water pooling behind the walls and underneath the stone footings and potential earthquakes loadings), combined with the wall material reaching its life span are the root of issues at the site. A broader assessment of permanent fix options, including assessment of the overarching site drainage, will be required in the longer term as the ongoing sink issue does not exist in isolation. Development of a holistic, formal engineering assessment requires future grant funding pursuit/budget allocation in order to validate the capital requirements for the site. <i>Last Updated: 11-Apr-2022</i>						


Action Title: 2.2.2.3 PROJECT: Maintenance schedule developed for key sites, including any new sites that activate.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: 21/22 financial year has required an adaptive response to the altered maintenance needs of sites, as mandated by COVID-19 issues and the impacts of extreme weather events. Routine asset inspections and development of condition reports and maintenance schedules for Council assets is the long term aim. With Council's Assets Team progressively developing and seeking to enhance the Asset Management System, this data will enable maintenance schedules to be developed enterprise-wide; inclusive of sites within the Land & Property portfolio.

Last Updated: 11-Apr-2022

Action Title: 8.2.1.9 PROJECT: Plans of Management for Crown Reserves to provide strategic planning and governance for the management and use of community land in Council's care and control.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	60%	75.00%	 AMBER


Action Progress Comments: **Target date (year) to be updated to reflect updated circumstances**

Plans of Management (PoM) encompassing approximately 70* Crown Reserves (community land specific) are in draft development. *Council is awaiting further advice from Crown Lands in relation to some specific site operational category determinations, which may impact total number of reserves captured.

Context for variation: An amendment to the Crown Land Management Regulation 2018 was made to provide councils with more time to complete Plans of Management (PoMs) for council-managed Crown reserves. This allowance has been made through the Crown Land Management Amendment (Plan of Management) Regulation 2021 (CLM Regulation 2021) and will enable greater flexibility for developing PoMs. The Office of Local Government (OLG) has extended funding agreements to allow allocated grants to be used for this purpose for a further two years, up until 1 July 2023.

Last Updated: 08-Apr-2022

Action Title: 8.2.6.1 Maintain and improve the standard of public infrastructure to maximise cost/benefit balance.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Teena Paterson - Coordinator Land & Property	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: The 21/22 financial year has required an adaptive response to the altered maintenance needs of sites, as mandated by COVID-19 issues and the impacts of extreme weather events. Routine asset inspections and development of condition reports and maintenance schedules for Council assets is the longer term, system aim. With Council's Assets Team


progressively developing and seeking to enhance the Asset Management System, this data will enable maintenance schedules to be developed enterprise wide; inclusive of sites within the Land & Property portfolio.

Last Updated: 08-Apr-2022

Resource & Waste Services

Resource & Waste

Action Title: 7.1.3.5 PROJECT(CW): Maintain leachate control systems and stormwater management at Bombala landfill – engage internal department or external contractors to cleanout current stormwater drainage and leachate control areas.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	In Progress	01-Mar-2022	30-Jun-2022	54%	75.00%	 AMBER

Action Progress Comments: Currently waiting on an external contractor quote to undertake the work required. 31.1.2022 following up on quotes.

Last Updated: 11-Apr-2022

Action Title: 7.2.3.3 PROJECT(CW): Weighbridge IT system replacement to renew dated hardware and software to provide consistency across facilities

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	In Progress	01-Jul-2021	30-Jun-2022	78%	0.00%	 GREEN

Action Progress Comments: Mandalay, Aussie Weighbridge Systems and Tipsites have been approached to supply project scopes and quotes 7.12.2021
Proposals have been sort for the supply of new weighbridge software and hardware at Bombala, Cooma and Jindabyne Landfills. This is to replace the existing technology that is outdated. The purpose for this is to align all landfills to the one system to allow for up to date technologies and reporting. This will also assist with monthly billing and alleviate the need for administration staff to carry out monthly data entry prior to invoicing. 14.12.2021
A further two quotes are yet to be received, online meetings will be held with all three suppliers as mentioned above to ensure that council purchases the most suitable package. 31.1.2022

Discussions are being held with the two companies that have returned quotes to ensure that the correct system is installed utilising all areas of waste and its reporting capabilities in line with EPA reporting requirements.


Last Updated: 02-Mar-2022

Waste Facilities

Action Title: 10.3.1.1 Participate and partner with external stakeholders such as CRJO to partner in regional waste management.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	In Progress	01-Jul-2021	30-Jun-2022	74%	75.00%	<div><div></div><div></div><div></div><div></div><div></div></div> GREEN
<p>Action Progress Comments: attending scheduled external stakeholder meetings 10.08.2021 attended scheduled external stakeholder meeting 25/11/2021 throughout the past 6 months, I have attended CRJO Waste team meetings via Teams. With many waste and recycling subjects being discussed along with what impacts the newly released NSW Waste and Sustainable Materials Strategy 2041 will have on each of the council regions. Scheduled meeting for February 2022 has been set as a reserved date yet to be confirmed. 31.1.2022</p> <p><i>Last Updated: 31-Jan-2022</i></p>						


Action Title: 11.2.2.7 Environmental Protection Licence (EPL) annual reporting to ensure licence conditions are met.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: EPA and WARR annual reports have been completed 7.12.2021						
Last Updated: 11-Apr-2022						

Action Title: 7.1.3.1 Investigate further expansion of kerbside collections and Bank of Bins (BOB) services.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	In Progress	01-Jul-2021	30-Jun-2022	86%	75.00%	 GREEN
<p>Action Progress Comments: August 2021 has seen the final improvements being made to the former Michelago Fire Shed in to what is now a very well utilised Bank of Bins service for the rural residents surrounding Michelago. Since opening the facility to the rural residents Council has received 78 applications and numerous emails from residents both thanking Council for the service and passing on additional recycling options for the facility. Council has also installed a mini Community Recycling Centre Unit for the acceptance of household batteries, fluro tubes and globes, smoke detectors and ink cartridges.</p> <p>In other areas across the LGA further Bank of Bins Services have seen new installations and expansions to Moonbah, Snowy River Way, Alpine Way, Caddigate Road, Rockwell Road and Avonside Road. The installation and expansion to these areas has been due to residential interest in the service with more residents taking up the opportunity to access these services.</p> <p>Smiths Road Saturday morning collection service will be reestablished after the lifting of covid restrictions and comments received from the Smiths Road community.</p> <p>Moonbah BOB has been relocated to ensure residents have full access due to the wet weather causing boggy areas, the BOB has also been extended to allow for more residents in the area to utilise the service.</p>						

Further expansions to the Bank of Bins Service at Smiths Road is under investigation with an Expression of Interest being sent to residents in The Angle Crossing area with a closure day of February 11 2022.
Due to the wet weather improvements for access to the Moonbah Bank of Bins is now being investigated and scheduled works should be undertaken during February 2022 weather permitting.
31.1.2022

Last Updated: 02-Mar-2022

Action Title: 7.2.3.1 Provide domestic and commercial waste, recycling and FOGO kerbside collection services.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	In Progress	01-Jul-2021	30-Jun-2022	86%	75.00%	 GREEN

Action Progress Comments: New kerbside services continue to be investigated and have seen the established of kerbside collection services along Hilltop Road, Geickle Creek Road and Old Settlers Road in the Jindabyne region and Dry Plains Road area and Monaro Highway within the Cooma region. Further expansion to kerbside collection services are being investigated and will hopefully be established in 2022.
Investigations are underway to extend the kerbside service further along Church Road and Maffra Road.

Last Updated: 02-Mar-2022

Action Title: 7.2.3.2 Audit Council's kerbside bins and public street bins to understand how the management of kerbside waste is performing across the region and to gauge disposal behaviour within the community.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Mandy Thurling - Manager Resource and Waste Services	In Progress	01-Feb-2022	30-Jun-2022	68%	75.00%	 GREEN

Action Progress Comments: Tender being drafted to source consultants to undertake Bin Audit 10.08.2021

Once the tender process has been undertaken and a successful consultant appointed, a kerbside bin audit will be undertaken to allow Councils Resource and Waste Services to better understand to contents of each bin and what materials are being placed in what bin for disposal. The final report will then allow for better targeted education to ensure that council are meeting NSW EPA targets.
Tender due to go out this week ending 4.2.2022 - 31.1.2022

Tender is currently out on Vendor Panel due to close 10 March 2022.

Last Updated: 02-Mar-2022

Water & Wastewater

Wastewater Operations

Action Title: 1.1.2.4 Council repairs sewerage main breaks and chokes to maintain service delivery.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	<div> <div></div> <div></div> <div></div> </div> GREEN

Action Progress Comments: Four sewer incidents have been reported in February 2022 in the Cooma area. We are on track with the required less than 20 repairs/chokes per 100km per year.

Last Updated: 25-Mar-2022

Action Title: 1.1.2.5 Council responds to sewerage incidents (including main breaks and chokes) in a timely manner to ensure maintained service delivery.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	<div> <div></div> <div></div> <div></div> </div> GREEN

Action Progress Comments: All sewerage incidents at the treatment plants as well as within the networks are responded to within 4 hours. The following incidents occurred at the treatment plants in February 2022:

1. Berridale STP – 4 wet weather volume discharge exceedances, 1 wet weather bypass incident where the discharge bypassed the UV treatment (there was a fault with the discharge to UV pump).
2. Bombala STP – 3 wet weather stormwater bypass discharges were reported to EPA however these were within the licensing limits where screening and de-gritting is the only required treatment process when sewerage inflows greater than 13.02L/s.
3. Jindabyne STP – 1 incident of pH being above 90th Percentile limits due to algal growth (not reportable as this is the first occasion in license year).
4. Nimmitabel STP – 2 wet weather volume discharge exceedances.

Last Updated: 28-Mar-2022


Action Title: 1.1.2.6 Council monitors the total water and sewerage complaints in a year to obtain data for service improvement.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	<div><div></div><div></div><div></div></div> GREEN

Action Progress Comments: There were 11 water and sewerage complaints received in February 2022. We are on track with the required less than 50 complaints per 1000 connections for the year.

Last Updated: 29-Mar-2022

Action Title: 7.2.1.2 Council's Sewage Treatment Plants must comply with NSW Environment Protection Authority (EPA) licence conditions to protect the environment.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: All sewage treatment plants are complying with their individual EPA license requirements.

Last Updated: 25-Mar-2022

Action Title: 8.2.1.8 PROJECT(CW): Adaminaby Sewage Treatment Plant - commencement and construction

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	 RED

Action Progress Comments: Currently out for the recruitment of Engineer Capital Projects to oversee Water and Waste Water projects. The project is expected to be taken on by Corporate Projects in February 2022. Completion dates to be revised.

Update December 2021:


Construction has commenced; however, slightly behind schedule due to resourcing issues with the contractor.

Update January 2022:

Corporate Projects shortlisting Engineer Capital Projects candidates to oversee W&WW Projects with interviews expected by mid February for suitable candidates.

Last Updated: 31-Jan-2022


Action Title: 8.2.2.10 PROJECT(CW): Cooma water treatment plant inlet and outlet flowmeters.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	Not Started	01-Mar-2022	30-Jun-2022	0%	75.00%	 RED

Action Progress Comments: This project will be incorporated into one major capital works project for upgrades at the Cooma WTP. Investigations around what is needed will commence in May 2022.

Last Updated: 25-Mar-2022


Action Title: 8.2.2.11 PROJECT(CW): Install Jindabyne SPS 1 new pump set.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	Completed	01-Sep-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: The second set of pumps are still awaiting delivery. The pump station is fully functional without these pumps and once they arrive they will be installed.

Last Updated: 24-Jan-2022


Action Title: 8.2.2.13 PROJECT(CW): Install Berridale STP Alphos dosing system.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	Completed	01-Dec-2021	30-Jun-2022	100%	0.00%	 GREEN

Action Progress Comments: The Alphos dosing system has now been installed at Berridale STP. This system will only be used when needed, primarily during the winter season.

Last Updated: 25-Mar-2022


Action Title: 8.2.2.4 PROJECT(CW): Bombala Wastewater Treatment Plant Augmentation Construction. Completion of final stage.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN

Action Progress Comments: The Bombala STP is reaching completion. Defects are being addressed by the Project Manager, RD Miller and Hunter H20. DPE Water conducted a site audit in February 2022 and were satisfied with the construction.

Last Updated: 29-Mar-2022

Action Title: 8.2.6.6 PROJECT(CW): Undertake Bombala Timor Street Pump Station upgrade.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	0.00%	 GREEN

Action Progress Comments: Due to lack of resources this project has been put on hold until a Project Manager can be appointed.


Last Updated: 25-Mar-2022

Water Operations


Action Title: 1.1.2.1 Unplanned water interruptions impact on Council's service delivery of safe water. Council endeavours to reduce the number of interruptions to maintain service.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: No unplanned water interruptions have been recorded for February 2022. We are on track with the required less than 50 interruptions per 1000 connections for the year.						
<i>Last Updated: 25-Mar-2022</i>						


Action Title: 1.1.2.2 Council responds to water incidents (burst and leak) in a timely manner to ensure that supply interruption is as minimal as possible.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: One water incident (leaking service) was reported in Cooma in February 2022. This was attended to in less than 4 hours and resolved.						
<i>Last Updated: 25-Mar-2022</i>						

Action Title: 1.1.2.3 Council responds to reticulated water quality complaints to ensure that the public are drinking safe water.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN
Action Progress Comments: Two dirty water complaints have been received in February 2022. We are on track with the required less than 20 complaints per 1000 connections for the year.						
<i>Last Updated: 25-Mar-2022</i>						


Action Title: 7.2.1.1 Council supplies reticulated potable water to many towns and villages across the region. Potable drinking must meet a high level of compliance to ensure public health safety

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: All council supplied water has met Australian Drinking Water Guidelines at all times. A boil water alert was issued for Jindabyne in February 2022 following a high turbidity event.

Last Updated: 25-Mar-2022


Action Title: 7.2.2.1 Council repairs water main breaks as a matter of urgency to ensure that the supply is returned to normal as soon as possible.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: No water main breaks have been recorded in February 2022.

Last Updated: 25-Mar-2022

Action Title: 8.2.2.6 PROJECT(CW): Cooma Water Treatment Plant raw water pump and variable speed drive upgrade.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	Not Started	01-Mar-2022	30-Jun-2022	0%	75.00%	 RED

Action Progress Comments: This project will be incorporated into one major capital works project for upgrades at the Cooma WTP. Investigations around what is needed will commence in May 2022.

Last Updated: 25-Mar-2022

Action Title: 8.2.2.7 PROJECT(CW): Kalkite Sewage Treatment Plant electrical upgrades.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Mar-2022	30-Jun-2022	10%	75.00%	 RED

Action Progress Comments: The design for the electrical upgrade at Kalkite STP is nearing completion. Once complete a tender will be let for the installation.

Last Updated: 25-Mar-2022

Action Title: 8.2.6.5 PROJECT(CW): Water reservoir fencing and WHS upgrades at various reservoirs across the region.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Jessica Dunstan - Manager Water Wastewater Operations	In Progress	01-Jul-2021	30-Jun-2022	65%	75.00%	 AMBER

Action Progress Comments: Water and Wasterwater Operations have requested a full audit by WHS Department so that an action plan can be put together so that WHS repairs/upgrades can be done in a more efficient, effective and economic way.


Last Updated: 25-Mar-2022

Strategy Portfolio

Strategy

Corporate Projects

Action Title: 1.2.2.1 PROJECT: Yallambee Lodge upgrade: Demolition of the old service station and commence construction of extension. Budget Note: Funds to be carried forward from 2019/20 budget.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Cherie McNair - Senior Project Manager	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: This forms part of the bigger Yallambee Lodge extension project. SMRC purchased the former garage on Mittagang Rd. The petrol/diesel tanks had been removed prior to purchase, however the garage/cafe remained. The former Garage on Mittagang Rd has now been completely demolished and waste removed from site. As detailed investigations were not undertaken at the time of purchase, a significant amount of asbestos contaminated fill (300 tonnes) was removed from site during the demolition. McMahon's Earthmoving was appointed for the demolition via a RFQ. Their methodology ensured that all non-contaminated materials (trees, concrete, steel) was recycled. Keane Environmental undertook air monitoring and soil testing. Clean fill from the Sale Yards (from the Truck Wash Project) will be transported to the site in February while the design and DA process for the aged care facility continues.

Last Updated: 30-Jan-2022

Action Title: 1.3.1.3 PROJECT: Lake Jindabyne Shared Trail Program of works commencement. Tyrolean Village section commencement to start June 2022.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Cherie McNair - Senior Project Manager	In Progress	01-Jul-2021	30-Jun-2022	27%	75.00%	 RED

Action Progress Comments: Cardno has been brought on (via tender) to act as client-side Project Manager.

There have been a number of delays with the project, including staff changes, lack of resources, and hold-ups in approvals at the Department of Heritage. The project is being delivered in 5 stages with differing stakeholders for each stage. These include private residents, Snowy Hydro Limited and NPWNSW.

Activity completed in December – Works progressing/completed in the Period


- Common Ground/Environmental factors are undertaking the ground-truthing based on the Aboriginal Heritage Assessment/SEE for the proposed alignment for the Tyrolean MTB
- Aboriginal Heritage Quotations submitted to SMRC pending purchase order confirmations to be sent to consultants
- SEE Quotations submitted to SMRC pending purchase order confirmations to be sent to consultants
- PWA has been engaged in property matters and currently undertaking an investigation into potential resolutions for impacted property owners.
- Revised RFT for bridge tender submitted to SMRC for review. Review complete by SMRC Engineers - final RFT being prepared for tender.
- Drone flights and survey has been completed for the all remaining trail alignments to commence design drawings
- Commenced concept design drawings for stages 1 and 2

January – Planned works to commence/continue in the Period

- Bridge D&C RFT (Package 1) submitted for pricing
- Purchase orders and contracts issued and commencement of ACHA and SEE consultants.
- Kosciusko underpass design RFT submitted for pricing
- Consultation with TfNSW on bridge underpass proposal and construction impacts (underway)
- Concept design drawings for stages 1 and 2 submitted to SMRC for review
- PWA consultation with property owners to commence
- Preparation of trail construction documents and BOQ for stage 1.

