



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
17 April 2025**

STATEMENT OF ETHICAL OBLIGATIONS

Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993 and their obligations under the Council's code of conduct to disclose and appropriately manage conflicts of interest.

CONFLICTS OF INTEREST

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

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

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

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

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

COUNCIL CODE OF CONDUCT

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

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

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Part 2, Division 1 of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Mayor, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Country

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and 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 17 APRIL 2025
COMMENCING AT 1:00 PM**

BUSINESS PAPER

1.	OPENING MEETING	
2.	ACKNOWLEDGEMENT OF COUNTRY	
3.	COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL	
4.	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS	
5.	DISCLOSURE OF INTEREST	
	(Declarations also to be made prior to discussions on each item)	
6.	MATTERS DEALT WITH BY EXCEPTION	
7.	CONFIRMATION OF MINUTES	
7.1	Ordinary Council Meeting held on 20 March 2025	
7.2	Extraordinary Council Meeting held on 3 April 2025	
7.3	Closed Session of the Extraordinary Council Meeting held on 3 April 2025	
8.	PLANNING AND DEVELOPMENT APPLICATION MATTERS	
8.1	Development Application 10.2024.80.1 - Construction of 0.68km of shared use trail and road underpass	17
8.2	Development Application 10.2024.294.1 - Change of Use Shed to Dwelling with 4.6 variation over 10%	42
8.3	Development Application 10.2024.79.1 - Construction of Shared Trail and Five Pedestrian Bridges	76
9.	OTHER REPORTS TO COUNCIL	
9.1	OPERATIONS	
9.1.1	Jindabyne Landfill Project Update	109
9.2	FINANCE	
9.2.1	Monthly Funds Management Report - March 2025	112
9.3	STRATEGY	
9.3.1	Approval of Road Name Bank	119

9.3.2	Extraordinary Council Meetings to be Scheduled for 1 May 2025	123
9.3.3	Delivery Program Progress Report	125
9.4	COMMUNICATIONS	
	Nil	
9.5	EXECUTIVE OFFICE	
9.5.1	Settlement of Claims - Snowy Reservoir Collapse - Status Report	132
9.5.2	Resolution Action Sheet Updates	134
9.6	WORKFORCE	
	Nil	
10.	REPORTS OF COMMITTEES	
10.1	Minutes from Management and Advisory Committees	135
11.	NOTICE OF MOTION	
11.1	Assessing Council's Insurance Arrangements	136
11.2	New Rural Fire Services Headquarters	137
11.3	Questions Taken on Notice	141
11.4	End all COVID restrictions	142
11.5	Inspect and provide a report in relation to 32 Wolfe Street Nimmitabel.	144
11.6	Residential Occupation of Caravan Sites	146
11.7	SMRC develops and adopts a road strategy based on the findings of the Condition Assessment and Strategic Analysis of Road Network.	148
11.8	Plant and Equipment Utilization Report	151
11.9	Review into Cost-Effectiveness of Visitor Information Centres	153
11.10	Ordinary Meeting Locations	155
11.11	Internal and Independent Audit into complaints related to Lot 1 Old Dry Plains Road, Cooma	156
11.12	Fortnightly Meetings	158
11.13	Photos and Councillor BIO on SMRC website	160
11.14	Polo Flat Asphaltting	162
11.15	Report on Delegations	164
11.16	Cancel Unreasonable Customer Complaint Restrictions	166
11.17	Master Plan for Bombala, CBD, Town Entrances, Bombala River Riparian zone inclusive of Coolumbooka River intersection	167
11.18	Crankies Plain Road	168
11.19	Consultants	169
11.20	Staff Survey	171
11.21	Jindabyne Waste Management Facility	173
11.22	Moratorium on Spending	175
11.23	Public Forums	179
11.24	Smart City or 15 minute City agenda	182
11.25	Supports Cash-coins and notes	184

11.26	Declaration that we do not support the United Nations Sustainable Development Goals	186
11.27	Jindabyne Streetscape	188
12.	MAYORAL MINUTES	
13.	QUESTIONS WITH NOTICE	
14.	CONFIDENTIAL MATTERS	
	Nil	

15. CONFIRMATION OF MINUTES



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

20 March 2025

**ORDINARY COUNCIL MEETING
HELD IN BOMBALA COMMUNITY CENTRE, 163 MAYBE STREET, BOMBALA
ON THURSDAY 20 MARCH 2025**

MINUTES

Notes:

16. OPENING MEETING	I
17. ACKNOWLEDGEMENT OF COUNTRY	I
18. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL	I
19. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS	I
20. DISCLOSURE OF INTEREST	II
20.1 Councillor Thaler	ii
20.2 Councillor Hanna	ii
20.3 Councillor Higgins	ii
21. MATTERS DEALT WITH BY EXCEPTION	II
22. MAYORAL MINUTE	II
11.19 Internal and Independent Audit Into Investigations Related to the Former Iron Ore Mine Accessed From 298 Michalago Road	iv
22. CONFIRMATION OF MINUTES	VI
22.1 Ordinary Council Meeting 20 February 2025	vi
22.2 Closed Session of the Ordinary Council Meeting 20 February 2025	vii
23. PLANNING AND DEVELOPMENT APPLICATION MATTERS	VII
Nil	
24. OTHER REPORTS TO COUNCIL	VIII
24.7 OPERATIONS	VIII
9.1.1 Road Reserve Closure & Disposal and Land Acquisition for Road Corridor Alignment Related to Grant Funded Bridge Replacement - Cambalong Bridge	viii
9.1.2 Matong Road Numbla Creek Bridge - Land Acquisition	viii
24.8 FINANCE	IX
9.2.1 Monthly Funds Management Report - February 2025	ix
24.9 STRATEGY	IX
9.3.1 Update on Financial Sustainability Review Actions	ix
9.3.2 Road Name Proposal - DA10.2023.228.1	x
9.3.3 Road Naming Proposal - New subdivision DA10.2022.307.1	x
9.3.4 Locality Boundary Adjustment approval - Ando-Bibbenluke	xi

9.3.5	Delivery Program Progress Report.....	xi
9.3.6	Performance Improvement Order - 1st Report.....	xii
25.	OPENING MEETING	I
26.	ACKNOWLEDGEMENT OF COUNTRY	I
27.	COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL	I
28.	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS I	
	Nil	
29.	DISCLOSURE OF INTEREST	I
29.1	Councillor thaler	i
29.2	Councillor hanna	i
29.3	Councillor higgins.....	i
29.4	Councillor Rooney	i
30.	OTHER REPORTS TO COUNCIL	II
30.10	EXECUTIVE OFFICE.....	II
6.1.1	Resolution Action Sheet Updates	ii
6.1.2	Unlawful Motions.....	ii
6.1.3	Settlement of Claims - Snowy Reservoir Collapse - Status Report	iii
31.	REPORTS OF COMMITTEES	III
7.1	Minutes from Management and Advisory Committees.....	iv
32.	NOTICE OF MOTION.....	IV
8.10	Relocation of Michelago Bank of Bins	v
8.1	Correspondence Between Council and the Minister	vii
8.2	Payments Made In Relation to the Water Reservoir Collapse	vii
8.3	Full and Accurate Minutes	viii
8.4	The Disaster Ready Fund.....	x
8.20	Fluoride Survey	xi
8.5	Improving Transparency.....	xii
8.6	An Audit of Payments to the Holders of Council Leadership Offices	xiv
	AT 06:13 PM MAYOR HANNA RETURNED TO THE MEETING.....	XV

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN BOMBALA COMMUNITY CENTRE, 163 MAYBE STREET, BOMBALA**

**ON THURSDAY, 20 MARCH 2025
COMMENCING AT 1:00 PM**

PRESENT:

Mayor Christopher Hanna
Deputy Mayor Tricia Hopkins
Councillor Narelle Davis
Councillor Nick Elliott
Councillor Tanya Higgins – Via Audio-Visual
Councillor John Rooney
Councillor Reuben Rose
Councillor Bob Stewart
Councillor Lynda Summers – Via Audio-Visual
Councillor Andrew Thaler
Councillor Luke Williamson

APOLOGIES:

Nil

Staff:

Stephen Dunshea, Chief Executive Officer
David Rawlings, Chief Strategy Officer
John Gargett, Acting Chief Infrastructure & Projects Officer
Tony Murray, Chief Community Services Officer
Angela Sommerville, Chief People & Organisational Performance Officer
Patricia Swain, Secretary Council and Committees

16. OPENING MEETING

The Mayor opened the meeting at 1:00 PM

17. ACKNOWLEDGEMENT OF COUNTRY

18. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL

Procedural Motion

MOTION

COUNCIL RESOLUTION

13/25

That Council approve the remote attendance of Councillor Higgins, Councillor Summers at the meeting on 20 March 2025, via audio-visual link.

Moved Councillor Davis

Seconded Councillor Rooney

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers and Councillor Williamson.

Councillors Against: Councillor Thaler

19. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil

Procedural Motion

ADJOURNMENT TO PUBLIC FORUM

COUNCIL RESOLUTION

That the Ordinary Council meeting be adjourned at 1.08pm for public forum.

Moved Mayor Hanna

Seconded Councillor Davis

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil

At 01:08 pm Councillor Summers left the meeting.

At 01:43 pm Councillor Summers returned to the meeting.

At 02:04 pm Councillor Thaler left the meeting.

At 02:04 pm Councillor Thaler returned to the meeting.

RESUMPTION OF MEETING

The Ordinary Council Meeting be resumed at 2.05pm.

20. DISCLOSURE OF INTEREST

20.1 COUNCILLOR THALER

Councillor Thaler declared a non-pecuniary interest in Item 11.12, as he lives in the same street and Item 11.18 as he is the original complainant.

20.2 COUNCILLOR HANNA

Councillor Hanna declared a pecuniary interest in Item 11.6 as he has a conflict of interest in this item due to "supply of PPE to the SMRC", as declared in previous meetings.

20.3 COUNCILLOR HIGGINS

Councillor Higgins declared a conflict of interest in Item 11.10 as paying user of Michelago bank of bins.

21. MATTERS DEALT WITH BY EXCEPTION

Items by Exception

The Mayor requested that councillors nominate any items listed in Corporate Business and Confidential Business that they wished to discuss.

Cr Thaler advised Council that he did not support any matters to be dealt with by Exception.

12. MAYORAL MINUTE

At 2.25 pm Councillor Summers left the meeting.

At 2.26 pm Councillor Summers returned to the meeting.

Procedural Motion

MAYORAL MINUTE

COUNCIL RESOLUTION

14/25

Recommendation

That Council:

- A. Authorise the CEO to undertake all necessary work to transition Jindabyne Landfill to a Transfer Station thereby preserving a local waste facility service for the wider Jindabyne community.
- B. Note the appointment of a dedicated internal project manager to oversee this essential project in consultation with the NSW Environment Protection Authority.
- C. Approve the utilisation of \$500,000 from the waste management internal reserves to ensure

sufficient funding is available for the implementation of the interim transfer station solution, enabling Council to meet its regulatory obligations and ensuring continuity of service for residents and the local business community.

- D. Approve Council to seek grant opportunities through application to the Landfill Consolidation and Environmental Improvement Grants program, which closes 28 March 2025.
- E. The Mayor urgently seek a meeting with the Local Member Steve Whan to seek support and funding commitment for a long term solution for the Jindabyne Waste recovery centre.
- F. Direct the CEO to provide monthly reports to Council and the Community from April 2025, enabling Council oversight of matters relating to the progress of the project.
- G. Note that this interim solution will require commercial waste-to-landfill and recycling loads above one cubic metre to be transported to Cooma Landfill by customers.
- H. Seek written advice from the EPA and the advice to be provided to council as soon as possible.
- I. Feedback is sought from regular tip users / operators on potential solutions.

Moved Mayor Hanna

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers and Councillor Williamson.

Councillors Against: Councillor Thaler.

Procedural Motion

MOTION TO BRING FORWARD ITEM 11.19

COUNCIL RESOLUTION

That Council change the order of business and bring Item 11.19 forward for consideration now.

Moved Mayor Hanna

Seconded Councillor Williamson

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

**11.19 INTERNAL AND INDEPENDANT AUDIT INTO INVESTIGATIONS RELATED TO THE
FORMER IRON ORE MINE ACCESSED FROM 298 MICHALAGO ROAD**

Record No: I25/157

Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 20 March 2025, he will move the following motion.

Cr Davis claimed that Cr Thaler committed an act of disorder. The Chair ruled that an act of disorder had occurred and asked Cr Thaler to apologise and retracted the comments.

Cr Thaler claimed that Cr Davis committed an act of disorder. The Chair ruled that an act of disorder had not occurred by Cr Davis.

**Procedural Motion
INTO COMMITTEE**

COUNCIL RESOLUTION

15/25

That Council move into committee.

Moved Councillor Williamson

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis and Councillor Summers.

**Procedural Motion
OUT OF COMMITTEE**

COUNCIL RESOLUTION

16/25

That Council move out of committee.

Moved Councillor Davis

Seconded Deputy Mayor Hopkins

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

At 03:06 pm Councillor Elliott left the meeting.

At 03:09 pm Councillor Elliott returned to the meeting.

At 03.12 pm Councillor Stewart left the meeting.

At 03.16 pm Councillor Stewart returned to the meeting.

Procedural Motion

PUT MOTION

COUNCIL RESOLUTION

17/25

That the motion/amendment be put without further debate.

Moved Deputy Mayor Hopkins

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers and Councillor Williamson.

Councillors Against: Councillor Thaler.

COUNCIL RESOLUTION

18/25

That :

- A. the Audit, Risk & Improvement Committee be requested to urgently consider undertaking an independent audit into:
 - a. The quality and completeness of all investigations into complaints made related to dumping or placement of unapproved material(s) on the site of, and in the former iron ore mine, accessed from Michalago Road (at 298 Michalago Road).
 - b. The quality and completeness of the investigation into the pumping of mine water from the on to adjacent land, leading to flows into neighbouring dams and potentially into the local aquifers.
 - c. Whether formal notification to all relevant agencies of the complaints, allegations, scientific analysis results, and/or findings have been made in accordance with lawful obligations. For example, SafeWork NSW, Environment.
 - d. The Internal Auditor will report to Council as soon as possible, but not later than end of May 2025.
 - e. Funding for the audit will be made available from Council's audit budget. If additional funds are needed these will be sourced from the Unrestricted Cash Reserve. If the reserve is insufficient, funds will be allocated from the executive office.
 - f. Council immediately request support from and formally escalate the matter to the NSW EPA and Safework NSW.
- B. To assist ARIC and Council to conduct the audit, Council seek legal advice from a law firm with expertise in environmental and development law on:
 - a. the process undertaken by council to date with managing compliance with the development consent.

- b. the most appropriate process forward for managing compliance with the development consent.
- C. A report come back for consideration at a council meeting when the advice is available.
- D. Funding for part B be provided from the existing compliance legal costs budget.
- E. Direct the CEO to appoint new staff to oversee the investigation.

Moved Councillor Williamson Seconded Councillor Thaler CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Summers.

At 04:10 pm Councillor Summers left the meeting.

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

19/25

That the Ordinary meeting be adjourned at 4.10pm for a break.

Moved Councillor Thaler Seconded Councillor Davis CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil

Procedural Motion

RESUMPTION OF MEETING

COUNCIL RESOLUTION

That the Ordinary Council Meeting be resumed at 4.21pm.

Moved Mayor Hanna

22. CONFIRMATION OF MINUTES

22.1 ORDINARY COUNCIL MEETING 20 FEBRUARY 2025

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 20 February 2025 are confirmed as a true and accurate record of proceedings.

At 04:34 pm Councillor Higgins left the meeting.

MOTION

COUNCIL RESOLUTION

20/25

That the minutes of the Ordinary Council Meeting held on 20 February 2025 are confirmed as a true and accurate record of proceedings

That Minutes of the Ordinary Meeting be provided in future printed business papers.

Moved Councillor Davis

Seconded Deputy Mayor Hopkins

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart and Councillor Thaler.

Councillors Against: Councillor Williamson.

22.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 20 FEBRUARY 2025

COUNCIL RESOLUTION

21/25

That the minutes of the Closed Session of the Ordinary Council Meeting held on 20 February 2025 are confirmed as a true and accurate record of proceedings.

Moved Councillor Davis

Seconded Councillor Thaler

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

23. PLANNING AND DEVELOPMENT APPLICATION MATTERS

Nil

At 04:35 pm Councillor Higgins returned to the meeting.

24. OTHER REPORTS TO COUNCIL

24.7 OPERATIONS

9.1.1 ROAD RESERVE CLOSURE & DISPOSAL AND LAND ACQUISITION FOR ROAD CORRIDOR ALIGNMENT RELATED TO GRANT FUNDED BRIDGE REPLACEMENT - CAMBALONG BRIDGE

Record No: I25/93

COUNCIL RESOLUTION

22/25

That Council;

- A. Approve the acquisition of land necessary to create a public road corridor over the constructed section of Cambalong Road, through private land at Lot 2 DP 810693; with acknowledgement that all costs relating to the project will rest with Council.
- B. Approve to close the surplus portion of the existing Council road corridor, within Lot 2 DP 810693, and acknowledge that the land vests as operational land with Council, to then be used in compensation.
- C. Request that Crown Lands transfer Crown Road corridor, within Lot 2 DP 810693, to Council for the purposes of the *Roads Act 1993* (NSW); with Council to then include part in the formal Cambalong Road corridor, as surveyed.
- D. Approve to close the surplus portion of the former Crown Road, within Lot 2 DP 810693, and acknowledge that the land vests as operational land with Council, to then be used in compensation.
- E. Approve transfer of ownership of the relevant closed road reserve sections to the owner of Lot 2 DP 810693 in compensation for the acquired land.
- F. Authorise Council's Chief Executive Officer (CEO) to approve the terms for acquisition and deliver compensation to the land owners for the land acquired, in accordance with provisions of the *Roads Act 1993* (NSW) and the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- G. Authorise the CEO to execute all related documents.

Moved Councillor Davis

Seconded Councillor Thaler

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson, Cr Higgins

Councillors Against: Nil.

9.1.2 MATONG ROAD NUMBLA CREEK BRIDGE - LAND ACQUISITION

Record No: I24/539

COUNCIL RESOLUTION

23/25

That Council;

- A. Approve to acquire land, being portions of Lot 4 DP 510379 (435.8m²) and Lot 145 DP 756701 (665.1m²), shown as Lots 53 and 54 in the Proposed Plan of Acquisition referenced JAS973, for

purposes of road widening, under the *Roads Act 1993* (NSW), according to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW); with acknowledgement that all costs relating to the project will rest with Council.

- B. Classify the land acquired, for purposes of road widening, will be operational land for the purposes of the *Local Government Act 1993* (NSW);
- C. Authorise the CEO to approve the payment of compensation and delivery of terms, agreed with the impacted landowners, for acquisition of the relevant land parcels, according to the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- D. Authorise the CEO to execute all documents necessary to implement the land acquisition and complete this project.

Moved Councillor Davis

Seconded Councillor Thaler

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Rose.

24.8 FINANCE

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - FEBRUARY 2025

Record No: I25/134

COUNCIL RESOLUTION

That Council receive the report indicating Council's cash and investments position as at 28 February 2025; and the certification of the Responsible Accounting Officer.

Moved Councillor Davis

Seconded Deputy Mayor Hopkins

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

24.9 STRATEGY

9.3.1 UPDATE ON FINANCIAL SUSTAINABILITY REVIEW ACTIONS

Record No: I25/74

COUNCIL RESOLUTION

24/25

That:

- a. Council note the progress against the recommendations be noted.
- b. Councillors receive a briefing on the Financial Sustainability Review and Towards Excellence

program within the next month.

Moved Councillor Thaler Seconded Councillor Davis CARRIED

Record of Voting

Councillors For: Councillor Davis, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Elliott and Councillor Rose.

9.3.2 ROAD NAME PROPOSAL - DA10.2023.228.1

Record No: I25/84

COUNCIL RESOLUTION

25/25

That Council

- A. Endorse the road name Acacia Place to be lodged for pre-approval with the Geographical Names Board
- B. Endorse the name Acacia Place for public advertising for 28 days in the Monaro Post

Moved Deputy Mayor Hopkins Seconded Councillor Davis CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

9.3.3 ROAD NAMING PROPOSAL - NEW SUBDIVISION DA10.2022.307.1

Record No: I25/86

COUNCIL RESOLUTION

26/25

That Council

- A. Endorse the road name Carleon Road to be lodged for pre-approval with the Geographical Names Board
- B. Endorse the name Carleon Road for public advertising for 28 days in the Monaro Post

Moved Councillor Davis Seconded Councillor Thaler CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor

Thaler and Councillor Williamson.
Councillors Against: *Nil.*

9.3.4 LOCALITY BOUNDARY ADJUSTMENT APPROVAL - ANDO-BIBBENLUKE

Record No: I25/87

COUNCIL RESOLUTION

27/25

That Council approve the proposed locality boundary adjustment for Ando and Bibbenluke.

Moved Councillor Davis

Seconded Deputy Mayor Hopkins

CARRIED

Record of Voting

Councillors For: *Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.*

Councillors Against: *Nil.*

9.3.5 DELIVERY PROGRAM PROGRESS REPORT

Record No: I25/91

COUNCIL RESOLUTION

28/25

That Council note the delivery program progress report.

Moved Councillor Thaler

Seconded Councillor Davis

CARRIED

Record of Voting

Councillors For: *Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.*

Councillors Against: *Nil.*

PUT MOTION

COUNCIL RESOLUTION

That the motion/amendment be put without further debate.

Moved Councillor Davis

Seconded Deputy Mayor Hopkins

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart and Councillor Williamson.

Councillors Against: Councillor Thaler.

9.3.6 PERFORMANCE IMPROVEMENT ORDER - 1ST REPORT

Record No: I25/165

COUNCIL RESOLUTION

That Council:

- A. note the details on the report.
- B. withdraw the report sent to the Minister.
- C. provide a new report .
- D. that the interim CEO be asked to clarify the verbal advice from the Deputy Secretary.

Moved Councillor Thaler

Seconded Councillor Williamson

LOST

Record of Voting

Councillors For: Councillor Elliott, Councillor Rose, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney and Councillor Stewart.

Procedural Motion

PUT MOTION

COUNCIL RESOLUTION

29/25

That the motion/amendment be put without further debate.

Moved Councillor Davis

Seconded Deputy Mayor Hopkins

CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers and Councillor Williamson.

Councillors Against: Councillor Thaler.

MOTION

COUNCIL RESOLUTION

30/25

That Council note the details on the report.

Moved Deputy Mayor Hopkins

Seconded Councillor Davis

CARRIED

Record of Voting

Councillors For: Councillor Davis, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney and Councillor Stewart.

Councillors Against: Councillor Elliott, Councillor Rose, Councillor Thaler and Councillor Williamson.

Procedural Motion

CLOSE MEETING

COUNCIL RESOLUTION

31/25

That the Ordinary meeting be closed and all matters carried to the next meeting. The meeting closed at 6.18pm.

Moved Mayor Hanna

CARRIED

CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 20 March 2025 were confirmed by Council at a duly convened meeting on 17 April 2025 at which meeting the signature hereon was subscribed.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Extraordinary Council Meeting

3 April 2025

**EXTRAORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630
ON THURSDAY 3 APRIL 2025**

MINUTES

16. OPENING MEETING	I
17. ACKNOWLEDGEMENT OF COUNTRY	I
18. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL	I
19. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS	I
20. DISCLOSURE OF INTEREST	II
20.1 Councillor Thaler	ii
20.2 Councillor Hanna.....	ii
20.3 Councillor Higgins	ii
21. MATTERS DEALT WITH BY EXCEPTION.....	II
12. MAYORAL MINUTE	II
11.19 Internal and Independent Audit Into Investigations Related to the Former Iron Ore Mine Accessed From 298 Michalago Road.....	iv
22. CONFIRMATION OF MINUTES.....	VI
22.1 Ordinary Council Meeting 20 February 2025	vi
22.2 Closed Session of the Ordinary Council Meeting 20 February 2025.....	vii
23. PLANNING AND DEVELOPMENT APPLICATION MATTERS	VII
Nil	
24. OTHER REPORTS TO COUNCIL	VIII
24.7 OPERATIONS	VIII
9.1.1 Road Reserve Closure & Disposal and Land Acquisition for Road Corridor Alignment Related to Grant Funded Bridge Replacement - Cambalong Bridge.....	viii
9.1.2 Matong Road Numbla Creek Bridge - Land Acquisition	viii
24.8 FINANCE	IX
9.2.1 Monthly Funds Management Report - February 2025	ix
24.9 STRATEGY.....	IX
9.3.1 Update on Financial Sustainability Review Actions.....	ix
9.3.2 Road Name Proposal - DA10.2023.228.1	x
9.3.3 Road Naming Proposal - New subdivision DA10.2022.307.1	x
9.3.4 Locality Boundary Adjustment approval - Ando-Bibbenluke.....	xi
9.3.5 Delivery Program Progress Report.....	xi

9.3.6	Performance Improvement Order - 1st Report.....	xii
25.	OPENING MEETING	I
26.	ACKNOWLEDGEMENT OF COUNTRY	I
27.	COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL	I
28.	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS I	
	Nil	
29.	DISCLOSURE OF INTEREST	I
29.1	Councillor thaler	i
29.2	Councillor hanna	i
29.3	Councillor higgins.....	i
29.4	Councillor Rooney.....	i
30.	OTHER REPORTS TO COUNCIL	II
30.10	EXECUTIVE OFFICE.....	II
6.1.1	Resolution Action Sheet Updates	ii
6.1.2	Unlawful Motions	ii
6.1.3	Settlement of Claims - Snowy Reservoir Collapse - Status Report	iii
31.	REPORTS OF COMMITTEES	III
7.1	Minutes from Management and Advisory Committees.....	iv
32.	NOTICE OF MOTION.....	IV
8.10	Relocation of Michelago Bank of Bins	v
8.1	Correspondence Between Council and the Minister	vii
8.2	Payments Made In Relation to the Water Reservoir Collapse	vii
8.3	Full and Accurate Minutes	viii
8.4	The Disaster Ready Fund.....	x
8.20	Fluoride Survey	xi
8.5	Improving Transparency.....	xii
8.6	An Audit of Payments to the Holders of Council Leadership Offices	xiv
	AT 06:13 PM MAYOR HANNA RETURNED TO THE MEETING.....	XV

**MINUTES OF THE EXTRAORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 3 APRIL 2025
COMMENCING AT 1:00 PM**

PRESENT:

Mayor Christopher Hanna
Deputy Mayor Tricia Hopkins
Councillor Narelle Davis
Councillor Nick Elliott
Councillor Tanya Higgins
Councillor John Rooney
Councillor Reuben Rose
Councillor Bob Stewart
Councillor Lynda Summers
Councillor Andrew Thaler
Councillor Luke Williamson

APOLOGIES:

Nil

Staff:

Stephen Dunshea, Chief Executive Officer
David Rawlings, Chief Strategy Officer
Simon Rennie, Chief Financial Officer
John Gargett, Acting Chief Infrastructure & Projects Officer
Tony Murray, Chief Community Services Officer
Angela Sommerville, Chief People & Organisational Performance Officer
Patricia Swain, Secretary Council and Committees

25. OPENING MEETING

The Mayor opened the meeting at 1:00 PM

26. ACKNOWLEDGEMENT OF COUNTRY

27. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL

Nil

28. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil

29. DISCLOSURE OF INTEREST

29.1 COUNCILLOR THALER

Councillor Thaler declared non-pecuniary interests in Items, 8.12 as he has a in this item *due to living in the same street*, Item 8.18 as *he is the original complainant* and Item 8.24 as *he is the subject of the Unreasonable Customer Complaint Restrictions (UCC)*.

29.2 COUNCILLOR HANNA

Councillor Hanna declared a pecuniary interest in Item 8.6 as he has a conflict of interest in this item due to *supply of PPE to the Snowy Monaro Regional Council (SMRC)*, as declared in previous meetings.

Councillor Hanna left the meeting at 5.42pm and returned at 6.13pm. Councillor Hanna did not take part in discussion or voting on this item.

29.3 COUNCILLOR HIGGINS

Councillor Higgins declared a non-pecuniary conflict of interest in Item 8.10 as *paying user of Michelago bank of bins*.

29.4 COUNCILLOR ROONEY

Councillor Rooney declared a non-pecuniary conflict of interest in Item 8.10 as *paying user of Michelago bank of bins*.

Procedural Motion

GENERAL MOTION

COUNCIL RESOLUTION

32/25

That Item 8.10 be bought forward – at Item 8.1 a decision is pending by Council and is delaying repairs.

Moved Councillor Higgins

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

At 01:14 pm Councillor Thaler left the meeting.

At 01:15 pm Councillor Thaler returned to the meeting.

30. OTHER REPORTS TO COUNCIL

30.10 EXECUTIVE OFFICE

6.1.1 RESOLUTION ACTION SHEET UPDATES

Record No: I25/190

This is an information only report.

COUNCIL RESOLUTION

33/25

That Council note Resolution Action Sheet Updates and ensure unresolved actions are included in the delivery program and operational plan 2025 onwards.

Moved Deputy Mayor Hopkins Seconded Councillor Davis CARRIED

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

6.1.2 UNLAWFUL MOTIONS

Record No: I25/191

COUNCIL RESOLUTION

There is no recommendation as this is a report from the CEO advising of action taken in accordance with the code of meeting practice. This report is not business before Council, simply legislative reporting.

Moved Councillor Thaler Seconded Councillor Davis

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

At 01:36 pm Councillor Thaler left the meeting.

At 01:36 pm Councillor Thaler returned to the meeting.

At 01:37 pm Councillor Thaler left the meeting.

At 01:37 pm Councillor Thaler returned to the meeting.

6.1.3 SETTLEMENT OF CLAIMS - SNOWY RESERVOIR COLLAPSE - STATUS REPORT

Record No: I25/192

This is an information only report.

COUNCIL RESOLUTION

That Council note the March 2025 Settlement of Claims - Snowy Reservoir Collapse - Status Report

Moved Councillor Davis **Seconded Councillor Thaler**

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

31. REPORTS OF COMMITTEES

OFFICER'S RECOMMENDATION

That Council receive the minutes of the:

- i. Bombala Exhibition Ground Management Committee - Meeting Held 13 November 2024 and 11 December 2024
- ii. Adaminaby Hall Management Committee Minutes of Meeting held 11 February 2025
- iii. Michelago Hall and Tennis Courts Management Committee Minutes of Annual General Meeting held 18 September 2024
- iv. Michelago Hall and Tennis Courts Management Committee Minutes of Meeting held 20 November 2024

7.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: I25/193

COUNCIL RESOLUTION

That Council receive the minutes of the:

- i. Bombala Exhibition Ground Management Committee - Meeting Held 13 November 2024 and 11 December 2024
- ii. Adaminaby Hall Management Committee Minutes of Meeting held 11 February 2025
- iii. Michelago Hall and Tennis Courts Management Committee Minutes of Annual General Meeting held 18 September 2024
- iv. Michelago Hall and Tennis Courts Management Committee Minutes of Meeting held 20 November 2024

Moved Councillor Thaler

Seconded Councillor Stewart

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil.

32. NOTICE OF MOTION

Procedural Motion

INTO COMMITTEE

COUNCIL RESOLUTION

That Council move into committee.

Moved Councillor Williamson

Record of Voting

Councillors For: Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis and Councillor Summers.

Procedural Motion

OUT OF COMMITTEE

COUNCIL RESOLUTION

That Council move out of committee.

Moved Councillor Thaler

Record of Voting

Councillors For: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Summers, Councillor Thaler and Councillor Williamson.