Last Updated: 11-Apr-2022

Action Title: 1.3.1.4 PROJECT: Cooma and Bombala swimming pool upgrades

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Glen Hines - Manager Corporate Projects	In Progress	01-Dec-2021	30-Jun-2022	10%	75.00%	

Action Progress Comments: March 2022 Update - Detail risk assessment being undertaken-by project staff. Negotiations on the variation of SCCF2 and deed milestones for SCCF4, Discussions held with consultants on procurement strategy. D&C is not recommended. Noted risk of a significant rise in material cost by 30%. The funding profile was developed 18+ months ago.

Last Updated: 11-Apr-2022

Action Title: 1.3.1.5 PROJECT: Jindabyne Sports Ground Amenities/Change rooms upgrades. (WO0403)

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Emma Smith - Project Support Officer	In Progress	01-Dec-2021	30-Jun-2022	5%	75.00%	

Action Progress Comments: Due to the weather, the contractors are now behind on a few projects and were unable to do a site inspection on the 8th of March. They have pushed back the site inspection until the beginning of April 2022 with all stakeholders being advised.

Ongoing: Once a scope of work is complete, we will obtain an estimate and put out works for a quotation.

Risk: Works will need to be completed without disruption to the sporting season. The project could be delayed and require an extension of time due to the high demand for tradesmen at the moment.

Last Updated: 11-Apr-2022

Action Title: 4.1.4.1 PROJECT: Project management framework is in place to ensure consistency and strategic decision making.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Cherie McNair - Senior Project Manager	In Progress	01-Jul-2021	30-Jun-2022	98%	75.00%	 GREEN

Action Progress Comments: 4 x training sessions underway with AIM. 60 staff have participated in the training. Documentation has been rolled out. New Councilor induction planned for February. Documentation review planned for June 2022

Last Updated: 21-Dec-2021

Action Title: 7.1.3.3 PROJECT(CW): Undertake concept design for Jindabyne transfer station and identify funding opportunities.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Graham Hope - Project Specialist	In Progress	01-Dec-2021	30-Jun-2022	5%	75.00%	 RED

Action Progress Comments: Concept Designs requested from GHD as per contract for new Transfer Station. However, the survey of the proposed purchase of approximately 5 Ha from SHL has been completed. Therefore designs are still awaiting more detail.

Last Updated: 29-Mar-2022

Action Title: 7.1.3.4 PROJECT(CW): Resource and Waste Strategy: Commence works on priority projects once the Resource and Waste Strategy has been adopted.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Graham Hope - Project Specialist	In Progress	01-Nov-2021	30-Jun-2022	10%	75.00%	 RED

Action Progress Comments: The new landfill cell at the Jindabyne Waste Facility has been ruled out. A new Transfer Station will be constructed on the existing site and an adjoining 5 Ha site, currently owned by SHL.


The landfill cell was deemed unsuitable as the quarry wall made it too unsafe with an enormous cost to render the area safe. Due to the extractive nature of the quarry and the methods used in the past, it is very unpredictable as the suitability of the quarry floor for use as a landfill cell without incurring considerable cost.

The Delegate Landfill Closure Plan has been approved by the EPA. Tenders will be called for by the middle of May.

The Cooma Compost Project is being revitalised. Updated information has been requested from consultants.

Last Updated: 05-Apr-2022


Action Title: 8.2.6.2 PROJECT(CW): Cooma Streetscape and Beautification (completion 2023).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Graham Hope - Project Specialist	In Progress	01-Jul-2021	30-Jun-2022	59%	75.00%	 AMBER

Action Progress Comments: This project was due to re-start at the beginning of February 2022. However, due to recent heavy rainfall and the impact of COVID-19 on available work crews and their families, work is now scheduled to re-commence in May 2022. It is expected that the fourth segment will be completed in time for Milestone deadline of 31st August 2022.

Last Updated: 05-Apr-2022

Action Title: 8.2.6.3 PROJECT: Cooma Truck Wash Upgrade Budget Note: Funds to be carried forward from 2019/20 budget.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Cherie McNair - Senior Project Manager	In Progress	01-Jul-2021	30-Jun-2022	98%	0.00%	 GREEN

Action Progress Comments: Final completion report to be undertaken to achieve final milestone and sign-off from Restart (State Government Funding)

Last Updated: 21-Dec-2021

Action Title: 8.2.6.4 PROJECT: Bombala Ginger Leigh Playground & Parking Upgrade - Stage 2 Budget Note: Funds to be carried forward from 2019/20


Project Update 17/3/22 - to be delivered in stages through a revision of project scope with stage 1 of the project to undertake community consultation and commencement of the project to be completed by June 2022

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gary Finn - Project Support Officer	In Progress	01-Jul-2021	30-Jun-2022	1%	75.00%	 RED

Action Progress Comments: Head contractor along with local contractors have been engaged for the works. Still waiting on approval of the extension of time and scope variation.

Last Updated: 21-Mar-2022


Action Title: 9.1.1.2 PROJECT(CW): Adaminaby Baker Street Stormwater Upgrade Design: Council is upgrading the stormwater infrastructure in this area to increase drainage, minimise the risk of flooding and to maintain local Council and residential assets.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Graham Hope - Project Specialist	Not Started	01-Jul-2021	30-Jun-2022	0%	0.00%	 GREEN

Action Progress Comments: This project will be combined with the grant BLERF - 0592, Improve Streets in Adaminaby. Initial site survey has been completed.

Last Updated: 05-Apr-2022

Action Title: 9.1.2.6 PROJECT(CW): Continue Bobeyan Road Upgrade Sealing Adaminaby to ACT Border (4 year project).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Arthur Wilkinson - Infrastructure Engineer	In Progress	01-Oct-2021	30-Jun-2022	15%	0.00%	 GREEN

Action Progress Comments: Back Creek section commenced in September and nearing completion. Separable Portion 3c - 7.5km section due to commence in February. Contract and program currently being reviewed between SMRC and SVC.

29/3/22 update:

SP-1A (Back Creek Box Culvert) Complete.

Worked commenced on SP-3C. (Jones Plains Int to Shannons Flat Int) approx 7.5 KM

Assessment of design for Jones Creek Xing SP-1B.

Preparation for Blasting in SP-3A(2).

Consultant for Aboriginal Cultural Heritage Assessment in SP-3E engaged.

Last Updated: 29-Mar-2022

Fleet and Plant

Action Title: 8.2.2.1 Replace identified plant items for financial year in alignment with the fleet management procedure.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stuart Sturgeon - Coordinator Fleet & Plant	In Progress	01-Jul-2021	30-Jun-2022	52%	75.00%	 RED

Action Progress Comments:

Supply issues have some vehicles exceeding km limits. Truck and plant replacements are tracking as intended.

There is a risk to Council that vehicle reliability could be compromised and residual values decrease as additional km are added.
The capital budget for general fund purchases was exceeded. General fund replacements are on hold - budget adjusted to reflect vehicle retention time frames.
Last Updated: 11-Apr-2022

Action Title: 8.2.2.2 Servicing and repair of Council's plant and fleet assets.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stuart Sturgeon - Coordinator Fleet & Plant	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Council operate three mechanical repair workshops to meet the service and repair requirements for their fleet assets. Financial year to date fleet have completed 681 maintenance work orders with an average downtime of 5.3 hrs. This indicates that plant availability for 186 workdays is >99%. There were several exceptions that experienced high downtime up to 305 hrs. Downtime is the total time that plant and equipment is unavailable due to maintenance and repair. Downtime greater than actual repair time for unscheduled maintenance (20%) has seen a significant increase. There are no industry benchmarks for downtime but Fleet do monitor as a performance indicator. Downtime above repair time for the last two calendar years was, 2019 – 8.9%, 2020 – 29.3% and 2021 year to date is 37.9%. This data indicates the increase for last year has continued into this year. This increase is primarily due to parts supply chain issues which is a global problem due to COVID. This has significantly impacted some plant availability. Maintenance performance analysis is regularly undertaken against benchmarks to ensure effectiveness. Benchmark ratio for scheduled vs unscheduled maintenance is 50:50 with a target ratio of 70:30 (IPWEA). Council fleet is currently 72:28.

There is risk to Council that plant unavailability can lead to higher contractor utilisation which can impact budget constraints. The review of plant utilisation does indicate that in some plant categories utilisation can increase to fill these gaps.

Last Updated: 21-Mar-2022

Action Title: 8.2.2.3 Maintain annual and ten year plant replacement program.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stuart Sturgeon - Coordinator Fleet & Plant	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: Fleet liaise with Service Managers annually to ensure current and predicted asset types/ levels are suitable, sustainable and safe to meet their service function requirements. The current program has been distributed for review on 4 November and feedback is expected by 7 January. Annually the vehicle fleet undergoes a cost of ownership analysis which guides retention times and forecast residual values for the replacement program. Plant and truck utilisation is reviewed annually against recognised benchmarks (IPWEA) which guides replacement cycles for these assets. Service Manager buy in has been inconsistent in some areas in the past which could impact their service delivery capacity by not identifying plant requirements. Fleet are providing a more targeted approach this year. Service Manager review of replacement program has taken place. Information being compiled to prepare budget submission. Report to ELT (18/2/22) to retain passenger vehicles for five years aligning with commercial vehicle changeover. Capital budget submitted for next financial and 10yr forecast reflection adjusted replacement program.

Last Updated: 21-Mar-2022

Action Title: 8.2.2.5 PROJECT: Plant & Vehicle capital replacement program.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stuart Sturgeon - Coordinator Fleet & Plant	In Progress	01-Jul-2021	30-Jun-2022	52%	75.00%	<div><div></div><div></div><div></div></div> RED

Action Progress Comments: Fleet have 62 major plant purchases identified for this financial year, of these 34 are underway or complete. COVID has impacted supply of all plant and equipment. Automotive suppliers have had issues providing 2021 built vehicles and pricing for 2022 vehicles only available since early December. Advice from suppliers that supply of vehicles is still problematic for 2022. There's risk to Council that vehicle reliability and residual values could be impacted. Increased maintenance needs would place greater stress on understaffed fleet services which in turn can lead to greater outsourcing thus impacting maintenance budgets. 10yr Capital replacement program has been adjusted reflecting decision to retain all vehicles to 5 years.

Last Updated: 21-Mar-2022

Governance

Action Title: 10.1.4.1 Maintain a delegations register that is available for public viewing.

Delegations enable staff to undertake their duties in accordance with the legislative framework they work under

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	<div> <div></div> <div></div> <div></div> </div> GREEN

Action Progress Comments: The current delegations are available for public view on the internet. The register is updated as required and a full review scheduled for August 2022. Ongoing work to implement the Local Government Legal (LGL) database for improved services forms a component of the Governance Services Review 2021. The project to implement the LGL database is scheduled to commence 17 January 2022.

Last Updated: 20-Dec-2021


Action Title: 10.1.4.2 Ensure policies are current and relevant.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div></div> RED

Action Progress Comments: Implementing a framework and schedule for policy register maintenance and review forms a component of the Governance Services Review 2021. By the end of the reporting period we expect to have a framework and schedule set out to manage a cyclic review of policies. All of Council's policies will not be reviewed and updated by 30 June 2022 given the available resources. However a progress update will be provided by the end of reporting period to confirm the status of the framework and estimate of policy renewal timeframe.

Last Updated: 28-Mar-2022


Action Title: 10.2.2.1 Collation and production of council meeting business papers.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: The Secretary Council and committees (SCC) resides within the Executive Office and successfully collates and produces council meeting business papers. The papers are produced for ELT review before dissemination through a number of media including a purpose configured website for Councillor's convenience and printed hard copy for councillors requiring them. the business papers are available for public view through Council's website.

Last Updated: 22-Dec-2021

Action Title: 10.2.2.2 Provide accurate record of resolutions made at Council meetings.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	Completed	01-Jul-2021	30-Jun-2022	100%	75.00%	 GREEN

Action Progress Comments: Minutes of council meetings are approved by the CEO , adopted by Council and retained in council's corporate systems. Meeting minutes and webcast recordings are available to view on Council's website. The transfer of Secretary Council and Committees role (responsible for the drafting of minutes at council meetings) to the Executive Office was a recommendation of the Governance service review (2021) and completed in August 2021 with procedures, training and ongoing support provided by the governance team.

Last Updated: 11-Jan-2022

Action Title: 10.2.3.1 Manage records in accordance with the NSW State Records Act.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	25%	75.00%	<div><div></div><div></div><div></div></div> <div>RED</div>
<p>Action Progress Comments: A review of Records management services concluded in August 2021 which found basic functions records management in place and made a number of recommendations to enable improved compliance with the State Records Act (SRA).</p> <p>The review included evidence of approximately 1.7 million electronic files stored on at least four different drives in Council's corporate systems and an estimated 50% of staff not having the required training to successfully comply with the SRA. At the time this action was adopted the extent of the deficit in Records Management across the business was suspected but unspecified 100% compliance with the SRA within the current reporting period is not possible with current resources. The service reviewer also noted that none of the Local Government agencies in their experience fully complies with the SRA.</p> <p>The review contained recommendations regarding an improved Records Team structure which was approved and at 20/12/2021 a new Team Leader Records position has been recruited with the new officer to start 10 January 2022.</p> <p>The position has been designed to enable an uplift in process improvement and continuous improvement programs to embed a culture of evolving knowledge management. A prioritized improvement program is in development and a project plan to be developed with Team Leader Records Management during Q3. The program will enable an assessment of the current state and inform a project plan to enable Council to reach towards compliance with the SRA.</p> <p>The service review also suggested that the team will need additional resources to realise improvement programs in a timely manner over and above recruiting the vacant roles which suffice to manage day to day BAU. At this time the availability of additional resources is not confirmed and will be considered when developing the improvement program projects. A phased plan of continuous improvement will be set out accounting for day to day business as usual requirements and available resources. plans will contain specified programs of improvement to measure against.</p>						
<p><i>Last Updated: 28-Mar-2022</i></p>						

Action Title: 12.2.2.4 Manage complaints received at Council to ensure processes are in accordance with Council’s Complaint Management Policy and procedure.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div></div> <div>RED</div>
<p>Action Progress Comments: At the time of reporting Council is developing a corporate complaints management system. The system aims to automate processes to add workflows and escalating notifications to ensure response targets and reporting is met.</p> <p>Currently service complaints are managed through notification by email to relevant service officers. Formal code of conduct complaints are managed by Governance.</p>						

Last Updated: 28-Mar-2022

Action Title: 12.2.2.5 Process Government Information Public Access (GIPA) applications. This is to facilitate the public's access to government information held by Council.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	


Action Progress Comments: Current response times frequently fall outside of the 20-day framework. The causes of delays have been identified and the required measures to address the issues within scope to implement.

While progress to address the current deficit in GIPA responses is delayed due to vacancies within the governance team during the reporting period, recently completed recruitment will see resources coming online in January 2022.

A GIPA service improvement project is in development and at the draft stage. Early indications are that the project will commence in February 2022 with the rollout of improved processes estimated in May 2022.

Last Updated: 11-Apr-2022

Action Title: 12.2.2.6 Maintain regulatory registers of Council decisions in accordance with relevant legislation.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	

Action Progress Comments: The decisions of Council are captured within various corporate systems, published in council minutes disseminated to responsible officers. The current system is not integrated and an inconsistent process ensues.


A system to ensure each aspect of a decision of council is captured will

- Notify all relevant officers of the decision and highlight their part to play and accountability in effecting the decision
- Record the decision in a database to ensure simple reference and access
- Provide useful reporting on progress and outcomes

A project plan to achieve the objectives will commence development in February 2022. Once complete notification of project milestones and expected completion date will be provided.

Last Updated: 28-Mar-2022

Action Title: 12.2.2.7 Ensure correspondence is allocated to the appropriate team member for actions.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	 RED
<p>Action Progress Comments: Accurate tracking is not in place currently or capacity within the current systems to quantify error rates . However incoming electronic and hard copy mail is generally assigned within 48 hours.</p> <p>The arrival of resources in the records team in January 2022 will enable the initiation of improvement projects to enable ontinuous improvement programs aligned with the recent service review.</p> <p><i>Last Updated: 28-Mar-2022</i></p>						

Action Title: 12.3.1.1 Facilitate and administer the Boco Rock Community Enhancement Fund.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div> <div></div> <div></div> <div></div> </div> RED
<p>Action Progress Comments: The first of two rounds of funding application and payment completed in September / October 2021. Continued support of the committee provided as required. basic levels of service are provided within appropriate time frames.</p> <p>The new Council will nominate Councillor representation on the committee during Q3.</p> <p>Governance services to the various external and internal committee will be reviewed during Q3.</p>						
<p><i>Last Updated: 28-Mar-2022</i></p>						


Action Title: 12.3.1.2 Provide donations and sponsorship applications to support community groups through an equitable and fair process.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	<div><div></div><div></div><div></div><div></div><div></div></div> RED
Action Progress Comments: Donations and Sponsorship processes supported and conducted with applications reviewed by Council and distributed to successful applicants.						
The new council will determine options provided for ongoing donations and sponsorship during the review period including options to review recurring donations that have been a legacy of						

the former councils and the quantum of funds available in the current environment.

A report will be submitted to council in Q3.

Last Updated: 28-Mar-2022

Action Title: 12.3.3.1 Support management and advisory committees to ensure that the community has an opportunity to either advise Council on the needs of the community or manage Council's facilities such as community halls.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Luke O'Sullivan - Acting Coordinator Governance	In Progress	01-Jul-2021	30-Jun-2022	50%	75.00%	

Action Progress Comments: Support for the committees is provided on a needs basis and minutes of committee submitted at Council meetings.

A report will be considered by the new Council in February 2022 to confirm Councillor representation and confirm status of inactive committees.

A draft section 355 manual was developed and disseminated for comment in 2020. Progress to implement recommended improvements to support stalled between January and August 2021 due vacancies in the section.

There are at least 30 committees that function at different levels and frequency. Each have specific requirements. Adopting a consistent and fit for purpose approach to assessing and supporting each committee is a significant and complex undertaking as evidenced by 23 separate recommendations provided in the 2021 service review.


A priority will be the development of improved charters for committees..

A broad service service review project is in development with a phase program of improvements expected to carry over in to the FY21/22 operational plan.

Last Updated: 28-Mar-2022

Information and Communication Technology

Action Title: 11.1.1.1 Redesign demilitarised zone public network including Library visitor WiFi access.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	17-Jan-2022	30-Jun-2022	30%	50.00%	

Action Progress Comments: 2022 01 24 - ICT team conducted a kickoff meeting to determine high level scope of the project.

2022 02 03 to 2022 03 31 - The project plan WBS has been created with scoping plan and DMZ network replacement design to occur during early April. It is anticipated that the legacy DMZ network will be decommissioned in May 2022.

Last Updated: 31-Mar-2022

Action Title: 11.1.1.2 Annual cybersecurity, penetration and security access testing to ensure data access standards are maintained at high level to protect data privacy.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	10-Jan-2022	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: 2022 02 03 - ICT Team project kick off meeting completed

2022 02 08 - Project timeframe completed

Project timeframe:

- 2022 03 07 - Specification development for RFQ to be completed
- 2022 03 07 - RFQ to be published through LGP for 9 days.to 17 Mar 2022
- 2022 03 18 - RFQ evaluation to be conducted by ICT Coordinator and successful vendor engaged
- 2022 05 01 to 2022 05 14 - Vendor to undertake internal and external penetration testing during April
- 2022 05 31 - Vendor to provide report and recommendations.
- 2022 05 23 to 2022 06 17 - ICT team to implement recommendations
- 2022 06 24 - ICT to provide completion report.

2022 02 21 - Specification development started. Due for completion by 7 Mar 2022

2022 03 09 - RFQ specification completed and published to LGP Vendorpanel with close date of 21 Mar 2022.

2022 03 31 - Responses to the RFQ were evaluated and successful vendor selected and notified.

Last Updated: 05-Apr-2022

Action Title: 11.1.1.3 Annual disaster recovery test to confirm the redundant data protection systems are able to support Council during disaster events


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	07-Feb-2022	30-Jun-2022	20%	50.00%	 RED

Action Progress Comments: 2022 02 03 - ICT Team kick-off meeting completed

2022 03 31 - The project plan has been established. Testing of the framework and process discussion to be conducted with Logicalis Pty Ltd in early April. Sandbox test to be conducted 23 to 25 April.

Last Updated: 11-Apr-2022

Action Title: 11.1.1.4 ICT Disaster Recovery (DRP) plan development.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: ICT Disaster Recovery Plan draft version 7 - core detail and structure complete. Specific detail and input from the Business Continuity plan will be required to align and finalise the DR plan.

The following appendices have been reviewed and updated,

1. List of Business unit Manager/Coordinators and DR Coordinators Contact Details (Review and update will be ongoing process for Appendix 1)
2. ITC DR Flowchart

The following appendices are in progress to be finalised:

3. SMRC Business Unit DR Restoration Prioritisation, RPO/RTOs (Appendix 3 will be informed by the BCP and upcoming discussions with business units.)
4. Application/Database Detail
 - 4.1.1 Table 1: Business Unit Applications/Databases
 - 4.1.2 Table 2: Application/Application Dependencies
 - 4.1.3 Table 3: Application/Database Server Locations
5. Vendor Contact List
 - 5.1.1 Telecommunication_WAN Services and Vendor Details
 - 5.1.2 Third Party Organisation (Vendors) Contacts and Contact Details

Last Updated: 31-Mar-2022

Action Title: 11.1.1.5 End-user support helpdesk requests.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN


Action Progress Comments: 2022 03
March Performance

Request Acknowledged within 30mins = 62.3% (291 out of 467) (Target 90%+)

Requests resolved within SLA (Target 80%+):

Last Updated: 11-Apr-2022

Action Title: 11.1.1.6 Snowy Mountains SAP working group and data sharing.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	01-Jul-2021	30-Jun-2022	95%	75.00%	 GREEN

Action Progress Comments: GIS has made continued contributions to the Snowy Mountains SAP Technical Working Group in 2021 through participation in Working Group Meetings, contributing to advice provided to the SAP Planning Team by SMRC and provision of SMRC spatial and property data as needed to facilitate the SAP Master Planning process.

It is anticipated the main role for GIS going forward will be by providing periodic updates of property, spatial and owner information for notifications of local residents affected by particular aspects of SAP initiatives and for more general SAP community consultation.

Last Updated: 20-Dec-2021

Action Title: 11.1.1.7 Cemetery plot mapping

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Scott Goudie - Coordinator ICT	In Progress	01-Feb-2022	30-Jun-2022	80%	50.00%	 GREEN

Action Progress Comments: 2022 03 03 Progress Update

Drone imagery of the Round Plains Cemetery has been completed. Testing of that data shows a requirement for re-rendering in a different format for mapping compatibility. This will be undertaken internally during March.

GIS layer mapping is in progress and is approximately 50% completed. The newly rendered aerial imagery format can then be applied and published through the SSA mapping system.

The expected outcome of this pilot project will be to confirm that digital mapping will enable cemetery personnel to choose plot locations when required, using digital data rather than attending the site and determining plot availability physically. The expectation is that a significant saving in time can be achieved by processing plot allocations electronically.

The processes developed for this project will then be applied to Council's remaining cemeteries over a number of years. Drone Imagery has been completed for Bombala, Gegendzerick, Michelago and Nimmitabel cemeteries.

Last Updated: 01-Apr-2022

Internal Audit


Action Title: 10.2.1.1 Council's Audit and Risk and Improvement Committee (ARIC) meet on a quarterly basis to provide recommendations to service delivery areas of council to address risks identified, and improvement actions to address these risks. All NSW Local Government Areas must have an Audit and Risk and Improvement Committee to ensure good performance and governance.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
David Rawlings - Chief Strategy Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Meeting held in March.

Last Updated: 30-Mar-2022

Action Title: 10.2.1.2 Improvement actions are captured at each ARIC meeting with timeframes to ensure completion. This is to ensure actions are completed on time and progress is being made to ensure accountability.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
David Rawlings - Chief Strategy Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN


Action Progress Comments: Ongoing reporting is being used to monitor progress with the actions.

Last Updated: 30-Mar-2022

Strategy Development

Asset Management


Action Title: 8.2.1.1 Maintaining the accuracy of the asset register - Council manages thousands of individual assets, with new assets being acquired and end-of-life assets disposed of on a regular basis. To manage these assets effectively, it is important that we know exactly what assets we own. This is achieved by updating the system to reflect each acquisition or disposal and conducting regular reviews of the asset register at the time of the revaluation.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Jul-2021	30-Jun-2022	80%	75.00%	 GREEN

Action Progress Comments: All acquisition and disposal data received by the assets team has been entered into the system. There is currently no outstanding data to be entered. As data continues to be received, this will be entered into the system in a timely manner.


Last Updated: 20-Dec-2021

Action Title: 8.2.1.10 Maintaining the accuracy of the asset register - Council manages thousands of individual assets, with new assets being acquired and end-of-life assets disposed of on a regular basis. To manage these assets effectively, it is important that we know exactly what assets we own. This is achieved by updating the system to reflect each acquisition or disposal and conducting regular reviews of the asset register at the time of re-valuation.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Feb-2022	30-Jun-2022	65%	75.00%	 AMBER


Action Progress Comments: The asset data in the revaluation template is currently being checked.
28.01.2022 - The bulk of the revaluation template has been completed. Some changes are currently being made to reflect changes in the asset register structure
Last Updated: 28-Jan-2022

Action Title: 8.2.1.2 Provision of survey services: The assets team has the in-house expertise to carry out surveys as required for other parts of Council.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Jul-2021	30-Jun-2022	70%	75.00%	 GREEN

Action Progress Comments: 2 survey jobs were completed in the period. Feedback on satisfaction level has not yet been received
Last Updated: 30-Mar-2022

Action Title: 8.2.1.3 Road traffic counts: Deploying road traffic counters on Council's road network to measure traffic volumes and assist with traffic flow analysis. The analysers remain in place for round weeks to capture sufficient data and are moved around the network as required. The data enables strategic decision making for Infrastructure upgrades.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Jul-2021	30-Jun-2022	56%	75.00%	 AMBER

Action Progress Comments: 6 more traffic counts done in current month
Last Updated: 29-Mar-2022


Action Title: 8.2.1.4 Provision of asset data: The asset team provides ad-hoc asset data and reports to assist other departments with their activities.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Dec-2021	30-Jun-2022	58%	75.00%	 AMBER

Action Progress Comments: Asset data is provided to all work areas across Council as requested. An annual survey is being drafted to gauge internal customer satisfaction and feedback on services provided. The survey will be undertaken at the end of the Financial year.

Last Updated: 11-Jan-2022

Action Title: 8.2.1.5 PROJECT - Asset Management Strategy Review complete for the resourcing strategy 2022.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Jan-2022	30-Jun-2022	10%	75.00%	 RED

Action Progress Comments: Work has now commenced on reviewing the asset strategy

Last Updated: 29-Mar-2022

Action Title: 8.2.1.6 PROJECT - 70% of Valuation of Water and Wastewater assets completed. Council is required to determine the value of its infrastructure assets at least every 5 years. This is done to ensure that the asset value in the books accurately reflects the actual values of the assets.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Ashraf Ahamat - Team Leader Asset Management	In Progress	01-Feb-2022	30-Jun-2022	70%	75.00%	 GREEN

Action Progress Comments: Unit rates currently being reviewed

Last Updated: 24-Feb-2022

Corporate Reporting


Action Title: 10.1.2.1 Coordinate the preparation of an Operational Plan that identifies the projects and activities that will be undertaken in the following 12 months to achieve the commitments made in the Delivery Program.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	In Progress	17-Dec-2021	30-Jun-2022	85%	90.00%	 GREEN


Action Progress Comments: The draft Operational plan is almost complete, ready to be tabled at the 5 May extraordinary Council meeting to resolve to place the plan on public exhibition for 28 days.

Last Updated: 11-Apr-2022


Action Title: 10.1.2.2 Prepare an Annual Report for the community highlighting Council's achievements against the Delivery Program.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	Completed	01-Jul-2021	30-Nov-2021	100%	75.00%	 GREEN
<p>Action Progress Comments: The development of the Annual Report for the financial year 2020/2021 commenced on 1 July 2021. All service delivery areas of Council contributed towards the yearly highlights section and the statutory reporting section. Councillors were briefed at the November 2021 briefing and were presented with an overview of the report, and Council endorsed the report at the 18 November 2021 Council meeting. The financial statements were signed off, posted to Council's web page, and sent to the Office of Local Government on 30 November 2021.</p> <p><i>Last Updated: 21-Dec-2021</i></p>						


Action Title: 10.1.2.3 Prepare a State of Environment Report. This is a requirement in the year in which an ordinary election is held.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	Completed	01-Jul-2021	30-Nov-2021	100%	75.00%	 GREEN
<p>Action Progress Comments: The State of the Environment (SoE) Report is included within the Annual Report in the year of an outgoing Council. The SoE was contained within the 2020/2021 Annual Report and reported to and endorsed by Council at the 18 November 2021 Council meeting.</p> <p><i>Last Updated: 21-Dec-2021</i></p>						

Action Title: 10.1.2.4 Prepare an End of Term Report. This is required in the year in which an ordinary election is held.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	Completed	01-Jul-2021	30-Nov-2021	100%	75.00%	 GREEN
<p>Action Progress Comments: The End of Term Report is prepared and delivered within the year of an outgoing Council. At the briefing session held on 4 November 2021, the End of Term report was presented to Council, highlighting Council's achievements over the last four years against the Community Strategic Plan. At the Council meeting held 18 November, 2021 Council noted the End of Term report.</p> <p><i>Last Updated: 21-Dec-2021</i></p>						


Action Title: 10.1.2.5 Report on Council's progress and performance against the actions within the Operational Plan.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	Completed	01-Nov-2021	30-Jun-2022	100%	50.00%	 GREEN

Action Progress Comments: The first monthly performance report was reported to Council on 17 March 2022. Several variances were reported, and appropriate amendments have been made to the Operational Plan 2021-2022.

Last Updated: 29-Mar-2022


Action Title: 10.1.2.6 PROJECT: Regional Community Strategic Plan - Council has resolved to take part in the development of a Regional Community Strategic Plan (RCSP) in conjunction with the Canberra Region Joint Organisation.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN

Action Progress Comments: The draft CSP was tabled at the 17 March 2022 Council meeting to resolve to place the CSP on Public Exhibition for 28 days. The public exhibition commenced on 21 March 2022 and will run for 28 days up until 18 April 2022.

Last Updated: 29-Mar-2022

Action Title: 10.1.2.7 PROJECT: Delivery Program - Council must prepare a Delivery Program to cover the four year period commencing 1 July 2022 following the September 2021 ordinary election. The Delivery Program must detail the activities Council will undertake to meet the objectives of the RCSP.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gina McConkey - Coordinator Strategy Development	In Progress	18-Nov-2021	30-Jun-2022	85%	75.00%	 GREEN

Action Progress Comments: The draft delivery Program is almost completed and in the final draft, ready to be tabled at the 5 May 2022 extraordinary Council Meeting to be placed on Public Exhibition.

Last Updated: 11-Apr-2022

Strategic Planning

Action Title: 8.1.1.1 PROJECT: Snowy Monaro LEP - Council has commenced the process of preparing a draft Comprehensive Local Environmental Plan (LEP). Stage 2 of this project seeks to develop a draft LEP for Councils consideration (actions 5.2 and 8.1 of the LSPS).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexandra Adkins - Strategic Planner	In Progress	01-Jan-2022	30-Jun-2022	20%	75.00%	 RED

Action Progress Comments: Project expected to commence in early 2022. While significant process has been made via the completion of stage 1, stage 2 cannot commence until further work has been done on revising land use strategies. Delay in the commencement of this project does increase the risk that this project may not be finalised by 30 June. To complete in the timeframe it is likely that more staff time will need to be spent on this project. Project has fallen behind due to reallocation of resources (staff time) to development contributions planning and delays in finalising land use strategies.

Last Updated: 21-Feb-2022


Action Title: 8.1.2.2 Council has a responsibility to undertake detailed assessments of all planning proposals and report them to the Council in a timely manner.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexanda Adkins - Strategic Planner	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Council has not received any planning proposals so far this financial year. Council staff have finalised one proposal this financial year, which was submitted last financial year.

Last Updated: 23-Nov-2021


Action Title: 8.1.2.3 PROJECT: Developer Contributions Plan -Stage 2 – Engage a consultant to draft a comprehensive development contributions plan in accordance with the Environmental Planning and Assessment Act 1979 (Actions 10.10 and 10.11 of the LSPS).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexanda Adkins - Strategic Planner	In Progress	01-Jul-2021	30-Jun-2022	90%	75.00%	 GREEN

Action Progress Comments: Due to resourcing reallocation by Council, the funding to engage a consultant has been removed from this project. Council staff are working on preparing a draft to report to Council in April 2022. The project is awaiting report approval for the Council meeting.

Last Updated: 29-Mar-2022


Action Title: 8.1.2.4 PROJECT: Snowy Monaro Rural Land Use Strategy - The Snowy Monaro Rural Land Use Strategy is an important deliverable of the Local Strategic Planning Statement (LSPS) and will provide vital direction for land use planning on rural land in the LGA (actions 2.2, 3.1, 5.1 and 8.7 of the LSPS).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexanda Adkins - Strategic Planner	In Progress	01-Jul-2021	30-Jun-2022	90%	100.00%	 GREEN

Action Progress Comments: Council staff have prepared a draft Rural Land Use Strategy, which was publicly exhibited. Following the exhibition, a community reference group was established to advise changes to rural zoning and minimum lot size. The community reference group met four times to provide advice to Council. Council staff are now working on revising the draft Rural Land Use Strategy to report back to Council prior to 30 June 2022.

Last Updated: 08-Dec-2021

Action Title: 8.1.2.5 PROJECT: Michelago Masterplan - Council has engaged a suitably qualified consultant to undertake a Master Plan for Michelago to provide forward planning and strategic direction for Michelago's growth (action 8.6 of the LSPS).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexanda Adkins - Strategic Planner	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	 GREEN

Action Progress Comments: the Michelago Master Plan was adopted by Council on 21 October 2021. Council staff are currently working on the implementation of this adopted plan through preparation of draft DCP and and LIC plans for Michelago in accordance with the adopted plan.

Last Updated: 23-Nov-2021

Action Title: 8.1.2.6 PROJECT: Regional Trails Masterplan - Council has engaged a suitably qualified consultant to undertake a trails masterplan for the Snowy Monaro Region (action 7.5 of the LSPS).