Councillors Against: Nil

8.10 RELOCATION OF MICHELAGO BANK OF BINS

Record No: I25/203

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

That Council investigate the operation and satisfaction by residents with the Michelago bank on bins and report back to Council by the end of May 2025.

Moved Councillor Thaler Seconded Councillor Williamson LOST

Record of Voting

Councillors For: Councillor Rose, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Stewart and Councillor Summers.

At 02:41 pm Councillor Summers left the meeting.

At 02:41 pm Councillor Stewart left the meeting.

At 02:41 pm Councillor Stewart returned to the meeting.

At 02:43 pm Councillor Summers returned to the meeting.

Procedural Motion

MOTION

COUNCIL RESOLUTION

That Council reduces the time of speakers from 5 mins to 3 mins and put the motion after 2 speakers for and against.

Moved Councillor Rose CARRIED

Record of Voting

Councillors For: Councillor Davis, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rose, Councillor Summers and Councillor Williamson.

Councillors Against: Councillor Elliott, Councillor Rooney, Councillor Stewart and Councillor Thaler.



Unconfirmed

8.1 CORRESPONDENCE BETWEEN COUNCIL AND THE MINISTER

Record No: I25/194

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

That:

- A. all correspondence (from the dates 01.09.24 – 31.03.25) between the council (staff and councillors) and both the Office of Local Government and Minister of Local Government, in relation to concerns regarding:
- the anticipated or actual performance of the new council;
 - issues of councillor misconduct;
 - the Minister's intention to issue a Performance Improvement Order (PIO) and
 - all correspondence by staff and councillors subsequent and in relation to the proposed PIO.
- B. the above be made available to councillors in a timely manner and prior to the next general meeting of council.

Moved Councillor Rose

Seconded Councillor Thaler

LOST

Record of Voting

Councillors For: Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney and Councillor Summers.

8.2 PAYMENTS MADE IN RELATION TO THE WATER RESERVOIR COLLAPSE

Record No: I25/195

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

That all payments made by the council to residents impacted by the Snowy No. 1 Reservoir failure, as well as the authority for these payments approved by relevant staff/councillors, in the period between 01.01.2020 and 31.04.2025 be provided (confidentially and with appropriate redaction) to councillors. This information is to be provided in a timely manner and, at latest, by the May 2025 general meeting of the council.

Moved Councillor Rose

Seconded Councillor Thaler

LOST

Record of Voting

Councillors For: Councillor Rose, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Stewart and Councillor Summers.

8.3 FULL AND ACCURATE MINUTES

Record No: I25/196

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

That a subcommittee of councillors be appointed to review current minute-keeping practices to ensure compliance with Section 375 of the Local Government Act 1993 (NSW), which states: *'The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.'*

The subcommittee will be tasked with making detailed recommendations on how the council can improve or enhance its minute-keeping practices to fully comply with the legislative requirements.

The subcommittee shall consist of the CEO and two councillors who have experience in governance, transparency, and meeting procedures. The members of the subcommittee will be appointed by council resolution and will ensure the review is conducted with a focus on improving the quality, accuracy, and accessibility of council meeting minutes.

The subcommittee will be required to report its findings and recommendations back to the council within 8 weeks of being appointed.

Moved Councillor Thaler

Seconded Councillor Rose

LOST

Record of Voting

Councillors For: Deputy Mayor Hopkins, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Elliott, Mayor Hanna, Councillor Higgins, Councillor Rooney and Councillor Summers.

Procedural Motion

ADJOURNMENT

COUNCIL RESOLUTION

That the Extraordinary Council meeting be adjourned at 3.53pm for a break.

Moved Mayor Hanna

Procedural Motion

RESUMPTION OF MEETING

COUNCIL RESOLUTION

34/25

That the Extraordinary Council meeting be resumed at 4.01.

Moved Mayor Hanna

CARRIED

Procedural Motion

ADJOURNMENT – PUBLIC FORUM

COUNCIL RESOLUTION

35/25

That the Extraordinary Council meeting be adjourned at 4.02pm for public forum.

Moved Mayor Hanna

CARRIED

At 04:21 pm Councillor Elliott left the meeting.

At 04:23 pm Councillor Elliott returned to the meeting.

Procedural Motion

RESUMPTION OF MEETING

COUNCIL RESOLUTION

36/25

That the Extraordinary Council meeting be resumed at 4.23pm.

Moved Mayor Hanna

CARRIED

8.4 THE DISASTER READY FUND

Record No: I25/197

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

MOTION - WITHDRAWN

That an application under Stage 3 of the Federal Government's *Disaster Ready Fund*, announced on 22 January, be prepared and submitted as a priority. Furthermore, the draft application should be made available for councillor review as soon as it is completed to ensure transparency and alignment with council priorities.

Procedural Motion

MOTION

COUNCIL RESOLUTION

That Council move Item 8.20 to now.

Moved Councillor Thaler

Record of Voting

Councillors For: Councillor Elliott, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Rooney and Councillor Summers.

8.20 FLUORIDE SURVEY

Record No: I25/213

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

That Council:

1. Undertake a community survey into discontinuing public water fluoridation.
2. Note the discontinuance of the public water fluoridation across the United States of America.

Moved Councillor Thaler Seconded Councillor Williamson LOST

Record of Voting

Councillors For: Councillor Elliott, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney and Councillor Summers.

At 05:08 pm Councillor Higgins left the meeting.

At 05:11 pm Councillor Higgins returned to the meeting.

8.5 IMPROVING TRANSPARENCY

Record No: I25/198

Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

1. That Council adopt a policy that increases transparency of Council's governance by:
 - A. Allowing members of the public to attend, not participate in all briefings and workshops of council.
 - B. Webcasting of all briefings and publishing the recording of the briefings/meetings.
 - C. Allowing portion of briefings/meetings to be closed to the public in accordance with the NSW Local Government Act requirements for closing a portion of a public meeting as per 10A (2) of the Act.
2. That Council will review its adopted code of meeting practice to consider opening pre-meeting briefing sessions to the public.
3. That Council conduct a workshop to review the code of meeting practice.

Moved Councillor Williamson

Seconded Councillor Thaler

LOST

Record of Voting

Councillors For: Councillor Elliott, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Mayor Hanna, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney and Councillor Summers.

At 05:30 pm Councillor Rose left the meeting.

At 05:31 pm Councillor Rose returned to the meeting.

At 05:31 pm Councillor Stewart left the meeting.

At 05:35 pm Councillor Stewart returned to the meeting.

FORESHADOWED MOTION – ITEM 8.5 IMPROVING TRANSPARENCY

COUNCIL RESOLUTION

37/25

That Council:

- a. Review the code of meeting practice upon the receipt of the Ministers revised model code of meeting practice with a view to increasing transparency.
- b. Consider allowing members of the public to attend certain council briefings once the revised model code of meeting practice has been considered.

Moved Deputy Mayor Hopkins

Seconded Councillor Thaler

CARRIED

Record of Voting

Councillors For: Councillor Elliott, Mayor Hanna, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Higgins and Councillor Summers.

At 05:42 pm Mayor Hanna left the meeting.

Councillor Hanna left the meeting at 5.42pm and returned at 6.13pm. Councillor Hanna did not take part in discussion or voting on this item.

Deputy Mayor Cr Hopkins assumed the Chair.

8.6 AN AUDIT OF PAYMENTS TO THE HOLDERS OF COUNCIL LEADERSHIP OFFICES

Record No: I25/199

Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 03 April 2025, he will move the following motion.

COUNCIL RESOLUTION

That Council:

- A. Request the Audit, Risk and Improvement Committee to consider immediately commissioning Council's independent auditor to conduct an audit of the appropriateness of all payments made to all councillors and administrators, current or past, of the Snowy Monaro Regional Council.

B. Specify in the audit's terms of reference that the auditor will consider:

- (a) The appropriateness of payments made to or into the accounts of all councillors and administrators, or to businesses or companies that they operated, held equity in, were employed by, or were directors of. ASIC, Australian Business Register and other searches, or other discovery methods, shall be employed to determine such interests.
- (b) The appropriateness of payments of expenses incurred by or behalf of all councillors and administrators and paid for by council.
- (c) The use of council credit cards, fuel cards, etc. Consideration to include whether such cards were used appropriately, consistent with council policies and whether usage did or did not continue after the end of individuals' respective terms (including during election periods).
- (d) Where a councillors and administrators (including businesses or companies they are involved with (as per point 2.a)) have received payments for services or goods provided to council or staff of council, the auditor should consider:
 - (i) Whether councillors and administrators declared a pecuniary conflict of interest and refrained on voting on any matter (e.g. annual budgets, budget variation, project approvals, etc) that directly or indirectly benefited their business interest.
 - (ii) Whether the related procurement decision was made following a suitable procurement process consistent with council's policy and applicable NSW Guidelines.
- (e) Whether council executive have allowed or decided to allow, councillors and administrators (including businesses or companies they are involved with (as per point 2.a) to benefit from council business in a manner that is inconsistent with council's procurement policy or good governance.
- (f) Any other matter the independent internal auditor deems appropriate to consider.

C. Direct the auditor to:

- (a) Provide a comprehensive report specifying:
 - (i) The details and amounts of all payments to councillors and administrators including businesses or companies they are involved with (as per point 2.a)), any concerns they may have related to each payment.

- (ii) Advising councillors of any matters of concern.
- (iii) Making recommendations for the consideration of councillors.
- (b) Refer any matters of concern to ICAC.

D. Establish a committee including Clr Rose, Clr Stewart and Clr Elliott to oversee the audit.

Moved Councillor Williamson

Seconded Councillor Thaler

LOST

Record of Voting

Councillors For: Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Councillor Elliott, Councillor Higgins, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart and Councillor Summers.

At 06:13 pm Mayor Hanna returned to the meeting.

Procedural Motion

MOTION TO EXTEND THE MEETING

COUNCIL RESOLUTION

That Council extend the meeting by 2 hours.

Moved Councillor Thaler

Record of Voting

Councillors For: Councillor Elliott, Deputy Mayor Hopkins, Councillor Rose, Councillor Thaler and Councillor Williamson.

Councillors Against: Councillor Davis, Mayor Hanna, Councillor Higgins, Councillor Rooney, Councillor Stewart and Councillor Summers.

Procedural Motion

CLOSED MEETING 6.17PM

COUNCIL RESOLUTION

That the Extraordinary Council meeting be closed at 6.17pm and all remaining items deferred to the next meeting.

Moved Mayor Hanna

The Mayor declared the meeting closed at 6.17PM

CHAIRPERSON

The above minutes of the Extraordinary Council Meeting of Snowy Monaro Regional Council held on 3 April 2025 were

confirmed by Council at a duly convened meeting on 17 April 2025 at which meeting the signature hereon was subscribed.

Unconfirmed

8.1 DEVELOPMENT APPLICATION 10.2024.80.1 - CONSTRUCTION OF 0.68KM OF SHARED USE TRAIL AND ROAD UNDERPASS

Record No: I25/92

Applicant Number:	10.2024.80.1
Applicant:	Snowy Monaro Regional Council
Owner:	G McBurnie, Vuez Eco Resort Pty Ltd, Snowy Hydro Limited
DA Lodged:	26/04/2024
Property Description:	Kosciusko Road, Hatchery Bay RD and Gaden Road, JINDABYNE NSW 2627 Lot: 6 DP: 880342 Lot: 5 DP: 880342 Lot: 5 DP: 248096 Lot: 1 DP: 236901 Lot: 3 DP: 549281
Zone:	SP1 – Special Activities SP3 – Tourist RU1 – Primary Production
Current Use:	Road Reserve and Dwelling
Proposed Use:	Environmental Facilities
Permitted in Zone:	Yes
Recommendation:	Approval

RECOMMENDATION

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to 10.2024.80.1 for Construction of 0.68km of Shared Use Trail and Road Underpass Lot: 6 DP: 880342, Lot: 5 DP: 880342, Lot: 5 DP: 248096, Lot: 1 DP: 236901, Lot: 3 DP: 549281, Kosciusko Road, Hatchery Bay RD and Gaden Road, JINDABYNE NSW 2627 with conditions of consent attached to this report.

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of an underpass between Gaden Road and Hatchery Bay Road adjacent to Kosciuszko Road and the alignment construction of a new shared trail for 0.68km. The new shared trail will connect to the existing trail network as

it travels around Lake Jindabyne, and providing an offshoot for visitors to visit the Trout Hatchery via Gaden Road. The trail will also link the newly constructed section of the Thredbo Valley Track to Lake Jindabyne.

The application has been referred to state agencies for comments.

The application was open for submissions for an extended 28 day period, during which two (2) submissions were received, and they are discussed in the body of the report.

In accordance with Council's policy "Referral of Development Applications to Council" the application is referred to Council for determination as Council is the applicant for the proposal and it is located on Council land.

The application was been referred to Bega Valley Shire Council for peer review of the Section 4.15 assessment report. Bega Valley Shire Council's peer view letter is attached to this report (attachment 11). The minor items identified in the peer review have been addressed.

It should be noted that Council's role in assessing the Development Application (DA) is solely as a consent authority, with its determination based on planning and regulatory considerations and the assessment of the proposal's merit.

The 'project' considerations which include financial implications such as construction and maintenance costs are not part of what is assessed under the DA. The cost of the development to the Council is not a factor which forms part of this assessment and does not require assessment as part of the determination process.

Following 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).

It is recommended that the application be approved with conditions.

BACKGROUND

Subject Site Details The proposed development is located within the locality of Jindabyne, north of the Jindabyne Township along Gaden Road and Hatchery Bay Road, west of Lake Jindabyne and is accessed via Kosciusko Road. The existing development within the vicinity of the proposed development is vacant farm land, a dwelling house on the eastern side of Kosciuszko Road, and Hatchery Bay Road allowing public access to Lake Jindabyne. The development proposed will directly impact 3400m² of the land within the area.

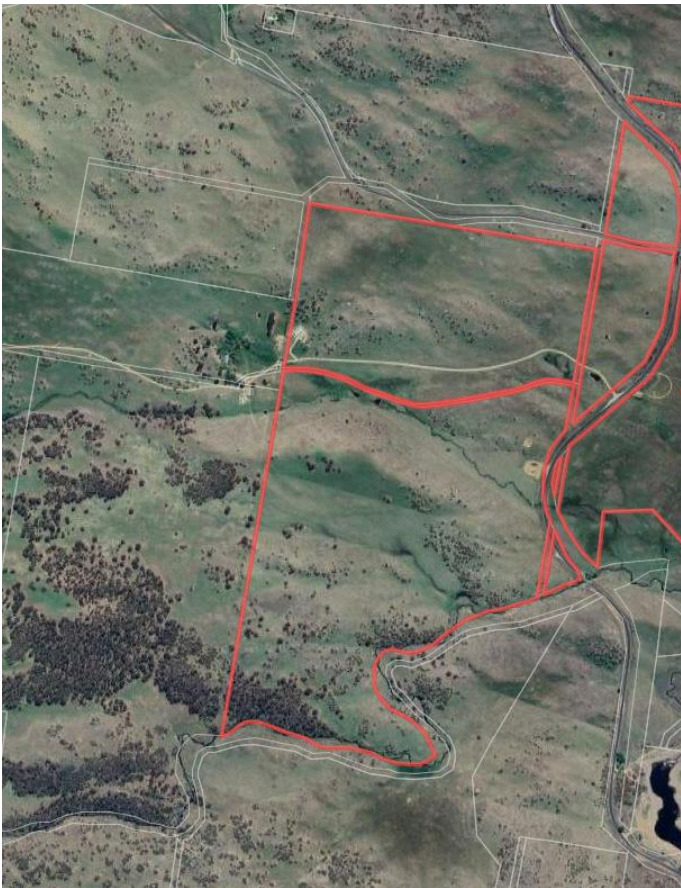
Site Address	Kosciusko Road, Hatchery Bay RD and Gaden Road, Jindabyne
Lot and DP and Land Zoning	Lot 6 DP 880342, Lot 3 DP 549281, Lot 5 DP 248096, Lot 1 DP 236901, Lot 3 DP 549281
Closest crossroad(s)	Kosciusko Road, Hatchery Bay RD and Gaden Road
Land Zoning	SP1 – Special Activities SP3 – Tourist RU1 – Primary Production

Site Maps



Figure 1:

8.1 DEVELOPMENT APPLICATION 10.2024.80.1 - CONSTRUCTION OF 0.68KM OF SHARED USE TRAIL AND ROAD UNDERPASS



Site Photos



Figure 4: Site Photos

PROPOSAL IN DETAIL

The proposed development application seeks development approval for the construction of a 0.68km shared trail construct and an underpass or under carriage under Kosciusko Road linking Hatchery Bay RD and Gaden Road. This is to create a safer experience for mountain bikers, trail runners or pedestrians of the shared trail when using the shared trail tracks to cross Kosciusko Road.

The proposed development is located north of the Jindabyne Township, west of Lake Jindabyne and is accessed via Kosciusko Road.

The proposed development is part of the “Snowy Mountains Special Activation Precinct Master Plan” aiming to turn the Township of Jindabyne into Australia’s premier alpine destination. This proposal has been designed to extend the existing Lake Jindabyne trail network, which currently exists from Tyrolean Village into Jindabyne Township and out to Hatchery Bay. The Lake Jindabyne Shared Trail projects aims to provide 60km trail network around the southern half of Lake Jindabyne.

The impacts of the 0.68km shared trail is as follows;

- Construction of up to 0.68 km of shared use recreational trail with impacts equating to a 3.6 m-wide maximum area as well as impacts associated with the underpass construction at Kosciuszko Rd for a subject site comprising 0.56 ha of which 0.34 ha consists of native vegetation.
- The direct impact area sits within a 20-metre-wide corridor (10 m either side of the subject site) and to allow for indirect impacts, including impacts associated with the underpass construction at Kosciuszko Road for a subject land comprising 1.98 ha, of which 1.47 ha consists of native vegetation.

Description of Trail Construction Works

The following construction has been proposed;

- Construction of 0.68 km of new trail including underpass at the intersection of Gaden and Kosciuszko Roads.
 - Rehabilitation of 50 m of existing eroded road adjacent to the trail.
-

- Upgrade of amenity features including picnic area and facilities at Hatchery Bay.
- Installation of new signage and directional arrows that comply with international standards.

Types of work relevant to the proposal

Types of work	Comments
New Trail Construction	<ul style="list-style-type: none"> • Clearing of understory vegetation along new trail alignment. • Use of small excavator machinery to dig out and shape trail to desirable width and shape. • Battering of slope to stabilize slope above and below new trail to prevent erosion. Distribution of seed, planting of tube stock and completion of hydro mulching with appropriate native species as required to rehabilitate disturbed areas. • Installation of signage
Underpass Construction	<ul style="list-style-type: none"> • Direct impact to approximately 1000 m² • Realign existing stormwater culvert to suit underpass • Seal pavement threshold at the entrance of Hatchery Bay Road • Installation of a 2.7m (h) x 3.0m (w) reinforced concrete box culvert installed in two stages to allow continuity of traffic along Kosciuszko Rd. The culverts are installed by excavating the road to the required depth/width, installing the precast units and backfilling to design levels

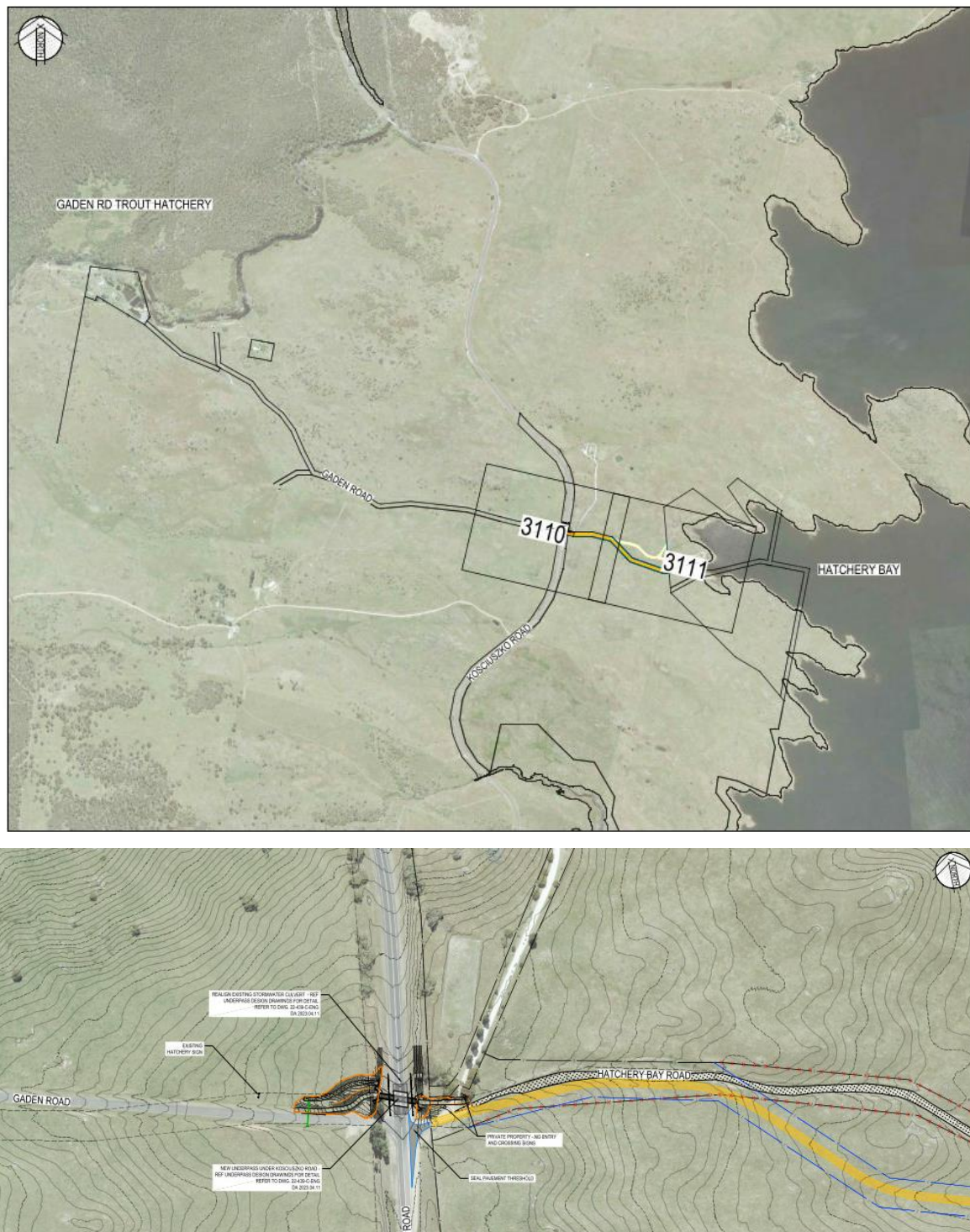
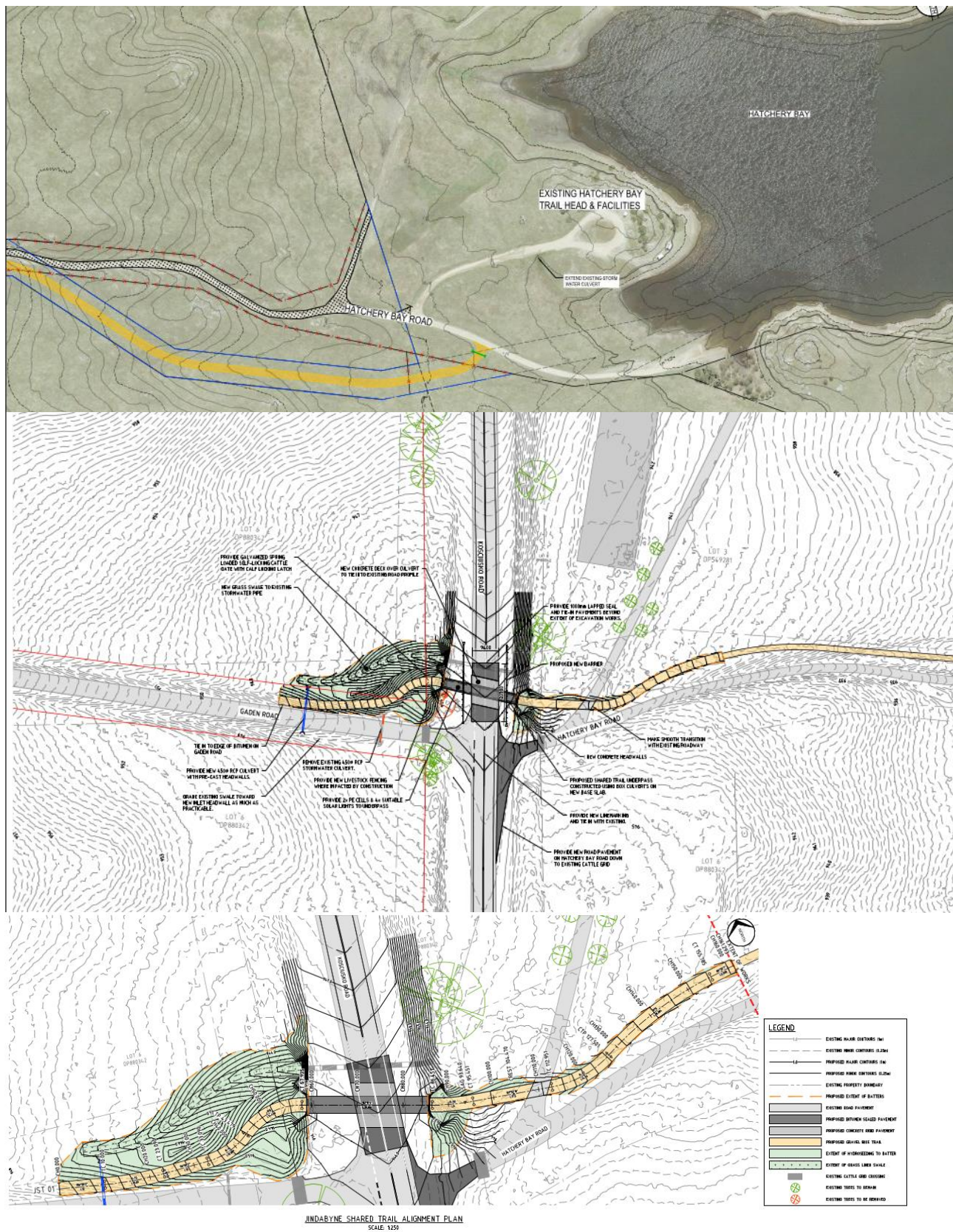
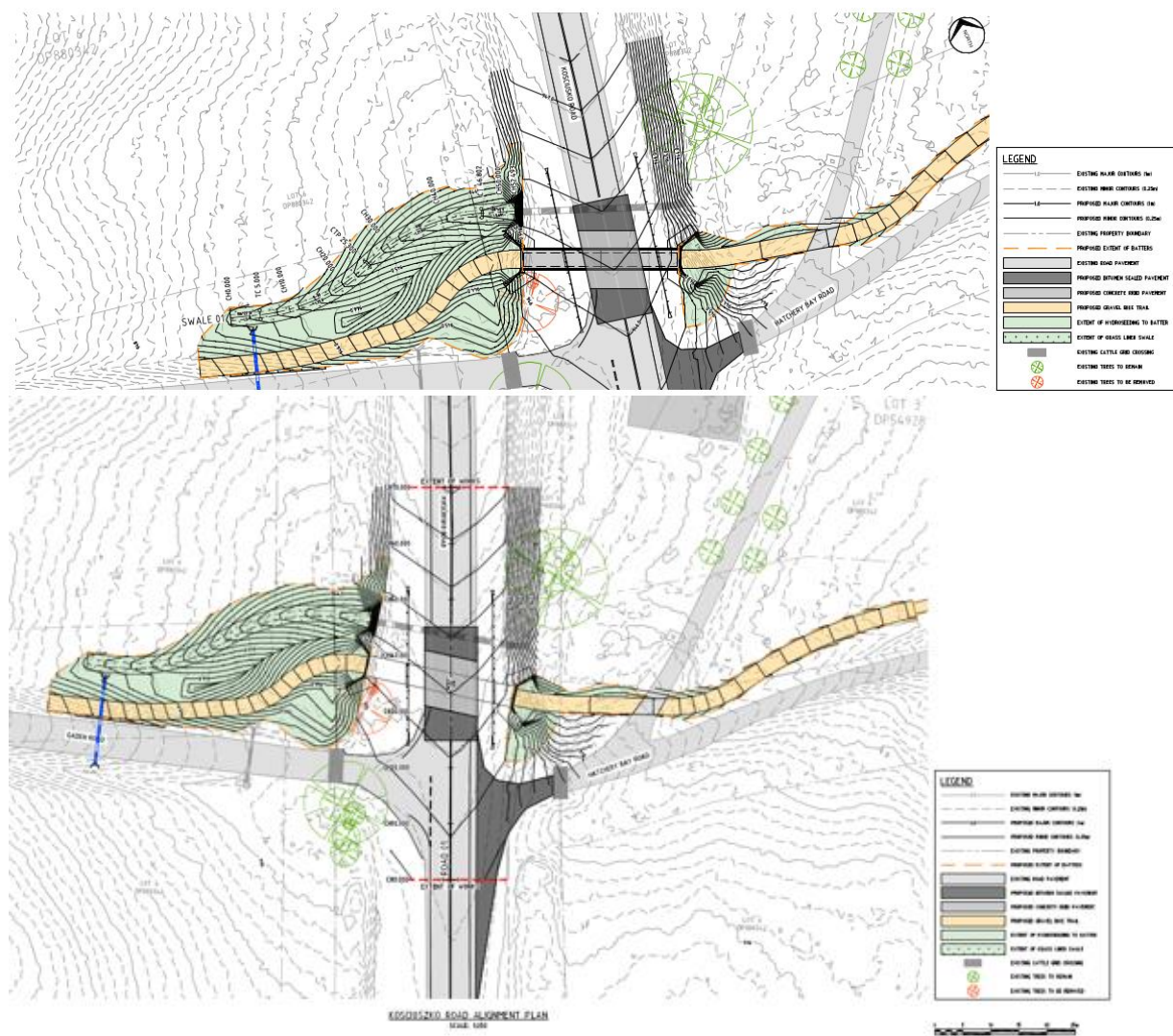


Figure 6: Site Plan 1





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.