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexanda Adkins - Strategic Planner	In Progress	01-Jul-2021	30-Jun-2022	75%	75.00%	 GREEN

Action Progress Comments: Council has engaged Tredwell to undertake the Regional Trails Masterplan. Tredwell have extensive experience in trails planning across Australia and are working with Council staff to deliver this project. Council staff in partnership with Tredwell have undertaken preliminary community consultation and stakeholder engagement. Following this early community input Tredwell prepared an internal discussion paper identify key areas for Council staff review and feedback. Tredwell then worked with staff to develop a draft Regional Trails Masterplan and Lake Jindabyne Trail Feasibility Study for public exhibition. Exhibition has now concluded and Council staff are working with Tredwell to consider and address submissions

Last Updated: 21-Feb-2022

Action Title: 8.1.2.7 PROJECT: Stage two of developing an Arts and Culture Strategy to be included in the Operational Plan 2021-2022.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Alexanda Adkins - Strategic Planner	In Progress	01-Jan-2022	30-Jun-2022	90%	75.00%	 GREEN

Action Progress Comments: Project is to be delivered by South East Arts in the first half of 2022. An inception meeting has been held between South East Arts and Council Staff. Significant steps in drafting the strategy have been made. It is expected the strategy is placed on public exhibition in the 2nd half of 2022 with finalisation in late 2022 or early 2023.


Last Updated: 21-Feb-2022

Workforce Management Portfolio

Workforce Management


Human Resource Management

Action Title: 10.1.3.4 PROJECT: Commence Service Review Framework: Develop and implement a framework for effectively reviewing Council's services.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	Not Started	01-Jul-2021	30-Jun-2022	0%	0.00%	 GREEN

Last Updated: 03-Aug-2021

Action Title: 10.4.1.2 Support implementation of enhanced employee management through clear performance management and expectation setting.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	25%	75.00%	 RED


Action Progress Comments: The 2021 performance review process is now completed and saw a high level of participation. This year realised feedback from the previous year in terms of:

- Simplified process (more to come in the next year review)
- Clarity on process/roles
- Clear communication on requirements for a step increase
- Collection of feedback for the next year

Purchase of a new Performance review system (Implementation commenced) will see significant further improvements in the performance management and expectation setting.

Last Updated: 22-Dec-2021


Action Title: 10.4.1.6 PROJECT: Review staff performance review process to improve the current employee experience and outcomes.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	 GREEN

Last Updated: 22-Dec-2021


Action Title: 10.4.1.7 PROJECT: Review implementation and awareness of WHS policy and procedure

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Stephanie Sellar-Peam - Manager Workforce Service Delivery	Not Started	01-Jul-2021	30-Jun-2022	0%	0.00%	 GREEN
<i>Last Updated: 31-Jan-2022</i>						

Organisational Development


Action Title: 10.1.3.1 Facilitate Council's service review program to ensure the services Council delivers are appropriate, effective and efficient.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	25%	75.00%	 RED
Action Progress Comments: The first two service reviews, facilitated by external consultants, have been successfully carried out for Infrastructure and Governance. A contract variation has been received by Field Force 4 (the consultancy that carried out the Infrastructure review) to look at condensing the balance of reviews into one broader approach with the potential to complete in Q1 next year.						
<i>Last Updated: 21-Dec-2021</i>						


Action Title: 10.1.3.2 Coordinate the delivery of improvement opportunities identified through business excellence self-assessments to improve Council's delivery of services.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	5%	75.00%	 RED
Action Progress Comments: With service reviews completed for Governance and Infrastructure, action planning sits within the business units. Follow ups will continue ongoing by way of oversight, with responsibility for taking action sitting within the business unit.						
<i>Last Updated: 22-Dec-2021</i>						


Action Title: 10.1.3.3 Support the organisation in the application of the Australian Business Excellence Framework (ABEF) to guide a culture of continuous improvement in organisational capability, capacity and sustainable performance.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	30%	75.00%	 RED
Action Progress Comments: While this is an ongoing process - actions are underway to support ABEF introduction and awareness raising.						
<i>Last Updated: 22-Dec-2021</i>						

Action Title: 10.1.3.5 PROJECT: ABEF Educational Material: Develop and distribute educational resources to assist staff in understanding ABEF and the role of continuous improvement.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	25%	0.00%	 GREEN
Action Progress Comments: Information is available on the Intranet and via ongoing induction programs. Further work around embedding the role of continuous improvement will be included in the 2022 planning. <i>Last Updated: 22-Dec-2021</i>						

Action Title: 10.1.4.3 Facilitate business process management across all service delivery areas to strengthen our capacity for effectively reviewing our service delivery program.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	60%	75.00%	 AMBER
Action Progress Comments: <ul style="list-style-type: none"> • First Promapp training session delivered on 22 April to nominated Promapp Process Owners and Process Experts (approx. 40 staff) • Refresher Promapp training session conducted in person on 1 June (6 staff) • Phase 2 training launched in early July with an adapted program that now incorporates System Views/Systems Thinking and Process Management workshops – these workshops contain practical elements of developing system views and process mapping to really strengthen corporate understanding of the significant linkage between these elements. These workshops have been completed for Governance, Workforce Management, ICT & GIS, Fleet, Development & Building Certification, and Corporate Reporting • The OD team's intention was to follow up the workshops with Promapp training, however it has been challenging to manage due to limited resources and conflicting priorities. To date, Governance is the only service area to have successfully completed Promapp training following the workshop. Two additional staff from WFM have also completed Promapp sessions (Rebecca Adams and Rebecca Rae) • Process Management and Promapp are supported by a suite of documents available on the Intranet: <ul style="list-style-type: none"> o Business Process Management Manual o Promapp User Guide o Process Scoping Template o Tips for mapping processes o Promapp Process Mapping Template o Promapp Practice Exercise o Process Mapping Review Checklist List of our Process Group Owners, Process Owners and Process Experts <i>Last Updated: 22-Dec-2021</i>						

Action Title: 10.1.4.4 PROJECT: Process Management Framework: Develop and implement a framework for effectively capturing, mapping, analysing and improving business processes.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
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Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	5%	0.00%	 GREEN
Action Progress Comments: Drafting deferred to February 2022						
<i>Last Updated: 22-Dec-2021</i>						

Action Title: 10.4.1.4 PROJECT: Support people and leadership corrective actions resulting from ABEF self-survey.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	50%	0.00%	 GREEN
Action Progress Comments: This is an ongoing action which is tracked separately as part of the organisations transformation process which will be updated with ARIC reporting and to ELT.						
<i>Last Updated: 22-Dec-2021</i>						

Recruitment

Action Title: 10.4.1.1 Ongoing recruitment of available roles in Council to replace employees is a priority to ensure minimal service disruption.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	60%	75.00%	 AMBER
<i>Last Updated: 31-Jan-2022</i>						

Action Title: 10.4.1.5 PROJECT: Revise and implement a comprehensive on-boarding process for new employees.


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	In Progress	01-Jul-2021	30-Jun-2022	40%	0.00%	 GREEN
Action Progress Comments: Onboarding continues to evolve. As part of the review of our onboarding processes in Q3 2021, the WMT has identified a system based solution as part of our ELMO suite which is in early implementation stages now and planned for rollout in the first half of 2022.						
<i>Last Updated: 22-Dec-2021</i>						

Workforce Management

Action Title: 10.4.1.3 PROJECT: Implementation of values based assessment, recruitment and performance management.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	<div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> GREEN
<p>Action Progress Comments: A customised Values based report has been completed for use in recruitment, as output from an SHL Occupational Personality Questionnaire/assessment. The assessment has been used in a number of senior level and workforce recruitment exercises.</p> <p>Values were also part of this year's performance review process and will continue to be a measure of performance for all employees ongoing.</p> <p><i>Last Updated: 22-Dec-2021</i></p>						

Action Title: 10.4.2.1 PROJECT: Workplace behaviour training to set clear expectations of appropriate behaviour in the workplace for all staff.

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Stephanie Sellar-Peam - Manager Workforce Service Delivery	Completed	01-Jul-2021	30-Jun-2022	100%	0.00%	 GREEN
Action Progress Comments: The workplace behaviour program for all SMRC Employees was completed in the first half of 2021 with ongoing support and training via a recorded session and quiz.						
<i>Last Updated: 22-Dec-2021</i>						



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9.4.5 MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE 21 MARCH 2022

Record No: I22/222

OFFICER'S RECOMMENDATION

That Council receive and note the Minutes of the Audit, Risk and Improvement Committee meeting held on 21 March 2022.

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 21 March 2022



SNOWY MONARO
REGIONAL COUNCIL

Minutes

(Draft)

Audit Risk And Improvement Committee Meeting

21 March 2022

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING
HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2628 AND VIA
MICROSOFT TEAMS**

ON MONDAY 21 MARCH 2022

MINUTES

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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 MONDAY, 21 MARCH 2022
COMMENCING AT 10.04AM**

PRESENT:

Voting Attendees: Miles Pearson, Independent Member (*A/g Chair*)
John Barbeler, Independent Member
Andrew Cox, Independent Member
Councillor Lynda Summers, Council Member

Non-Voting Attendees: Peter Bascomb, Chief Executive Officer

Guests: David Rawlings, Chief Strategy Officer
Councillor Tricia Hopkins, Council Member (*Alternate*)
Gary Mottau, A/g Chief Financial Officer
Jeff Morgan, Chief Operating Officer
Stephanie Sellar-Peam, A/g Chief Workforce Officer
Lawrissa Chan, Director - Financial Audit - Audit Office of NSW
Furqan Yousuf, Audit Leader - Financial Audit - Audit Office of NSW
Sandra McEwan, Executive Assistant (Strategy) (*Secretariat*)

1. OPENING OF THE MEETING

Miles Pearson accepted the nomination of A/g Chair and opened the meeting at 10.04AM with Acknowledgement of Country and showing respect to the First Custodians of Snowy Monaro Lands.

Welcome and introduction to Councillor Lynda Summers, the new Councillor representative on the committee; Phil Swaffield, National Audits Group; and Gary Mottau, Interim Chief Financial Officer.

Presentations were moved to this section of the meeting.

Attendance of National Audits Group

Phil Swaffield, National Audits Group joined the meeting at 10.00am.

1.1 NATIONAL AUDITS GROUP (NAG)

Phil Swaffield thanked Council for the appointment of the NAG for the interim internal audit role. He has specialist experience in the Local Government sector. The final internal audit report on Contracts Management and Rates Management is expected by early May in time for the ARIC meeting in June. It will be completed with the requested scope.

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL

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The committee members suggested that the previous internal audit template be sent to NAG as a guide for the requested scope and that ARIC may provide feedback and make adjustments to the final report.

COMMITTEE RECOMMENDATION**ARIC1/22**

That the previous internal audit template be sent to NAG as a guide for the requested scope of the report.

Moved Mr Barbeler**Seconded Mr Pearson****CARRIED****Attendance of the Mayor**

Peter Bascomb introduced Mayor Narelle Davis at 10.21am.

Councillor Tricia Hopkins arrived at the meeting at 10.28am.

1.2 A/G CHIEF FINANCIAL OFFICER

Gary Mottau gave a brief summary of his extensive financial experience in Local Government. He understands that SMRC:

- Has a financial deficit and resourcing staff is difficult.
- Long Term Financial Plan needs to be developed.
- Difficult conversations with the community and strong decisions by Council in the future.

The main focus will be on:

- Financial sustainability – biggest risk.
- Developing the 22/23 budget, taking responsibility and control for its financial position, including financial planning policies that Council can adopt.

1.3 BUILDING SECURITY

Committee members commented on the building security audit with reference to:

- Lack of resourcing requirements and challenging because there are multiple buildings.
- Like to see management making decisions around areas of risks that have been identified and confidence that these audits are being considered.

Jeff Morgan gave an update:

- Not a lot of progress on the actions due to Covid. Reallocating staff and ensuring actions assigned to the correct level of staff.
- CCTV and Photo ID cards will not be a high enough priority in the budget. Need to identify cuts to services.
- Jindabyne pool – took out some windows to get a cross breeze as an interim solution to ventilation issues.
- Highdale Carpark Berridale – redeveloping that site.
- Snowy River Hostel – fencing for security not a priority. The key pad will stay at the main front entrance.
- Aged Care – divestment process.
- Sale yards – reduced number of sales.

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL

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COMMITTEE RECOMMENDATION**ARIC2/22**

That a 'one page plan' including details of actions that can be achieved and accepted risks be developed and sent back to the next ARIC meeting in June 2022.

Moved Mr Cox**Seconded Mr Barbeler****CARRIED****1.4 PAYROLL AND WHS**

Peter Bascomb introduced Stephanie Sellar-Peam, A/g Chief Workforce Officer.

Stephanie Sellar-Peam gave a brief summary of her Human Resources experience.

Payroll:

- Robust process in place including payroll check lists.
- Timesheets – ensure data correctly reflects what an employee has done for that week. Pay data reviewed and random cross checks completed then handed over to finance for the second authorisation.
- Payslip wage check is traced back under the Award and cross checked for accuracy.

Committee members commented:

- Important to have controls in place as fraudulent activities through payroll could occur.
- What assurances are there against wage theft?
- Process around risk based plan for a wage list. Identify risks and have an assurance strategy plan to ensure management takes control.

Action: Andrew Cox provide an Assurance Strategy Plan template to committee members.

WHS:

- Responsible officers – new Team Leader WHS commenced this week. WHS Officer role vacant.
- Need to verify what is completed, correctly report our issues and then need to analyse the reporting.

Committee members:

- WHS is a high risk area. Encourage progress on these matters and updates brought to the committee.

David Rawlings advised that:

- Internal Auditor position vacant. National Audits Group engaged to conduct four internal audits.
- An internal audit plan has not been developed. For discussion at the next ARIC meeting in June 2022.
- Risk Officer position is vacant.

COMMITTEE RECOMMENDATION**ARIC3/22**

That:

- A. Andrew Cox provide an Assurance Strategy Plan template to committee members.
- B. The Internal Audit Plan be discussed at the next ARIC meeting in June 2022.

Moved Mr Cox**Seconded Mr Barbeler****CARRIED**

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL

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*Councillor Tricia Hopkins left the meeting at 11.20am during discussion on Item 1.4.**Councillor Tricia Hopkins returned to the meeting at 11.25am during discussion on Item 1.4.**Peter Bascomb left the meeting at 11.35am during discussion on Item 1.4.**Peter Bascomb Peter Bascomb returned to the meeting at 11.40am during discussion on Item 1.4.***Attendance of Director – Financial Audit and Audit Leader, Audit Office NSW***Lawrissa Chan, Director – Financial Audit and Furqan Yousuf, Audit Leader joined the meeting at 11.55am.***1.5 ANNUAL ENGAGEMENT PLAN**

Lawrissa Chan presented the Annual Engagement Plan. The key issues discussed were financial reporting and sustainability; revaluation of Infrastructure Property Plant & Equipment (IPPE); impacts of Covid and cyber security.

Committee members asked the following questions, with a response from Peter Bascomb:

- Progress on establishing the subcommittee to manage the deficit?
 - There was a Resolution at the Council meeting held on 18 November 2021 to formulate a committee, however Council is the committee – responsible for the budget.
- Update on cashflow forecasting model - seeking advice from overseas?
 - That particular model does not meet our requirements. The short term financial plan will be more appropriate for our model. Currently there is no cashflow model available in Australia Local Government.
- Infrastructure – any damage from the floods?
 - Mainly transport networks damaged including roads, culverts and bridges. Our focus is to ensure access to all areas and get the roads passable.

Gary Mottau:

- Will develop a 'year-end check list' project plan ready for the next ARIC meeting in June 2022.
- ARIC to review and adopt the draft financial statements in September 2022 before they are presented to Council.

COMMITTEE RECOMMENDATION**ARIC4/22**

That a year-end check list project plan be presented at the next ARIC meeting in June 2022.

Moved Mr Barbeler**Seconded Mr Pearson****CARRIED***Lawrissa Chan and Furqan Yousuf left the meeting at 12.25pm.**Councillor Tricia Hopkins left the meeting at 12.25pm.***Adjournment of Meeting***The meeting adjourned for lunch at 12.25pm***Resumption of Meeting***The meeting resumed at 12.45pm.*

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL

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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 10 DECEMBER 2021

COMMITTEE RECOMMENDATION		ARIC5/22
THAT the minutes of the Audit Risk And Improvement Committee Meeting held on 10 December 2021 are confirmed as a true and accurate record of proceedings.		
Moved Mr Barbeler	Seconded Mr Pearson	CARRIED

5. BUSINESS ARISING

5.1 ARIC RESOLUTION UPDATES

Record No: I22/174

COMMITTEE RECOMMENDATION		ARIC6/22
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

6. PRESENTATIONS

Presentations have been moved to another part of the document under Item 1.

7. SPECIAL AGENDA ITEMS

Nil.

8. REPORTS

8.1 AUDIT ACTIONS PROGRESS

Record No: I22/173

Committee members commented on:	
<ul style="list-style-type: none">• Risk management at the business planning stage. Noted that risk assessment has been added to the templates for the Council meeting reports.• Audit reports are overdue and not updated. Stay on top of audits and audit recommendations. Staff need to adhere to the reporting and update every month.• Presentations from Jeff Morgan and Stephanie Sellar-Peam well received.	

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL

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- Information Technology General Controls. Invite the Coordinator ICT to come to the next meeting to present updates.

David Rawlings advised that a Risk Officer has still not been appointed.