SECTION 4.15 ASSESSMENT

SUITABILITY OF THE SITE

Slope	
Significant vegetation	
Adjoining development	
Suitability of proposed works / building	
Streetscape	
Stormwater disposal	
Services	
Views	The development will not hinder the views from adjoining properties.
Contamination	
Bushfire	The site is considered bushfire prone however this does not impact the use of the land for the purpose of the active recreational use and the development itself does not require a referral to the NSW Rural Fire Service.
Flooding	
Vehicular access	Gaden Road and Hatchery Bay Road are accessed via Kosciuszko Road. Access to the underpass will be via Gaden Road and Hatchery Bay Road. Access to the proposed shared trail will be via multiple entry points within the vicinity of the development being the likes of Gaden Road, Hatchery Bay Road, Kosciuszko Road and existing shared trail networks.
Easements and restriction on use	No easements or restrictions of use applicable to the proposed development.
Aboriginal sites	Aboriginal sites are identified within the vicinity of the proposed development through an Aboriginal Due Diligence Assessment. 12 Aboriginal sites have identified via the report with no identified areas within the proposed developed land. As no Aboriginal sites are located within the alignment of the proposed development there are no foreseeable impacts to the Aboriginal sites resulting from the proposed development. As part of the draft conditions of consent the construction of the underpass and shared trial will be in accordance with the recommendations stated in

	the Aboriginal Due Diligence Assessment.
Threatened species & Grasslands	<p>Plant Community Type (PCT) 1191 Snow Gum – Candle Bark woodland on board valley flats of the tablelands and slopes, Southern Highlands Bioregion has been recorded on the site which forms part of the Threatened Ecological Community (TEC) Monaro Tablelands Cool Temperate Grassy Woodland Endangered Ecological Community (EEC), listed as Critically Endangered under the Biodiversity Conservation Act 2016 (BC Act).</p> <p>However, it is not currently listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This means that while the community is afforded protection and assessment triggers at the state level, it does not trigger the federal environmental approval requirements.</p> <p>A Biodiversity Development Assessment Report (BDAR) was submitted with the application.</p> <p>The development application was referred to Biodiversity, Conservation and Science for concurrence and has provided recommendations to form the conditions of consent.</p> <p>Upon review of all related information, it is considered that there are no serious and irreversible impacts (SAII) and the application can be determined in accordance with the relevant legislative and policy requirements.</p>
Rivers/streams	
Effluent disposal	
Prevailing winds	
Other matters	

REFERRALS

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

External Referrals

The development application was referred to the following external government agencies for comment/consideration:

State or Federal Agency	Comments
Transport for NSW	
Department of Planning Industry and Environment (Biodiversity and Conservation)	<p>The department provided comments only and does not have an integrated approval role in the assessment of the application. The comments were considered, and the information provided by the applicant was considered appropriate to determine the application as submitted.</p> <p>Biodiversity, Conversation and Science have provided their recommended conditions of approval; see attachment 8</p>

Internal Referrals

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

Internal Department	Comments
Development Engineer	<p>Development Engineering conditions have been included as part of the draft conditions of consent. These conditions are necessary to ensure the development complies with Council's adopted development design and construction specifications.</p> <p><u>Road Construction</u>: Conditions have been applied to ensure safe vehicular and cyclist access along the proposed road frontage. The intent is to establish clear and safe separation between cyclists and motor vehicles to improve overall road safety.</p> <p><u>Rural Property Access</u>: In accordance with the Roads Act 1993, any road works that affect property access require appropriate assessment and approval. These conditions ensure that a legal, safe, and practical access is maintained or provided to all affected properties, as required by the relevant roads authority.</p> <p><u>Road Stormwater Management</u>: Condition SUB_16 requires the construction of 1.5-metre-wide table drains along the road pavement. These drains are necessary to prevent uncontrolled stormwater runoff from discharging directly onto adjacent private properties, thereby reducing the risk of erosion, property damage, and localised flooding.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity & Conservation) 2021
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environmental Plan 2013
Development Control Plans	Snowy River Development Control Plan 2013

State Environment Planning Policies (SEPPs)

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 for rural purposes and there is no evidence of contaminants such as previous land uses. The contamination status of the site remains unchanged and the proposal therefore complies with the requirements of the SEPP.

State Environmental Planning Policy (Resources and Energy) 2021

Clause 2.19 Compatibility of proposed development with mining, petroleum production or extractive industry applies to the proposed development. At the time of assessing this development application no mining, petroleum production or extractive industries are within the vicinity of the proposed development. Surrounding land uses are vacant farm land, one single dwelling house and shared trial paths on the eastern portion towards Lake Jindabyne. The proposed development is considered to be acceptable with no foreseeable impacts to any of those existing or approved uses within the area.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.118 Development on proposed classified road is applicable to the proposed development as the construction of the underpass is wholly within the State Significant road reserve being Kosciuszko Road. The cost of the development exceeds \$185,000 as per 2.118 (1)(b). Therefore is required to be referred and seeks concurrence from Transport for NSW. Transport for NSW have provided their conditions and concurrence; see attachment 9.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020 and Chapter 4 habitat protection 2021 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. Chapter 3 of the Biodiversity and Conservation SEPP applies to activities being undertaken in land zoned RU1 Primary Production, RU2 Rural landscape and RU3 forestry in a local government area specified in Schedule 1 of the now repealed SEPP Koala Protection 2021. The

proposed development is zoned within RU1 Primary Production therefore chapter 3 must be considered by the consent authority. Chapter 4 of the Biodiversity and Conservation SEPP applies to activities being undertaken on land outside zones RU1 Primary Production, RU2 Rural landscape and RU3 forestry. As part of the proposed development is zoned within SP3 tourist therefore chapter 4 must be considered by the consent authority. The submitted BDAR assessed the impacts on Koala habitat and concluded that the subject site has minimal suitable Koala habitat, no suitable tree species within for subject site, open and disturbed woodland area with minimal canopy connectivity. Therefore the subject land is not considered to be Potential Koala Habitat or Core Koala Habitat. Council is satisfied that a Koala plan of management is not required as the Likelihood of Occurrence (LOO) Assessment concluded that the risk of impact to this species as a result of the proposed works is Low.

Other Legislation

Biodiversity Conservation Act 2016 (BC Act)

Native vegetation clearing thresholds as outlined in Part 7 of the Biodiversity Conservation Regulation 2017 (Table 4) indicates the proposed development will require to enter into the BOS according to the minimum lot sizes and the corresponding native clearing thresholds. The clearing threshold for the site, based on the minimum lot size, is 0.25 ha.

The proposed development clearing requirements have been calculated as 0.34 ha, the applicable clearing threshold for native vegetation is 0.25 ha and will be exceeded by this proposal; therefore, entering into the BOS is required.

Biodiversity, Conservation and Science for concurrence and has provided recommendations to form the conditions of consent (See attachment 8), these have been included in the draft conditions of consent.

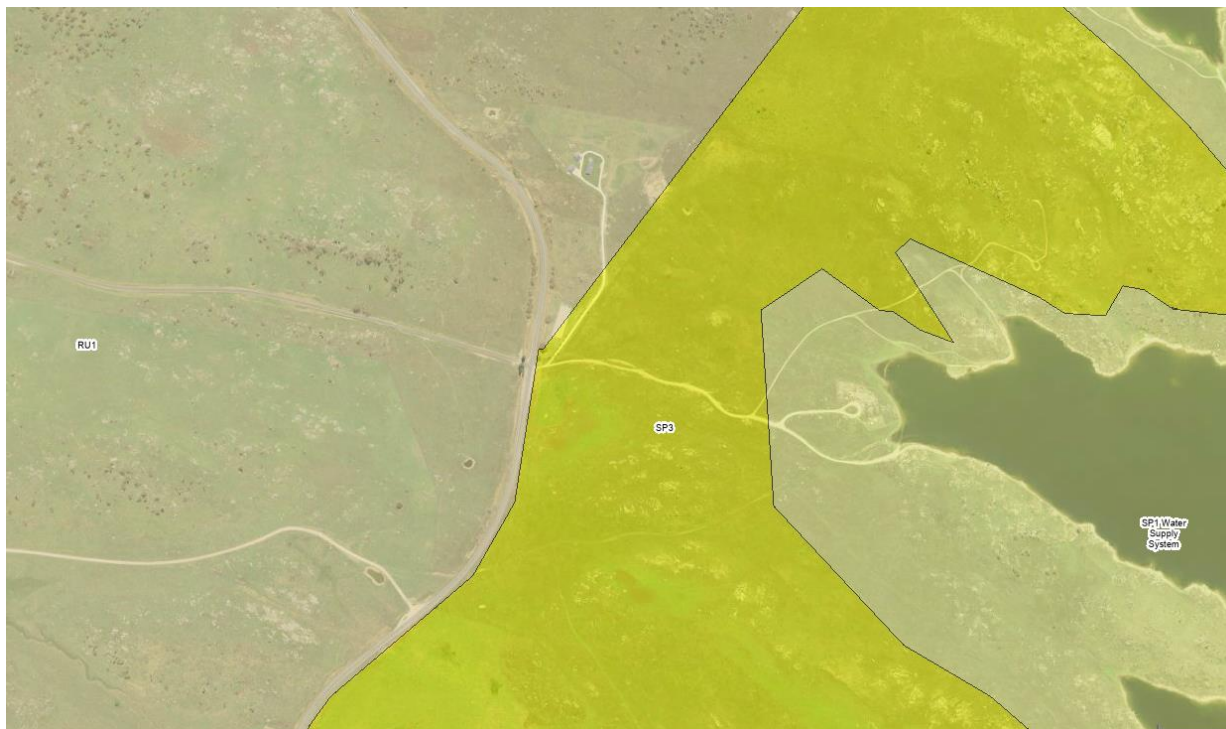
Biodiversity, Conservation and Science recommend the applicant would be required to complete the following prior to any construction works;

- Provide a Biodiversity Management Plan prepared by a suitably qualified person for review and approval by Council stating commitments and harm minimisation measures to be implemented during construction prior to any construction works.
- Purchase 2 ecosystem credits – PCT 1191 – Snow Gum
- Purchase 4 impacted species credit – *Cercartetus nanus* (2 credits) and *Myotis macropus* (2 credits) to offset the impacts resulting from the construction of the proposed development.

Assessment of the Development under the Snowy River Local Environmental Plan 2013

- The subject land is zoned: RU1 – Primary Production, SP1 - Special Activities, and SP3 – Tourist
 - Definition of land usage under SRLEP 2013: Environmental Facility
 - The proposal is permissible with development consent from Council pursuant to Zones RU1 - Primary Production, SP1 - Special Activities, and SP3 – Tourist of the SRLEP 2013.
 - The proposal is considered to be consistent with the aims and objectives of the plan.
-

Permissibility



Land Use Table/s

Zone RU1 – Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.
- To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone SP1 – Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Extensive agriculture

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; **Environmental facilities**; Environmental protection works; Jetties; Marinas; Mooring pens; Moorings; Roads; Water recreation structures; Wharf or boating facilities; The purpose shown on the *Land Zoning Map*, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 – Tourist

8.1 DEVELOPMENT APPLICATION 10.2024.80.1 - CONSTRUCTION OF 0.68KM OF SHARED USE TRAIL AND ROAD UNDERPASS

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To provide tourist development that is compatible with the environmental, scenic or landscape qualities of the area.
- To enable other uses that complement tourist development without eroding the retail hierarchy of the local centres and villages.
- To ensure that development is sympathetic with the rural setting, scenic values and landscape features of the area.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; **Environmental facilities**; Environmental protection works; Extensive agriculture; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Medical centres; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Environmental facilities are a permissible land use with consent in **RU1, SP1 and SP3**.

Environmental Facilities are defined as:

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

As the definition includes recreational uses such as walking tracks, shelters, and boardwalks or the like, the proposed shared trail and underpass for mountain bikers, trail runners, and pedestrians are considered consistent with this definition.

Principal development standards

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

PART 5 Miscellaneous provisions -

Clause 5.10 Heritage conservation

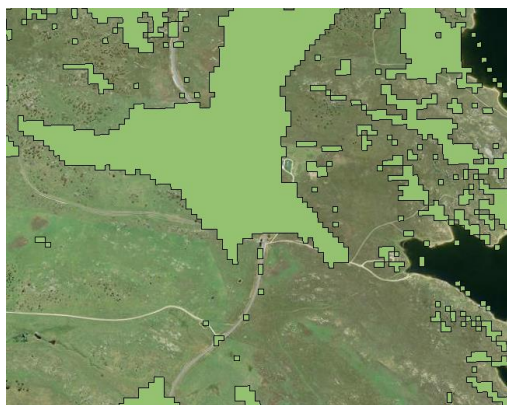
There are no heritage items, heritage conversation areas or archaeological sites identified on the LEP heritage maps within the proposed development area.

Aboriginal Heritage

An Aboriginal Due Diligence Assessment (ADDA) has been submitted with the development application to assess the potential of impacts to the Aboriginal sites within the proposed development area. A basic search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken by the consultant for the area and two site visits were conducted during the study. 12 aboriginal sites were identified within a 4km x 4km search area around the proposed development. All 12 aboriginal site are outside the proposed development footprint. The study concluded that no new aboriginal sites were identified and no areas of subsurface archaeological potential were identified during the time of survey. It has been determined that the no aboriginal sites fall within the proposed developed land of the construction of the underpass and shared trail. A list of recommendations have been outlined within the ADDA and these recommendations form part of the draft conditions of consent to ensure that if any new aboriginal site or artefacts are found during the construction of the underpass and shared trail precaution measures are taken in accordance with the recommendations outlined in the ADDA (See attachment 6).

PART 7 Additional local provisions

Clause 7.2 Terrestrial biodiversity



The site is wholly mapped on the Terrestrial Biodiversity Map and the proposed development will require disturbing the mapped terrestrial biodiversity.

Biodiversity Development Assessment Report has been submitted with the development application to assess the impacts to the ecological value and significance of the fauna and flora on the developed land as the clearing of native vegetation exceed 0.25ha. The vegetation on the land is prominently native grassland, non-native exotic trees and scattered snow gums. The development application has been referred to Biodiversity, Conservation and Science for concurrence and has provided recommendations to form the conditions of consent.

Upon review of all related information, it is considered that that there are no serious and irreversible impacts (SAII) and the application can be determined in accordance with the relevant legislative and policy requirements.

As part of the draft conditions of consent the applicant will be required to enter into the Biodiversity Offset Scheme (BOS) to offset the impacts on biodiversity resulting from the proposed development.

Clause 7.3 Riparian land and watercourses



The proposed development is within the vicinity of Riparian land and watercourses, being Lake Jindabyne. However, no proposed activities are within the designated Riparian land and watercourse areas. Therefore, the nature of this proposed development will not result in any impact on the identified Riparian land and watercourses.

Clause 7.4 Wetlands



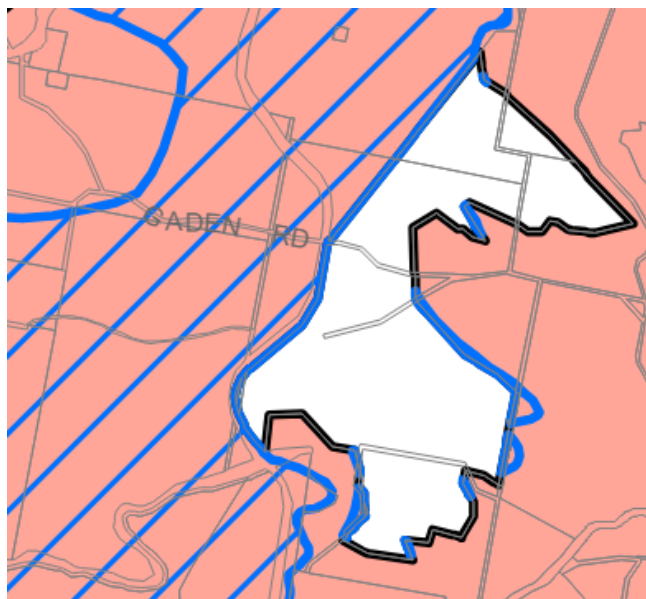
The proposed development is within the vicinity of Wetlands. Identified is Lake Jindabyne. No proposed works are within the identified Wetland. No foreseeable impact on the identified.

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



The proposed development is within the mapped scenic protection area. The proposed construction of the underpass will not result in intrusive impacts to the visual qualities and scenery when viewed from Lake Jindabyne Foreshore. The construction of the underpass has been proposed to be underneath Kosciusko Road between Gaden Road and Hatchery Bay and proposes no foreseeable impacts when viewed from Lake Jindabyne or surrounding area. The proposed development has been designed to ensure the sense of isolation is maintained in the vicinity and can be enjoyed in many areas on and adjacent to the lakes.

Clause 7.7 Development within the eastern approaches to Kosciuszko National Park



The proposed development is within the mapped Eastern Approaches to Kosciuszko National Park. Landscape works will be completed within the disturbed area to enhance the natural aspects of the vicinity to ensure protection of the environmental, scenic and natural values of the area. The existing natural environment has been proposed to be maintained in the existing form. Removal of one tree has been proposed with the addition of landscape works. The proposed construction of the underpass is wholly within the road reserve of Kosciuszko Road and does not create any additional impacts to the surrounding natural environment and scenic landscape. Therefore it is considered that there are no foreseeable unreasonable visual impacts.

Clause 7.9 Essential services

Assessment of the proposed works identifies no requirements for connections for water supply, electricity supply and effluent disposal.

Stormwater management will be required to manage runoff from the trail and underpass; conditions of consent have been included.

Gaden Road and Hatchery Bay Road are accessed via Kosciuszko Road. Access to the underpass will be via Gaden Road and Hatchery Bay Road. Access to the proposed shared trail will be via multiple entry points within the vicinity of the development being the likes of Gaden Road, Hatchery Bay Road, Kosciuszko Road and existing shared trail networks.

Assessment of the Development under the Snowy River Development Control Plan 2013

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

Provision	Response/Acceptable Solution
A3 Public Notification	Neighbour notification 28 days Advertising 28 days
B2 Jindabyne and Surrounds	The proposed development is in accordance with the vision statement in the Snowy River DCP. The

	proposed development will create opportunities for residents and visitors to the area to move between Jindabyne and northern portions of Lake Jindabyne via a shared trail path.
C General planning considerations	
C3 Car-parking, Traffic & Access	Access to the site is available via Gaden Road and Hatchery Bay Road, both connecting to Kosciuszko Road. The underpass can be reached through these same routes. The proposed shared trail will feature multiple entry points, including Gaden Road, Hatchery Bay Road, Kosciuszko Road, and existing trail networks in the vicinity. The site benefits from established all-weather access for two-wheel vehicles via these roads. No additional parking facilities are planned, as existing parking areas adequately serve both the eastern and western sections of the development.
C4 Heritage	Aboriginal Heritage site located within the vicinity of the proposed development. No identified aboriginal heritage site within the proposed disturbed areas of the development. Aboriginal Due diligence assessment submitted with the development application. ADDA was composed by APEX Archaeology, provided a list of recommendations for the proposed development. Recommendations are outlined in the Aboriginal Heritage section of this report. No foreseeable impacts to Aboriginal heritage from the result of this proposed development.
C5 Tree preservation & Landscaping	One tree has been proposed for removal. Existing trees in the vicinity will remain undisturbed. Any necessary landscaping or restoration works once the completion of the construction of the proposed development will be completed in accordance with the site management plan and Australian standards for walking tracks and Australian Mountain Bike Trail Guidelines. It is considered that there will be no unreasonable foreseen impacts to the existing native landscape of the vicinity.
C6 Signage & Advertising	Signage will be consistent with the existing signage and is considered low key and appropriate for the proposed use. Five new Cautions signs and two Give Way signs have been proposed along the Hatchery Bay trail and underpass. Installation of

	signage to educate trail users to presence of wildlife values along the trail and informing best-practice etiquette should they encounter wildlife along the trail. This is to mitigation potential impacts to the natural environment of the area and increase the safety of users in the vicinity. A draft condition of consent has been implemented to ensure the safety of pedestrians and trail users with in the vicinity of the underpass (see attachment 1).
C7 Natural Hazard Management - Bushfire - Flood Prone Land	The development is for groundworks only and therefore does not trigger any further assessment or requirements other than those usually associated with the management of public land. This however falls outside of the development assessment process.
C8 Environmental Management	The development is designed to have minimal environmental impact and will be managed in the same way as the existing trail network. The runoff from the trail is managed through its design and requires minimal maintenance. Any disturbed areas are to be rehabilitated and revegetated at the conclusion of construction.
C10 Waste management & Recycling	Condition/s of consent apply to ensure that any materials to be disposed of will be disposed of lawfully.

The proposal has also been examined in detail against the provisions of Council's relevant Development Control Plans (Section 4.15(a)(iii) of the Act) and has been found to achieve an acceptable level of compliance.

SUBMISSIONS

The proposed development was assessed against the requirements of the Snowy Monaro Planning and Development Community Participation Plan 2019 (SMPDCPP) and the following notification advertising took place:

Type of Development	Notification carried out as per minimum SMPDCPP
Commercial Development, public use facilities, venues, crowd-attracting uses, recreation facilities	Neighbour notification 28 days Advertising 28 days

In total two (2) objections were received and the issues raised have been summarised below.

Below is a summary of the submissions received. Copies of all submissions can be read in attachment 7.

Submission 1

Key Concerns

Lack of Clear Plans:

- The concept plan lacks a key, leaving uncertainty about whether it is final.
- The underpass plan shows a gravel bike trail, but it's unclear how much of the full project it covers.
- The fire trail access road is mentioned, but no clear maps explain its location.
- Some printouts are too small to see details.

Impact and Design Ambiguities:

- Descriptions of road widths and impacts are vague, with no clear visual representation of where these will occur.

Suggestions:

- Instead of building the underpass, consider upgrading the existing Hatchery Bay Road and improving the Hatchery Bay Trail to a safer, more accessible standard for tourists, especially families and seniors.
- Fixing flood damage to the trail near Hatchery Bay and addressing the bridge and fence issues could be more cost-effective.

Concerns About Target Audience:

- The project seems focused on mountain bikers, but the trail is mostly used by families, first-time visitors, and seniors. These users struggle with the current trail, and improvements should cater to their needs too.
- The Grade 3 trail standard is unclear and may be too challenging for casual users.

Applicant response:

The project proposes to realign the existing Hatchery Bay access road so that it is within the road easement. The current road is outside of the road easement.

The trail will, so far as the natural form of the land allows, be built so as to allow people of all skill levels (walkers, riders, etc.) to use the trail. Creating of a dedicated shared trail throughout the lake Jindabyne trail network is one of the primary deliverables for the project. As part of this, the existing trail between Hatchery Bay and the Boat Ramp will be refurbished, repaired, and widened.

Assessing Officers Response:

The submitter initially had issues accessing the development application content. This was rectified and additional time was allowed for the submitter to provide an objection to the development application. The items raised in the submission are considered to be outside the scope of the consideration of the DA process. The applicant (Council) has provided a response to their concerns.

Submission 2

Summary of the issues identified:

1. Concerns with water runoff being directed onto our property.
 - a. With the new ground level grades and alignment, the outlet of the new stormwater location will allow higher flow rates and volume of water that is subsequently outlet onto hard packed gravel and has nowhere to settle, with water flow directed into our property.
 - b. It is not acceptable for this area to become a catchment area, and not acceptable for the runoff to be directed into our property.
2. Impact to existing driveway and road levels into our property.
3. Safety of pedestrians, bike riders and vehicles during operation of the underpass and bike path with the proximity of the trail to the driveway access to our property.
4. Provision of access and egress to our property during construction.
5. Safety of pedestrians and vehicles during construction given the proximity of the works to the sole access to our property. This also operates on a school bus route and will hinder the safety of school children.
6. Impact to the existing property fences and gates.
 - a. There are two locations in the design that affect our existing fences and gates. Additional information is needed on how council will maintain the integrity of the existing fences and access to existing gates.
 - b. We note that we have not been contacted by council or others regarding the proximity of the track on our boundary, aside from the public notification letter.

Applicant response:

1. The existing 1050mm stormwater culvert is to be retained and all existing flows are to be diverted through this existing current culvert via Swale 01/earth bank as they currently are. No additional catchment has been diverted to this culvert, therefore the flow rates and outlet location will remain as is (e.g. no additional water is to be directed onto the adjacent property).
2. The existing property access driveway and road levels are to be retained. The trail will be graded to suit the existing driveway at the crossover point.
3. Suitable safety signage warning trail users of driveway will be included in IFC (Issued For Construction) drawings.
4. The contractor will be required to consult with impacted landowners and always maintain property access during construction.
5. The contractor will be required to implement an approved traffic guidance scheme which will require consultation with the school bus company to provide a safe arrangement for bus users.
6. Impact to the existing property fence or gates is not anticipated as part of the

construction works. The trail alignment remains within the Council easement and does not enter private property (with the exception of the acquired easement in Lot 6 DP880342 as negotiated with the land owner).

Assessing Officers Response:

The proposed development has no foreseeable impacts to the neighbouring land owner. Draft conditions of consent ensure that no impacts generated from the construction of the proposed development will burden the neighbouring land owner. Consulting with the neighbouring land owner during the construction of the proposed development is deemed to be appropriate to ensure there is no impact imposed on the neighbouring land owner during their day to day activities.

CONCLUSION

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

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

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 46/24 on 21 March 2024.

ATTACHMENTS

1. DRAFT Conditions (*Under Separate Cover*)
 2. Statement Of Environmental Effects (*Under Separate Cover*)
 3. Site Plans (*Under Separate Cover*)
 4. Civil Engineering Plan (*Under Separate Cover*)
 5. Biodiversity Development Assessment Report (*Under Separate Cover*)
 6. Aboriginal Due Diligence Assessment (*Under Separate Cover*)
 7. Submissions (*Under Separate Cover*)
 8. BCS Referral Response (*Under Separate Cover*)
 9. TfNSW Referral Response (*Under Separate Cover*)
 10. Generated Pre-DA Form (*Under Separate Cover*)
 11. Bega Valley Shire Council Peer Review Letter (*Under Separate Cover*)
-

**8.2 DEVELOPMENT APPLICATION 10.2024.294.1 - CHANGE OF USE SHED TO DWELLING
WITH 4.6 VARIATION OVER 10%**

Record No: I25/3

Applicant Number:	10.2024.294.1
Applicant:	T C McKenzie
Owner:	T C McKenzie
DA Lodged:	20/11/2024
Property Description:	'Top of the Range' 7049 The Snowy River Way Jindabyne Lot :2 DP: 1259995
Zone:	RU1 – Primary Production
Current Use:	Rural Tourist Accommodation
Proposed Use:	Dwelling House
Permitted in Zone:	Yes
Recommendation:	Approved

RECOMMENDATION

Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that Council grants consent to DA10.2024.294.1 for Change of Use Shed to Dwelling on Lot 2 DP1259995, 7049 The Snowy River Way, Jindabyne subject to conditions of consent attached to this report.

EXECUTIVE SUMMARY

'Top of the Range' is located at 7049 The Snowy River Way, Jindabyne. It is a 21 hectare lot situated approximately 12km south east of Jindabyne along the Snowy River Way and approximately 17km west of Dalgety.

The site lies on top of a ridgeline consisting of dense vegetation at the lower level and cleared land at the top where a Pine plantation was removed as part of an application for subdivision and Rural Tourist Accommodation. The current approved use of the site is Rural Tourist Accommodation however no cabins have been built on the site. There is an existing shed on the site approved for storage purposes only. The adjoining property also has approval for Rural Tourist Accommodation and has one existing cabin, an approved not yet built cabin and the original dwelling for the site before the subdivision that separated the lots for Rural Tourist Accommodation and allowed for additional cabins.

The proposal is seeking approval for the existing storage shed to be used as a dwelling on the new lot which is below the minimum lot size to make a dwelling permissible under clause 4.2D(3) of the

Snowy River Local Environmental Plan 2013 (SRLEP2013). A determination is sought from council due to the size of the variation being requested under clause 4.6 of the SRLEP2013 to vary clause 4.2D (3)(a) which is a variation of 46.7% or 21.32 hectares instead of 40 hectares.

Initially the applicant lodged a development application to use the shed as one of the cabins. This was lodged in 2024 however it was not supported by NSW Rural Fire Service due to the proximity of the shed to the boundary which limits it from achieving a Bushfire attack level (BAL) of 12.5 which is required for Special Fire Protection Purposes Development (SFPP) in Planning for Bushfire Protection 2019. Tourist and Visitor Accommodation is identified as SFPP development in Planning for Bushfire Protection 2019. This has led the owner to now seek approval to use the shed as a dwelling which will allow a higher BAL to be considered acceptable under Planning for Bushfire Protection 2019.

The application initially included a new garage to be built along-side the existing shed however the site is mapped with significant biodiversity which had not been adequately addressed, under the Biodiversity Conservation Act 2016 a Biodiversity Development Assessment Report (BDAR) would be required for any additional impacts to a threatened species. Due to this requirement the new garage was removed from the application and now the application is for an approval to use the existing shed as a dwelling house only.

The application was open for submissions for a 14 day period, during which council received (0) zero submissions.

In accordance with Council's policy "Referral of Development Applications to Council" the application is referred to Council for determination due to a request to vary a development standard under clause 4.6. This is also the recommendation by the Department of Planning and Environment as outlined in Clause 4.1 - Table 1 of their Guide to Varying Development Standards released in November 2023. This document also highlights that concurrence is now largely 'assumed' and removes the requirement for concurrence to the Secretary for larger departures to a standard (Clause 7.2).

It is recommended that the development application, DA 10.2024.294.1 for a change of use from Shed to Dwelling on lot 2 DP: 1259995 be approved pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the reasons outlined in the Statement of Reasons.

BACKGROUNDThe lot was created by a two lot subdivision for Rural Tourist Accommodation under the previous Planning Instrument Snowy River Rural LEP 2007 (SRRLEP2007).

There is currently an approved shed on the site, OSSM and single rainwater tank only.

There have been numerous development applications occur on the site under the current ownership.

Previous Site/Development History

1975 – Dwelling approved under DA41/75 (Now 7051 The Snowy River Way) tool shed and barn existing on the plan at time of approval. No other applications until 2012.

Change of ownership to current owners 30/01/2009

Application for planning advice 29/10/2010 (Attachment 5)

DA10.2012.3000003.1 – Approval to Use existing cabin as Rural Tourist Accommodation

S68 17.2012.3005008.1 – Install Septic Tank

DA10.2014.3000045.1 – 3 Cabins for Rural Tourist Accommodation and 2 lot subdivision

DA10.2014.3000045.2 – Modification to amend boundaries of 2 lot subdivision

CDC18.2015.3005018.1 – Garage/shed – Next to existing dwelling on now 7051 Snowy River Way

DA10.2020.3004162.1 – Garage/Shed with toilet on new Lot 2

S68 17.2020.3005032 – Install OSSM

Subdivision Certificate 15.2020.3004030.1 – for two lot subdivision

2021 – Lot 1 was sold with 1 operational cabin, 1 unbuilt cabin (approved) and existing dwelling

2024 - DA10.2020.3004162.2 – Change of Use Shed to Cabin for Rural Tourist Accommodation

Current DA10.2024.294.1 – Change of use – Shed to dwelling with 4.6 variation request

The Subdivision that created the lot DA10.2014.3000045.1 also contained 3 cabins for Rural Tourist Accommodation spanning over the two lots to be subdivided. The subdivision was completed in 2020 but no cabins have since been built. A shed with a bathroom was built later that year for storage purposes for the not yet constructed Rural Tourist Accommodation.

As part of the conditions of consent for the subdivision the applicant was required to put a restriction on use under s88B of the Conveyancing Act on the title so the cabins were not able to be used for permanently residency.

The property owners currently have Development Application DA10.2024.294.1 to convert the existing shed into a cabin for Rural Tourist Accommodation also lodged with council. This application, submitted in early 2024, was not supported by the NSW Rural Fire Service. According to the requirements outlined in *Planning for Bushfire Protection 2019*, tourist accommodation must achieve a Bushfire Attack Level (BAL) of 12.5. However, due to the shed's proximity to the property boundary, it was unable to meet this requirement.

This application is still pending determination. A copy of the RFS response for this application can be found in Attachment 6.

(Sheet 1 of 2 Sheets)

Plan: **DP1259995**

Plan of Subdivision of Lot 184 DP 756667 and Lot 1 DP 1246665

Full name and address of owner of the land: Theresa Carmel McKenzie and Lyndal Kathleen Hill
7051 Snowy River Way Jindabyne NSW 2627

Full name and address of mortgagee: National Australia Bank
160 Sharp St, Cooma NSW 2630

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies, or Prescribed Authorities:
1	Restriction on ^{the} Use of Land	Lot 2 DP 1259995	Snowy Monaro Regional Council

Part 2 (Terms)

1 Terms of Restrictions on ^{the} Use of land firstly referred to in the above mentioned plans

(a) The use of the cabins on the burdened lot is for the purposes of Rural Tourist Accommodation and that the development shall not be used for permanent residential accommodation as a dwelling house.

(b) The Prescribed Authority empowered to lease, vary or modify the restriction on the use of land firstly referred to in the plan shall be Snowy Monaro Regional Council. The costs of any release, variation or modification to the restriction on the use of the land shall be paid by the person requesting such releases, variations or modifications.

Figure 2 – Restriction on use placed on the lot as part of the subdivision in 2014 restricts the site from any permanent residency the applicant has also asked this be removed.

Location Map

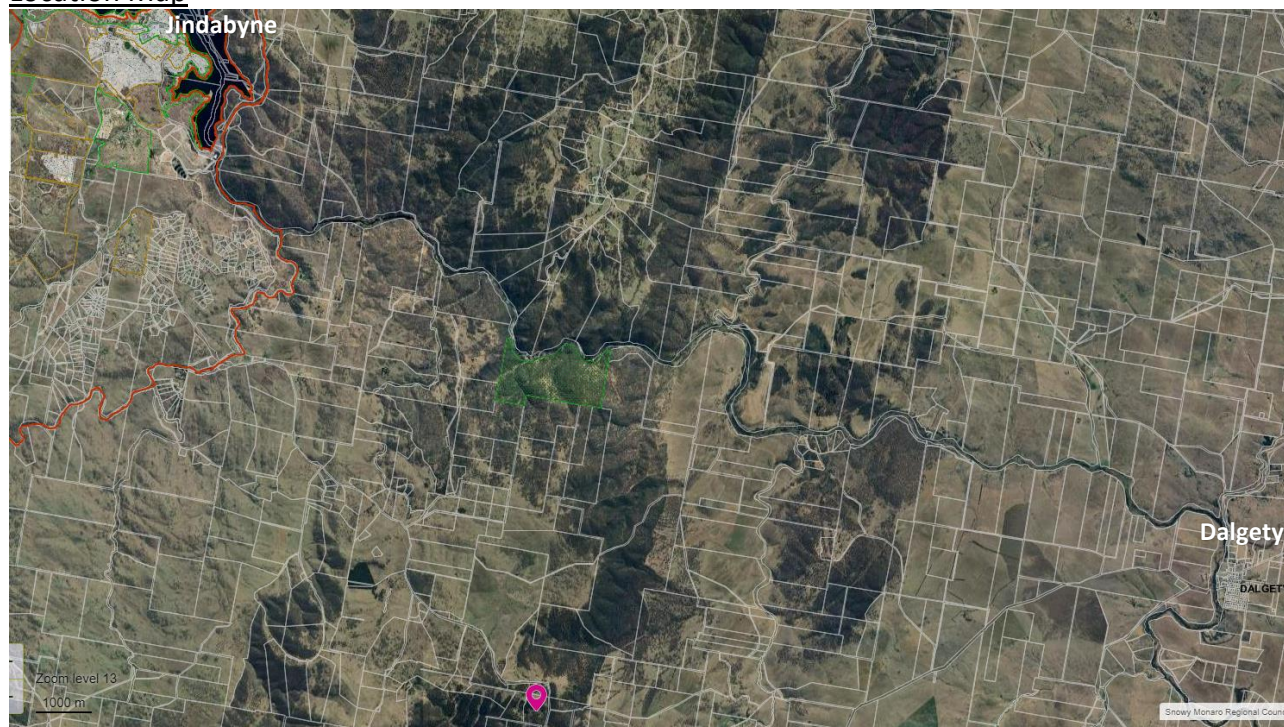


Figure 1: Subject Site in Context of Surrounding Locality

Site Photos



View looking east (above) and looking south (below)



The neighbouring property also a Rural Tourist Accommodation – 7051 The Snowy River Way



The star post indicate the approved location of the cabins approved in 2014.



Image shows existing shed and proximity to approved cabin 2 indicated by the star post.



The site does appear to have been filled and raised to create a level pad for the shed, creating a steep bank behind the shed.

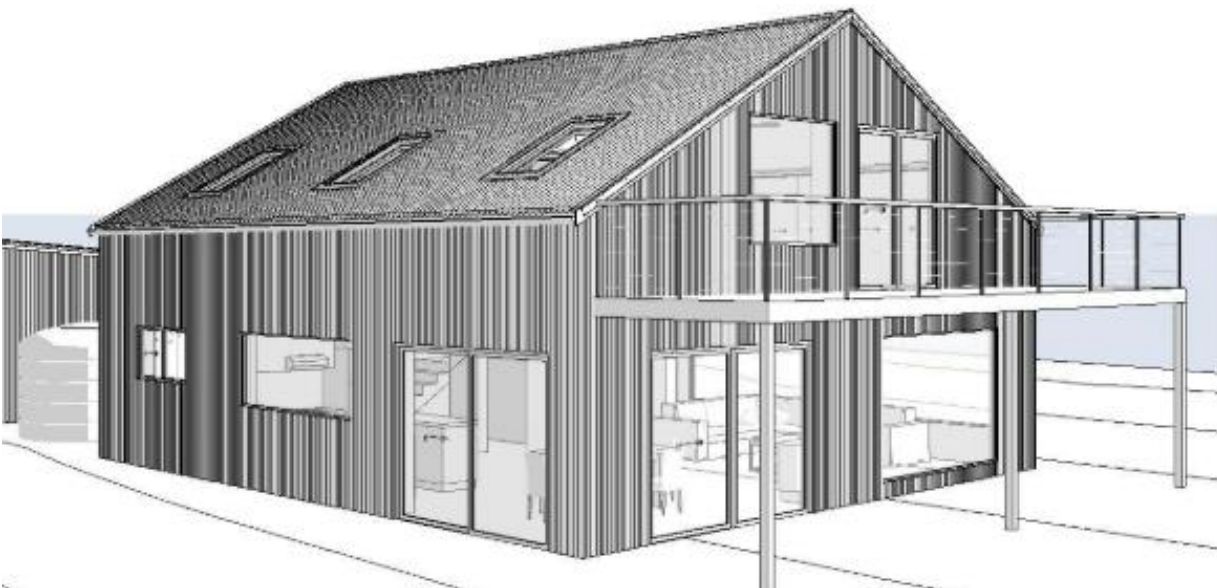


PROPOSAL IN DETAIL

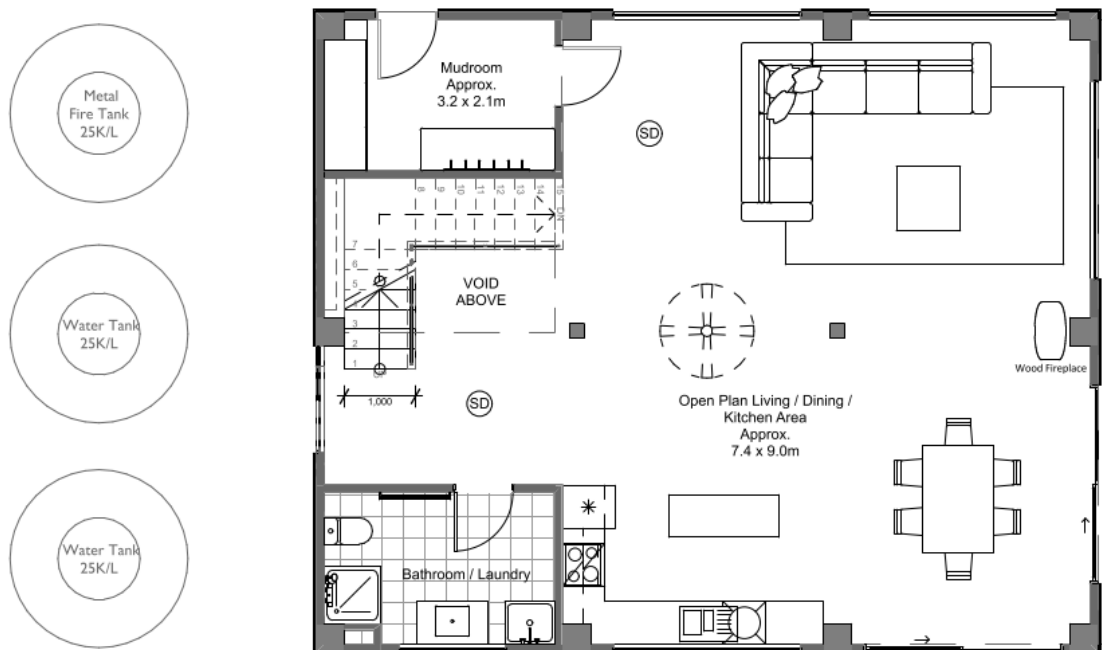
The proposal is to seek approval for the change of use of an existing shed to a 2 bedroom, 2 storey dwelling on a lot without a dwelling entitlement. The subject site is 21.3 hectares in size and is below the mapped minimum lot size of 40 hectares.

The development seeks a variation to clause 4.2D (Erection of Dwelling Houses and Dual Occupancies on Land in Certain Rural, Residential and Environment Protection Zones) under clause 4.6 (Exceptions to Development Standards) of the Snowy River LEP 2013 to allow for the erection of a dwelling on a lot size that is smaller than the requirement.

The application initially included a garage but this has been removed at the request of the applicant due to biodiversity issues on the site.



Ground level



First Floor



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.

SECTION 4.15 ASSESSMENT

SUITABILITY OF THE SITE

Slope	
Significant vegetation	

	
Adjoining development	
Suitability of proposed works / building	
Streetscape	
Stormwater disposal	
Services	
Views	
Contamination	
Bushfire	
Flooding	
Vehicular access	
Easements and restriction on use	
Aboriginal sites	
Threatened species	
Grasslands	
Rivers/streams	
Effluent disposal	
Prevailing winds	
Other matters	

REFERRALS

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

Concurrence and External Referrals

The development application was referred to the following external government agencies for comment/consideration:

State or Federal Agency	Comments
Department of Planning Industry and Environment (Planning)	

Internal Referrals

Section	Comments
Strategic Planning	<p>(The following comments were received following the initial referral and prior to the applicant's consultant providing more detailed submissions in accordance with the requirements of Clause 4.6).</p> <p>Council does not consider a clause to be abandoned when dwellings appear on lots of smaller size when the lots have been created using a clause under a previous instrument which allowed for the creation of that lot and allowed for permissibility for a dwelling under clause 4.2(D)3d of the SRLEP 2013.</p> <p>The application warrants refusal because the applicant has not adequately addressed Clause 4.6(3)(a) and (b) of SRLEP 2013 as follows:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary.</p> <p>(b) that there are sufficient environmental planning grounds to warrant contravening the development standard.</p> <p>In not addressing 4.6(3)(a) and (b) the applicant has also not proven that compliance with the standard is unreasonable or unnecessary and that there are environmental planning grounds sufficient to contravene the development standard.</p> <p>Furthermore the proposed development is not within the public interest because it is demonstrably inconsistent with the objectives of 4.2D.</p> <p>Note: the subsequent submission of additional information has addressed the deficiencies outlined above.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Resilience and Hazards) 2021
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	State Environmental Planning Policy (Precincts – Regional) 2021
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environment Plan 2013 (as amended)
Development Control Plans	Snowy River Development Control Plan 2013

State Environment Planning Policies (SEPPs)

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 (Sustainable Buildings) 2022

The BASIX scheme was established to encourage sustainable residential development. An application for a development consent in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out. The applicant has provided an in date BASIX certificate and as such is compliant with the requirements of Chapter 2 of the State Environmental Planning Policy (Sustainable Buildings) 2022.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

No koala habitat is proposed for removal

Site Specific Matters for Consideration outside the LEP & DCP

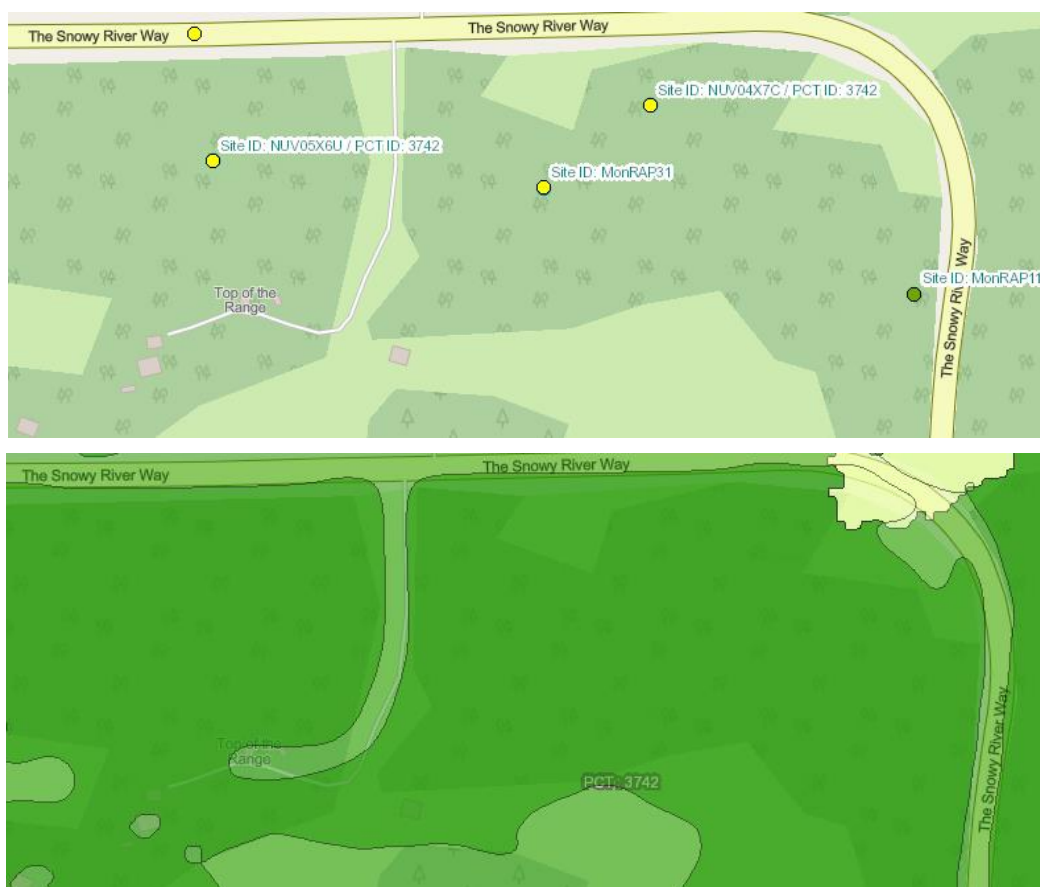
The proposed development was reviewed against the relevant Legislation to identify whether the application was required to be assessed against any other Acts.

The development application was required to be assessed against the following Acts:

State or Federal Agency	Comments
Biodiversity Biodiversity Values Map	The site is mapped with areas of significant biodiversity with the shed proposed in

The shed lies within a mapped area of Significant Biodiversity





PCT – 3742 - Monaro Mountains Snow Gum Shrub Forest – SEED MAP

Bionet species sighting search for the 10km area surrounding the site indicates 19 sightings for Mauve Burr-Daisy in the area and 3 for Hoary Sunray as indicated in the search results below.

A site inspection confirmed the presence of Mauve Burr-Daisy where the new garage was proposed, this has now been removed from the application to minimise impacts to the biodiversity on the site.

Acaena Novae-Zelandie (Buzzy or Bidgee Widgee Burr) and Calotis Glandulosa (Mauve Burr Daisy) were found by the Assessing Officer in the area proposed for a new garage during the site inspection.



Photos above - Mauve Burr Daisy found on site during an inspection

The applicant is concerned that the Assessing officer is mistaken with Hairy Cut-Leaf Daisy however the Hairy Cut Leaf Daisy is easily recognised by the thin narrow leaf as sourced below from the website Canberra Nature Mapr.



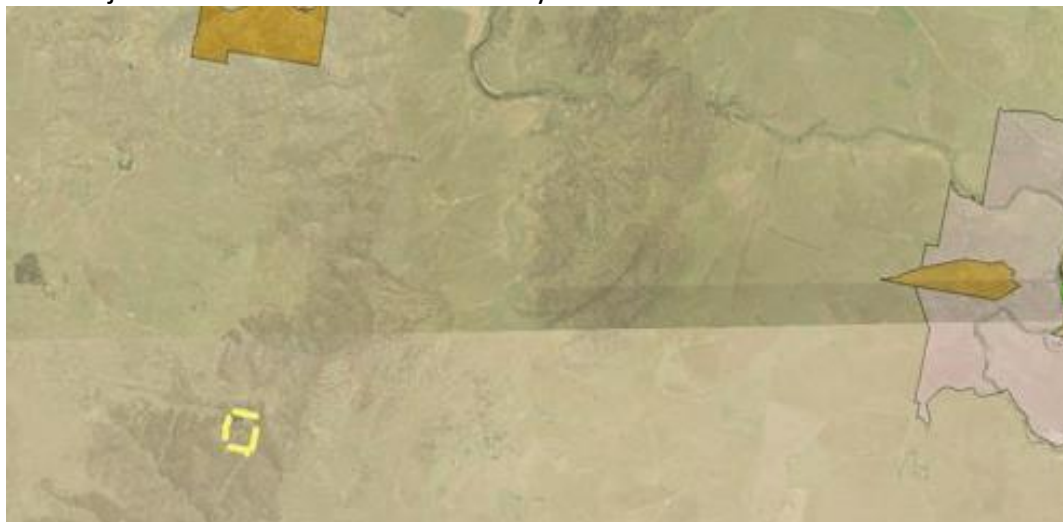
Image sourced above at Canberra naturemapr (<https://canberra.naturemapr.org/categories/guide/48?p=2>)

Bushfire Planning For Bushfire Protection 2019	<p>The proposed development can achieve compliance with the performance criteria as set out in PBP as documented in the assessment report with the following recommendations:</p> <ol style="list-style-type: none"> 1. That the proposed additions and alterations undertaken to the subject building and change of use to a dwelling be constructed in accordance with Level BAL -29 under AS 3959-2018 2. That a minimum APZ as outlined below be provided and maintained around the dwelling: <p>North: 13m, East: 21m, South: 19m, West:19m</p>
Aboriginal Heritage AHIMS search/ Due Diligence/ AHIP	<p>No aboriginal Heritage identified within proximity of the development.</p>

Assessment of the Development under the Snowy River Local Environmental Plan 2013

Permissibility

The subject land is zoned – RU1 – Primary Production



Definition of the Land Used*dwelling house* means a building containing only one dwelling**Land Use Table**The proposal is permissible with development consent from Council pursuant to Zone RU1 of the SRLEP 2013.**Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

Permitted with consent

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

Prohibited - Any development not specified in item 2 or 3

Objective of the zoneThe proposal is considered to be consistent with the aims and objectives of the plan.

Standard objective of the RU1 zone - <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	
Applicant response	Planning Officers response
Not addressed	The site constraints would limit the ability to run a large full scale primary production or agricultural activity such as cropping or grazing smaller agricultural enterprises or rural tourism can be supported.
Standard Objective of the RU1 zone - <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	
Applicant response	Planning Officers response
Not addressed	The development of the site for a dwelling does not preclude the ability of the land to be used for a small primary industry production. As the land currently stands it is maintained by an absentee owner and there is no current evidence that the land has been used for primary production or for the approved use as a Rural Tourist Accommodation. As such it is reasonable to foresee that should the land be occupied it would be more likely to provide an

	opportunity (albeit limited) for some form of <i>primary industry enterprises</i> in conjunction with a permanent dwelling.
Standard Objective of the RU1 zone - <i>To minimise the fragmentation and alienation of resource lands.</i>	
Applicant response	Planning Officers response
Land was fragmented by previous subdivision. Proposed use of shed as a dwelling will not lead to any further fragmentation.	The fragmentation of the land has already occurred as part of a subdivision for Rural Tourist Accommodation.
Standard Objective of the RU1 zone - <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	
Applicant response	Planning Officers response
Changing use from tourist accommodation to a dwelling would reduce potential conflicts.	The adjoining property currently has the approved use of Rural Tourist Accommodation. No conflict is foreseen as the proposed uses are both considered residential and compatible.
Standard Objective of the RU1 zone - <i>To promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.</i>	
Applicant response	Planning Officers response
Living opportunities are promoted and use as a dwelling is compatible with agricultural activities and values of the zone. If anything, the use as a dwelling would be more compatible.	<p>A dwelling that is compatible with agricultural activities. The proposal allows for living opportunities and under the STRA SEPP the dwelling has the ability to also be used for Short-Term Tourist accommodations.</p> <p>The supporting 4.6 address outlines that the site is consistent with other sites in the area with the same size and no agricultural activity association.</p>
Standard Objective of the RU1 zone - <i>To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.</i>	
Applicant response	Planning Officers response
Building and services are already in-situ and location does not create detrimental impacts on scenic values or rural landscape characteristics. Proposal is small-scale.	The proposal is small scale development and will not impact further on the rural landscape. The high location makes the site unable to be viewed from the road or from any close proximity at the lower levels which protects the scenic value and provides an ideal view from the site.

SNOWY RIVER LOCAL ENVIRONMENTAL PLAN 2013

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

Part 4 – Principal Development Standards

Clause 4.2D - Erection of dwelling houses and dual occupancies on land in certain rural, residential and environment protection zones

Under Clause 4.2D (3), development consent must not be granted for the erection of a dwelling house or dual occupation on land to which this clause applies unless the land:

- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
- (b) is a lot created under this Plan (other than under clause 4.2 (3)), or
- (c) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy was permissible immediately before that commencement, or
- (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
- (e) is an existing holding,

The subject land is 21.32 Hectares in size, which is less than the required 40 Hectares for the erection of a dwelling. Therefore the subject land **does not** meet the required minimum lot size and Council could not approve a development application for a dwelling on the land under clause 4.2D (3)(a).

The subject land does not meet the requirements of (b), (c), (d) or (e) as it was created by DA10.2014.3000045.1 for Rural Tourist Accommodation and was not assessed against the requirements for the use of dwelling purposes under the legislation at the time therefor the subject land was not created for residential purposes and therefore Council could not consent to a dwelling on the land under 4.2D(3)(b), (c), (d) or (e).

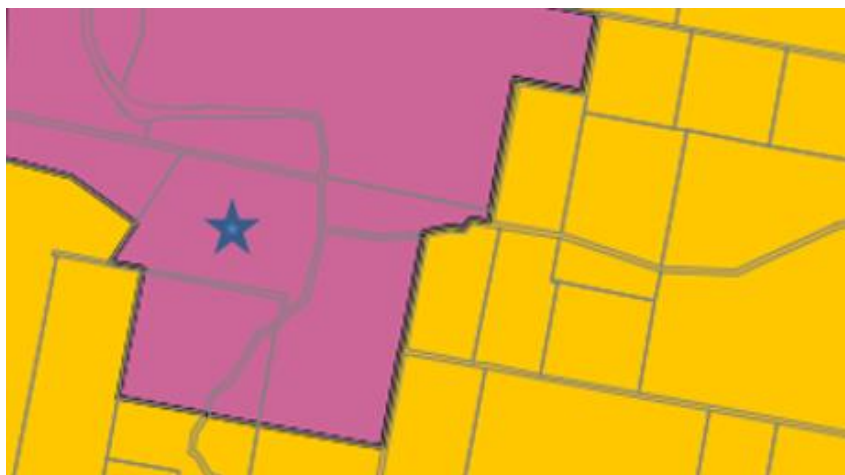


Figure 2: Minimum Lot Size Map – 40 hectares

Clause 4.6 Exception to development standards

In NSW, an applicant who wishes to vary a development standard in a Standard Instrument LEP can formally lodge a written clause 4.6 application, justifying the variation, along with the development application (DA).

The Snowy River LEP 2013 is a “Standard Instrument LEP” as such the applicant is permitted to apply for a variation of a development standard within that plan under clause 4.6.

Clause 4.6 allows the consent authority (in this case the Snowy Monaro Regional Council) to approve an application, in exceptional circumstances where a development does not meet the development standard but is able to achieve the underlying purpose of that standard.

DETERMINING A 4.6 VARIATION

Refer to

Chapter 4 of the guide states that for councils without a local planning panel, the determination of a development application (DA) that includes a Clause 4.6 variation request must be made by the council if the application meets any of the following criteria:

- proposes a variation that will result in development that contravenes a development standard in an environmental planning instrument by 10% or more, or
- contravenes a non-numerical development standard.

The subject application requests a variation which exceeds 10% and as such the determination must be made by the Council.

Under clause 4.6(3)(a) and (b) the consent authority must be satisfied that the applicant for development consent has demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances (cl4.6(3)(a))
 - that there are sufficient environmental planning grounds to justify contravening the development standard (cl4.6(3)(b)).
-

Compliance with a development standard is typically assessed using the '5-part test' or 'Wehbe test', established in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This test outlines five common ways to address Clause 4.6(3)(a), though it is not exhaustive. An applicant not required to satisfy each of the five parts. The test can be summarized as follows:

Compliance with the development standard is unreasonable or unnecessary if the;

1. Objectives of the development standard are achieved notwithstanding the non-compliance
2. Underlying objective or purpose is not relevant to the development.
3. Underlying objective or purpose would be defeated or thwarted if compliance was required
4. Development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard
5. Zoning of the land on which the development is proposed was unreasonable or inappropriate.

When addressing the test, the arguments must remain factual, relevant to the area of non-compliance and consistent.

With respect to point 4 of the test, the applicant must provide analysis of relevant council decisions and actions. A council varying the same development standard in a small number of circumstances is unlikely to be sufficient to establish virtual abandonment or destruction.

As part of the 4.6 variation request, the applicant has provided an address of the 'Wehbe Test' to determine if the requirements of clause 4.6 of the SRLEP 2013 can be applied which has been provided in the table below.

The applicant had initially addressed test 1 and 4 but after further consultation, a revised 4.6 request was received with an address of Test 2 and 3. See attachments 3 and 4.

Environmental Planning and Assessment Act 1979

1.3 Objects of Act (cf previous s 5)

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
 - (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
 - (c) to promote the orderly and economic use and development of land,*
 - (d) to promote the delivery and maintenance of affordable housing,*
 - (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
 - (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
 - (g) to promote good design and amenity of the built environment,*
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- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment

CLAUSE 4.6 ASSESSMENT

The application requests a Clause 4.6 variation to the standard Clause 4.2(D)(3)a – a lot that is at least the minimum lot size shown on the *Lot Size Map* in relation to that land.

The variation requested is 46.7% or 21.32 hectares instead of 40 hectares.

4.6 (3) (a) Unreasonable or Unnecessary

1. *Is compliance with the standard unreasonable or unnecessary? Test per Wehbe*

TEST 1 - Does the development demonstrate that the objectives of the development standard are achieved notwithstanding noncompliance with the development standard	
Standard objective of 4.2D – To minimise unplanned rural residential development.	
Applicant response	Planning Officers response
<p>The subject site was created and has approval for two cabins for rural tourist accommodation development.</p> <p>This development is considered a form of rural residential development, although for short-term accommodation for tourist and travellers, as per its definition under the {former} Snowy River Rural LEP 2007" 'rural tourist accommodation means short-term accommodation for tourists or travellers.</p> <p>Examples are guest houses, holiday cabins, holiday units, residential camps and health retreats: Allowing</p>	<p>An approval to change the use from a shed to a dwelling may be an unexpected rural residential development however, after attempts to proceed with the previously approved development identified further constraints on the site, the change of use may provide a solution to find an appropriate resolution under proper approval and planning mechanisms.</p> <p>The definitions from both the current and former LEP (below) do not support the statements made by the applicant regarding Rural Tourist Accommodation being a form of rural residential development.</p> <p>Current definition - residential accommodation means a building or place used predominantly as a place of residence, and includes ...</p> <p>(a) attached dwellings, (b) boarding houses, (baa) co-living housing, (c) dual occupancies, (d) dwelling houses, (e) group homes, (f) hostels, (faa) (Repealed) (g) multi dwelling housing, (h) residential flat buildings, (i) rural workers' dwellings, (j) secondary dwellings, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, but does not include tourist and visitor accommodation or caravan parks.</p> <p>SRRLPEP2007 definition - residential development means one or more dwellings providing long-term accommodation. Examples are an</p>

<p>holiday cabins and guest houses, suggests it contemplates buildings of a similar scale to dwelling houses, particular the subject building, an approved shed that is 99sqm in size, the same as approved Cabin 2.</p> <p>As outlined above, over 20 properties in the locality {within 5km} accommodate a dwelling on a lot size below the minimum lot size of 40ha. In fact the average lot sizes of these properties is about 5.5ha</p> <p>The adjacent allotment, which the subdivision of the subject lot created includes a dwelling and this lot is 15ha in size.</p>	<p>apartment, conjoined dwelling, dependent persons unit, flat, house, multiple dwellings, staff housing, non-commercial holiday home.</p> <p>SRLEP2007 definition - rural tourist accommodation means short-term accommodation for tourists or travellers. Examples are guesthouses, holiday cabins, holiday units, residential camps and health retreats</p> <p>Smaller surrounding lots are planned as they followed the approval process in place at the time, with permissibility being granted for the use of the land for dwelling purposes under the legislation, and therefore compliant with clause 4.20 3(d) of the SRLEP as these were Subdivided in 1996 and 1991 for residential purposes. Clause 4.2 of the SRLEP2013 still allows for subdivision of land for alternative uses to residential, this should not open up an alternative avenue to get a dwelling on a smaller than permissible lot size by future owners claiming the size of the land is too small for agricultural, production.</p> <p>The adjacent lot is also a Rural Tourist Accommodation site created under the same subdivision.</p>
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Standard objective of 4.2D - To enable the replacement of lawfully erected dwelling houses and dual occupancies in certain rural, residential and conservation zone.	
Applicant response	Planning Officers response
Not applicable, however the dwelling will be replacing lawfully approved rural tourist accommodation cabins.	Not relevant to the application as the development is not a replacement dwelling.