COMMITTEE RECOMMENDATION**ARIC7/22**

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: IAF2004-00 – Work, Health & Safety Management System

1) IA20-2A_R12 (OB12) – date extended to 30 June 2022

b) Audit: IAF2007-00 - Risk Management

1) IA20-5A_RO1 (OB1) – date extended to 30 June 2022

c) Audit: IAF1912-00 – Governance Information (Public Access) Act Compliance

1) 18-19_08/07 FN06 – date extended to 30 June 2022

d) Audit - IAF2005-00 – Interim Management Letter for the year ended 30 June 2020

1) OB06-01 – date extended to 30 June 2022

e) Audit - IAF2003-00 – Development Assessment

1) IA20-1A_R06 FN07 – date extended to 31 May 2022. Report back to the next ARIC meeting in June 2022 requested.

C. Invite the Coordinator ICT to the next ARIC meeting in June 2022 to present an update on Information Technology General Controls.

Moved Councillor Summers**Seconded Mr Pearson****CARRIED**

Andrew Cox left the meeting at 1.00pm during discussion on Item 8.1.

8.2 CHIEF EXECUTIVE OFFICER REPORT

Record No: I22/175

Peter Bascomb:

- Fraud identify corruption – nil to report.
- Manager Finance role is vacant. Additional staff needed.
- Closed off the Business Continuity Plan (BCP) for Covid for the time being. A revised BCP is being completed through our insurer. Development of a Pandemic Policy with CRJO in progress.
- Reduced staffing due to Covid. Identify what are the essential services and pulling staff from e.g. roads to water & wastewater to keep that service ongoing.
- Future Long Term Financial Plan will include a Special Rate Variation (SRV). Community consultation will need to be completed ahead of lodging a formal SRV application with IPART in February 2023.

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL

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COMMITTEE RECOMMENDATION		ARIC8/22
That the Audit, Risk and Improvement Committee receive and note the information provided by the Chief Executive Officer.		
Moved Mr Barbeler	Seconded Councillor Summers	CARRIED

9. GENERAL BUSINESS**9.1 QUARTERLY BUDGET REVIEW STATEMENT (QBRs) TO 31 DECEMBER 2021**

Record No: I22/178

Committee members asked some questions, with a response from Peter Bascomb:

- How are the Service delivery reviews?
- Infrastructure improvement? Validate improvements made and this will feed into the financial plans.
 - High level reviews using ABEF.
 - Governance – resulted in some changes including transfer of one governance staff member to the executive office.
 - Infrastructure and roads – significant recommendations.
 - Stage 2 reviews in progress - Fleet, ICT, Planning and Built & Natural Environment.

Committee members comments that ARIC:

- Continues to express serious concerns on the financial sustainability of Council. This follows ARIC's review of the operating deficit before capital result in the FY21 Financial Statements, ARIC concerns communicated in a briefing to the former Council, current management advice on the FY22 forecast deficit and Audit Office repeat Management Letters which emphasise Council's financial sustainability issues and high risks.
- Supports the former CFO's opinion that the projected FY22 financial position will be unsatisfactory and further supports the recommended actions to improve performance outlined in the former CFO's report.

COMMITTEE RECOMMENDATION		ARIC9/22
That the Audit, Risk and Improvement Committee:		
A. Receive and note the information in the Quarterly Budget Review Statement (QBRs) report for the period ended 31 December 2021.		
B. Recommend and encourage Council to undertake immediate budget repair to:		
1. Continue and enhance monthly reporting.		
2. Prioritise a balanced, rather than a deficit budget, by identifying and considering immediate income opportunities including but not limited to:		
a. an Additional Special Variation (ASV).		
b. a Special Rate Variation (SRV).		
c. review projects not commenced with a view to defer or cancel.		
d. review expenses and services across the whole organisation.		
Moved Councillor Summers	Seconded Mr Barbeler	CARRIED

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
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9.2 MONTHLY FUNDS MANAGEMENT REPORT - JANUARY 2022

Record No: I22/179

COMMITTEE RECOMMENDATION		ARIC10/22
That the Audit, Risk and Improvement Committee receive and note the information in the Monthly Funds Management Report as at 31 January 2022.		
Moved Mr Barbeler	Seconded Councillor Summers	CARRIED

9.3 WORKFORCE MANAGEMENT REPORTS

Record No: I22/190

Responsible Officer:	Chief Executive Officer
Author:	Manager Workforce Service Delivery
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. WHS Report ARIC November 2021 - January 2022

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.

Committee members comments:

- Workplace inspections unsatisfactory. Suggest provide information on trends.
- State Cover report – status on implementation requested.
- Concern regarding 26 Incidents - more information required.
- More information on the resulting actions underway:
 - Promotion and encouragement of all staff to reporting all incidents, injuries and near misses via the Vault app.
 - Education of staff and managers on expectations for worker's compensation claims.

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COMMITTEE RECOMMENDATION**ARIC11/22**

That the Audit, Risk and Improvement Committee:

- A. Receive and note the information in the report on Work Health & Safety.
- B. Be provided with more information on Workplace Inspections, State Cover report, Incidents and Resulting Actions.

Moved Mr Barbeler**Seconded Councillor Summers****CARRIED****9.4 CHAIR - AUDIT, RISK AND IMPROVEMENT COMMITTEE**

David Rawlings gave an update on the selection of a new Chair for the committee:

- Shortlisting in progress with interviews to follow.
- Once the new Chair is appointed, they will be introduced to the committee members so that a pre-meeting can be arranged. A Strategic Plan going forward to be discussed and presented at the next ARIC meeting in June 2022.

9.5 MEETING DATES - JULY-DECEMBER 2022**COMMITTEE RECOMMENDATION****ARIC12/22**

That:

- A. Meeting dates be set from July-December 2022, taking into account the review of financial statements before they are presented to Council.
- B. Calendar invites be sent out.

Moved Mr Pearson**Seconded Mr Barbeler****CARRIED**

Miles Pearson advised that he would be an apology for the December 2022 meeting.

10. NEXT MEETING

Monday, 20 June 2022

There being no further business the Chair declared the meeting closed at 3.06pm.

CHAIRPERSON

The above minutes of the Audit Risk And Improvement Committee Meeting of Snowy Monaro Regional Council held on 21 March 2022 were confirmed by Committee at a duly convened meeting on 20 June 2022 at which meeting the signature hereon was subscribed.

9.4.6 RESOLUTION ACTION SHEET UPDATE

Record No: I22/230

OFFICER'S RECOMMENDATION

That Council receive the resolution update for the period ending March 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 March 2022.

The In Progress Resolution Action Sheet for period ending March 2022 is attached to this report.

RESPONSIBLE OFFICER: Chief Strategy Officer

ATTACHMENTS

1. Updates to April Meeting - In Progress Actions up to end of March 2022
-

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
1040	17 March 2022	60/22	Road Naming - 15 Kiah Lake Road Subdivision That Council endorse the proposed road name 'Highlands Way' to go to the Geographical Names Board for pre-approval and to be publicly advertised for a period of 28 days.	GIS Administrator		18/04/2022	N
1039	17 March 2022	58/22	Flood Planning Development Controls That Council A. Adopt the Bombala Development Control Plan Amendment 2, Cooma Monaro Development Control Plan Amendment 4 and Snowy River Development Control Plan Amendment 2 (flood planning) in accordance with Clause 21 of <i>Environmental Planning and Assessment Regulation 2000</i> ; B. Provide public notice of its decision on Council's website within 28 days of this resolution, in accordance with Clause 21(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> .	Team Leader Strategic Planning	25/03/2022 – AA: A. Amendments have been made to the relevant DCPs to be placed on Councils website on 7 April in accordance with public notice. B. Public notice has been prepared and is with Communications team for review. Action complete.	18/04/2022	Y
1038	17 March 2022	67/22	Organisation Performance Report That Council vary the 2021-2022 Operational Plan as follows: A. Remove the Berridale O'Brien Avenue – Stormwater Upgrade Design project from the 2021-2022 Capital Works Program B. Remove the Rainbow Drive – Stormwater Upgrade Design project from the 2021-2022 Capital Works program C. Remove the Snowy River Way Segment 230 Pavement Widening, overlay and	Coordinator Strategy Development	25/03/2022 – GMc: Amendments are currently underway to the Operational Plan and associated Capital Works program.	18/04/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>Rehabilitation works from the 2021-2022 Capital Works program</p> <p>D. Remove the Leesville 5ML water reservoir design and construction commencement from the 2021-2022 Capital Works program</p> <p>E. Remove Jindabyne Landfill Rehabilitation and capping final concept designs for capping project from the 2021-2022 Capital Works program</p> <p>F. Amend the target completion date of the project to jointly organise a Snowy Monaro tourism forum to understand the trends, issues, and opportunities in the local tourism sector (action 4 Destination Management Plan) from March 2022 to June 2022</p> <p>G. Amend the target completion date of the project to develop a video promoting visitation to the region's towns from March 2022 to June 2022</p> <p>H. Amend the scope of the Bombala and Cooma pool projects to upgrade the water filtration systems to meet current public health guidelines and have commenced works by 30 June 2022.</p> <p>I. Amend the target commencement date of the Lake Jindabyne Shared Trail program of works – Tyrolean Village section from December 2021 to June 2022</p> <p>J. Amend the Jindabyne sports ground amenities/change room upgrades project scope to deliver in stages with stage 1 of the project being community consultation</p>				

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>and commencement of the project to be completed by June 2022</p> <p>K. Amend the Project Plan for the delivery of the of the Ginger Leigh Park to be delivered in stages through a revision of project scope with stage 1 of the project to undertake community consultation and commencement of the project to be completed by June 2022</p> <p>L. Amend the project scope to commence stage 2 instead of complete stage 2 of the LEP project by June 2022</p> <p>M. Amend the project scope to commence, instead of complete a service review framework by June 2022</p> <p>N. Where third parties are involved in projects they receive notification regarding the decision made.</p>				
1037	17 March 2022	64/22	<p>Draft Snowy Monaro Community Strategic Plan</p> <p>That Council consent to the public exhibition of the Draft Snowy Monaro Community Strategic Plan for 28 days in accordance with Section 406 (1) of the <i>Local Government Act 1993</i>.</p>	Coordinator Strategy Development	25/03/2022 – GMc: CSP is currently on public exhibition.	18/04/2022	N
1036	17 March 2022	57/22	<p>Agritourism Optional Clauses and Land Uses</p> <p>That Council receive a workshop on the issue of farm gate premises and Agritourism.</p>	Strategic Land Use Planner	25/03/2022 – BD: Workshop scheduled for 7 April 2022 with Councillors on Agritourism uses. After this workshop is held the action will be complete.	18/04/2022	Y
1035	17 March 2022	53/22	<p>Requests for Event Funding Support</p> <p>That</p> <p>A. A policy be tabled at the April 2022 Council meeting for determining the process for</p>	Coordinator Economic Development	05/04/2022 – MA: A report and policy is being prepared for the April Council meeting.	18/04/2022	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			the acceptance of event funding applications throughout a 12 month period. This would be separate from the donations and sponsorship program. B. The list of events identified in item 9.2.1 in Council meeting report at 17 March 2022 be considered including approving retrospective funding if appropriate.				
1034	17 March 2022	52/22	Snowy Monaro Business & Recovery Hub That Council A. Extend operation of the Business & Recovery Hub at 57 Vale St Cooma, for three days per week until 30 April 2022. B. Receive a report at the April 2022 Council meeting on alternative uses of the funds.	Coordinator Economic Development	10/04/2022 – GW: A report is being prepared for the April Council meeting.	18/04/2022	N
1033	17 March 2022	56/22	Finalisation of Michelago Development Control and Local Infrastructure Contributions Plans That Council A. Adopt the Cooma Monaro Development Control Plan Amendment 3 (Michelago) (Attachment 1) In accordance with Clause 21 of <i>Environmental Planning and Assessment Regulation 2000</i> ; B. Adopt the Michelago Local Infrastructure Contributions Plan (Attachment 2) In accordance with Clause 31 of <i>Environmental Planning and Assessment Regulation 2000</i> ; C. Provide public notice of its decision on Council's website within 28 days of this	Team Leader Strategic Planning	25/03/2022 – AA: A and B - Amendments have been made to the relevant DCP and LIC plans to be placed on Councils website on 7 April in accordance with public notice. C - Public notice has been prepared and is with Communications team for review. D - No submissions were received. However, an email has been sent to notify parties which provided email details as part of the survey.	18/04/2022	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			resolution, in accordance with Clause 21(2) and Clause 31 (2) of the <i>Environmental Planning and Assessment Regulation 2000</i> ; D. Notify persons who made a submission of Council's decision.				
1032	17 March 2022	55/22	Bombala Showground Lot Consolidation That Council consolidate eight lots (Lot 10 DP 1097766, Lot 11 DP 1097766, Lot 12 DP 1097766, Lot 13 DP 1097766, Lot 14 DP 1097766, Lot 1 DP 151403, Lot 1 DP 151404 and Lot A DP 154400) known as the Bombala Showground into one allotment.	Land and Property Officer	01/04/2022 – SR: Title name change initiated with BMR & Surveyor engaged to undertake works. ETA of Consolidation Plan is early May 2022.	18/04/2022	N
1031	17 February 2022	26/22	Approve Road Names for Two New Roads in a Subdivision to the South of Dalgety That Council approve the road names Riverbend Drive and Quarry Lane to go to the Geographical Names Board to be gazetted.	GIS Administrator		21/03/2022	N
1025	18 November 2021	283/21	Bligh Street – Cooma That Council A. Proceed to consult with Local Land Services and NSW Aboriginal Land Council. B. Subject to responses from Local Land Services and NSW Aboriginal Land Council, continue discussions with Crown Lands.	Manager Infrastructure	31/03/2022 – JM: LGA wide approval from Crown Lands provided to undertake work on Crown roads. Awaiting confirmation of disaster declaration funding to schedule work on Bligh st. 25/02/2022 – GS: Comments have now been received from both LLS and NSWALC suggesting no real concerns exist should Crown approve Council maintenance of Bligh Street. Meeting with Crown Lands is now being scheduled to determine if any further actions are required or whether Crown Lands will	01/06/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>now approve Council maintenance of a Crown road asset.</p> <p>04/02/2022 – GS: Letters are being prepared for LLS and Aboriginal Land Council to request approval to undertake maintenance work.</p>		
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>01/04/2022 – SR: Res A: Response being drafted to DPIE addressing their concerns regarding connectivity of road reserve issue. Once this matter is cleared closure can proceed Res B: Dependant on A being finalised Res C: No further negotiations required at this stage, finalisation is dependent on Res A being completed.</p> <p>02/03/2022 – SR: Res A: Addressing received feedback from notifiable authorities. Easement creation is now required and there is a requirement to address road connectivity issues further west prior to closing lot 6 & 7 DP 1018626. Res B: Dependant on A being finalised. Res C: Ongoing negotiations conducted due to easement creation, agreeance from land holder received.</p> <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.</p>	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>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>		
1022	18 November 2021	280/21	<p>Minutes of the Arts and Culture 355 Advisory Committee meeting held 20 October 2021 That Council place the draft SMRC Public Art Policy on public exhibition for a period of 28 days.</p>	Community Development Planner and Projects Officer	<p>25/03/2022 – AA: Further detail is being prepared as per the Communications Team request. Public Exhibition is expected to commence by 1 April.</p> <p>28/02/2022 – AA: The draft Public Arts Policy is expected to be placed on public exhibition the week commencing 7 March 2022.</p> <p>08/02/2022 – DR: Policy to be advertised in March due to other works needing to be undertaken first.</p> <p>13/12/2021 – AA: Policy will be placed on exhibition in January.</p>	31/03/2022	N
1010	21 October 2021	250/21	<p>Cooma Back Creek - Flood Risk Management Options Assessment Report That Council A. Liaise directly, along with NSW Department Planning Industry and Environment (DPIE) with all identified 'at significant risk'</p>	Environmental Technical Officer	<p>9/11/2021 - DR: Discussions will need to be arranged in association with the relevant NSW Government department staff.</p>	28/02/2022	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			landholders and advise them of their level of risk as confirmed within the Cooma Back Creek – Flood Risk Management Options Assessment Report – April 2021.				
997	21 October 2021	259/21	Smith's Road Rezoning That Council 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. 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. 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 rezoning into the new Snowy Monaro Land and Environment Plan.	Team Leader Strategic Planning	21/03/2022 – AA: No further update. 23/02/2022 – AA: A. Noted. B. No revision required as this is consistent with the draft Rural Land Use Strategy. C. A LEP budget proposal is being prepared for Councils consideration that seeks a sustainable funding approach to achieve outcomes sought by this resolution. 13/12/2021 – AA: A. Noted. B. No revision required as this is consistent with the draft Rural Land Use Strategy. 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).	22/11/2021	N
983	26 August 2021	187/21	Cooma Compost Facility and Crown Road That Council A. Acquire Lot 1 DP 1075191 by compulsory acquisition process from Crown Lands	Project Specialist	01/04/2022 – SR: No further update. 02/03/2022 – SR:	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>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> <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>No further update - Awaiting budget advice for further progression.</p> <p>24/01/2022 – SR: No further update.</p> <p>16/12/2021 – SR: A. PWA Proposal received & being reviewed for approval. B. No action required. C. No action required, D. Dependant on 'A'. E. Dependant on 'A'.</p> <p>25/11/2021 – SR: Awaiting for estimation from PWA for acquisition works, should be received week ending 05/12/2021. B. no action required. C. no action required. D. dependent on 'A'. E. dependent on 'A'.</p> <p>14/10/2021 – SR: Contact made with PWA to initiate process.</p>		
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>01/03/2022 – TP: No further update at this point.</p> <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</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>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: 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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
974	15 July 2021	160/21	<p>How can Council best leverage the State Government's recently announced policy on temporary supportive accommodation</p> <p>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>05/04/2022 – MA: A: Coordinator Economic Development met with Land and Housing Corporation representatives to discuss economic development and market issues around Cooma. Continuing to work together regarding the state government pilot project subdivision at Cooma East. B: Discussion paper still not released</p> <p>28/02/2022 – MA: A concept is currently being developed and will be presented to Councillors for review when ready.</p> <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> <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:</p>	16/08/2021	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					Discussion paper not yet released by the State Government. Continuing to support the State Government's research for development opportunities in Cooma.		
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>01/03/2022 – TP: No further update at this point.</p> <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

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/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> <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>	Coordinator Land & Property	<p>01/03/2022 – TP: Item A: The partial road closure of the relevant section of the Mittagang Road reserve is queued for processing. Items B - F: Cost and administrative arrangements to be finalised to deliver clarity for both parties involved.</p> <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>01/10/2021 - 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>	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
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 Regional library, Cooma and the Cooma Monaro Historical Society.</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 president has been informed again and they will return it soon for CEO signature.</p>	30/10/2021	N
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> <ol style="list-style-type: none"> Negotiate the purchase under private treaty of part of Lot 1 DP 348134 Delegate or, if required; 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>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</p>	Manager Water Wastewater Operations	<p>23/03/2022 – JD: No further updates.</p> <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>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> <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</p>	Coordinator Corporate Projects	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		N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			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.		2021 will see the contractor to present their recommended options for remediation. 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 requirements and determining course of action to remedy.		
950	20 May 2021	120/21	Motion To Get A Report On A Bed Tax That Council provide a report on the benefits, possible charges, and methods of implementing a bed tax, or other user pays options modelled on successful tourist towns which utilise a user pays system in Australia and overseas.	Coordinator Economic Development	05/04/2022 – MA: A subscription user pays model is being explored with MRT Inc in the development of the Monaro Rail Trail business case and TDP. Continuing research into other possible options for tourism funding as well. 28/02/2022 – MA: As above. 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. 21/12/2021 – MA: Nil further update. 02/11/2021 – MA: No further update. 30/09/2021 – MA: No further update.		N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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>		
929	15 April 2021	79/21	<p>Little Paupong Road 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. 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>	Coordinator Land & Property	<p>01/04/2022 – SR: Res A&B: Crown application approved and Gazette Notice published, surveyor can now be engaged for the creation of road reserve aligned with constructed section of Little Paupong Road., Res B & C: Report to be drafted for June Council meeting, requesting approval to close Crown road reserves.</p> <p>02/03/2022 – SR: Res A & B: Application sent to Crown Lands for transfer of road reserve to Council, Crown advised intention to publish Gazette Notice in March. Res C: Once application is approved matter can be returned to Council.</p> <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>	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>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: 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>	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.</p> <p>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
			<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> <p>E. Contact the Electric Vehicle Council to discuss becoming a site host for ESV chargers.</p>		<p>using about half the fuel of traditional combustion vehicles.</p> <p>30/09/2021 – SS: No further update.</p> <p>05/08/2021 – SS: No further update.</p> <p>07/06/2021 – SS: No further update.</p> <p>06/05/21 – SS: No further update.</p>		
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>25/03/2022 – JD: No further update.</p> <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:</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>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 and application for exemption in terms of the Heritage Act to commence shortly.</p> <p>15/01/2021 – JD: A. Council approved new location. Design work for new location has commenced. B. Complete. C. Complete.</p>		
864	17 December 2020	254/20	Water and Wastewater Easement Acquisitions - Adaminaby and Bombala That Council A. Application be made to the Minister for Local Government and the Governor to acquire easements for water supply	Manager Water & Wastewater	<p>25/3/2022 – JD: No further update.</p> <p>20/01/2022 – JD: No further updates.</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>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> <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</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: 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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			Acquisition (Just Terms Compensation) Act; and E. Authorise the CEO to sign any documentation required for the acquisition processes				
855	19 November 2020	240/20	Bicentennial Garden/ Parks – Bombala That Council: A. Ensures that gardens, trees and significant plantings in all parks throughout Snowy Monaro Regional Council area are to be protected by a Plans of Management that will manage parks and gardens, with a Tree Management Plan developed to ensure that trees are conserved into the future; B. Acknowledge that the Bombala Bicentennial Garden is significant to the community; and C. Assess the Bombala Bicentennial Garden by a heritage expert for inclusion on Council's Heritage Listing.	Coordinator Strategy Development	25/03/2022 – GMc: Process for heritage Listing to be finalised through the LEP process and Heritage NSW. 24/02/2022 – GMc: Process for heritage listing to be finalised through the LEP process and Heritage NSW. 29/10/2021 – GMc: No further update – process for heritage listing to be finalised. 30/09/2021 – GMc: No Further Update - Process for heritage listing to be finalised. 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. 02/07/2021 – GM: No further update - Process for heritage listing to be finalised	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: A. To be incorporated into draft the Plans of Management which will go out for</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					community consultation planned for early March 2021. B. Completed. C. A request has been sent to Council's Heritage consultant to consider this item for heritage listing.		
843	19 November 2020	228/20	Strategy Review - Vale Street Land That Council defer the report to a later date following a Councillor workshop.	Senior Project Manager	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. 16/12/2021 – DR: No further update. 30/11/2021 – DR: Two new staff commenced this week. This will allow tasks to be reassigned and allow this project to proceed. 29/11/2021 – DR: Waiting on staff vacancies to be filled before strategy review to be undertaken. 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. 06/05/2021 – DR:	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>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 Peak View Community, the Crown, the</p>	Coordinator Land and Property	<p>01/03/2022 – TP: Item A & B: Work is continuing to negotiate an outcome to satisfy the requirements of all parties including the Peak View Community, the Crown, the NSW Aboriginal Land Council, Lions International and the Rural Fire Service. Council has received some conflicting advice from Crown Lands in terms of the smoothest way to progress - Further consultation is underway.</p> <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</p>	Ongoing	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			NSW Aboriginal Land Council, Lions International and the Rural Fire Service.		<p>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: 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>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>02/07/2021 – JB: No further update.</p> <p>09/06/2021 – JB: No further update.</p> <p>03/05/21 - JB: 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>	Coordinator Land & Property	<p>01/03/2022 – TP: No further update at this point.</p> <p>31/01/2022 – TP: Applicant initiated lodgement of easement creation documentation with SMRC's Planning</p>	31/12/2021	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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> <p>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</p> <p>B. Authorise Council's CEO to execute any documents necessary to register the easement.</p>		<p>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> <p>05/09/2021 - TP: Email sent to the relevant landowner seeking an update on the survey aspects in order to progress easement registration.</p> <p>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.</p> <p>02/07/2021 - TP: No further update at this point</p> <p>06/06/2021 – TP: Follow up with the landowner benefiting from the easement as to the licence status required.</p> <p>05/05/2021 - TP: No further update at this point.</p> <p>31/03/2021 - TP: 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>01/03/2021 – TP: No further update.</p> <p>14/01/2021 – LB: A. The landowner has been requested to notify Council when the pipeline has been installed so that Council has an opportunity to inspect the area to ensure that Council property has been remediated. He has agreed to be responsible for all costs and will send a copy of the water licence to Council when he is in possession of the Licence.</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</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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.		
794	17 September 2020	172/20	Proposal to Close Part Mittagang Road - Yallambee Lodge That Council; A. Approve the road closing of part of Mittagang Road in accordance with the <i>Roads Act 1993</i> ; B. Consolidate the new lot with lot 1 DP 841447 (Yallambee Lodge); and C. Authorise Council's CEO to execute all necessary documents to complete the road closing and lodgement of the plan of consolidation.	Coordinator Land & Property	01/04/2022 – SR: Res A & B: Partial Closure Draft Plans have been received from surveyor. Application for Post Certificate - Boundary adjustment lodged. Res C: CEO to sign administration sheet for road closure. 03/02/2022 – SR: No further updates. 24/01/2022 – SR: A, B & C: Quote received from surveyor. Surveyor engaged to complete works. 01/11/2021 – TP: No further update at this point in time. 01/10/2021 – TP: No further update at this point. 05/09/21 – TP: No further update. 04/08/21 - TP: No further update at this point. 06/06/2021 – TP: No further updates at this point. 05/05/21 - TP:	31/12/2021	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 Yallambee 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> <p>23/10/2020 – LB: A. Letters have been prepared and are ready to be posted. B. After the road is closed a plan of consolidation will be prepared by a surveyor and the plan will subsequently be lodged.</p> <p>24/09/2020 – LB: A. Letters will be sent in the next two weeks to the notifiable authorities and to properties surrounding Yallambee notifying them of the proposal to close the road. B. After the road is closed a plan of consolidation will be prepared by a</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					surveyor and the plan will subsequently be lodged.		
789	17 September 2020	167/20	Acquisition - Easement for Access Adaminaby Sewage Treatment Plant and Town Water Supply That Council: A. Proceed with the compulsory acquisition of the interest in the land described as part Lot 287 DP 729870 Land fronting Snowy Mountains Highway, Adaminaby and having an area of approximately 22m for the purpose of easement for access to essential services being the Sewage Treatment Plant in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ; B. Proceed with the compulsory acquisition of the interest in the land described as part Lot 292 DP 729876 having an area of approximately 200m and part Lot 292 DP 729876 Land fronting Chalker Street, Adaminaby and having an area of approximately 344m for the purpose of easement for access to essential services being Town Water Supply in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ; 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	Manager Water & Wastewater	25/3/2022 – JD: No further update. 20/01/2022 – JD: No further updates. 03/11/2021 – JD: No further updates. 28/09/2021 – JD: No further updates. 30/08/2021 – JD: No further updates. 02/08/2021 – JD: No further updates. 09/06/2021 – JD: No further updates. 04/05/2021 – JD: No further updates. 30/03/2021 – JD: No further updates. 02/03/2021 – JD: Acquisition currently underway. 15/01/2021 – JH:	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>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 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>		
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>09/03/2022 – ED Draft manual under revision to reflect current structure. Draft to come to undergo consultation with internal stakeholder prior to ELT approval and Councillor workshop in June.</p> <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>	28/02/2022	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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: 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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
746	16 July 2020	107/20	Health One Facility, Jindabyne That Council A. Authorise the Chief Executive Officer to execute the Building Management Statement and take steps to finalise and sign the land sale agreement; and B. Approve the establishment of a Building Management Committee to oversee obligations of the Building Management Statement.	Facilities Officer Snowy River Health Centre	01/03/2022 – NW: A. Building management statement signed by CEO. B. Finalising plan of subdivision prior to establishment of building management committee. 06/09/2021 – TP: Follow up query to Planning as to status of subdivision approval. 27/04/2021 – NW: Waiting on Subdivision Certificate approval. 26/03/2021 – NW: Subdivision Certificate and Modifications now lodged by Dabyne Planning. 02/03/2021 – NW: Discussions ongoing between Dabyne Planning and Kleven Spain Surveyors. Subdivision application forms submitted to CEO for signature. 12/01/2021 – NW: A. Surveyor provided plans although further information still required. Waiting on information to be forwarded. 27/11/2020 – TP: No further update. 27/10/2020 – NW: A. Awaiting surveyor to provide further information to enable registration of	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>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>		
718	18 June 2020	80/20	Acquisition of Land - RFS Shed Michelago That Council A. Proceed with the compulsory acquisition of the Land described as part Lot 5405 DP	Coordinator Land & Property	01/04/2022 – SR: Res A: Awaiting valuation to be complete. Res B: Awaiting completion of A. Res C: No Action Required.	28/02/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<p>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>		<p>Res D: No Action Required. Res E: As Required.</p> <p>02/03/2022 – SR: Res A: Valuer engaged via PWA. Res B: Awaiting completion of A. Res C: No Action Required. Res D: No Action Required. Res E: As Required.</p> <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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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> <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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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> <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</p>	Coordinator Economic Development	<p>05/04/2021 – MA: No further update. Will receive update from Bombala Chamber on progress during April.</p> <p>28/02/2022 – SB: No further update.</p> <p>24/01/2022 – SB: Bombala Chamber of Commerce advised they are aiming to complete this project by the end of financial year.</p>	31/05/2021	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			Chamber must agree to use the money on paint and provide supporting documentation to Council once the project is completed.		<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> <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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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: 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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
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>01/04/2022 – SR: Report to Council requesting resolution 57/20 to be rescinded as the actions are no longer relevant to acting on the original sale & disposal.</p> <p>24/01/2022 – SR: 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> <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>	30/12/2020	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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: 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:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>A. Landowners have been notified of the extension of the maximum time to repay the purchase price</p> <p>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: 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</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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>		
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>	Coordinator Land & Property	<p>08/02/2022 – GS: All actions have been undertaken. The owners of Lot 1 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 Lot 2 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:</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>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>		<p>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> <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</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>the landowner for a right of way for access to the Quarry.</p> <p>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:</p> <p>A. Completed.</p> <p>B. Discussions are ongoing to decide the best approach for a permanent access.</p> <p>23/20/2020 – LB:</p> <p>A. The temporary agreement between SMRC and Mr Thomas for access to Middlingbank Quarry has been signed and is active from 2 November 2020 through to 30 April 2021. Notice has been provided to Mr Thomas, in accordance with the agreement that Council intend to access Middlingbank Quarry to extract material in November 2020. Work to ensure the access road is suitable for heavy traffic will commence on Monday 2 November.</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:</p> <p>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:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>B. The surveyor has completed the survey for the easement for access subject to negotiation with the landowner.</p> <p>C. Council has engaged the surveyor and will be responsible for all costs.</p> <p>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:</p> <p>A. No update.</p> <p>B. Quotations for the survey were received. Despite numerous emails being sent to the surveyors only one surveyor responded and he has been requested to proceed as soon as possible.</p> <p>26/06/2020 – LB:</p> <p>A. Negotiations with landowners are ongoing.</p> <p>B. Requests for quotations for survey have been advertised.</p> <p>28/05/2020 – LB:</p> <p>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>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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>01/03/2022 – TP: No further update at this point.</p> <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 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>	28/02/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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 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</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 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:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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: 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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					Council's solicitor has been requested to prepare the documentation.		
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 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>	Coordinator Land & Property	<p>01/02/2022 – TP: Items A, B & C - Complete. Item D - NSW Valuer General compensation determination has been received: Council are to pay the other party \$82,983 (inc GST). The compensation is restricted to 'disturbance' only; covers legal costs, land value costs & fencing. The mandated compensation notice has been prepared and once executed by SMRC it will be distributed to the other party via solicitor channels.</p> <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 (Lots 1-10 DP 1245630) - The publication of the</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>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 the OLG submits the Acquisition Notice for the</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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>		

SMRC Resolution Action Sheet – In Progress							
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>		

SMRC Resolution Action Sheet – In Progress							
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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>		

SMRC Resolution Action Sheet – In Progress

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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
553	21 November 2019	422/19	Managing Heavy Vehicles in Bombala Town Centre - Community Consultation That the matter be deferred for further consultation with the public including correspondence from the Bombala Chamber of Commerce.	Manager Corporate Projects	<p>25/03/2022 – GMc: This consultation work has not been planned for the 2021/2022 Financial Year within the Strategy Team. Consideration for this action to occur for the 2022-2026 Delivery Program.</p> <p>24/02/2022 – GMc: This consultation work has not been planned for the 2021/2022 Financial Year. Consideration will be given for this action to occur for the 2022-2026 delivery program.</p> <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:</p>	Ongoing	N