TEST 2 - Does the development establishing that the underlying objective or purpose is not relevant to the development, such that compliance is unnecessary;	
TEST 3 - by establishing that the underlying objective or purpose is defeated or thwarted if compliance is required , such that compliance becomes unreasonable	
Applicant response	Planning Officers response
The applicant has provided a detailed address in the revised 4.6 application in the attachments which looks at how the new proposal for a dwelling allows the applicant to proceed with short term rental accommodation that will comply	<p><i>The objectives of this clause are as follows—</i></p> <p>(a) <i>to minimise unplanned rural residential development,</i></p> <p>(b) <i>to enable the replacement of lawfully erected dwelling houses and dual occupancies in certain rural, residential and conservation zones</i></p> <p>In the 4.6 variation request the applicant has</p>

<p>and reduce potential impacts to the site.</p> <p>The applicant states: Accordingly, under Tests 2 and 3, the purpose of the standard for nominating a minimum lot size for the erection of a dwelling is not relevant to the proposal, therefore such compliance is considered unnecessary and if compliance was required, its purpose and the underlying objective would be defeated or thwarted, rendering such compliance being unreasonable.</p> <p>The proposed use of the shed as a dwelling would effectively replace the approval for two approved class 1a dwellings, used for rural tourist accommodation.</p> <p>This effectively achieves compliance with the provisions for the lawful replacement of an existing dwelling under clause 4.2[0](5) which has been included to disregard the lot size, therefore fulfilling the second objective:</p> <p><i>(b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in certain rural, residential and conservation zones.</i></p>	<p>determined that the underlying objectives and purpose above are not relevant to the development and/or that such compliance with the standard would defeat the underlying objectives and purpose of clause 4.2(D) and in doing so has demonstrated that under clause 4.6(3) compliance with the standard is unreasonable and unnecessary in these circumstances. The applicant has also demonstrated through sufficient environmental planning grounds that a contravention to the development standard can be supported indicating it will form a better outcome for the site.</p> <p>In the 4.6 variation request the applicant refers to the cabins as dwellings being utilised in a similar manner for a short term rental accommodation to those dwellings able to do STRA registered leasing, with less stringent controls and requirements from the RFS. The statement can be considered accurate in regards to the controls and requirements.</p> <p>The reference to replacing two approved class 1a structures for one class 1a structure does not appear relevant to address the second objective of clause 4.2D which should be noted as not applying to the application as no lawfully erected <i>dwelling</i> exists on the site. The statement better supports the unplanned rural residential development objective as it creates less dwellings, less impact and arguably a better outcome for the site.</p> <p>This outcome is also consistent with the objectives of the Environmental Planning and Assessment Act objectives.</p>
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<u>TEST 4 - by illustrating that the Council itself has granted development consent that departs from the standard, and arguing from this that the development standard has been 'virtually abandoned or destroyed,' rendering it unnecessary and unreasonable</u>	
Applicant response	Planning Officers response
<p>There are over twenty properties in the locality [within 5km of the subject site) that accommodate a dwelling on an undersized allotment. This has been summarised in the table provided below.</p>	<p>The standard in question is 4.2D - Erection of dwelling houses and dual occupancies on land in certain rural, residential and conservation zones.</p> <p>The developments listed in the table</p>

				<p>provided by the applicant are not dwellings which have been approved by variation to 4.2D, and are therefore not examples of situations where Consent has been granted contrary to the applicable minimum lot size in place at the time.</p> <p>The lots and subsequent developments have been carried out on land which was either subdivided under a previous instrument for residential purposes or an existing holding, which are therefore compliant with clause 4.2D(3) (c), (d) and (e).</p> <p>As such it is considered that the standard has definitely not been ‘abandoned or destroyed’.</p>
Address:	Lot and DP:	Lot Size (Approx.):	% of Variation Minimum Lot 40ha:	<p>7051 The Snowy River Way – Part of the same subdivision for Rural Tourist Accommodation from 2014 where subdivision for dwelling was too small, but for agriculture or other use no minimum lot size applied.</p> <p>189 High Plains – There does not appear to be a dwelling on this site. Council has no record of an approved dwelling on the site. It does not appear that a dwelling is permitted on the site as the subdivision was not for dwelling purposes as it was under the minimum lot size.</p> <p>7230 & 7254 The Snowy River Way – Created in 1995, under the SRLEP No.4 where the subdivision complied with the required legislation at the time.</p> <p>7313, 7315, 7317 The Snowy River Way – Created in 1991, under the SRLEP No.4 where the subdivision complied with the required legislation at the time minimum 2h required.</p> <p>7470 The Snowy River Way - created in 1988 in the same DA as 7513 The Snowy River Way which allowed lots to a 2 hectare size</p> <p>17 – 21 Ponderosa Lane – Created in 1999 under a subdivision which allowed lots to a 2 hectare size.</p> <p>7527 – Appears to be a ‘holding’</p> <p>7494, 7544, 7562 The Snowy River Way – Created in 1981 under a subdivision that allowed smaller lots.</p>
7051 The Snowy River Way	Lot 1 DP 1259995	16ha	60%	
189 High Plains Lane	Lot 1 DP 1236742	6ha	85%	
7230 The Snowy River Way	Lot 2 DP 856335	2ha	95%	
7254 The Snowy River Way	Lot 1 DP 856335	2ha	95%	
7315 The Snowy River Way	Lot 22 DP 809367	2ha	95%	
7313 The Snowy River Way	Lot 23 DP 809367	2ha	95%	
7317 The Snowy River Way	Lot 24 DP 809367	2ha	95%	
7470 The Snowy River Way	Lot 1 DP 1232872	17ha	57.5%	
7494 The Snowy River Way	Lot 3 DP 736074	7ha	82.5%	
7544 The Snowy River Way	Lot 2 DP 736074	7ha	82.5%	
7562 The Snowy River Way	Lot 4 DP 748830	12ha	70%	
17 Ponderosa Ln	Lot 1 DP 884244	2ha	95%	
19 Ponderosa Ln	Lot 2 DP 884244	2ha	95%	
21 Ponderosa Ln	Lot 3 DP 884244	2ha	95%	
7527 The Snowy River Way	Lot 1 DP 384253	17ha	57.5%	
25 W J Drive	Lot 1 DP 871673	2ha	95%	
35 W J Drive	Lot 2 DP 871673	2ha	95%	
39 W J Drive	Lot 3 DP 871673	2ha	95%	
49 W J Drive	Lot 4 DP 871673	2ha	95%	
65 W J Drive	Lot 11 DP 875450	7ha	82.5%	
54 W J Drive	Lot 7 DP 871673	6ha	85%	
26 W J Drive	Lot 8 DP 871673	4ha	90%	

Table 1: Lots within the locality that include a dwelling and have less than the minimum lot size

<p>The above table demonstrates the number of properties that accommodate a dwelling on a lot size below the minimum lot size of 40ha, with the average lot size being around 6ha or 85% below the minimum lot size.</p> <p>This includes the adjacent property at 7051 The Snowy River Way [Lot 1 DP 1259995] which is 15ha, 62% less than the minimum lot size.</p> <p>Whilst the minimum lot size provisions would not be considered to be completely abandoned or destroyed by Council, the above table demonstrates that there is a considerable number of properties that support dwellings on lots well less than the minimum lot size within the locality. Therefore, the approval of a dwelling on the subject lot would not be uncommon or incompatible in the locality.</p>	<p>25 – 65 WJ Drive – Created in 1997 under a subdivision that allowed smaller lots.</p> <p>Protecting key agricultural and rural land from further fragmentation has always been a key planning focus for the Department of NSW Planning - Guidelines for councils printed in July 2022 - Planning for Agriculture in Rural Land Use Strategies which states;</p> <p><i>Clause 2.9.2 Rural Residential development - Councils are encouraged to phase out historical dwelling eligibilities on undersized rural lots. Ad hoc development of dwelling houses on undersized lots in rural areas undermines strategic planning for rural land and can introduce incompatible land uses into the agricultural landscape increasing risk of land use conflict and uncertainty for industries investing in rural areas. Future rural dwellings should be provided only for the purpose of supporting commercial agricultural production.</i></p>
<p>Additional Comments from the applicant: (Received via email dated 10/12/2024)</p> <p>Below is a list of DA's I know that Council has approved for dwellings on undersized allotments with cl 4.6 variations in the last few years:</p> <ul style="list-style-type: none"> - Lot 337 Bucky Springs Rd, Bombala: Lot Size 26ha (Min: 40ha) - 267 Geikle Creek Rd, East Jindabyne: Lot Size: 2.3 ha (Min: 40ha) - 258 Bushy Park Rd, East Jindabyne: Lot Size: 2ha (Min: 40ha) <p>Geikle Creek Rd was a residual lot from a concessional lot subdivision, not to be built on, but Council supported the dwelling DA.</p> <p>Bushy Park Road was a lot created for the purpose of agricultural a year or two before a DA was lodged for a dwelling, with Council supporting the dwelling.</p>	<p>The Guidelines for Varying a Development Standard, released in November 2023, indicates concurrence is no longer required and provides guidelines for determining these variations to a standard under point 2.5 and specifically addresses Test 4 of the 'Wehbe test; stating the applicant must provide analysis of relevant council decisions and actions and emphasising a council varying the same development standard in a small number of circumstances is unlikely to be sufficient to establish virtual abandonment or destruction.</p> <p>The applicant has identified three (3) approvals for dwellings on lots smaller than the minimum lot size under a variation to clause 4.2D. Only two (2) of these however are subject to the provision of the Snowy River LEP 2013.</p> <p>Council has determined 72 DAs since October 2022 for rural residential accommodation, Dwellings or dual Occupancies, in a Rural zone to which the SR LEP 2013 applies. (2 out</p>

<p>All 3 of the above properties were vacant with no other approvals.</p> <p>I suggest that the proposed dwelling at the Top of the Range site has much greater merit than the above three sites, as the Top of the Range property has approval for 2 tourist cabins, which are seeking to swap for a dwelling.</p> <p>Furthermore, the building and services are already in-situ, therefore the additional impacts are negligible.</p>	<p>of 72 properties is 2.78%.)</p> <p>In context, Council has required applications to comply with CI 4.2D for 97.22% of the DAs over the past 2.5 years and the 2 times that the standard has been varied is not considered to be great enough to render the standard 'abandoned or destroyed'.</p> <p>As such it is concluded that there have been very few situations where council had previously considered some aspects of CI 4.2 (d) to be unnecessary or unreasonable, upon justification being provided by the applicant.</p>
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<p>TEST 5 - by establishing that the zoning area of the proposed development was 'unreasonable or inappropriate' such that the development standard which is appropriate to that zoning is no longer reasonable or necessary for the particular area.</p>	
Applicant response	Planning Officers response
Not addressed by the applicant	Not Applicable

<p>2. That there are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b))</p> <p>To assess whether there are sufficient environmental planning grounds to justify varying a Development Standard, it is first necessary to determine what "environmental planning grounds" are.</p> <p>These grounds relate to the subject matter, scope and purpose of the Environmental Assessment and Planning Act 1979, including the objects in Section 1.3 of the Act. These objects relate to:</p> <ul style="list-style-type: none"> • the social and economic welfare of the community; • the management of the State's natural and other resources; • ecologically sustainable development; • the orderly and economic use of land; • the delivery and maintenance of affordable housing; • the protection of the environment, including flora and fauna and their communities and habitats; • the sustainable management of built and cultural heritage; • the design and amenity of the built environment; • the construction and maintenance of buildings; • the sharing of responsibility for environmental planning; and • community participation in environmental planning and assessment.
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Applicants Response

The proposed variation [less than 50%] is not substantial when compared to the size of the subject site in relation to the adjoining site [62%] or the twenty plus properties in the locality that accommodate dwellings on lot well below the minimum lot size.

The likely impacts from changing the use of the current shed to a dwelling will have less impacts than constructing the two approved cabins on the same allotment, or even constructing a new dwelling on a lot over 40ha in size.

The proposed non-compliance with the control achieves a superior planning outcome compared to a 'compliant' scheme and better achieves the objectives of the minimum subdivision lot size objectives under clause 4.1 [1] of SR LEP 2013.

The subject site is a parcel of land created for a higher order land use with more intensity than a rural-residential dwelling.

The subject site has an approval for rural tourist accommodation and changing that to a residential dwelling will not impact on the farm size, agricultural production, fragmentation of rural land. This will allow for permanent residential use, a land lower intensity land use that better aligns with these objectives.

Given the location of the current shed and its change of use to a dwelling, impacts on adjoining neighbours will be minimal, particularly when compared to the approved two cabins on the property.

The proposed change of use and additions and alterations complies with all other LEP and DCP controls that apply to the subject site demonstrating that, notwithstanding the noncompliance with the minimum lot size control, it is highly consistent with what could be reasonably expected in terms of a small rural dwelling.

Planning Officers response

The shed is not of good design and amenity for use as a dwelling and is an example of an undesirable dwelling structure that has not considered the DCP controls of visual amenity and form. The built structure and requires significant internal changes to comply with the thermal and energy rating requirements applicable for a dwelling.

The dwelling is within an area mapped as Significant Biodiversity with threatened species discovered within close proximity. Allowing a change of use from shed to dwelling, on the basis that the existing approval is to be surrendered, will benefit the site reducing direct and indirect impacts to the site, slope and biodiversity.

Noting that varying the development standard does not set a precedent because the argument presented relies on the application meeting the objectives of the standard and protecting the environment and public health. The request for the variation is consistent with the local environmental plan, the prior environmental planning instrument (in intent) and the variation methodology is consistent with the methodology applied to other applicants.

4.6 Variation Assessment Conclusion

For a Clause 4.6 variation to be successful, the consent authority must be satisfied that the applicant has demonstrated:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In this case, **Test 2 and Test 3** of the *Wehbe test* was argued. It has been determined that the underlying objectives or purpose of the standard under **Clause 4.2D** are considered to unnecessary and unreasonable in this specific circumstance. Council is satisfied that both requirements under Clause **4.6(3)(a) and (b)** have been demonstrated and that the variation request **can** be supported.

PART 5 - Miscellaneous provisions – No standards apply

PART 6 - Land release areas – not within mapped area

PART 7 - Additional Local Provisions

Clause 7.2 Terrestrial Biodiversity

Complies - The proposal does not appear with in the mapped Terrestrial Biodiversity area.



Clause 7.9 Essential Services

Complies - The shed has existing services in place. Water from rainwater tanks, on-site sewage management installed and solar panels for supply of electricity.

Access has been demonstrated through a travelling stock reserve with Local Land Services (LLS) confirming this within a letter as part of the subdivision that created the lot.

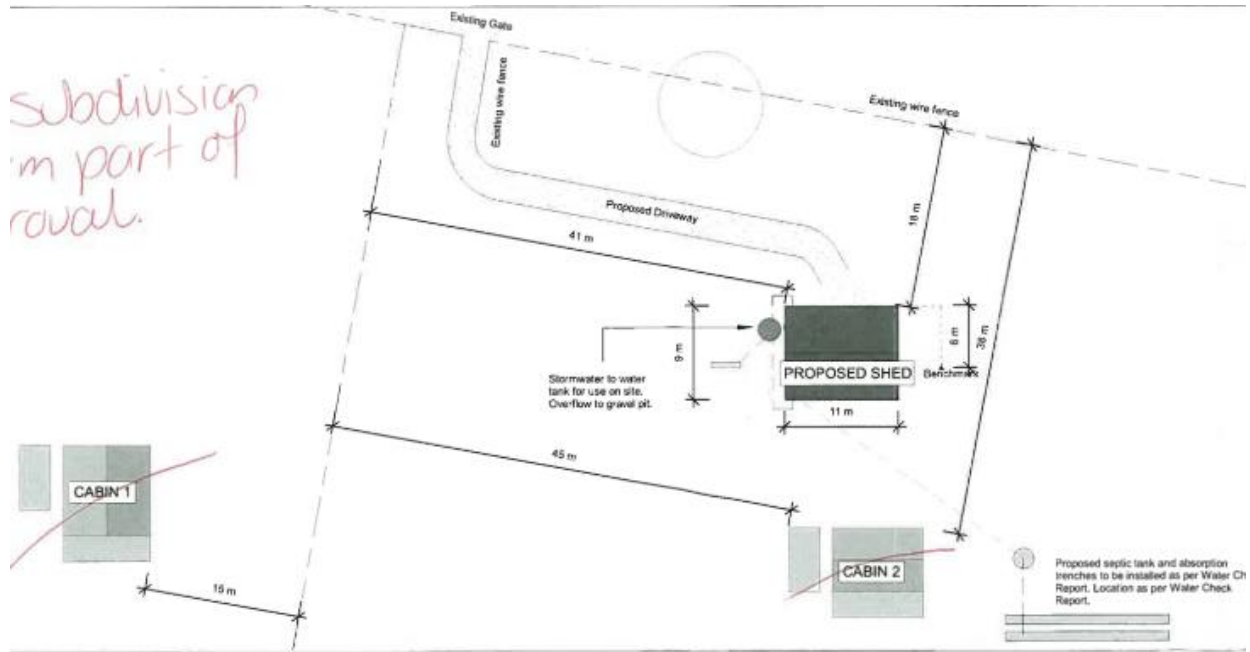
PART 8 Growth areas – not within mapped area

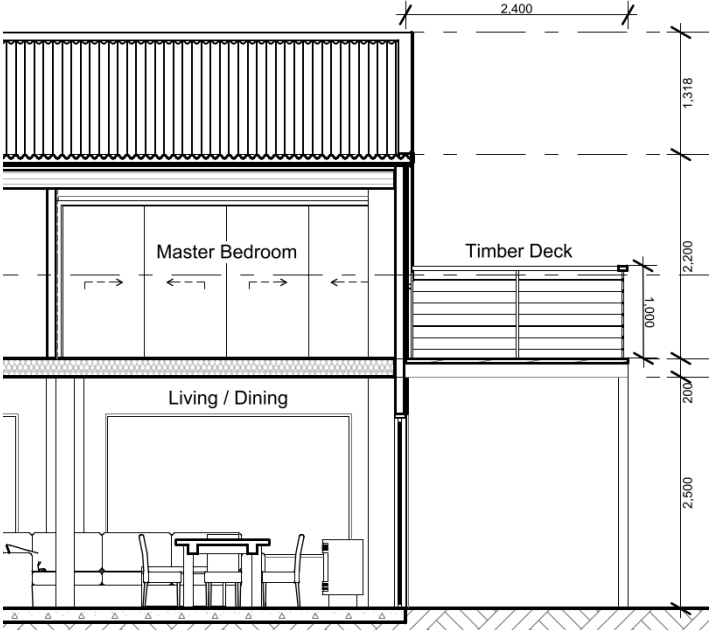
The proposal has also been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance.

Assessment of the Development under the Snowy River Development Control Plan 2013 (SRLEP 2013)

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

Provision	Response/Acceptable Solution
A1 Introduction	Satisfied
A2 Development application requirements	Satisfied
A3 Public Notification	The application was notified in accordance with the Snowy Monaro Planning and Development Community Participation Plan for 14 days between the period 26/11/2024 – 10/12/2024. Zero (0) submissions were received
C General planning considerations	
C1 Subdivision	Not applicable
C2 Design	Complies – The design of the development will have minimal streetscape impact as it is on a large allotment, not located on a ridgeline and there are no foreseen impact on the visual qualities and scenery of the natural and rural landscape.
C3 Car-parking, Traffic & Access	Access is over the travelling stock reserve which has been approved by LLS with advice that an easement cannot occur over the land. This does not raise any issues, should the land be sold the access will be discussed prior to any closing of the TSR. Parking can be achieved on the site and although no covered parking is available a small carport to that area in front of the shed where the current road base has been laid in the future.
C4 Heritage	No heritage identified
C5 Tree preservation & Landscaping	Complies – no additional clearing is proposed as part of the change of use.
C6 Signage & Advertising	Not applicable
C7 Natural Hazard Management <ul style="list-style-type: none"> - Bushfire - Flood Prone Land 	Complies – The development is on land which is mapped as bushfire prone. The application was accompanied by a bushfire assessment in accordance with Planning for Bushfire Protection 2019 (PBP). The development was assessed against the requirements of PBP and appropriate conditions of consent will be included to ensure compliance. That the proposed additions and alterations undertaken to the subject building and change of use

	<p>to a dwelling will be constructed in accordance with Level BAL -29 under AS 3959-2018 with minimum APZ as outlined below to be provided and maintained around the dwelling:</p> <p>North: 13m, East: 21m, South: 19m, West:19</p> <p>The asset protection zones fall wholly within the subject lot.</p>
C8 Environmental Management	<p><u>Land use conflict</u> – As it currently stands the proposal is not likely to cause conflict with adjoining neighbours as no 7051 is a small Rural Tourist Accommodation with only one cabin.</p>
 <p>The diagram is a site plan for a property. It shows a 'PROPOSED SHED' with dimensions 11m by 8m. To its left is a 'Stormwater to water tank for use on site. Overflow to gravel pit.' with a 0.1m connection. To its right is a 'Proposed septic tank and absorption trenches to be installed as per Water Ch Report. Location as per Water Check Report.' with a 1m connection. A 'Proposed Driveway' is 41m long. 'Existing Gate' and 'Existing wire fence' are shown. 'CABIN 1' and 'CABIN 2' are shown with dimensions 15m and 18m respectively. A handwritten note in red says 'subdivision in part of oval.' A 'Beach' is marked with a 26m distance. Other dimensions include 45m, 18m, and 11m.</p>	
	<p>No contamination has been identified.</p> <p>Erosion and sediment will be minimised with no further development proposed to impact the site only internals.</p> <p>Weed management will occur more regularly if a permanent resident or manager is on site.</p> <p>The proposal has removed the garage from the development to minimise any impacts to the ecosystem and biodiversity.</p>
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	<p>Complies – the application included a valid BASIX certificate to support energy efficiency. The proposal has existing water infrastructure and proposes addition tanks, an existing septic is installed on the site as part of the approval for the shed.</p>
C10 Waste management & Recycling	<p>Complies - Demolition and construction waste could</p>

	be conditioned to ensure it is disposed of lawfully.
D Residential Development	
3. Site Planning & layout	
<p>1.1 Site Planning</p> <p>1.2 Minimum lot size</p> <p>1.3 Site coverage</p> <p>1.4 Open space</p>	<p>1.1 – The current location does not impact any streetscape or views to or from the site. The layout allows for solar access, open space and access.</p> <p>1.2 – Not compliant but a variation to this is being requested under s4.6 of SRLEP 2013.</p> <p>1.3 - The site is RU1 which is not covered in this clause.</p> <p>1.4 - The site has sufficient open space on the site although given the slope within close proximity open space of a usable size is limited to that area where access is.</p>
4. Building Envelope	
<p>4.1 Building height</p> <p>4.2 Floor space ratio</p> <p>4.3 Setback</p>	<p>4.1 – SRLEP 2013 indicates a maximum height permissible of 9m, the proposal complies at 6.5m.</p> <p>As the building is existing no stepping of levels on the recognised slope is required.</p> <p>4.2 - SRLEP2013 indicates no controls. The site can achieve a floor space ration that provides sufficient space between buildings, open space, parking and landscape.</p> <p>4.3 – Table indicates a front setback of 6m for ground and 8m for first floor, side of 900mm and 1125mmm and rear of 900mm and 1.5mm.</p>

	These comply at 18m to front and 34.5 to side.
5. Building Design	
5.1 Building form	5.1 – Converted sheds are not ideal as they inadequately address of built form and visual character or streetscape, often proposing no changes to the existing form and remaining of a bulky shed type construction. The introduction of a deck to the eastern aspect will do little to soften the visual appearance however the proposal will not vary the visual scape from that existing either.
5.2 Visual character & streetscape	5.2 – This shed conversion has the added benefit that it does not have a direct streetscape and will not create any direct scarring of the rural landscape except to adjoining neighbours. A change of use also ensures no further impacts to the slope and nature on the site.
6. Amenity	
6.1 Solar access & overshadow	6.1 – No solar access and overshadowing will occur to adjoining properties and solar access to the proposed dwelling can be achieved.
6.2 Energy conservation	6.2 – A BASIX certificate has been provided demonstrating compliance with this clause and upgrade requirements needed to achieve compliance.
6.3 Visual privacy	6.3 – 6.7 Visual privacy, acoustic privacy, landscaping, view sharing and safety/security are all able to be considered and addressed with no impacts proposed to cause nuisance to adjoining properties due to the generous distance between dwellings and cabins (uses) able to be provided.
6.4 Acoustic privacy	
6.5 Landscape Design	
6.6 View sharing	
6.7 Safety & security	
7. Car parking & access	Complies – 2 spaces on site are able to be provided
8. Services & site facility	Complies – existing on site
9. Fencing & ancillary development	Not applicable – garage no longer forms part of the application
E Non-residential Development	Not applicable
F Controls for specific sites & localities	None Applicable

IMPACTS OF THE DEVELOPMENT – ENVIRONMENTAL, SOCIAL & ECONOMIC

Access, transport and traffic

The legal and practical access to the property is from The Snowy River Way via a Travelling Stock Reserve (TSR), (Lot 22 DP 821723). Council referred the application to both Crown

Lands and the Local Land Services Board (LLS) as part of the subdivision that created the lot and a letter of support was provided by LLS along with advice from Crown.

Easements/s88B Restrictions on Use

The site has a s88B over the site ensuring that cabins are not to be used as permanent occupation and only for the approved use of Rural Tourist Accommodation. The application for a dwelling is contradictory to the approval granted in 2014 that limited the development to be used for permanent occupation by imposing such conditions be applied. The applicant has asked that approval be granted to remove this as part of the application, which council is able to support if the remaining part of the DA for rural tourist accommodation (being the erection of two cabins) is surrendered. The requirement to surrender the old consent is included as a condition of approval.

Impacts on supply of utilities

Minimal additional impacts are expected as the site already has existing services in place to service the shed.

Bushfire

Minimal impacts are expected as clearing surrounding the existing shed has already occurred and APZ's within the cleared area can be provided.

Waste facilities and controls

Minor impacts expected during construction of internal - and on-going waste associated with a permanent occupation.

Noise and vibration

No impacts expected as the proposal is for a change of use only.

Safety, security and crime prevention

No impacts expected

Social impact in locality

No impacts expected

Economic impact in locality

No economic impacts are envisioned. The opportunity to still list the dwelling for STRA leasing is an option should the owners choose it.

Impacts on Heritage Items or Conservation areas (in the relevant LEP).

No impacts to Heritage or Conservation areas have been identified.

Impacts on aboriginal heritage.

No impacts to Aboriginal Heritage have been identified.

Flora and fauna & Consideration of Threatened Species

Significant impacts to the Mauve Burr Daisy could occur on the site if the approved Tourist and Visitor Accommodation from 2014 was to proceed.

As the shed currently has no requirements for APZ's, impacts to the threatened species has been minimal however approval as a dwelling would require that APZ be imposed to protect the dwelling which will impact all the area surrounding the house as well as the dwelling in perpetuity.

Energy efficiency and greenhouse gas emissions

The applicant has provided a BASIX certificate demonstrating that required thermal and energy efficiency can be achieved.

Site and internal design issues

The site has a significant biodiversity and a significant slope over most of the site. As the application is for a change of use no immediate site or design issues are identified.

Cumulative impacts

An approval for a dwelling on Lot 2 may create future land use conflicts with the adjoining Rural Tourist Accommodation on Lot 1 should the approved cabin 1 (on Lot 1) be built due to the close proximity to the boundary. The approval for the cabins has been activated which leaves the approval active and able to be built at any time.

Further impacts to the biodiversity on the site may also occur from direct and indirect impacts of long term accommodation use.

SUBMISSIONS

The application was notified, in accordance with the *Snowy Monaro Planning and Development Community Participation Plan* and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days. The application was not publicly advertised.

The application received zero (0) submissions.

CONCLUSION

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

1. The lot size requirement for the approval of a dwelling house has not been met.
2. The development as presented in the application is consistent with the objectives of Zone RU1 and the standards of Clause 4.2D (Erection of dwelling houses and dual occupancies on land in certain rural, residential and environment protection zones) in the Snowy River Local Environmental Plan 2013.
3. The variation proposed is supportable as it is considered to be consistent with the objectives or the standard of Clause 4.6.

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.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 46/24 on 21 March 2024.

REFERENCES

Department of Primary Industries. (2022) Planning for Agriculture in Rural Land Use Strategies
Published by the Department of Regional NSW.

https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0010/1417258/Planning-for-Agriculture-in-Rural-Land-Use-Strategies-May-2022.pdf

Department of Planning and Environment NSW. (November 2023) Guide to Varying Development
Standards. Point 2.5 – Wehbe Test

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Documents/Clause+4.6.pdf

ATTACHMENTS

1. DRAFT Conditions (*Under Separate Cover*)
 2. Architectural Plans (*Under Separate Cover*)
 3. Supporting Documents (*Under Separate Cover*)
 4. Revised Clause 4.6 Variation Request (*Under Separate Cover*)
 5. Access - Use of S75 of LLS Act 2013 - Access Over Travelling Stock Reserve (*Under Separate Cover*)
 6. Property Information Advice - 2010 for 7049 The Snowy River Way 'Top of the Range' (*Under Separate Cover*)
 7. RFS - Response for DA10.2014.3000045.3 (*Under Separate Cover*)
 8. Generated Pre-DA Form (*Under Separate Cover*)
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8.3 DEVELOPMENT APPLICATION 10.2024.79.1 - CONSTRUCTION OF SHARED TRAIL AND FIVE PEDESTRIAN BRIDGES

Record No: I25/94

Applicant Number:	10.2024.79.1
Applicant:	Snowy Monaro Regional Council
Owner:	Snowy Monaro Regional Council, Snowy Hydro and Freeform Property No 2 Pty Ltd
DA Lodged:	26/04/2024
Property Description:	Along the foreshore of Lake Jindabyne – east. Kunama Estate to East Jindabyne Lot 19 DP 530537, Lot 1 DP 248100, Lot 30 DP 236875, Lot 26 DP 548802, Lot 21 DP 235881, Lot 28 DP 236875, Lot 29 DP 236875, Lot 2 DP 248100, Lot 24 DP 1089304, Lot 4 DP 232161, Lot 2 DP 816051, Lot 9 DP 1216028
Zone	SP1 – Special Activities, C3 – Environmental Management, RE1 – Public Recreation, RU5 – Village, RE2 – Private Recreation, R5 – Large Lot Residential
Current Use	Residential Accommodation, Public open space and vacant land
Proposed Use	Environmental Facility and Recreation area
Permitted in Zone	Yes
Recommendation	Approval

RECOMMENDATION

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to 10.2024.79.1 for Construction of Shared Trail and five (5) Pedestrian Bridges on Lot 19 DP 530537, Lot 1 DP 248100, Lot 30 DP 236875, Lot 26 DP 548802, Lot 21 DP 235881, Lot 28 DP 236875, Lot 29 DP 236875, Lot 2 DP 248100, Lot 24 DP 1089304, Lot 4 DP 232161, Lot 2 DP 816051, and Lot 9 DP 1216028, Lake Jindabyne Foreshore, EAST JINDABYNE with conditions of consent attached to this report.

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of a 3.8km shared-use recreational trail and five (5) pedestrian bridges extending the existing shared trail from Kunama Estate to East Jindabyne NSW. The aim of the proposed development is to increase visitation to

the area and provide a valuable recreational asset for the existing community. This will target mountain bike riders, walkers and trail runners from the area and encourage visitors to the area to enjoy the unique experiences this region has to offer. The proposed development is to create a safer experience for mountain bikers, trail runners or walkers of the shared trail when using the shared trail tracks within this vicinity.

The application has been referred to state agencies for comments.

The application was open for submissions for an extended 28 day period, during which three (3) submissions were received, and they are discussed in the body of the report.

In accordance with Council's policy "Referral of Development Applications to Council" the application is referred to Council for determination as Council is the applicant for the proposal and it is located on Council land.

The application was referred to Bega Valley Shire Council for peer review of the Section 4.15 assessment report. Bega Valley Shire Council's peer view letter is attached to this report (attachment 16). Minor items identified in the peer review have been addressed.

It should be noted that Council's role in assessing the Development Application (DA) is solely as a consent authority, with its determination based on planning and regulatory considerations and the assessment of the proposal's merit.

The 'project' considerations which include financial implications such as construction and maintenance costs are not part of what is assessed under the DA. The cost of the development to the Council is not a factor which forms part of this assessment and does not require assessment as part of the determination process.

Following 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).

It is recommended that the application be approved with conditions.

BACKGROUND

Subject Site Details The proposed development is located within the locality of East Jindabyne and along Lake Jindabyne foreshore. The proposed development will join the existing shared trail network, by joining the Tyrolean trail head, extending north and stopping at Rushes Bay, East Jindabyne. The proposed development will be accessible via various public roads including Girvin Place, Old Kosciusko Road, Boronga Street. The existing development within the vicinity of the proposed development are residential accommodation, tourist and visitor accommodation, vacant land, and public recreation land. The proposed development will directly impact 1.11HA of land within the area.