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 - 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: 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:</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. 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 • 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	Closure of Part of the Road Reserve in Barrack Street Cooma That Council	Coordinator Land & Property	04/04/2022 - GT: A: Complete.	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>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>		<p>B: Part 1 Complete - learner bike track has been constructed Part 2 In progress and no further update</p> <p>23/02/22 – GT: A: Complete. B: Part 1 Complete - learner bike track has been constructed Part 2 in progress and no further update. C: Complete.</p> <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 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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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> <p>28/02/2021 - TP: No further update.</p> <p>22/01/2021 – 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 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 to fulfil the requirements of the requisition. This action cannot proceed until plan is Registered.</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>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 documents have been delivered to the surveyor for lodgement at the LRS.</p> <p>02/03/2020 – LB:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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	Proposed Acquisition of Part Lot 6 DP 218752 for the Purpose of Road That Council, consistent with the guidelines contained within with the body of report: A. Authorise the General Manager to negotiate the purchase of 0.2542ha of lot 6 DP 218752; B. That Council be responsible for any additional costs including survey, legal fees, fencing; C. Authorise the General Manager to execute all necessary documents and affix Council's Seal if required; and D. Approach the plantation owners for a contribution towards the works prior to commencing the project.	Coordinator Land & Property	01/04/2022 – SR: No further update. 03/02/2022 – SR: Res A: Awaiting LRS registration of plans to allow for land ownership to be transferred. Res B: Council will pay engaged surveyor and solicitor. Res C: To date all required documents have been executed. Res D: As per previous updates in 2020, the plantation is not impacted by the project therefore no contribution will be paid - Resolution D complete. 24/01/2022 – SR: Subdivision Application (DA) approved. Plans to be registered with LRS. 15/12/2021 – SR: Awaiting subdivision application approval. 12/10/2021 – SR: Subdivision application lodged with Planning. 28/09/2021 – SR: Signed Admin Sheet & Subdivision Application received in Berridale Office, Admin Sheet to be	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>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 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</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>document) and forwarded to bank to progress necessary mortgage discharge.</p> <p>22/01/2021 – LB:</p> <p>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> <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:</p> <p>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.</p> <p>D. Letter has been sent to Plantation Owners.</p> <p>23/10/2020 – LB:</p> <p>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</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>subdivision will be registered and contracts will be exchanged.</p> <p>D. Letter is being prepared for the plantation owners requesting that they contribute to the works.</p> <p>24/09/2020 – LB:</p> <p>A-C. The Title to lot 6 has a mortgage noted in the second schedule. The landowner has verified that the loan has been paid out. A discharge of mortgage application was forwarded to the landowner to complete and return to Council so that the mortgage can be removed from the title. Council is also waiting on the application for a subdivision certificate to be signed by the owner of the property.</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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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: Council is currently waiting on the subdivision certificate so that the plan can be registered prior to settlement.</p> <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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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>		
388	19 September 2019	343/19	<p>Proposed Compulsory Acquisition of Part Lot 7002 DP 1028529 Crown Land Travelling Stock Reserve</p> <p>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 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</p>	Coordinator Land & Property	<p>01/04/2022 – SR: No further update.</p> <p>02/03/2022 – SR: No further updates.</p> <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 claims (CM9: 21/114613). [The balance of these three claims is to remain 'on foot' for determination in due course].</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>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>B: Part 2) Awaiting Survey Plan.</p> <p>21/10/2021 – GT:</p> <p>A. COMPLETE</p> <p>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.</p> <p>C. Waiting on B.</p> <p>D. Waiting on C.</p> <p>E. Waiting on D.</p> <p>17/08/2021 - SR:</p> <p>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:</p> <p>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> <p>02/07/21 - TP:</p> <p>No further update at this point.</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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 Aboriginal Land Council is considering the request to excise the road from their claim.</p> <p>03/11/2020 – 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-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. G. Upon acquisition the acquired property will be dedicated as road.</p> <p>26/06/2020 – LB:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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> <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>	Coordinator Land & Property	<p>01/04/2022 – SR: Res A: Awaiting 88B execution by Cross party. Res B: Report to April Council meeting. Res C: Complete. Res D: Awaiting LRS Registration (requisitions to be addressed). Res E: One contract drafted signed by Council awaiting purchasers signature, second awaiting new Council resolution (report estimated for March meeting). Res F: Required paperwork to date has been executed by CEO.</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>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>02/03/2022 – SR:</p> <p>Res A: Advised by surveyor requisition has been received from LRS in relation to 88B instrument, signature is now required from both parties on the instrument as the easement burdens the lot they intend to purchase.</p> <p>Res B: Both parties agree to payment plans, new Council resolution to be sort for party C payment plan.</p> <p>Res C: Complete</p> <p>Res D: Awaiting LRS Registering</p> <p>Res E: One contract drafted signed by Council awaiting purchasers signature, second awaiting new Council resolution (report estimated for March meeting) .</p> <p>Res F: Required paperwork to date has been executed by CEO</p> <p>24/01/2022 – SR:</p> <p>Res A: Plans & 88B to awaiting LRS registration.</p> <p>Res B: Both parties agree to payment plans, new Council resolution to be sort for party C payment Plan.</p> <p>Res C: Complete.</p> <p>Res D: Awaiting LRS Registering.</p> <p>Res E: One contract drafted second contracting, second awaiting new Council resolution (report estimated for March meeting).</p> <p>Res F: Required paperwork to date has been executed by CEO.</p> <p>15/12/2021 – SR:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 both 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> <p>28/09/2021 - SR: Consolidation Administration Sheet with landowner for signing.</p> <p>17/08/2021 - SR:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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> <p>28/02/2021 – TP: Awaiting plan of subdivision from surveyor. , Note: Linkage exists with Resolution 57/20.</p> <p>22/01/2021 – 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. 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.</p> <p>C. Response has been received from Crown Lands.</p> <p>D. Plan of subdivision will be available shortly.</p> <p>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.</p> <p>F. Council's CEO will execute the contracts at the appropriate time.</p> <p>04/12/2020 – LB:</p> <p>A. Closure process progressing.</p> <p>B. Owners notified. Payment plan now subject to Council resolution 57/20.</p> <p>C. Currently waiting on response from Crown Lands</p> <p>D. Surveyor notified that plan of subdivision will be needed shortly.</p> <p>E. Solicitor asked to commence drawing up contracts for the sale of the land.</p> <p>23/10/2020 – 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>A. Process has changed and new application to Crown Lands has been submitted</p> <p>B. Surveyor has been asked for an anticipated date for the plan of subdivision</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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> <p>F. The plan of subdivision will be available in approx. 6 weeks. In the meantime, the road closure is progressing.</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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> <p>24/04/2020 – LB:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 privately owned properties for the road reserve to be created over Badja Road; and</p>	Coordinator Land & Property	<p>01/04/2022 – SR: No further update.</p> <p>02/03/2022 – SR: Res A & B: All LRS requisition items to be addressed by Council have been completed. Surveyor conducted site visit to assist with completing LRS requisition items required to be addressed by surveyor. Res C: Exchange will occur when LRS registration is complete. Res D: All required documents to date have been executed.</p> <p>24/01/2022 – SR:</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
			D. Authorise the General Manager to execute the documents to give effect to the above		<p>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 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:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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: 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</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>road closing will effectively commence when the 28 day advertising period has ended.</p> <p>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:</p> <p>A. Subject of resolution 296/19</p> <p>B. Survey plan has been received</p> <p>C. Exchange will occur at the appropriate time</p> <p>D. Documents will be executed at the appropriate time.</p> <p>24/09/2020 – LB:</p> <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:</p> <p>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:</p> <p>G. Surveyor has given assurance that the plan will be sent to Council in the next two weeks.</p> <p>H. This will be done in consultation with landowners after plan of subdivision is received.</p> <p>28/05/2020 – LB:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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: Survey work is currently being carried out.</p> <p>20/01/2020 – LB: Landmark Surveys have been engaged to carry out the survey and produce a plan.</p>		
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>	Manager Corporate Projects	<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>	Ongoing	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<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>		<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 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 NSWLALC to the Local Aboriginal Land Council (LALC) with the recommendation that the CEO of the LALC refer it to the LALC Board for consideration of claim withdrawal. NSWALC will advise of the outcome when received.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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 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;</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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.		
227	17 April 2019	151/19	Consolidation of Reserve no. 530002 Centennial Park and Lot 6 DP 758280 Cooma Visitors Centre as one Crown Reserve for General Community Use That Council A. Request that the Crown add lot 6 DP 758280 to Reserve 530002 comprising Centennial Park and add an additional purpose of "General Community Use" to the Reserve. B. Relinquish Licence LI 453017 for the use of the Cooma Visitors Centre when Lot 6 DP 758280 is added to Reserve 530002.	Coordinator Land & Property	04/04/2022 – GT: No further update. 23/02/22 – GT: No further update. 13/12/2021 – GT: No further update. 15/11/2021 – GT: No further update. 19/10/2021 – GT: No further update. 28/09/2021 - GT: No further update. 01/09/2021 – GT: No further update. 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	28/02/2021	N

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No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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: 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:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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: 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: A. Crown Lands has assured the Land and Property Officer that the documentation recommending the amendment to both reserves has gone before the Minister. B. The licence will be relinquished when Crown Lands has completed their processes.</p> <p>29/07/2020 – LB: This matter needs to be signed off by the Minister and then must be advertised in the Government Gazette as a part of the process. It</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>is anticipated that it may take some months to finalise.</p> <p>26/06/2020 – LB: Communication with NSW ALC confirmed that the claim over the Visitors Centre has been rescinded. This information will be relayed to Crown Lands with a request to expedite the matter.</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: 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</p>		

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					placed under Council management & that the lease be rescinded. We are currently waiting on a reply. 20/01/2020 – LB: This matter has been escalated at Crown Lands to achieve a decision on the way forward.		
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	01/03/2022 – TP: No further update at this point. 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. 01/11/2021 – TP: No further update at this point in time. 01/10/2021 - TP: Not further update at this point 05/09/2021 - TP: No further update. SMRC continues to manage & own the properties in question. 04/08/2021 – TP: No further update at this point. 02/07/2021 - TP:	28/02/2022	N

SMRC Resolution Action Sheet – In Progress							
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					<p>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> <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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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.</p> <p>24/07/2020 – KH: 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: 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>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
165	21 February 2019	68/19	<p>Parking in the laneway at the rear of the Jindabyne Town Centre</p> <p>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>01/03/2022 – TP: Completion of actions under this resolution will be generated by the tabling of an overarching report considering multiple issues requiring addressing in the area.</p> <p>31/01/2022 – TP: Completion of actions under this resolution will be generated by the tabling of an overarching report.</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 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>	31/12/2021	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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: 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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>A. Amended plan still to be received by Council.</p> <p>26/08/2020 – LB:</p> <p>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.</p> <p>B. A report will be submitted for Council's consideration when the public consultation has taken place.</p> <p>29/07/2020 – LB:</p> <p>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.</p> <p>B. Following public consultation a further report will be prepared for Council with detailed costings.</p> <p>26/06/2020 – LB:</p> <p>The Road Safety Officer advised that the surveyor has been selected and the project is progressing.</p> <p>A. Public consultation will take place when the survey and design is completed.</p> <p>28/05/2020 – LB:</p> <p>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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 Council has been successful in securing grant funding for survey and design of the back lane.</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>	Executive Assistant to Chief Executive Officer, Mayor and Councillors	<p>11/03/2022 – JB: Report pushed to May 2022 Council Meeting.</p> <p>08/02/2022 – JB: Report pushed to the March 2022 Council Meeting.</p> <p>10/01/2022 – JB:</p>	Ongoing	N

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<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>		<p>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: 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</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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) • 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>		

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					<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 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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<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> <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.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					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.		
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</p> <p>That Council</p> <p>A. Approve the proposal to realign The Barry Way over the constructed road from the intersection with MR286 to the boundary of the national park.</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>	Coordinator Land & Property	<p>01/04/2022 – SR: No further update.</p> <p>02/03/2022 – SR: Resolution C: Site inspection undertaken. Agreeance reached with both parties. Resolution G: Funding source to be further investigated. Resolution A, B, D, E, F: No further updates.</p> <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> <p>15/12/2021 – SR: Site Meeting Scheduled For 16/12/2021.</p> <p>25/11/2021 – SR:</p>	31/08/2022	N

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
			<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>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> <p>31/03/2021 – TP: No further update at this point.</p> <p>01/03/2021 – TP:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 to the land owner. Provision of this information will now allow action C to be completed.</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>24/09/2020 – LB:</p> <p>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:</p> <p>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> <p>A & B Surveyor has been requested to provide the plan for the second section which will involve Eagle View Lane.</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>C. Landowners have been notified that Council is waiting on plan. 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 B. Request for sections of Crown road to be transferred to Council will be carried out at the end of the project. C. Negotiations with landowners are ongoing. D. See A. above. E. Acquisition will be carried out as necessary when the plan for individual sections is finalised. F-G Ongoing.</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 been requested to calculate the area of both</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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 boundary adjustment and sale of the property;</p>	Land & Property Officer	<p>01/04/2022 – SR: No further update.</p> <p>02/03/2022 – SR: No further update.</p> <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:</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>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 A & B; Surveyor advised plans have been registered with LRS, awaiting title advice from solicitor.</p> <p>Resolution C: Completed.</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:</p>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>Target date changed from 30 September 2018 to 30 June 2021 - To reflect current timeline.</p> <p>23/03/2021 – JH: 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>		

SMRC Resolution Action Sheet – In Progress							
No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>23/09/2020 - JH: C . Consolidation Plans lodged, surveyor has advised that a CT was not created and the solicitor is now preparing this so that registration can take place.</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:</p>		

SMRC Resolution Action Sheet – In Progress

No.	Meeting Date	Res. No	Action	R/Officer	Progress	Estimated Comp Date	Comp Y/N
					<p>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> <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>		

9.4.7 EXTRAORDINARY COUNCIL MEETINGS TO BE SCHEDULED FOR 5 MAY AND 23 JUNE 2022

Record No: I22/231

OFFICER'S RECOMMENDATION

That Council hold extraordinary council meetings commencing at 1pm on 5 May 2022 and 23 June 2022.

ISSUES

The integrated planning and reporting (IPR) suite of plans is a statutory requirement under the Local Government Act 1993, and the development of these plans is a significant body of work.

Finalisation of the draft Long-Term Financial Plan 2022-2032, draft Delivery Program 2022-2026, draft Operational Plan 2022-2023, draft Revenue Policy 2022-2023 and draft Fees and Charges 2022-2023 will not be ready for the 21 April 2022, Council meeting.

Scheduling an extraordinary meeting on 05 May 2022, allows for an additional two weeks for discussion with councillors and preparation prior to Council's consideration for placing on public exhibition for 28 days. This also means that the public exhibition period will run **from 9 May to 6 June 2022**. As a consequence, the consideration of submissions and post-exhibition period report to Council will not be ready for the 16 June 2022, Council meeting. Thus, an extraordinary Council meeting is required to be held on 23 June 2022, so draft plans can be considered for adoption before 30 June 2022.

RISK ASSESSMENT

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

Legislative and Compliance

There is a risk by not holding the extraordinary meetings that the IPR plans will not meet the 30 June 2022 deadline for the plans to be adopted by Council.

Reputation and Image

Seeking to try and meet an earlier deadline and as a result not having a set of plans that are complete and councillors have had sufficient time to consider before being placed on public exhibition may have a negative reputational impact.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	NIL	
Estimated Annualised Net Cost	NIL	
Capital Investment	NIL	
Capital Funding Source	NIL	

There is no financial impact regarding the decision to hold two extraordinary Council meetings before 30 June 2022.

RESPONSIBLE OFFICER: Coordinator of Strategy Development

OPTIONS CONSIDERED

The option of tabling the draft suite of plans on 21 April 2022 has been considered, and is not the preferred date due to the risks identified.

IMPLEMENTATION PLANS

The proposed extraordinary meeting dates of 5 May and 23 June 2022 have been tentatively booked and set within Council's Infocouncil system for the meeting to take place.

ATTACHMENTS

Nil

9.4.8 CONSIDERATION OF ADDITIONAL SPECIAL VARIATION APPLICATION

Record No: I22/232

OFFICER'S RECOMMENDATION

That Council

- A. Has considered the impact on ratepayers and the community in 2022-23 and in future years if the special variation is approved and considers that it is reasonable.
- B. Apply for a permanent special variation under section 508(2) of the Act of 2.3%.
- C. Note that the variation will raised an additional \$262,000 in revenue.
- D. Note that the variation is required to fund:
 - (a) The costs of the planned new library service to be introduced at Jindabyne in the 2022/23 year, and
 - (b) The ongoing costs of providing required infrastructure and services as planned in the current delivery and long term financial plans.

ISSUES

The Minister for Local Government announced that due to the variance between the announced IPART rate peg limit and the expectations of that that figure would be that councils could apply for approval to raise rates to the lower of what was in their long term financial plans or 2.5% through a process known as an additional special variation (ASV) process. Council had assumed that rates would increase in the order of 2.3%. This projection is included in the Council's long term financial plan and underpins the ongoing delivery of services.

IPART's assessed rate peg increase of 0.8% will be insufficient to funds increases in costs, such as:

- Award rate increases in wages of 2%. IPART uses an index of the NSW public sector overall wages expenses, which only grew by 1.2%.
- Insurance premium increases in the order of 11%
- Significant increases in fuel pricing, which will lead into bitumen costs for resealing of roads and other works such as patching. IPART includes provision for fuel costs to drop by 2.4% in its calculation of the costs impacting on councils.
- Water and sewer costs were identified by IPART as reducing by 6.6%. This is not the case and costs will increase in line with inflation.
- Construction costs are stated to have dropped by 0.3%, which is not what is being seen in the marketplace. Tenders are regularly coming in above the cost estimates being developed.

The impact of some of the increases in costs for the coming year include:

- Employee Award increases - \$773,000
- Public liability and property insurance - \$180,000
- Materials & fuel - \$191,600
- Emergency service levy increases – \$170,000

- Jindabyne library operating costs – \$150,000

Council's auditors have highlighted the Council's financial sustainability as one of the two significant audit issues in the last audit. This means that the Council has low ability to absorb further financial shocks, such as the extremely low increase in revenue from rates. While the increased income from the rate peg of 0.8% provides funds towards the above costs, the council will be going financially backwards when compared to the \$1.3million in externally imposed costs. Section 223 of the Local Government Act requires the governing body of Council "to ensure as far as possible the financial sustainability of the council". This means that the Council would need to take options to increase revenue to reflect the increased costs or cut services to offset the shortfall.

When deciding to establish a library service in Jindabyne the Council at the time knew there would be a need for additional funding but did not identify where this would come from. That funding has to be provided in the 2022/23 year. Provision of new service requires new funding, which would be expected to come from rates. The increase from the 0.8% to 2.3% provides \$262,000 in additional income, which would provide for the running costs of the new service. Applying for the 1.5% additional variation will allow existing services to be retained, rather than cuts needing to be made to fund the cost of the new service added. To an extent the ASV replaces the special rate variation that would have been needed in any event to fund the new service.

There is an economic impact on the community. Each of the Council's landowners will need to contribute 1.5% more. The average residential account will increase by \$8.03 per annum, business by \$16.07 and farmland by \$30.47. Not cutting services has potential social and environmental benefits. It is difficult to identify those clearly as it will depend on what service is not provided. Should Council desire not to proceed with the recommendation the source of the funding should be identified so that the impacts of those changes on the community can be assessed by the councillors prior to making the decision.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	High	High	No
Economic Activity	Low	Low	Yes
Environmental Security	Low	Low	Yes
Financial Sustainability	High	Medium	No
Reputation and Image	Low	High	No
Service Delivery	High	Extreme	No

This decision presents with both decreased and increased risks. Deciding to raise rates to a higher levels will result in a portion of the community seeking to raise the issue through social media and promote a case that the council is not acting in the communities best interests by taking this path. By not taking this path there will need to be reductions in services and the impacts of those decisions is expected to create negative social or environmental outcomes and will in turn create negative reputational impacts as the cuts to services impact on people.