Site Details

Site Address	Along the foreshore of Lake Jindabyne – east. Kunama Estate to East Jindabyne
Lot and DP Land Zoning	Freehold - Zone SP1 – Special Activities Lot 19 DP 530537, Lot 1 DP 248100, Lot 30 DP 236875, Lot 21 DP 235881, Lot 28 DP 236875, Lot 2 DP 248100, Lot 4 DP 232161, Lot 2 DP

	<p>816051</p> <ul style="list-style-type: none"> - Zone C3 – Environmental Management Lot 26 DP 548802, - Zone RE1 – Public Recreation Lot 29 DP 236875 - Land Zoning RU5 – Village Lot 24 DP 1089304 <p>Local Government Authority</p> <ul style="list-style-type: none"> - Zoning RE2 – Private Recreation Lot 9 DP 1216028
Closest crossroad(s)	Old Kosciusko, Boronga Street, Kunama Drive



Figure 1 Location Map – Base Map

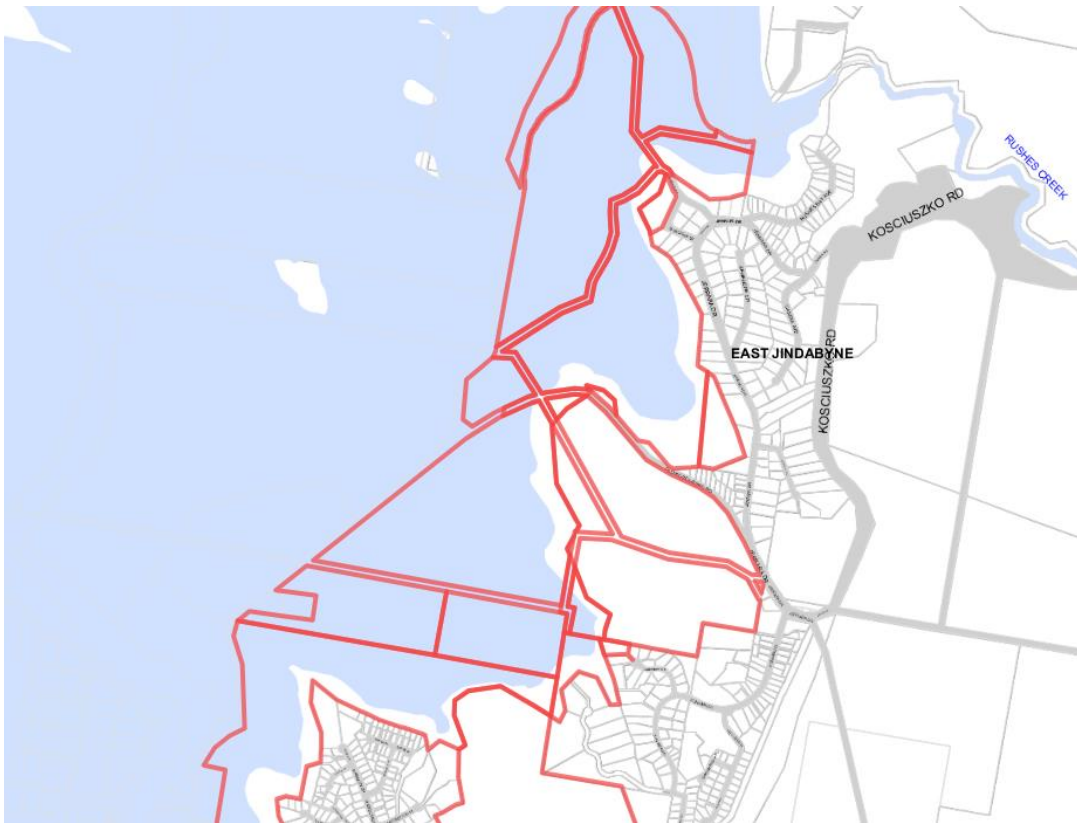


Figure 2 Subject Site – Base Map

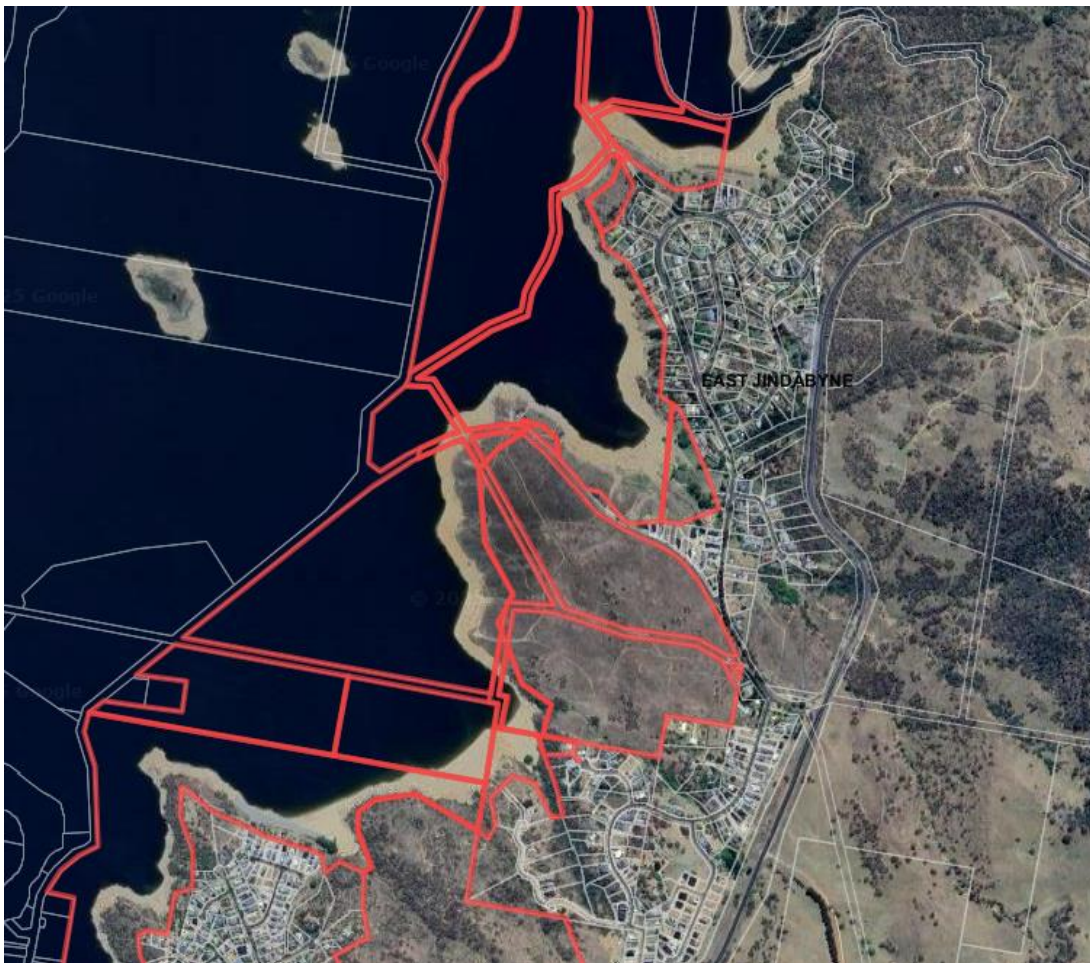


Figure 3

Subject Site – Satellite Imagery

Site Photos





PROPOSAL IN DETAIL

The proposed development is to construct 3.8km long shared use recreational trail and five (5) small bridges over waterways along the Lake Jindabyne foreshore.

The proposed development has been designed to join and extend an existing trail network. The Lake Jindabyne Trail, currently extends from Jindabyne Township to Tyrolean Village (East Jindabyne). The Lake Jindabyne Shared Trail projects aims to provide 60km trail network around the southern half of Lake Jindabyne.

Shared Trail Plans



Figure 1: Site Plan (locality)

8.3



FIGURE 2- DETAILED SITE PLAN 1

FIGURE 4: SITE PLAN 2



FIGURE 5: SITE PLAN 4 Description of Trail Construction Works

The following construction has been proposed;

- Construction of 3.8 km of new trail including five (5) bridges over minor waterways and tributaries along the trail.
- Installation of new signage and directional arrows that comply with international standards.

Types of work	Comments
New Trail Construction	<ul style="list-style-type: none">• Clearing of understory vegetation along new trail alignment.• Use of small excavator machinery to dig out and shape trail to desirable width and shape.• Battering of slope to stabilize slope above and below new trail to prevent erosion.• Distribution of seed, planting of tube stock and completion of hydro mulching with appropriate native species as required to rehabilitate disturbed areas.

Bridge Construction	<ul style="list-style-type: none">• Bridges will be supported by 125 x 6.5 SHS FRP (Fibre Reinforced Polymer) piles driven into the ground by an excavator with a vibration plate and platform. The bridge structures consist of FRP components and a CFT (Composite Fibre Technology) decking.• Construction of the bridges will be modular in design. These modules will be lifted into place using a Bell 412 helicopter. This machine has a lifting capacity of 1.2 tonnes. There are 5 Girders for 6 x 10 m spans in total over the 5 bridges. See Appendix A for further information.
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The trail design is considered to meet the expectations of a wide user group. The following Australian Standard classification ratings have been adhered to in determining trail alignment, grade, width, profile and surface treatment

- Walking/running- Grade 3 as identified in the Australian standards for walking tracks.
- Cycling- Easy- green circle as identified in the Australian Mountain Bike Trail Guidelines Trail Difficulty Rating System.

This trail will be constructed with a 2-metre wide trail bed and a gravel/clay surface as it is anticipated to have a high use. Bridge crossings will have a 1.5 m wide impact area.

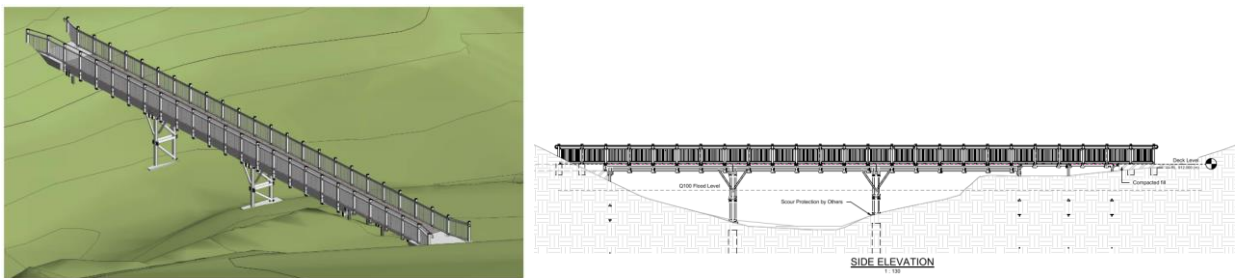
Pedestrian Bridge Plans

Bridge 1

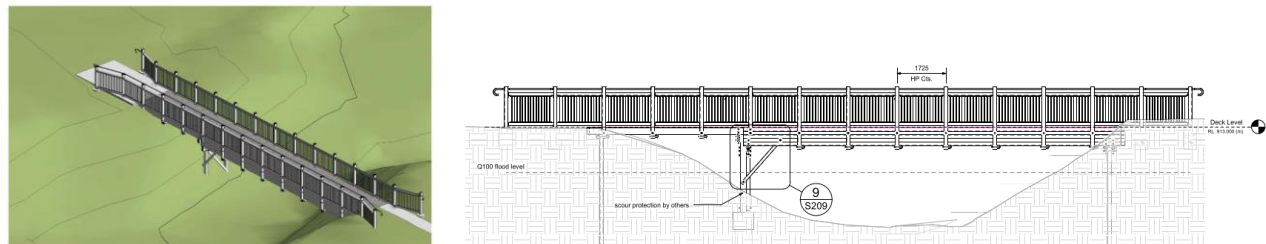


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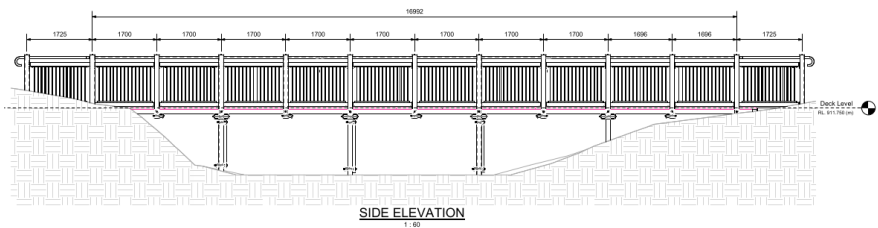
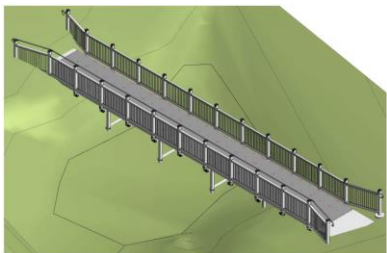
DEVELOPMENT APPLICATION 10.2024.79.1 - CONSTRUCTION OF SHARED TRAIL AND FIVE PEDESTRIAN BRIDGES



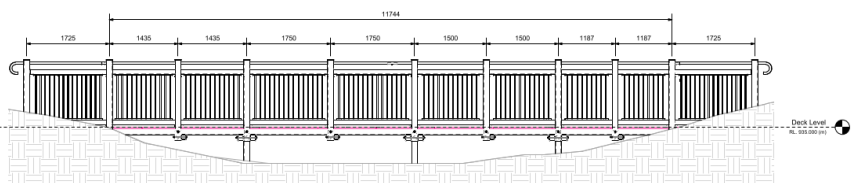
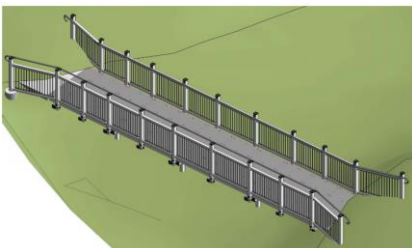
Bridge 2



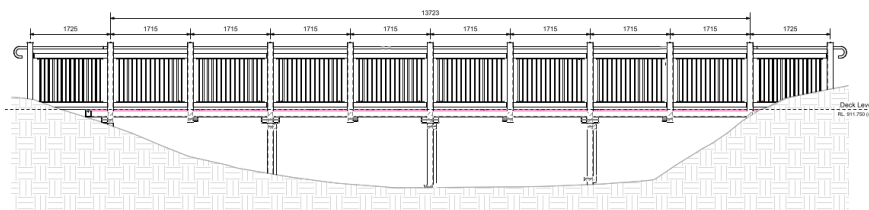
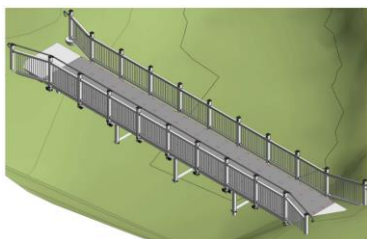
Bridge 3



Bridge 4



Bridge 5



LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT


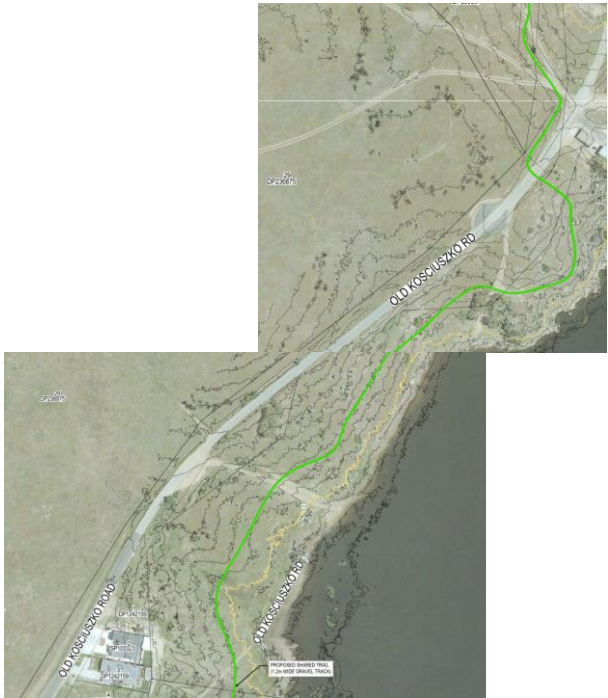
As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below

- 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.

SECTION 4.15 ASSESSMENT

SUITABILITY OF THE SITE

Slope	The proposed developed land is considered to contain areas of significant slope.
Significant vegetation	The site is partially mapped on the Terrestrial Biodiversity Map. Biodiversity Development Assessment Report has been submitted with the development application due to the proposed clearing of native vegetation triggers entering into the Biodiversity Offset Scheme (BOS). The vegetation on the sites is prominently native grassland, non-native exotic trees, private residential landscapes and scattered snow gums. The development application has been referred to Biodiversity Conservation and Science Department for concurrence. As part of the draft conditions of consent the applicant will be required to enter into the Biodiversity Offset Scheme (BOS) to offset the impacts on biodiversity resulting from the proposed development.
Adjoining development	Residential accommodation, tourist and visitor accommodation and open space. The proposed development is considered to be acceptable with no foreseeable impacts to adjoining land owners.
Suitability of proposed works / building	The proposed development is considered to be generally acceptable having regard to constraints of the land
Streetscape	The proposed development is considered to be generally compatible with adjoining development
Stormwater disposal	No specific stormwater disposal is required however the rainwater runoff from the site will be managed both during construction with appropriate erosion and sediment controls and in use with trail formation.
Services	
Views	The development will not hinder the views from adjoining properties.
Contamination	
Bushfire	The site is considered bushfire prone however this does not impact the use of the land for the purpose of the active recreational use and the development itself does not require a referral to the NSW Rural Fire Service.
Flooding	nil impact
Vehicular access	Access is available from various public roads within f East Jindabyne. Specific access points for uses of the shared trail can be via Boronga Street at the most northern portion of the shared trial, Old Kosciuszko Road allows access for users to both the northern and southern

	<p>portions of the shared trail, and access to the southern portion of the shared trail is via Girvin Place existing foot path and beach access.</p>
	
<p>Easements and restriction on use</p>	
<p>Aboriginal sites</p>	<p>Aboriginal sites are identified within the vicinity of the proposed development through an Aboriginal Cultural Heritage Assessment Report. 4 Aboriginal sites have been identified as being within close proximity of the proposed shared trail while 2 Aboriginal Sites have been identified as being within the trail alignment. The ACHAR included nine (9) recommendations including the requirement for an Aboriginal Heritage Impact Permit (AHIP) to be issued by Heritage NSW under the provisions of the National Parks and Wildlife Act.</p> <p>The ACHAR was submitted to Heritage NSW for review and General Terms of Approval (GTAs) have been issued by the department. These recommendations and GTAs have been included in the draft conditions of consent (see attachment 4).</p>
<p>Threatened species & Grasslands</p>	<p>The analysis of floristic data collected during this survey assigned one (1) Plant Community Type (PCT) to the Subject Land</p> <ul style="list-style-type: none"> - PCT 1191 Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands Bioregion (6.49 ha, as both intact woodland and derived forms)

	<p>Two (2) land use types mapped did not correspond to a Plant Community Type (PCT), consisting of mixed exotic/native planted vegetation (0.55 ha) and non-native areas (roads, residential areas) (0.18 ha)</p> <p>A total of one hundred and eighteen (118) species were recorded within the vegetation plots completed and incidental species observed on site, consisting of fifty seven (57) native species and sixty-one (61) exotic species, including eighteen (18) High-Threat Exotics (HTE).</p> <p>The Monaro Tableland Cool Temperate Grassy Woodland was found to occur across a large portion of the Subject Land, with 1.01 ha to be directly impacted and an additional 5.48 ha with the potential for indirect impacts. This PCT is listed as a critically endangered ecological community under the NSW Biodiversity Conservation Act 2016 (BC Act), recognising its significant decline in extent and condition across the Monaro region. However, it is not currently listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This means that while the community is afforded protection and assessment triggers at the state level, it does not trigger federal environmental approval requirements.</p> <p>A total of sixty-nine (69) fauna species were recorded during the surveys. This included four (4) native mammals, seven (7) exotic mammals, forty-seven (47) native bird species, three (3) exotic bird species, four (4) native amphibians, three (3) native reptiles and one (1) native crustacean.</p> <p>Three (3) species of threatened fauna listed as Vulnerable under the BC Act were recorded as occurring within the Subject Land during surveys</p> <ul style="list-style-type: none"> - Gang-gang Cockatoo, <i>Callocephalon fimbriatum</i> - White-fronted Chat, <i>Epthianura albifrons</i> - Flame Robin, <i>Petroica phoenicea</i>
Rivers/streams	<p>The proposed development is intersecting seven (7) unnamed waterways. Key Fish Habitat (KFH) is mapped along the edge of Lake Jindabyne which forms the western portion of the assessment area. The proposed trail has been designed with intent to minimise impacts or interaction with Lake Jindabyne, large areas of the mapped KFH was dry land at the time of the survey.</p>
Effluent disposal	

Prevailing winds	
Other matters	

REFERRALS

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

External Referrals

The development application was referred to the following external government agencies for comment/consideration

State or Federal Agency	Comments
Department of Planning Industry and Environment (Biodiversity and Conservation)	The department provided comments only and does not have an integrated approval role in the assessment of the application. The comments were considered, and the information provided by the applicant was considered appropriate to determine the application as submitted. Biodiversity, Conversation and Science have provided their recommended conditions of approval; see attachment 12.
Department of Planning Industry and Environment (Heritage NSW)	Aboriginal Cultural Heritage Assessment Report (ACHAR) submitted with the application. The development application has been refereed to NSW Heritage for comments. Recommendations from the report provided by APEX Archaeology have been provided. The ACHAR was submitted to Heritage NSW for review and General Terms of Approval (GTAs) have been issued by the department. These recommendations and GTAs have been included in the draft conditions of consent (see attachment 13).
Department of Planning Industry and Environment (Water NSW)	The development application was referred to Water NSW for concurrence as the proposed development includes construction of Pedestrian Bridges across mapped Riparian land and watercourses. Water NSW have provided their response with no objections to the proposed development. Water NSW response is the following; The Department of Planning and Environment-Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), the proposed works are exempt from the need to

	<p>obtain a controlled activity approval and no further assessment by this agency is necessary.</p> <p><u>Exemption</u></p> <p>Water Management (General) Regulation 2018 s41 - Works undertaken by public authorities</p> <p>See attachment 14</p>
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Internal Referrals

Nil

ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environmental Plan 2013
Development Control Plans	Snowy River Development Control Plan 2013

State Environment Planning Policies (SEPPs)

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

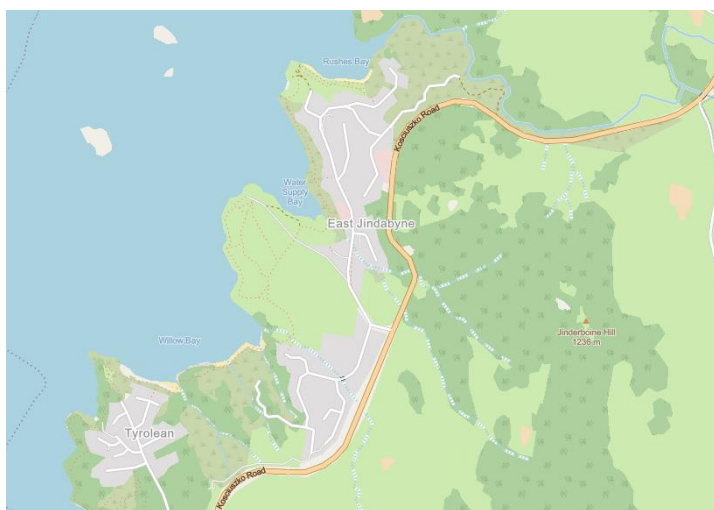
Contamination of the site is unlikely. The site has been used for residential purposes and there is no evidence of contaminants such as previous land uses. The contamination status of the site remains unchanged and the proposal therefore complies with the requirements of the SEPP.

State Environmental Planning Policy (Resources and Energy) 2021

Clause 2.19 Compatibility of proposed development with mining, petroleum production or extractive industry applies to the proposed development. At the time of assessing this development application no mining, petroleum production or extractive industries are within the vicinity of the proposed development. Surrounding land uses are residential accommodation, tourist and visitor accommodation and open space. The proposed development is considered to be acceptable with no foreseeable impacts to any of those existing or approved uses within the area.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020 and Chapter 4 habitat protection 2021 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. Chapter 3 of the Biodiversity and Conservation SEPP only applies to activities being undertaken in land zoned RU1 Primary Production, RU2 Rural landscape and RU3 forestry in a local government area specified in Schedule 1 of the now repealed SEPP Koala Protection 2021. The proposed development is zoned within any of the applicable zones therefore chapter 3 is not applicable to this development application. Chapter 4 of the Biodiversity and Conservation SEPP applies to activities being undertaken on land outside zones RU1 Primary Production, RU2 Rural landscape and RU3 forestry. As the proposed development is zoned within RU5 Village, R5 Large Lot Residential, SP1 Special Activities, RE1 Public Recreation, RE2 Private Recreation, C3 Environmental Management therefore chapter 4 must be considered by the consent authority. Snowy Monaro Regional Council does not have an approved Koala Management Plan therefore the proposed development must be assessed against 4.9 Development assessment process—no approved koala plan of management for land. Council must be satisfied that the development is likely to have low or no impact on koalas or koala habitat. The submitted BDAR assumed the presence of Koala's within the subject land of the proposed development as there is suitable habitat present within the woodland of the subject land. From the NSW SEED mapping there have been nil Koala sightings within the subject land of the proposed development. The area within the proposed development is considered to be mostly disturbed land due to the residential nature of the area and recreational uses along the Jindabyne lake foreshore. The subject land is not considered to be Core Koala Habitat or Potential Koala Habitat. Council is satisfied that a Koala plan of management is not required as the Likelihood of Occurrence (LOO) Assessment concluded that the risk of impact to this species as a result of the proposed works is Low.



Koala Sightings Map

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development has no foreseeable impacts and is considered unlikely to affect electricity transmission or distribution networks existing within the vicinity of the construction area. As part of the draft conditions of consent all works in areas with existing electricity infrastructure being completed must be in accordance with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. This is to ensure compliance with clause 2.48 of the Transport and Infrastructure SEPP.

Other Legislation

Biodiversity Conservation Regulatory Act 2017 (BC Regulatory Act)

Native vegetation clearing thresholds as outlined in Part 7 of the Biodiversity Conservation Regulation 2017 (Table 4) indicates the proposed development will require to enter into the BOS according to the minimum lot sizes and the corresponding native clearing thresholds. The clearing threshold for the sites is based on the minimum lot size of the applicable zones. Since minimum lot size for the applicable zones as per the SRLEP 2013 are less than 1 HA the threshold for clearing to enter into the BOS is 0.25 ha.

The proposed development will require 1.01 ha of native vegetation to be cleared, therefore the clearing threshold for native vegetation will be exceeded and will require entering into the BOS.

Biodiversity, Conservation and Science for concurrence and has provided recommendations to form the conditions of consent (See attachment 12), these have been included in the draft conditions of consent.

Biodiversity, Conservation and Science recommend the applicant would be required to complete the following prior to any construction works;

- Provide a Biodiversity Management Plan prepared by a suitably qualified person for review and approval by Council stating commitments and harm minimisation measures to be implemented during construction prior to any construction works.
- Purchase 33 ecosystem credits – PCT 1187 – Snow Gross (18 credits) and PCT 1191 – Snow Gum (15 credits)
- Purchase 33 species credits – *Aprasia parapulchella* (15 credits), *Cercartetus nanus* (6 credits), *Myotis macropus* (6 credits), and *Phascolarctos cinereus* (credit 6)

Serious and Irreversible Impacts

The Biodiversity Development Assessment Report states that the proposed development may lead to one serious and irreversible impact on the Monaro Tablelands Cool Temperate Grassy Woodland TEC. The potential SAI's to Monaro Tablelands Cool Temperate Grassy Woodland TEC within the subject land are considered to be small areas within the subject land and are already affected due to the disturbance and weed encroachment due to the surrounding urban development within the vicinity. The proposed development has potential to contribute to four prescribed impacts, these prescribed impacts include; disturbance to habitat and ecological communities, disturbance to habitat connectivity, water quality alteration, and vehicle strikes on threatened species. The anticipated impacts of prescribed impacts are considered to be minor and are not anticipated to result in additional impacts significantly beyond that which already occur on

the site, due to the current land use. Specific minimisation and mitigation measures are provided to reduce the impacts of these prescribed impacts.

Avoidance and Minimisation of Impacts

A key part of management for biodiversity is the application of the 'avoid, minimise, mitigate and offset' hierarchy as follows

1. Avoid and minimise impacts as the highest priority;
2. Mitigate impacts where avoidance is not feasible or practicable in the particular circumstance; and
3. Offset where residual, significant unavoidable impacts would occur (if required).

The proposed development has been designed to minimise the requirement for removing native vegetation and habitat features by restricting the direct impacts of the shared trail footprint to a maximum width of 3 metres and designed the placement of the shared trail path through exotic and non-native areas reducing the need to remove native vegetation. In the area where the shared trail will require the removal of native vegetation mature trees will be retained during construction and operational phases of the shared trail. Further avoidance and mitigation measures are outlined in Table 19 of the BDAR (see attachment 3).

Assessment of the Development under the Snowy River Local Environmental Plan 2013

- The subject land is zoned RU5 – Village, R5 – Large Lot Residential, SP1 – Special Activities, RE1 – Public Recreation, RE2 – Private Recreation, C3 – Environmental Management
- Definition of land usage under SR LEP 2013: Environmental Facility and Recreation area
- The proposal is permissible with development consent from Council pursuant to zones RU5 – Village, R5 – Large Lot Residential, SP1 – Special Activities, RE1 – Public Recreation, RE2 – Private Recreation and C3 – Environmental Management.
- The proposal is considered to be consistent with the aims and objectives of the plan.

Permissibility

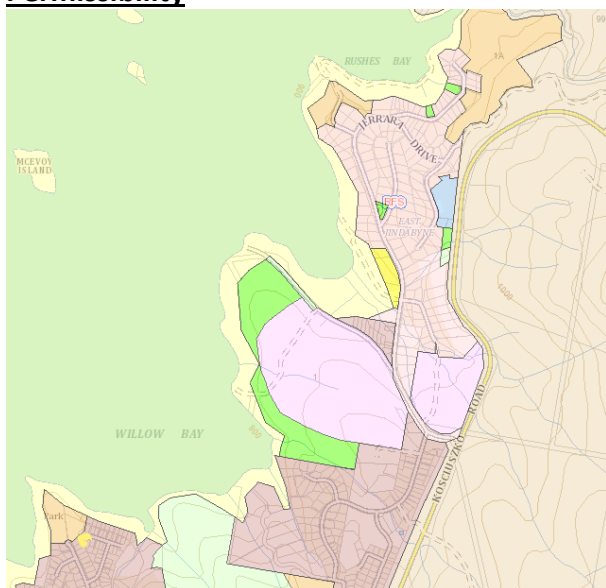


Figure 34 Land Zoning Map

8.3 DEVELOPMENT APPLICATION 10.2024.79.1 - CONSTRUCTION OF SHARED TRAIL AND FIVE PEDESTRIAN BRIDGES

Zone R5 Large Lot Residential

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide a buffer between urban development and broad acre rural and environmental areas.

2 Permitted without consent

Extensive agriculture, Home occupations

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Rural workers' dwellings; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures

4 Prohibited

Turf farming; Any other development not specified in item 2 or 3

Zone

SP1 – Special Activities

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Extensive agriculture

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Jetties; Marinas; Mooring pens; Moorings; Roads; Water recreation structures; Wharf or boating facilities; The purpose shown on the *Land Zoning Map*, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone

RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Restaurants or cafes; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone C3 Environmental Management

1 Objectives of zone

- 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.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Tank-based aquaculture

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Environmental facilities are a permissible land use with consent in RU1, RE2, SP1 and SP3.

8.3 DEVELOPMENT APPLICATION 10.2024.79.1 - CONSTRUCTION OF SHARED TRAIL AND FIVE PEDESTRIAN BRIDGES

Zone RU5 Village

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To protect and conserve the historical significance, character and scenic quality of rural village settings.
- To encourage and provide opportunities for population and local employment growth.
- To ensure that development in village areas is compatible with the environmental capability of the land, particularly in terms of the capacity of the land to accommodate on-site effluent disposal.