Considering that in both cases the Council will face the similar negative reputational outcomes the risk to being able to continue to provide services, either through assets being left to deteriorate

faster or direct service provision, is a significant issue. Further reducing the funding to infrastructure replenishment or maintenance will also detract from the reputation of the Council as the services that can be provided often depends on the quality of the infrastructure

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	\$0	
Estimated Annualised Net Cost	-\$262,000	Additional revenue generated above IPART rate peg of 0.8%.
Capital Investment	\$0	
Capital Funding Source	\$0	

The recommendation will increase the overall rates revenue.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

The option of not applying for the ASV was considered. This would lead to lower costs to the community in the short term, but unless the community were accepting of lower service levels it would lead to the need for a larger increase in the future, as the gap between costs and revenue increases each year. The larger increases are harder for households and businesses to adapt to and should be avoided. The consultations held in developing the community strategic plan indicate that the community is looking for services to be retained, not lowered.

IMPLEMENTATION PLANS

If adopted the required forms will be completed and sent to IPART for consideration. The budget and long term financial plan will continue to be developed based on the 2.3% increase and go out on public exhibition. If approved by IPART Council will need to determine the level of rates to raise after considering community feedback. Engagement will be undertaken as part of the process of developing the integrated planning framework suite of documents.

BACKGROUND

IPART's general rate cap for FY23 of 0.7% shocked the local government sector, particularly given that CPI is running at over 3% and the minimum award increase for employees is 2%. While SMRC will benefit from an additional 0.1% allowance for population growth, the overall increase is well short of the 2.3% allowed for in Council's forward planning.

The actual rate peg also is very different from the guidance provided by IPART. Their advice to councils looking to lodge a special variation was to use the rates peg of 2020-21 and assume the rate peg for 2023-24 and future years would be 2.5% in their calculations. This set an expectation

that councils could make decisions about the need for an above rate peg application around expectations of the rate peg being in the 2.5-2.6% range.

If the option to not take up the option of the ASV is chosen the councillors will need to identify what service cuts will be made to reflect the lower levels of funding. The decision will have varying impacts on the community. If taken from libraries, the area with new unfunded costs added, it would require a 24% reduction in the number of face-to-face hours over what is planned. If taken from roads it would mean not doing maintenance or replenishment such as maintenance grading 107km of the road network, not gravel re-sheeting 2km of road or not resealing 2.5km. If taken from some services there will be an environmental impact, for example undertaking 18% less weed spraying on Council land may allow for greater spread of weed infestation, having an economic and environmental impact. If taken from rangers it would not be possible to continue a 24/7 service for dangerous situations, having negative social outcomes.

ATTACHMENTS

1. Office of Local Government - ASV Guidelines



Office of
Local Government

Circular to Councils

Circular Details	22-07/6 April 2022/A815377
Previous Circular	22-03 Guidelines for Additional Special Variation (ASV) Process for 2022-23
Who should read this	Councillors / General Managers / Rating and Finance Staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Subject

Guidelines for Additional Special Variation (ASV) Process for 2022-23

***** The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03 *****

What's new or changing

- The Independent Pricing and Regulatory Tribunal (IPART) will accept and process an additional round of 2022-23 Special Variation (ASV) applications from councils.
- For applications made under the ASV process, the ASV Guidelines set out in this circular apply in place of the [Guidelines for the preparation of an application for a special variation to general income](#) issued by the Office of Local Government in 2020.
- The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03.
- For more information on when these ASV Guidelines apply, please see 'What this will mean for your council' below.
- This one-off ASV round is available for the 2022-23 financial year only.
- This one-off ASV round is for councils that can show that the special variation will enable them to meet the obligations they set for 2022-23 in their 2021-22 Integrated Planning and Reporting (IP&R) documentation.
- Councils seeking a permanent special variation will also need to demonstrate the need for the special variation to be included in their rate base on an ongoing basis.
- Separately, IPART has also agreed to undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years.

What this will mean for your council

- The ASV Guidelines set out in this Circular apply where council is applying for:
 - a temporary or permanent single year special variation for 2022-23 under section 508(2) of the *Local Government Act 1993* (the Act), AND
 - the percentage sought in the application is the lower of:
 - 2.5% (including population factor) or

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- the council's assumed 2022-23 rate peg as set out in its 2021-22 IP&R documentation (including population factor)
- For ASV applications made under the Guidelines set out in this Circular, councils will need to provide IPART with the following information:
 - Council's 2021-22 IP&R documentation identifying that council budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
 - Where councils are applying for a permanent special variation, in addition to the above information, the council's 2021-22 IP&R documentation identifying that the council forecast an average Operating Performance Ratio (OPR) of 2% or lower over the next 5 years or, alternatively, evidence of need, for example, but not limited to, that the council needs to maintain a higher OPR so it can meet its capital funding requirements; and
 - Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
 - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
 - the additional income that council will receive if the special variation is approved; and
 - why the special variation is required; and
 - that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.
- The ASV application process is a simpler more targeted application process.
- IPART will not require councils to demonstrate community consultation or criteria outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for a ASV meets the requirements outlined above.
- Revised application forms and further information will be released by IPART shortly.
- Under this ASV round of applications:
 - IPART will accept applications until 29 April 2022;
 - IPART will publish applications to enable community consultation for a period of at least three weeks; and
 - IPART will notify councils of its decision no later than 21 June 2022.

Key points

- In late 2021, IPART announced the rate peg for the 2022-23 financial year was set at an increase of between 0.7% and 5.0%.
- Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg. However IPART's normal period for special variation applications in relation to the 2022-23 rate peg has now passed.
- The Office of Local Government and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation application within the normal timeframe.

This may result in some councils not having sufficient funds to pay for required infrastructure and services.

- As such the NSW Government and IPART have agreed to a one-off ASV round for the 2022-23 financial year only.
- This process is not intended to address applications from councils that require a special variation (above 2.5%) to achieve long term financial sustainability for reasons other than those set out in the criteria above, which should be addressed through the standard special variation process.
- [IPART's website](#) will be updated with revised application forms and information papers shortly.

Where to go for further information

- For further information please contact IPART on 02 9290 8400 or by email to ipart@ipart.nsw.gov.au.

Melanie Hawyes
Group Deputy Secretary, Crown Lands and Local Government

9.4.9 CONSIDERATION OF AN INDEPENDENT AUDIT

Record No: I22/237

OFFICER'S RECOMMENDATION

That Council

- A. Engage a suitably qualified consultant to assist in developing a scope, brief, estimated cost for the conduct of an independent audit and provide recommendations on proposals to carry out the audit.
- B. On completion of the brief undertake the engagement, in a manner consistent with Council's Procurement Policy, of a suitably qualified organisation to undertake the audit.

ISSUES

Councillors have been discussing the possibility of an audit separate to that conducted by the Audit Office of NSW. Such an audit would cost somewhere between \$100,000 and \$200,000. The Audit Office fees are \$146,200.

If councillors wish to pursue an independent audit then the first step would be to develop a scope and then go to market to seek responses from suitably qualified organisations. To maintain independence, this scope and the assessment of responses would need to be developed by the councillors without staff input.

It is recommended that Council engages an independent consultant with experience in the conduct of such audits and the development of appropriate scopes.

Undertaking the audit will take a significant amount of staff resources, which will impact on delivery of services. It is not possible to identify the impacts as it will depend on the scope and scale of the audit undertaken.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	High	High	No
Economic Activity	Low	Low	Yes
Environmental Security	Low	Low	Yes
External Political Environment	Low	Low	Yes
Financial Sustainability	Extreme	Extreme	No
Health and Safety	Low	Low	Yes
Legislative Governance and Compliance	Medium	Low	No
Reputation and Image	High	Medium	No
Service Delivery	Medium	Medium	Yes

The carrying out of an audit will provide more assurance around legislative compliance and potentially mitigate reputational damage based on suppositions about the current situation.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	\$0	
Estimated Annualised Net Cost	\$210,000	\$10,000 for the scoping and \$200,000 for the actual audit.
Capital Investment		
Capital Funding Source		

The costs of the audit would need to be included in the 2022/23 budget and either funded by an increased deficit or cuts to other services of an equivalent value. If adopted by the Council the costs will be included in the budget and Council would need to consider what offset adjustments should be made in the budget. This year's costs would be funded by a reduction in the available funds for risk management systems development.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

Not undertake and independent audit and develop a long term financial plan based on the agreement of the councillors as to the acceptable levels of investment for service delivery.

IMPLEMENTATION PLANS

If agreed to quotations will be sought for the provision of the initial advice on development of the scope. Once the scope is completed expressions of interest will be called for the provision of the service. The expressions of interest will be assessed and a report provided to Council to select the auditor. Based on the work required there may need to be changes to what is planned to be achieved in the 2022/23 year.

ATTACHMENTS

Nil

10.1 SMRC SUPPORT FOR CURRAWARNA AGED CARE BOMBALA

Record No: 122/227

Councillor John Last has given notice that at the Ordinary Meeting of Council on 21 April 2022, he will move the following motion.

MOTION

That Council

- A. Collaborate with Federal, State, Southern Area Health, relevant Ministers, and the Catholic Archdiocese to facilitate the re-opening of Currawarna Aged Care Home in Bombala when vacated by Southern Cross Care (SCC)
- B. Agree in principle to become, if required, the interim service provider for a maximum of two years to transition Currawarna to a new organisation or service provider
- C. Become such a provider on the condition SRMC is fully funded externally and provided with a temporary surge workforce
- D. Apply for suitable funding streams and works with Federal and State Governments, Southern Area Health, and relevant Ministers to ensure that the facility remains open and continues unabated to provide residential aged care services to residents, current and future in some form.

RESPONSIBLE OFFICER: Chief Executive Officer

ATTACHMENTS

Nil

BACKGROUND

Currawarna is a state-of-the-art aged care building. It meets all the relevant compliance criteria and standards.

On February 16th 2022 Southern Cross Care (SCC) informed the Currawarna residents and families that the facility will be closing in approx. 2 months. No negotiation.

SCC's reason for closing the facility is staffing issues. They are stating they could not recruit 2 Registered Nurses and a permanent manager.

SCC have managed Currawarna for 15 years, taking over from The Catholic Archdiocese and its Community Management Committee in 2006.

The Bombala Community fundraised and built Currawarna back in the late 1970s and was run by the community for 27 years before being handed over to SCC for \$10 and with a full house of residents and staff, \$2M in the bank and a \$1M Govt Capital works grant.

After SCC took over the running of Currawarna they applied and got an allocation of another 10 beds making it a 50 bed Home, but then a few years later after the renovations were completed it was reduced to a 33-bed facility (no double rooms) for some reason.

The Catholic Archdiocese stipulated that if SCC ever pulled out of being the Provider for Currawarna then SCC would sell it back to the Archdiocese for the same amount, \$10.

Currawarna's financials are not the reason for closure. The reason for closure is not only that the beds are worth more elsewhere, but also because such an organisation like SCC can do this because it is alienated from the community and has no affiliations.

To assist to deliver this back to the community, SMRC could:

- Apply for a grant under the Department of Health's Structural Adjustment Fund which runs until 30 June 2023. This fund aims to support providers to exit the market through transitioning ownership to a new approved provider or wind down operations in an orderly closure.
- Apply for a late grant consideration in the Department of Health's Round 2 Business Improvement Fund which closed 2pm, 30 March 2022. Council had previously been successful in applying for this round of funding for Yallambee upgrades. This funding program is to support residential care providers to improve their business operations, support the sale of an aged care business to another provider, or to support the orderly exit from the sector of providers where appropriate. BIF — Round 2 is primarily aimed to support small to medium sized residential care providers (i.e. with 7 or less facilities) that are facing financial pressures which may impact on their ability to offer quality care to residents in regional, rural and remote locations.
- Apply for funding to be prepared for the aged care funding reforms being rolled out this year. Please view this link:
<https://vwww.health.QOV.au/sites/default/files/documents/2022/03/aged-care-funding-reforms-presentation-18-mar-2022-aced-care-funding-reforms-presentation---18-mar-2022.pdf>
- Apply for surge staffing.

When Currawarna closes at the end of April (2022) the Snowy Monaro Regional Council region would have lost a vital centre providing 33 beds for aged care – a centre where pops, pas, grans and nans had every confidence that they had somewhere to go when the time came. Somewhere not too far away, easy to drive to, somewhere like 'home' – with their friends, mates and caring staff.

SMRC is the only service provider in the region that has the capacity (if fully funded and surge staffed) to reopen this unique and valuable centre for aged care in the short term while other negotiations take place to ensure such a centre's long term sustainability and viability is developed.

CHIEF EXECUTIVE OFFICER'S RESPONSE

At the time of writing Southern Cross Care, the current operator of Currawarna, has advised that they are closing the residential facility. This means that there will be no aged care service for another provider to take over.

If a new provider would like to re-establish Currawarna as an aged care facility then they would need to start from scratch. Council has received verbal advice that the funding sources noted in the motion do not apply to Currawarna as a closed facility.

Council currently does not have the resources – financial or staffing – to take on another aged care facility.

12.1 ANSWERS TO QUESTIONS WITH NOTICE

Record No: 122/229

OFFICER'S RECOMMENDATION

That Council receive the answers to questions with notice for the period ending March 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 March 2022.

ATTACHMENTS

1. Updates to April Meeting - In Progress Questions up to end of March 2022

SMRC Councillor Questions – In Progress

No.	Date rec'd	Item No.	Question/Request	Responsible Officer	Response	Compl Y/N
250	17 February 2022	12.5	<p>Environmental Development Applications</p> <p>Councillor Peter Beer</p> <p>Question: Can the staff provide the Councillors past Eco-tourism DA's approved by the former SRSC and now SMRC with the following information to be provided:</p> <ul style="list-style-type: none"> a) Number of approvals granted b) Number of developments being built and completed c) Number of developments that comply with their DA consent and conditions d) Number that have changed their use to another form of accommodation or use e) Any further information that may be of assistance for Councillors in the future DA considerations of Eco-tourism developments 	Manager Natural & Built Environment	31/03/2022- JM: Data presently being compiled. To be finalised for May Council meeting.	N
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</p>	Manager Infrastructure	<p>31/03/2022 – JM: No further update</p> <p>25/02/2022 – GS: No further update for February.</p>	N

SMRC Councillor Questions – In Progress

			<p>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 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"> ☐ the purchase or lease of the land from the Crown, ☐ modifications of the Monaro Highway entrance, 		<p>04/02/2022 – GS</p> <p>Response still being prepared to enable future report to Council.</p>	
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SMRC Councillor Questions – In Progress

			<ul style="list-style-type: none"> ☐ costs of staff and contractors, ☐ plant and machinery costs, ☐ fuel, consumables and other operating costs, ☐ any water costs for dust mitigation, environmental offset, buffer, bund and rehabilitation plantings, ☐ 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>			
244	21 October 2021	12.1	Lights at The Station Turn Off Councillor Brian Old	Manager Infrastructure	31/03/2022 – JM: Light replacement completed.	Y

SMRC Councillor Questions – In Progress

			Question: What will happen with the lights at The Station turn off? How much will it end up costing again to fix?		<p>25/02/2022 – GS: No further update.</p> <p>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.</p> <p>28/10/2021 – GS: 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.</p>	
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>	Manager Corporate Projects	<p>11/04/2022 – DR: Council is planning to enter into an agreement to licence land currently in the railway corridor pending the acquisition of the land. This will allow a lower cost design and move the bridge out of a potentially more turbulent area during floods. Approval for acquisition is before the current meeting and once determined a revised project timetable will be developed.</p> <p>08/03/2022 – DR: As noted above, the project is waiting on a response on the ability to access railway land to route the bridge.</p>	N

SMRC Councillor Questions – In Progress

					<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</p>	
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SMRC Councillor Questions – In Progress

					<p>construction of the Little Plains bridge, which has 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 	
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SMRC Councillor Questions – In Progress

					<ul style="list-style-type: none"> - Design of Bridge crossing underway. - Note initial concept designs were based on LIDAR survey. Subsequent survey has creek bed 2m+ deeper <p>Planned Works-</p> <ul style="list-style-type: none"> - 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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12.2 QUESTIONS WITH NOTICE - AUDIT AND FINANCIAL CONTROLS

Record No: I22/236

OFFICER'S RECOMMENDATION

That the response to the question:

Can council please provide the following information:

- date of last audit
- date if next scheduled audit
- summary of improved financial procedures and accountability measures that have been introduced in the last six months

be noted.

ISSUES

The last audit of the financial statements was completed in November 2021. The next financial statements audit will be completed by October 2022. Currently the Audit Office of NSW is undertaking their interim audit process.

Processes that have been introduced in the last six month:

- Finance and Costings Review meetings have been introduced, where the manager/coordinator for a service meets with the Finance Team to discuss any issues relating to the budgets within their area.
- Monthly budget reports to Council meetings have been introduced.
- The accounting system has been changed to check whether budgets are available prior to allowing purchase orders to be entered into the system.
- Commenced work on a system to better forecast future cash flow position. This has resulted in changes to the monthly funds management report to Council.

RESPONSIBLE OFFICER: Chief Strategy Officer

ATTACHMENTS

Nil

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 March 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.