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Tank-based aquaculture; [Any other development not specified in item 2 or 4](#)

4 Prohibited

Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Cemeteries; Correctional centres; Crematoria; Electricity generating works; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Intensive livestock agriculture; Livestock processing industries; Local distribution premises; Mortuaries; Open cut mining; Recreation facilities (major); Resource recovery facilities; Restricted premises; Roadside stalls; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Signage; Stock and sale yards; Waste disposal facilities; Water supply systems

As

Environmental Facilities are not explicitly listed under either "Permitted with Consent" or "Prohibited" in the Zone land use table, and the table allows any other development not specified in items 2 or 4 with consent, they are considered a permissible land use subject to approval.

Zone RE1 Public Recreation

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Community facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Markets; [Recreation areas](#); Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Water recreation structures; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Recreation area are specified as permissible with consent within the **RE1 – Public Recreation** zone. As the proposed development meets the definition of 'Recreation Area' therefore it is considered that the proposed development can be permitted with consent.

Definition of land use

Environmental Facilities are defined as:

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

As the definition includes recreational uses such as walking tracks, shelters, and boardwalks or the like, the proposed shared trail and underpass for mountain bikers, trail runners, and pedestrians are considered consistent with this definition.

Recreation Areas are defined as:

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

- (a) a children's playground, or
- (b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,
and any ancillary buildings, but does not include a recreation facility (indoor),
recreation facility (major) or recreation facility (outdoor).”

The definition states **Recreation Area** are a place used for outdoor recreation that is normally open to the public it is considered the proposed development for the construction of 3.8km of shared use trail and associated bridge works for the use of mountain bike riders, trail runner and walkers is consistent with the definition of **Recreation area** definition.

Snowy River LEP 2013

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

PART 5 Miscellaneous provisions.

Clause 5.10 Heritage conservation

Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was completed to fully assess the potential for impact on Aboriginal sites (see attachment 4).

Aboriginal sites are identified within the vicinity of the proposed development through an Aboriginal Cultural Heritage Assessment Report. 4 Aboriginal sites have been identified as being within close proximity of the proposed shared trail while 2 Aboriginal Sites have been identified as being within the trail alignment. There is potential for all sites identified within the study area to be impacted to an extent by the proposal. However, it should be noted that all sites are associated with existing disturbance and impact is ongoing through the use of the trails. Additionally, the proposal would not impact on areas of Potential Archaeological Deposit (PAD) outside of the existing trails. The new trails have been designed specifically to avoid any areas of Aboriginal and archaeological significance therefore it can be considered that no foreseeable impacts will result from the proposed development within the study area. The ACHAR included nine (9) recommendations including the requirement for an Aboriginal Heritage Impact Permit (AHIP) to be issued by Heritage NSW under the provisions of the National Parks and Wildlife Act.

The ACHAR was submitted to Heritage NSW for review and General Terms of Approval (GTAs) have been issued by the department. These recommendations and GTAs have been included in the draft conditions of consent (see attachment 1).

PART 7 Additional local provisions

Clause 7.2 Terrestrial biodiversity



The site is wholly mapped on the Terrestrial Biodiversity Map and the proposed development will require disturbing the mapped terrestrial biodiversity.

A Biodiversity Development Assessment Report has been submitted with the development application to assess the impacts to the ecological value and significance of the fauna and flora on the developed land as the clearing of native vegetation exceed 0.25ha. The vegetation on the land is prominently native grassland, non-native exotic trees and scattered snow gums. The development application has been referred to Biodiversity, Conservation and Science for concurrence and has provided recommendations to form the conditions of consent.

Upon review of all related information, it is considered that that there are no serious and irreversible impacts (SAII) and the application can be determined in accordance with the relevant legislative and policy requirements.

As part of the draft conditions of consent the applicant will be required to enter into the Biodiversity Offset Scheme (BOS) to offset the impacts on biodiversity resulting from the proposed development.

Clause 7.3 Riparian land and watercourses



The proposed development is intersecting seven (7) unnamed waterways via the construction of five (5) pedestrian bridges. The proposed trail has been designed with intent to minimise impacts

or interaction with Lake Jindabyne, large areas of the mapped area was dry land at the time of the survey. These areas are considered to be disturbed and degraded areas due to existing clearing, erosion, weed encroachment and human disturbance. Bridge construction over waterways will incorporate the insertion of pilings outside of creek banks to reduce the impact to waterways. Erosion and drainage control measures will be conditioned. No foreseen unreasonable impacts as a result from the proposed development.

Clause 7.4 Wetlands



The proposed development is within the vicinity of areas mapped as Wetlands, which are actually Lake Jindabyne. No proposed works are within the identified Wetland. There are no foreseen impact as part of this development.

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



The proposed development is within the mapped scenic protection area. The proposed development will result not in intrusive impacts to the visual qualities and scenery when viewed from Lake Jindabyne Foreshore. The shared trails proposes no foreseeable impacts when viewed from Lake Jindabyne or surrounding area.

Clause 7.9 Essential services (including access)

Assessment of the proposed works identifies no requirements for connections for water supply, electricity supply and effluent disposal.

Stormwater management will be required as runoff from the shared trail and pedestrian bridges will need to be managed in some capacity.

Access is available from various existing roads within the vicinity of East Jindabyne. Specific access points for uses of the shared trail can be via Boronga Street at the most northern portion of the shared trail, Old Kosciuszko Road allows access for users to both the northern and southern portions of the shared trail, and access to the southern portion of the shared trail is via Girvin Place existing foot path and beach access.

Snowy River DCP 2013

Provision	Response/Acceptable Solution
A3 Public Notification	Neighbour notification 28 days Advertising 28 days
B2 Jindabyne and Surrounds	The proposed development is in accordance with the vision statement in the Snowy River DCP. The proposed development will create opportunities for residents and visitors to the area to move between Jindabyne and East Jindabyne via a shared trail path.
C General planning considerations	
C3 Car-parking, Traffic & Access	Access is available from various existing roads within the vicinity of East Jindabyne. Specific access points for uses of the shared trail can be via Boronga Street at the most northern portion of the shared trail, Old Kosciuszko Road allows access for users to both the northern and southern portions of the shared trail, and access to the southern portion of the shared trail is via Girvin Place existing foot path and beach access. 2 wheel all weather access is existing via Boronga Street, Old Kosciuszko Road and Girvin Place. No car parking has been proposed within the proposed development as existing car parking facilities are available to around the access points to the proposed development area.
C4 Heritage	Aboriginal Heritage site located within the vicinity of the proposed development. No identified aboriginal heritage site within the proposed disturbed areas of the development. An Aboriginal

	<p>Cultural Heritage Assessment Report (ACHAR) was submitted with the development application. ACHAR was composed by APEX Archaeology, provided a list of recommendations for the proposed development. Recommendations are outlined in the Aboriginal Heritage section of this report. Subject to compliance with the draft conditions of consent, any impacts to Aboriginal heritage as a result of this proposed development can be managed.</p>
C5 Tree preservation & Landscaping	<p>No mature trees will be impacted as part of the Proposal. Consequently, no tree hollows or larger nesting sites will be lost. Shrubs will be cleared along the new length of trail (3m wide impact area). Any necessary landscaping or restoration works once the completion of the construction of the proposed development will be completed in accordance with the site management plan and Australian standards for walking tracks and Australian Mountain Bike Trail Guidelines. No foreseeable impacts to the existing native landscape and heritage value of the vicinity. If any further trees are required to be removed an ecologist survey and approval will be required.</p>
C6 Signage & Advertising	<p>Signage will be consistent with the existing signage and is considered low key and appropriate for the proposed use. Installation of signage to educate trail users to presence of wildlife values along the trail and informing best-practice etiquette should they encounter wildlife along the trail. Installation of signage to aware users of specific no-go zones, private property and pets to be leashed at all times. This is to mitigation potential impacts to the natural environment of the area and increase the safety of users in the vicinity.</p>
<p>C7 Natural Hazard Management</p> <ul style="list-style-type: none"> - Bushfire - Flood Prone Land 	<p>The development is for groundworks only and therefore does not trigger any further assessment or requirements other than those usually associated with the management of public land. This however falls outside of the development assessment process.</p>
C8 Environmental Management	<p>The development is designed to have minimal environmental impact and will be managed in the same way as the existing trail network. The runoff from the trail is managed through its design and requires minimal maintenance. Any disturbed</p>

	areas are to be rehabilitated and revegetated at the conclusion of construction.
C10 Waste management & Recycling	Any materials necessary to be disposed of will be taken to Council's nearest waste facility.

SUBMISSIONS

The proposed development was assessed against the requirements of the Snowy Monaro Planning and Development Community Participation Plan 2019 (SMPDCPP) and the following notification advertising took place

Type of Development	Notification carried out as per minimum SMPDCPP
Commercial Development, public use facilities, venues, crowd-attracting uses, recreation facilities	Neighbour notification 28 days Advertising 28 days

The application was publicly advertised and received five (5) submissions and have been summarised below.

Copies of all submissions can be read in attachment 15.

Submission 1

Summary of Key Concerns

- The trail design did not take into consideration existing land lease the private land owner has with Snowy Hydro Land.
- Request trail design be moved more than 20 metres towards the lake to mitigate any potential negative impacts from users on the private land owner such as potential noise, littering, and anti-social behavior
- Ensure that no signage is erected to maintain the scenic amenity of the area is negatively affected.

Applicant response

Prior to designing the trail route Council carried out community consultation, sought legal advice, reviewed existing easements, carried out extensive ecological investigation, and spoke with stakeholders and landowners along the lake foreshore. Following this the location of the trail was determined primarily by two factors. Firstly the trail must remain above the 911m full lake line all the way along the route. Secondly, the trail must maintain minimum reasonable distances from any fixed dwellings. Beyond these two concerns the trail will also run within Snowy Hydro land, Council owned land, scheduled road corridors (crown or state owned), and approved easements. Throughout construction Council will ensure all care is taken to minimize or, if practical, eliminate disruption to neighbouring properties.

Signage will predominantly be placed at trail intersections and trail heads. Snowy Hydro's consent as the landowner has been provided.

Submission 2

Summary of Key Concerns

- Proximity of the shared trail to the dwelling house, rather the shared path be designed closer to the lake than closer to the rear property boundaries.
- Considers the path width to be excessive and damaging to bushland as 3 metres clearance is not required for a rural shared pathway.

Applicant response

Prior to designing the trail route Council carried out community consultation, sought legal advice, reviewed existing easements, carried out extensive ecological investigation, and spoke with stakeholders and landowners along the lake foreshore. Following this the location of the trail was determined primarily by two factors. Firstly the trail must remain above the 911m full lake line all the way along the route. Secondly, the trail must maintain minimum reasonable distances from any fixed dwellings. Beyond these two concerns the trail will also run within Snowy Hydro land, Council owned land, scheduled road corridors (crown or state owned), and approved easements. Throughout construction Council will ensure all care is taken to minimize or, if practical, eliminate disruption to neighbouring properties.

The width of the trail has been determined by the State Grant Office, which SMRC is required to comply with.

Submission 3

Summary of Key Concerns

- Proximity of the shared trail to the dwelling house, rather the shared path be designed closer to the lake than closer to the rear property boundaries.
- Users prefer trail closer to lake's natural beauty.
- Trail noises can be mitigated by adjusting trail away from property front fence line towards lake.

Applicant Response

Prior to designing the trail route Council carried out community consultation, sought legal advice, reviewed existing easements, carried out extensive ecological investigation, and spoke with stakeholders and landowners along the lake foreshore. Following this the location of the trail was determined primarily by two factors. Firstly the trail must remain above the 911m full lake line all the way along the route. Secondly, the trail must maintain minimum reasonable distances from any fixed dwellings. Beyond these two concerns the trail will also run within Snowy Hydro land, Council owned land, scheduled road corridors (crown or state owned), and approved easements. Throughout construction Council will ensure all care is taken to minimize or, if practical, eliminate disruption to neighbouring properties.

Where a large area is available for the trail to go through and compliance with the two aforementioned 'predominant factors' is achieved, trail routes are selected on the basis of buildability and to disrupt impact to the local ecosystem.

Submission 4

The submitter initially had issues access the development application content. This was rectified

and additional time was allowed for the submitter to provide an objection to the development application.

Summary of Key Concerns

- The submitter objects to the design of the shared trail, specifically the zig-zag section at the rear of Lakeview Terrace. Is critical that the zig-zag design does not allow for suitable two-way shared access for users.
- Lack of adequate access to the shared trail specifically from Lakeview Terrace. Has concerns that further development of East Jindabyne will isolate the shared trail from being suitably accessed by users.
- Concerned in regards to the shared trail grading. Believes the trail should be graded by a variety of users rather than Council before any signage or maps are in place along the shared trail. The submitter believes the proposed grade 3 trail is not challenging enough to attract visitors although states that the shared trail needs to be inclusive of both walkers and riders.

Applicant response

Prior to designing the trail route Council carried out community consultation, sought legal advice, reviewed existing easements, carried out extensive ecological investigation, and spoke with stakeholders and landowners along the lake foreshore. Following this the location of the trail was determined primarily by two factors. Firstly the trail must remain above the 911m full lake line all the way along the route. Secondly, the trail must maintain minimum reasonable distances from any fixed dwellings. Beyond these two concerns the trail will also run within Snowy Hydro land, Council owned land, scheduled road corridors (crown or state owned), and approved easements. Throughout construction Council will ensure all care is taken to minimize or, if practical, eliminate disruption to neighbouring properties.

The trail will, so far as the natural form of the land allows, be built so as to enable people of all skill levels (walkers, riders, etc.) to use the trail. Creating of a dedicated shared trail throughout the lake Jindabyne trail network is one of the primary deliverables for the project.

Submissions 5 - Support

The proposed alignment of the Jindabyne Shared Trail between Tyrolean Village to East Jindabyne interfaces directly with and through our property on its southern and western boundaries. The submitter provides a letter of support for the construction of the shared trails. The submitter advocates that the Shared Trail is a vital piece of active travel infrastructure and represents an important link for residents of, and visitors to East Jindabyne, to connect with the broader shared trails network.

CONCLUSION

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

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment.

Accordingly, approval is recommended subject to the imposition of the conditions of consent attached.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 46/24 on 21 March 2024.

ATTACHMENTS

1. DRAFT Conditions (*Under Separate Cover*)
 2. Statement Of Environmental Effects (*Under Separate Cover*)
 3. Biodiversity Development Assessment Report (*Under Separate Cover*)
 4. Aboriginal Cultural Heritage Or Assessment Report (*Under Separate Cover*)
 5. Archaeological Assessment (*Under Separate Cover*)
 6. Site Plans (*Under Separate Cover*)
 7. Bridge Plan 1 (*Under Separate Cover*)
 8. Bridge Plan 2 (*Under Separate Cover*)
 9. Bridge Plan 3 (*Under Separate Cover*)
 10. Bridge Plan 4 (*Under Separate Cover*)
 11. Bridge Plan 5 (*Under Separate Cover*)
 12. BCS Response Kunama to East Jindabyne Trails (*Under Separate Cover*)
 13. Heritage NSW Response and GTAs (*Under Separate Cover*)
 14. NSW Department of Planning and Environment (Water) Response (*Under Separate Cover*)
 15. Submissions (*Under Separate Cover*)
 16. Bega Valley Shire Council Peer Review Letter (*Under Separate Cover*)
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9.1.1 JINDABYNE LANDFILL PROJECT UPDATE

Record No: I25/272

OFFICER'S RECOMMENDATION

That Council note the Jindabyne Landfill Project update report.

ISSUES

The Jindabyne landfill has reached capacity; however, the site remains open as a waste transfer facility.

Critically, this means no change for domestic users.

Commercial waste disposal is impacted, but disposal of the following commercial waste is not affected, and the facility continues to accept:

- General recycling,
- Green waste
- Concrete, or Demolition Rubble
- Metal, whitegoods, e-waste.

Early advice from our operations team indicate that this interim solution is working and it is fit for purpose. However, council will continue to monitor the situation over peak periods and will have contingency plans in place for increased usage over the winter period.

Initially, the domestic waste collection services required a concrete pad for 'drop and go' of collected waste in order to not disrupt the community waste service, particularly in relation to the Jindabyne waste collection. However, after logistical analysis of the collection service was undertaken, it was determined that there is suitable capacity in the current fleet (inclusive of using the contingency waste collection asset) and labour to undertake waste collection services, as scheduled, without disruption and dispose of the waste directly to the Cooma Landfill.

The proposed and designed Resource Recovery Centre, which aligns to both the SMRC Waste Strategy, as well as EPA initiatives has gone through a Concept Design phase and has been estimated at \$14 million. This option, as designed is unaffordable without substantial contributions provided to council.

Since implementation of the interim waste transfer solution, Council have transferred five 32m³ bins from Jindabyne to the Cooma landfill facility. Although a subjective analysis, operators have confirmed that there are no major impacts in terms of congestion at the Cooma landfill facility. Since implementation of the interim solution, operators have also seen an increase in use regarding separated waste. This indicates that the community is separating waste at a greater level than undertaken previously and this activity is contributing to minimising impact to the Cooma landfill facility.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Medium	Low	Yes
Economic Activity	Low	Low	Yes
Environmental Security	High	Low	Yes
External Political Environment	Medium	Medium	No
Financial Sustainability	High	Low	Yes
Health and Safety	Medium	Low	Yes
Legislative Governance and Compliance	High	Low	Yes
Reputation and Image	High	Low	Yes
Service Delivery	High	Low	Yes

The Risks associated with the interim solution do not consider commercial waste disposals, greater than 1mtr³. This will somewhat disrupt commercial operators from their historic usage of Jindabyne landfill facility and extend their transiting times to dispose of larger commercial waste to Cooma landfill facility. However, this is not a permanent restriction. The long-term solution will aim to bring the ability for commercial waste back into the Jindabyne service.

FINANCIAL IMPACTS

Additional costs incurred to date: April 8, 2025: \$6,900

Additional Commitments* to June 30 2025:

Geo Tech Analysis	\$13,200
Waste Transfer Jindabyne to Cooma	\$11,300
Internal Plant Hire	\$18,000
Site improvements estimate	\$55,000

*The commitments list is expenditure which is committed but not yet paid.

RESPONSIBLE OFFICER: Greg Thompson, Manager Corporate Projects

OPTIONS CONSIDERED

There are two sites in consideration of a long-term waste solution. These being:

- The current landfill site
- The site directly above the extant landfill site, located on the entry road to the existing Jindabyne landfill.

From a long-term perspective aligned to EPA and Council strategies, Council have engaged a Geotechnical Engineer regarding the feasibility into the landfill site, having regard to ground suitability and stability for long term facility occupation.

The options that the project have identified for siting of a Waste Transfer Station, and longer-term Resource Recovery Centre are:

- **Opt 1:** Long term solution using Interim Facilities (plus additional minor works if needed – roof, expanded sawtooth pad, additional transfer bins), including a future stage for the Resource Recovery Centre (**Low cost**)
- **Opt 2:** Landfill site: Waste Transfer Station, including a future stage for the Resource Recovery Centre (**Medium Cost**)
- **Opt 3:** Landfill site: Waste Transfer Station; Hill site: future stage for the Resource Recovery Centre (**Medium cost**)
- **Opt 4:** Hill Site: Waste Transfer Station, including future stage for the Resource Recovery Centre (descope Resource Recovery Centre) (**Medium cost**)
- **Opt 5:** Hill Site: Waste Transfer Station, including Resource Recovery Centre (**Full build option - High cost**) (**Complete**)).

IMPLEMENTATION PLANS

The site options feasibility and suitability will be informed by the Geotechnical report. The suitable options will then be developed and tested against strategic and environmental compliance objectives, value for money, Whole of Life consideration, community expectations and requirements, as well as highest and best land use.

Regarding commercial waste on the long-term solution, the project will look into an ability and the feasibility to reinstate commercial waste accessibility to the Jindabyne waste service provision in a reduced scope solution. However, this will also require strong education messages and on-site management with commercial operators to separate waste, and work in conjunction with the longer-term Resource Recovery Centre to minimise landfill impacts into the future.

Council will also be establishing a community engagement group throughout this project, with participation from the public, commercial waste users, and other key stakeholders as identified to assist in further development and refinement of the options and design. However, for the time being, the interim solution is a viable means for a short to medium term service of operations and will give Council the time to adequately scope and refine the longer term solution.

As an update to this implementation plan the Geotechnical landfill investigations have commenced on site (as of 5 April 2025) and the project will be informed of ground suitability by no later than 5 May 2025.

ATTACHMENTS

Nil

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - MARCH 2025

Record No: I25/227

OFFICER'S RECOMMENDATION

That Council receive the report indicating Council's cash and investments position as at 31 March 2025; and the certification of the Responsible Accounting Officer.

ISSUES

The effective management of Council funds in accordance with Council's Investment Policy and regulatory requirements. 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

The risk above is only associated with funds management. Total cash and investments are managed to ensure the protection of the principal invested, there is appropriate levels of liquidity to fund service provision and investment returns are maximised within policy and statutory constraints.

FINANCIAL IMPACTS

As interest rates change, the investment strategy needs to be agile to ensure Council can take advantage of higher yield investments when they are presented.

RESPONSIBLE OFFICER: Chief Financial Officer.

CERTIFICATION:

I, Simon Rennie, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2021, that the existing 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. In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, a report setting out details of money invested must be presented to Council in the following month.

OPTIONS CONSIDERED

Council's Monthly Funds Management report meets the requirements of Council's current Investment Policy and regulatory requirements.

IMPLEMENTATION PLANS

Investment of surplus funds that are not required to manage short-term cash flow.

EXISTING POLICY/DECISIONS

Council's Investment Policy (SMRC 258).

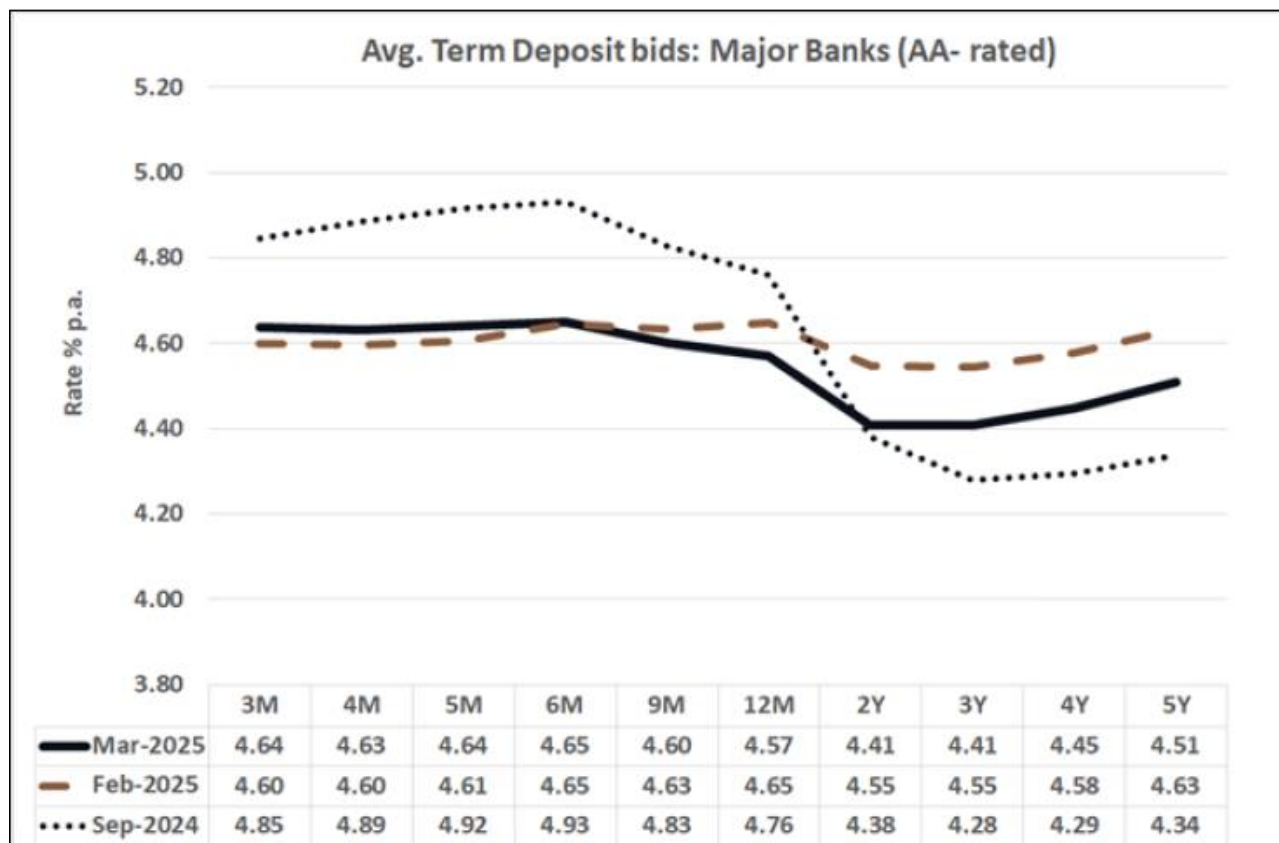
The revised policy was adopted on 17 November 2022. The aim of Council's Investment Policy is to provide a framework for the investing of Council funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

BACKGROUND The portfolio is directed to fixed term deposits (82%). The remainder of the portfolio is held in cash (18%).

Staggering a mix of fixed deposits between 12 months to 5 years remains as the optimal strategy to maximise returns over a longer-term cycle.

With additional rate cuts, escalating tariff wars and a global economic downturn being priced in 2025, Council will where liquidity permits, allocate a small proportion of longer-term funds and undertake an insurance policy against any further rate cuts by investing across 1-5 year fixed deposits, locking in and targeting higher yields. Should inflation be within the RBA's target band of 2-3% over the longer-term, returns above 4½% p.a. or higher should outperform benchmark.

Over March, at the very short end of the curve (less than 6 months), the average deposit rates offered by the major banks remained relatively flat compared to where they were the previous month (February). At the longer-end of the curve (1-5 years), the average rates fell by another 10-15bp compared to where they were in February.



TERM TO MATURITY Currently, the portfolio remains highly liquid with 34% of assets maturing within 90 days and an additional 44% maturing within 12 months.

COUNTERPARTY

As at the end of March, applying long-term ratings only, all individual banks were within the Policy limits. We acknowledge that limits are also dependent on capital inflows/outflows which will affect the exposures as at the reporting period.

Overall, the portfolio is lightly diversified with 10 ADIs being utilised. Council opened an account with State Bank of India, Sydney Branch (BBB-) during the month. Council will consider opening other deposit accounts with further investment grade ADIs, not only to diversify, but increase the overall returns of the portfolio in the long-run.

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - MARCH 2025

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max Limit (%)	Available (\$)
✓	ANZ	AA-	\$13,000,000	14.23%	100%	\$78,357,451
✓	NAB	AA-	\$31,857,451	34.87%	100%	\$59,500,000
✓	ING Bank Aus.	A	\$22,500,000	24.63%	30%	\$4,907,235
✓	BoQ	A-	\$5,000,000	5.47%	20%	\$13,271,490
✓	AMP	BBB+	\$3,000,000	3.28%	10%	\$6,135,745
✓	BankVIC	BBB+	\$7,000,000	7.66%	10%	\$2,135,745
✓	Heritage Bank	BBB+	\$1,000,000	1.09%	10%	\$8,135,745
✓	Hume Bank	BBB+	\$3,000,000	3.28%	10%	\$6,135,745
✓	Judo	BBB	\$4,000,000	4.38%	5%	\$567,873
✓	State Bank of India	BBB-	\$1,000,000	1.09%	1.5%	\$370,362
			\$91,357,451	100.00%		

Individual cash and investments held as at 31 March 2025:

DATE INVESTED	FINANCIAL INSTITUTION	Short- Term Rating	Long- Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	National Australia Bank - Cash at Bank*	A1+	AA-	Cash	7,948,215	Tiered	n/a
n/a	National Australia Bank - Professional Funds A	A1+	AA-	At Call	8,909,236	4.10%	At Call
28-Sep-23	ING Bank	A1	A	TD	5,000,000	5.35%	25-Sep-25
06-Nov-23	ING Bank	A1	A	TD	5,000,000	5.70%	06-Nov-28
24-Apr-24	ING Bank	A1	A	TD	2,500,000	5.21%	24-Apr-25
12-Jun-24	Judo Bank	A2	BBB	TD	3,000,000	5.30%	12-Jun-25
25-Jun-24	ING Bank	A1	A	TD	3,000,000	5.21%	26-May-25
30-Jul-24	National Australia Bank	A1+	AA-	TD	5,000,000	5.25%	30-Jul-25
30-Jul-24	National Australia Bank	A1+	AA-	TD	5,000,000	5.22%	27-Aug-25
07-Aug-24	AMP Bank	A2	BBB+	TD	3,000,000	5.20%	05-Jun-25
29-Oct-24	National Australia Bank	A1+	AA-	TD	2,000,000	5.05%	29-Apr-25
29-Oct-24	ING Bank	A1	A	TD	3,000,000	5.10%	29-Oct-25
05-Nov-24	BankVic	A2	BBB+	TD	5,000,000	5.06%	04-Jul-25
05-Dec-24	Suncorp Bank	A1+	AA-	TD	1,000,000	5.06%	05-May-25
05-Dec-24	Suncorp Bank	A1+	AA-	TD	2,000,000	5.03%	07-Oct-25
06-Jan-25	BankVic	A2	BBB+	TD	2,000,000	4.70%	06-Jan-27
06-Jan-25	Bank of Queensland	A2	A-	TD	5,000,000	4.60%	06-Jan-27
06-Jan-25	Hume Bank	A2	BBB+	TD	3,000,000	4.60%	06-Jan-27
13-Jan-25	Suncorp Bank	A1+	AA-	TD	5,000,000	4.79%	13-Jan-27
25-Feb-25	ING Bank	A1	A	TD	3,000,000	4.80%	25-Feb-26
27-Feb-25	Heritage and People's Choice	A2	BBB+	TD	1,000,000	4.70%	27-Aug-25
27-Feb-25	ING Bank	A1	A	TD	1,000,000	4.73%	27-Jan-26
27-Feb-25	National Australia Bank	A1+	AA-	TD	3,000,000	4.65%	27-Feb-26
17-Mar-25	Judo Bank	A2	BBB	TD	1,000,000	4.80%	15-Sep-25
19-Mar-25	Suncorp Bank	A1+	AA-	TD	1,000,000	4.72%	19-Mar-26
26-Mar-25	State Bank of India, Sydney Branch	A3	BBB-	TD	1,000,000	5.00%	26-Nov-25
26-Mar-25	Suncorp Bank	A1+	AA-	TD	2,000,000	4.79%	26-Nov-25
27-Mar-25	Suncorp Bank	A1+	AA-	TD	2,000,000	4.75%	15-Dec-25
					91,357,451		

CREDIT QUALITY

The portfolio remains well diversified across the investment grade credit spectrum. All aggregate ratings categories are within the Policy limits. There is now much higher capacity to invest with the “BBB” rated ADIs following the rating upgrade for BoQ (moved up from BBB to A category range).

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max Limit (%)	Available (\$)
✓	AAA Category	\$0	0.0%	100%	\$91,357,451
✓	AA Category	\$44,857,451	49.1%	100%	\$46,500,000
✓	A Category	\$27,500,000	30.1%	100%	\$63,857,451
✓	BBB Category	\$19,000,000	20.8%	30%	\$8,407,235
✓	Unrated ADIs	\$0	0.0%	30%	\$27,407,235
		\$91,357,451	100.0%		

PERFORMANCE

Council's performance (excluding cash holdings) for the month ending March 2025:

Performance	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.34%	1.02%	2.11%	3.21%	4.31%
AusBond Bank Bill Index	0.35%	1.07%	2.20%	3.34%	4.46%
Council's T/D Portfolio [^]	0.43%	1.23%	2.51%	3.82%	5.11%
Outperformance	0.08%	0.16%	0.31%	0.48%	0.66%

[^]Total portfolio performance excludes Council's cash account holdings.

Performance	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.10%	4.19%	4.27%	4.30%	4.31%
AusBond Bank Bill Index	4.16%	4.42%	4.46%	4.47%	4.46%
Council's Portfolio [^]	5.16%	5.07%	5.10%	5.12%	5.11%
Outperformance	1.00%	0.65%	0.64%	0.65%	0.66%

[^]Total portfolio performance excludes Council's cash account holdings.

For the month of March, the portfolio (excluding cash) provided a return of +0.43% (actual) or +5.16% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.35% (actual) or +4.16% p.a. (annualised).

STRATEGY FOR COUNCIL

Going forward, the longer-term strategy remains ideally placing across 12-24 months terms as it is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. There is growing belief that additional interest rate cuts and a global economic downturn is forthcoming and so locking in rates close above 4½% p.a. across 1-5 year tenors should provide some income protection against a lower rate environment.

TERM DEPOSIT MARKET REVIEW

Current Term Deposits Rates

As at the end of March, we see value in the following:

ADI	LT Credit Rating	Term	Rate % p.a.
ING Bank	A	5 years	4.81%
BoQ	A-	5 years	4.60%
Hume Bank	BBB+	5 years	4.55%
Westpac	AA-	5 years	4.50%
ING Bank	A	4 years	4.68%
BoQ	A-	4 years	4.50%
Westpac	AA-	4 years	4.42%
ING Bank	A	3 years	4.57%
BoQ	A-	3 years	4.45%
Hume Bank	BBB+	3 years	4.38%
State Bank of India	BBB-	2 years	4.65%
ING Bank	A	2 years	4.55%
Bank of Us	BBB+	2 years	4.40%
Westpac	AA-	2 years	4.40%
BoQ	A-	2 years	4.45%

The above deposits are suitable for Council looking to maintain diversification and lock-in a slight premium compared to purely investing short-term.

For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs:

ADI	LT Credit Rating	Term	Rate % p.a.
State Bank of India	BBB-	12 months	4.80%
Suncorp	AA-	12 months	4.71%
ICBC Sydney	A	12 months	4.68%
ING Bank	A	12 months	4.64%
State Bank of India	BBB-	9 months	4.80%
Suncorp	AA-	9 months	4.70%
BoQ	A-	9 months	4.70%
Bank of Sydney	Unrated	6 months	4.83%
State Bank of India	BBB-	6 months	4.80%
Suncorp	AA-	6 months	4.80%
BoQ	A-	6 months	4.78%
Bank of Sydney	Unrated	3 months	4.83%
State Bank of India	BBB-	3 months	4.80%
NAB	AA-	3 months	4.75%

FIXED INTEREST OUTLOOK

Financial markets continue to fully price in two rate cuts in 2025 and another one by early 2026, despite Governor Bullock explicitly pushing back on the additional 50bp rate cuts underpinning their forecasts for inflation. The Governor said, *“the board needs more evidence that inflation is continuing to decline before making decisions about the future path of interest rates”*. She noted the RBA wants to see easing wage costs, disinflation in market services and housing inflation continuing to ease.

ATTACHMENTS

Nil

9.3.1 APPROVAL OF ROAD NAME BANK

Record No: I25/82

OFFICER'S RECOMMENDATION

That Council approve the proposed road name bank at attachment 1.

ISSUES

This report contains the outcomes of public consultation for the road name bank and the final list of road names recommended for approval by Council.

Having a road name bank:

- Creates a significantly more efficient process for choosing, publicly advertising and approving road names to be used on new roads or previously unnamed roads.
- Ensure road names selected are representative of the area and local communities, covering aspects of heritage, community/people, landscape and culture

An updated road naming policy to reflect the implementation of the road name bank will be brought to Council if/when the road name bank is approved.

Some naming options from the initial list are no longer on the proposed list. These names have already gone through the process of approval for use during the time consultation has been occurring due to progress in subdivision developments.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity	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	Low	Low	Yes
Reputation and Image	Low	Low	Yes
Service Delivery	Low	Low	Yes

The risks of the road name bank are considered low.

FINANCIAL IMPACTS

The development of the road name bank is being conducted within existing budgets.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

Options considered for the final list for public advertisement and approval included:

- 1) Bringing forward for approval all proposed road names brought to Council to be endorsed for public advertisement including the five road names proposed by the Ngarigo community.
- 2) Bringing forward for approval all proposed road names brought to Council to be endorsed for public advertisement, except for four of the five indigenous road names.

The next iteration of the road name bank is already in development. These four indigenous road names will be assessed for inclusion in this second iteration of the road name bank as while the four names have broad support from a range of indigenous groups included in indigenous consultation some feedback argued the need for a deeper review to ensure the indigenous language words chosen for road names are appropriate/representative of the local indigenous languages with minimal/no ambiguity with respect to other indigenous languages in the surrounding regions.

The four words for further consideration are Ngarigo words chosen by Ngarigo community elders being Guda (Aunty), Ganj (Uncle), Wanj (Children) and Waligada (legendary little people who lived in the mountains). These four names have not gone through public advertisement at this point. It was considered that the issues around the names should be fully considered before moving forward.

IMPLEMENTATION PLANS

If the road name bank is approved, the next steps are:

- 1) Create the road name bank as a document in Council's document management system. It will be a working document that is updated by staff as names are applied to roads.
- 2) Keep the latest version of the road name bank available for viewing externally, for developers and proponents of road name proposals to select from.
- 3) Bring to Council an updated road naming policy to reflect the implementation of the road name bank.
- 4) Progress all road name proposals going forward using the road name bank as the preferred option.

EXISTING POLICY/DECISIONS

[NSW Address Policy and User Manual 2024](#)

Item 9.3.6 - Ordinary Council Meeting 16th November 2023. Record Number I23/715

BACKGROUND

SMRC is in the process of developing a road name bank to pre-approve a list of names for use in road naming. Publicly advertising and pre-approving a list of road names in bulk rather than for each separate road naming process will significantly improve efficiency, dramatically reduce turnaround time in finalising road name proposals as in future the only step required before gazettal will be approval by the NSW Geographical Names Board (typically five to ten business days) and tap into the knowledge of local communities in choosing road names that matter to them. This has been done by:

- 1) Gaining endorsement by Council at the 16th Feb 2023 Ordinary Council meeting to put out a public call for road name suggestions.
- 2) Collating the suggestions, assess against Geographic Names Board road naming guidelines and bring back to Council the list of road names to be endorsed for a second round of public consultation to allow the community to provide feedback on the names chosen. This was done in the 16th November 2023 Ordinary Council meeting, Item 9.3.6.
- 3) In response to a motion put forward and passed for Item 9.3.6 at the 16th November Ordinary Council meeting, including a step to invite indigenous communities in the Snowy Monaro Regional Council to put forward suggestions for road names before going to the public for consultation as per Step 2 above.
- 4) Collating all names and feedback and bring back to Council the final recommended list of names for approval.

This report covers step 4. Below is a point summary of the invite for indigenous communities to provide suggestions for road names:

- 1) Five names were suggested by Ngarigo Elders in a combined response, being Ngarigo, Guda (Aunty), Waligada (legendary little people who lived in the mountains), Ganj (Uncle) and Wanj (children).
- 2) The suggested names were circulated to the full distribution list of the initial invite to indigenous communities. Four responses in support were provided, with one representing a larger group of Ngarigo Elders who proposed the names in the first instance. They also indicated as a minimum the inclusion of Ngarigo would be desirable. One verbal response was received indicating more in-depth assessment of the names was required to ensure the words and meaning are correctly represented and not ambiguous with respect to words and language of indigenous languages in surrounding regions.

Submissions to the broader public advertisement included:

- 1) Three specific suggestions for future additions to the road name bank. These will be considered for further community consultation.
- 2) One general request for more consideration of old Jindabyne pioneering families for future additions to the road name bank.
- 3) One general request for less names relating to tourism and more historically significant names. This request also suggested investigating using the names of the United States pilots who perished fighting fires near Peak View in the 2020 bushfires. It is intended to follow up on this request, with permission from the families first, for the next addition to the road name bank.
- 4) No submissions were received that specifically commented on any name in the proposed road name bank being considered with this report.

Suggestions for future additions will be investigated with reference to NSW Geographical Names Board road naming guidelines and included in future reports to Council detailing those additions. They however are not covered in this first version of the road name bank and are not the subject of this report.

ATTACHMENTS

1. Proposed Road Name Bank 2025 (*Under Separate Cover*)

9.3.2 EXTRAORDINARY COUNCIL MEETINGS TO BE SCHEDULED FOR 1 MAY 2025

Record No: I25/179

OFFICER'S RECOMMENDATION

That Council hold an extraordinary council meeting commencing at 1pm on 1 May 2025.

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 Delivery Program 2025-2029, draft Operational Plan 2025-2026, draft Revenue Policy 2025-2026, draft Fees and Charges 2025-2026, draft Long-Term Financial Plan 2025-2035 will not be ready for the 17 April 2025 Council meeting.

Scheduling an extraordinary meeting on 1 May 2025 for Council to consider placing draft Integrated Planning and Reporting documents on public exhibition for 28 days will allow an additional two weeks for document preparation. This also means that the public exhibition period will run **from 5 May to 2 June 2025**.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity	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 meeting that the IPR plans will not meet the 30 June 2025 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
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9.3.2 EXTRAORDINARY COUNCIL MEETINGS TO BE SCHEDULED FOR 1 MAY 2025

Current Annualised Net Cost	\$0	
Estimated Annualised Net Cost	\$1,900	Includes time to develop separate agenda and minutes as well as the costs associated with catering and councillors travel claims. No costs of attendees at the meeting are included as the business would otherwise still be undertaken in an ordinary meeting.

The additional cost of the additional extraordinary meetings consisting of time taken to develop the separate agenda and minutes, catering and travel. While there are a larger number of briefing sessions planned it is expected that based on the existing spend there will be sufficient funds to cover these additional meetings.

RESPONSIBLE OFFICER: Coordinator of Strategy Development

OPTIONS CONSIDERED

The option of tabling the draft suite of plans on 17 April 2025 has been considered, and is not possible due to the lengthy document preparation process.

IMPLEMENTATION PLANS

Advice will be provided of the intended meeting and Council's systems set up for the new meeting date.

ATTACHMENTS

Nil

9.3.3 DELIVERY PROGRAM PROGRESS REPORT

Record No: I25/180

OFFICER’S RECOMMENDATION

That Council note the delivery program progress report.

PROJECT DELIVERY

The revised 2022-26 delivery program has 137 projects identified for delivery over the four-year period. In the 2024-2025 financial year up until 31 March, 126 projects were being worked on.

The following chart shows the status against the original plans for the projects to be undertaken. Since the original plans were adopted, variations have been made to due dates and to the scope of projects as issues have arisen.

We are now heading into the final quarter of the 2024-2025 financial year and the number of projects that were identified as being on track or of concern are starting to slip into the status as showing to be off track. Overall, the percentage on track has remained relatively stable, with the main overall movement being actions moving from being of concern into the off track category.

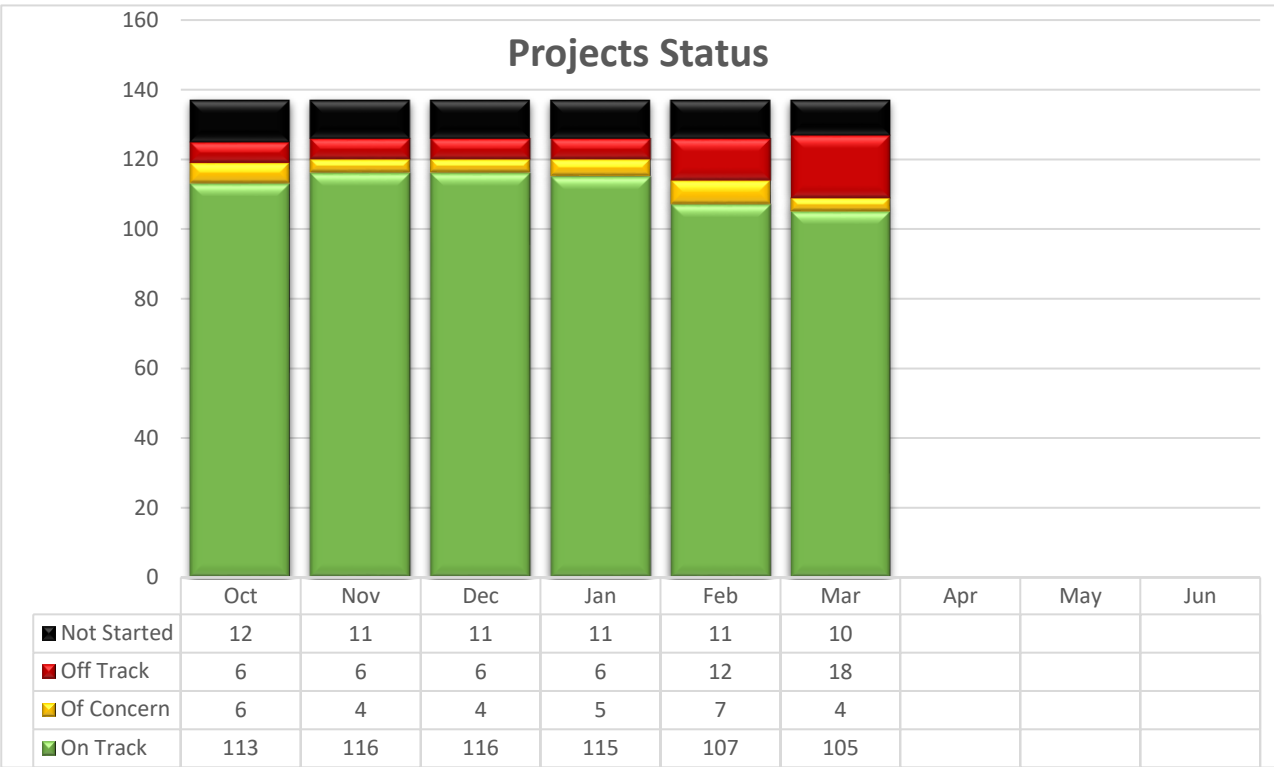


Table 1: Listing of projects identified as off track

Summary of projects currently considered off track to original plans

Jindabyne Town Centre improvements While it will remain off track, work has now

Summary of projects currently considered off track to original plans	
	recommended on undertaking the toilet upgrade works within this suite of works now the extent of likely works funded in the SAP program is known.
Bombala Arts & Innovation Centre Building Upgrade	<p>The grant office has advised that the project failed a viability assessment, and the grant funding has been rescinded.</p> <p>Council has approached the local state member seeking a review of the determination.</p>
Consolidated Development Control Plan (DCP)	As previously reported, this project will remain off track, as the LEP will need to precede this work, in line with best practice. Work is underway to consolidate the existing LEPs to create a single LEP.
Housekeeping Amendments Bombala LEP, Snowy River LEP, Cooma-Monaro LEP	NSW Department Housing and Industry (DPHI) have advised that their preference is to wait until the full consolidated Snowy Monaro LEP is re-drafted. Council is moving forward with the process of developing a new LEP primarily based on combining the existing LEPs.
Development of the new Local Environmental Plan (LEP)	<p>The new LEP will bring three different planning schemes into one. Based on community feedback it is now planned to combine the existing plans into a single LEP which essentially retains the historical land use settings.</p> <p>This project will be pushed out to the 2025-2026 and 2026-2027 years, to be undertaken once the land use strategies that support the LEP are finalised.</p>
Jindabyne Landfill rehabilitation and capping	See separate progress report on this meeting agenda.
Design and construction of a new Resource Recovery Centre to more effectively, efficiently, and sustainably process and transfer waste	This project remains unable to progress due to no source of funding being identified for the long term facility needed. Interim solutions are being put into place until funding can be identified.
Develop a SMRC tourism strategy to support and grow the regions tourism industry to replace Destination Management Plan	Cessation of the economic development services has impacted resources available to deliver within the original timeframe. This will need to be considered as part of the development of the new delivery program.
Develop a framework for policies and procedures to support the organisation	<p>It is expected the framework will be complete by the end of June 2026.</p> <p>Ongoing vacancies in the team mean we are needing to move resources into covering critical gaps, which removed the resources available for this project.</p>

Summary of projects currently considered off track to original plans	
	External resources are now being used to assist in delivery.
Develop a compliance register	The development of a compliance register will be undertaken subject to resourcing. It is unlikely that this task will be completed by the end of the financial year as scheduled due to ongoing vacancies with the Governance team. This will need to be included in consideration for resourcing in the next delivery program.
Risk management practices are administered across the organisation	Extended periods of vacancy in the Risk Management Officer position has impacted significantly on our ability to deliver the right level of service or improve existing systems. The available resources have to be focused on ensuring public liability claims, LEMO support and ARIC support are managed. They are a higher priority than the improvement project.
Land disposal - Wangie Street and North Street	North St subdivision activities are progressing and the Wangie St allotment is being placed on the market.
Rehabilitation of legacy landfill Site – Maffra Old Cooma Tip	<p>This project has now slipped off track, with the planned completion of June 2025 not likely to be achieved.</p> <p>Council staff have meet NSW EPA representatives on site and the proposed remediation plan is currently under review by the EPA.</p>
Rehabilitation of legacy landfill Site – Old Dry Plains Rd	<p>This project has now slipped off track, with the planned completion of June 2025 not likely to be achieved.</p> <p>A capping and closure plan has been received, with Council and NSW EPA reviewing the proposed works.</p>
Jindabyne sewer reconstruction (Clyde St and Kosciuszko Rd)	This project will now be deferred. Tender submissions received are over budget. Risk mitigation is being undertaken to allow the works to be scheduled within SAP project network changes, which will allow the works to be undertaken within available funds.
East Jindabyne booster reservoirs	Works have been designed, but at this stage the project is considered off track, due to timeframes exceeding the original project plans.
Construction of new access road segment EOC Polo Flat, Cooma	Tenders are currently being reviewed for the works. The project timeframe is behind schedule and is likely not to be completed until the next delivery program.
Provide Support to Develop	A grant was applied for through Regional Precincts

Summary of projects currently considered off track to original plans

Showground Management Master Plans	Partnerships (RPP); however, Council has been advised the grant application is unsuccessful. As a result, the project will not proceed unless funding is found.
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SERVICE DELIVERY

Project: Towards Excellence Program

Status: Of Concern

Annual works and services plan information is being assessed to determine the services that can be provided with the available resources to inform the delivery program. This works is unlikely to be able to be fully completed in time to develop the draft delivery program. What information is available will be utilised.

Assessment of the annual services plan (ASP) information that has been developed will be used to determine the strategies needed to undertake the organisational transformation that the service reviews (that led to the current body of works that is being undertaken) identified as being needed. This will provide a clearer determination of what services the Council provides, making it easier to assess the performance of the organisation in providing the agreed service mix to the community.

The It will also be used to look at how the services are being delivered to identify the ways in which the target of at least \$1million in efficiency savings can be delivered.

Assessment of the tender for software tools to support the new way of working is being finalised. This will lead to further consideration of the relative merits of the offers and a decision on the direction on software to support work planning, scheduling and monitoring and managing employees.

Project: Bombala Water Treatment Plant Completion

Status: Completed

Work is now complete on Bombala's new water treatment plant. This infrastructure project was entirely funded by the NSW Government under the Safe and Secure Water Program.

Incorporating the latest water treatment technology, the new plant employs automated testing and safety mechanisms to monitor water quality in real time. These systems alert technicians on-site to any potential problems, which can then be resolved quickly and without any disruption to the water supply.

Treated water quality from the new plant passed extended preliminary testing and two separate final supply trials earlier this year to confirm, prior to the final switch-over from the old plant, that each treatment stage was functioning as intended.

The major project has secured a safe, modern, and reliable drinking water supply for Bombala with Council delivering the project within the planned timeframe and within budget.

9.3.3 DELIVERY PROGRAM PROGRESS REPORT

Photograph 1: Bombala Water Treatment Plant



Project: Resealing Program

Status: On Track

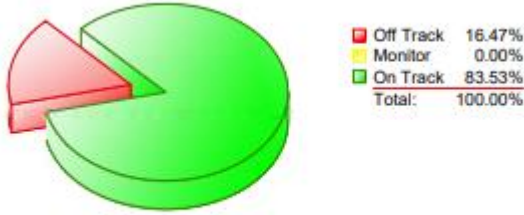
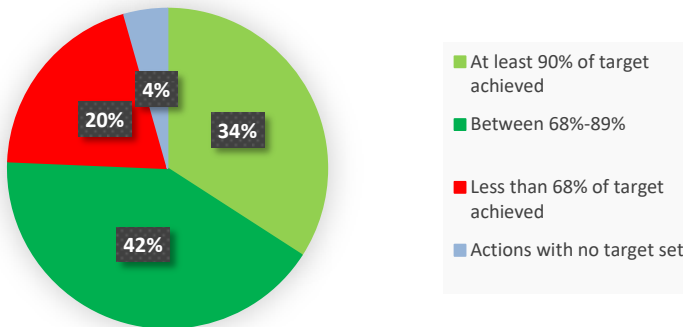
Council's 2024-2025 re-sealing program is currently underway. Throughout March, the following roads have had segments completed:

- Eucumbene Rd (segments)
- Avonside Road (segments)
- Braemar Bay Road (segment)
- Dalgety Road (segments)
- Kosciuszko Road (segments)

The resealing program is on track and within budget and will see much needed renewal of some of our streets and roads.

9.3.3 DELIVERY PROGRAM PROGRESS REPORT

KEY PERFORMANCE INDICATORS

Progress	Actual	Target	Commentary
<p>% KPI's on target</p>  <p>Off Track 16.47% Monitor 0.00% On Track 83.53% Total: 100.00%</p>	83.53 %	75%	<p>KPI's Needing work</p> <ul style="list-style-type: none"> <15 water main breaks per 100km of water main/year <20 repairs and chokes per 100km/year
<p>Activities and Projects 2022-2026 Delivery Program - Progress to Date</p>  <p>At least 90% of target achieved Between 68%-89% Less than 68% of target achieved Actions with no target set</p>	77.00 %	68.00%	<p>Council is 33 months into a 48-month delivery program. We are tracking ahead of the calculated progress target of 68.00% to this point with our principal activities and commenced projects. There are still some projects that are yet to commence.</p>

Performance Measures	Period	Unit	Target	Actual	Comment
<15 water main breaks per 100km of water main/year	Month	#	4.00	3.00	For the month of March 3 water main breaks were attended to. 55 % of water main breaks were attributed to NBN contractors damaging the main.
<20 repairs and chokes per 100km/year	Month	#	4.00	7.00	For the month of March 80% of chokes were attributed to non-flushable items blocking the main. 15% of chokes were attributed to tree roots growing within mains.

RESPONSIBLE OFFICER: Coordinator Strategy Development.

ATTACHMENTS

9.3.3 DELIVERY PROGRAM PROGRESS REPORT

1. Delivery Program Progress Report (*Under Separate Cover*)

9.5.1 SETTLEMENT OF CLAIMS - SNOWY RESERVOIR COLLAPSE - STATUS REPORT

Record No: I25/178

OFFICER'S RECOMMENDATION

That Council note the April 2025 Settlement of Claims - Snowy Reservoir Collapse - Status Report

This is an information only report.

EXECUTIVE SUMMARY

As per the motion carried in the Extraordinary Meeting dated Friday, 24 January 2025.

COUNCIL RESOLUTION

11/25

That Council receive confidential monthly reports detailing the progress of all outstanding claims in relation to the water reservoir failure including any potential financial implications, and that the council take all steps within its authority to ensure the fair and timely resolution of these claims.

Moved Councillor Rose

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Elliott, Deputy Mayor Hopkins, Councillor Rooney, Councillor Rose, Councillor Stewart, Councillor Williamson and Councillor Thaler.

Councillors Against: Councillor Davis, Councillor Higgins and Councillor Summers.

STATUS REPORT

The current status of the only outstanding claim is as follows:

Property	Nature of Claim	Status	Action
Nimby Close Cooma	Property Damage	<p>Revised claim dated 16 April 2024.</p> <p>Mills Oakey have confirmed they will advise the claimant and their representative they are acting on behalf of Council and Statewide Mutual in relation to the claim.</p>	<ul style="list-style-type: none">• 08/1/2025: Email update to claimant & representative• 09/1/2025: Email update to claimant & representative• 10/1/2025: Email update to claimant & representative• 17/1/2025: Email update to claimant & representative• 30/1/2025: Email update to claimant & representative• 11/2/2025: CEO discussion with Statewide & Mills Oakley Lawyers (for Statewide) confirming the most recent claim is still under assessment• 26/2/2025: CEO follow-up email to Mills Oakley Lawyers. Matter still with Statewide.• 12/3/2025: CEO follow-up email to Mills Oakley Lawyers.• 13/3/2025: Email update to claimant & representative• 18/3/2025: CEO email exchange with claimant's representative who was seeking clarification of insurance coverage and role of Mills Oakley Lawyers.• 1/4/2025: Email from claimant's representative to Mayor

9.5.1 SETTLEMENT OF CLAIMS - SNOWY RESERVOIR COLLAPSE - STATUS REPORT

			<p>Hanna seeking advice on insurance coverage for claimant.</p> <ul style="list-style-type: none">• 1/4/2025: Email from CEO to claimant's representative in response to email to Mayor Hanna regarding insurance coverage.• 8/4/2025: Written advice received from Mills Oakley confirming they will advise the claimant and their representative that they are acting on behalf of Council and Statewide Mutual in relation to the claim
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Whilst the Council resolution calls for confidential monthly reports, there is nothing in this report that warrants it being confidential under s10A of the Local Government Act.

RESPONSIBLE OFFICER: Chief Executive Officer

ATTACHMENTS

Nil

9.5.2 RESOLUTION ACTION SHEET UPDATES

Record No: I25/271

OFFICER'S RECOMMENDATION

That Council note Resolution Action Sheet Updates.

This is an information only report.

EXECUTIVE SUMMARY

In order to provide councillors with updates on resolutions of Council, a report has been generated with a summary of actions that are current.

As discussed at the Council's Extraordinary Meeting on 3 April 2025, a detailed review of all listed outstanding actions ahead of finalising the 2025/26 Delivery Program & Operational Plan (DPOP) to ensure:

1. All continuing actions are included in the 2025/26 DPOP
2. The closure of any Actions where it is agreed no further action is required.

Progress on this review will be reported to Council at the May 2025 Council Meeting.

RESPONSIBLE OFFICER: Chief Strategy Officer

ATTACHMENTS

1. Resolution Action Sheet Updates (*Under Separate Cover*)

10.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: I25/177

OFFICER'S RECOMMENDATION

That Council receive the minutes of the:

- i. Bombala Exhibition Ground Management Committee - Meeting Held 12 February 2025
- ii. Open Spaces and Recreational Facilities Committee - Meeting Held 11 March 2025

BACKGROUND

Minutes of the meetings received in March and April 2025 are included for notation by Council.

ATTACHMENTS

1. Minutes - Bombala Exhibition Ground Management Committee - Minutes of Meeting Held 12 February 2025 (*Under Separate Cover*)
 2. Minutes - Open Spaces and Recreational Facilities Committee - Meeting Held 11 March 2025 (*Under Separate Cover*)
-

11.1 ASSESSING COUNCIL'S INSURANCE ARRANGEMENTS

Record No: I25/231

Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

- A. Establish a committee of council to consider the adequacy, cost and risk of council's current insurance arrangements.
- B. Direct the committee to provide a report to the full council as to its findings and recommendations by 30 April 2025.
- C. Appoint Councillors Williamson, Rose and Deputy Mayor Hopkins to the committee.

RESPONSIBLE COUNCILLOR: Cr Williamson

BACKGROUND

Councillors should consider the answers to the questions on notice provided at the December 2024 Ordinary Council Meeting, and the Questions on Notice asked at this February 2025 meeting.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Council is currently part of a mutual insurance scheme. Part of the services of that mutual is that a team of qualified and experienced people with strong knowledge of the insurance market and local government insurance trends who assess the needs of the members and provided advice to the Council.

Providing the required training to allow the councillors on this committee to understand the complexities of the insurance needs and to be able to determine the matters within the committee scope will require a significant investment of resources and time in a short period.

Any councillors concerns regarding the adequacy, cost and risk of council's current insurance arrangements should be referred to the CEO for investigation and advice in response.

ATTACHMENTS

Nil

11.2 NEW RURAL FIRE SERVICES HEADQUARTERS

Record No: I25/232

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That:

- A. A report be provided to council detailing the current status of the of proposed new Rural Fires Service Headquarters to be constructed at Polo Flat
- B. The cost projections of the project, including the (now over-run) cost of the electrical services connection.
- C. The Chief Executive Officer provide, without limitation:
 - (a) The contract, if any, or agreement between SMRC and NSW RFS
 - (b) Any document or agreement that sets out the ownership of the facility and obligations as to operational costs
 - (c) The expected insurance cost projected insurance needs (noting the proposed helicopter maintenance hanger)
 - (d) Details of the expected rent and income from this facility
 - (e) Details of the annual funding to be provided to SMRC from the Crown, in right of New South Wales.
 - (f) Status of the current 'construction' progress and where we can view this actual construction.
 - (g) The net proceeds from the sale of the tied land at Leesville; Net of all development and planning costs.
 - (h) The cost of the electrical kiosk substation installation now required for the site.
 - (i) The CEO certify in writing that the Council will not be required to pay for any hydrocarbon fuel/s used at this site.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

The following resolution was adopted by Council in relation to this project.

9.4.2 CONSTRUCTION OF NSW RURAL FIRE SERVICE EMERGENCY OPERATIONS CENTRE IN COOMA - LAND ACQUISITION AND ACCESS CONSTRUCTION

Record No: I22/522

COUNCIL RESOLUTION

217/22

That Council

- A. Enter into an agreement with Snowy Hydro Limited (SHL) to enable progression of the future construction of an Emergency Operations Centre (EOC) on the land adjacent to Council's current holding of Lot 1 DP 832813; the key agreement elements being:
 - i) Council to secure the land required to achieve legal & practical access to the intended EOC location via Geebung Street COOMA, through subdivision (boundary adjustment) by negotiation with the neighbouring landholder (Lot 2 DP 832813);
 - ii) Council to construct suitable access road segment through to the intended SHL boundary, enabling access to both the future EOC site and reaching the boundary of SHL's residual landholding (indicative access path as per the report image);
 - iii) Council to action the development approval process in relation to the specified access road segment;
 - iv) SHL to transfer to Council approximately 2 hectares of land (part of SHL owned Lot 14 DP 250029) upon completion of the access road segment referred to in A ii).
- B. Proceed with the subdivision (boundary adjustment) actions as necessary in order to deliver the new access road segment as identified in A ii);
- C. Classify any land acquired, for both the new public access road segment and the intended gifted transfer from SHL of 2 Ha of land (part of Lot 14 DP 250029) related to the EOC construction in the Polo Flat area of Cooma, as operational land in accordance with *the Local Government Act 1993*;
- D. Add the construction of the new access road segment for the EOC in Polo Flat area of Cooma to the capital works program within Council's 2022-2026 Delivery Program and 2022-2023 Operational Plan;
- E. Assign a budget of \$500,000 (capital project), with understanding that revenue from the intended land sale of Stage 3D Leesville Industrial Estate will provide the corresponding cost offset (linkage to Resolution 154/21 activities);
- F. Note that the other costs associated with the development and construction of the EOC will be borne by the NSW Rural Fire Service.

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

Councillors For: Councillor Beer, Mayor Davis, Councillor Hanna, Deputy Mayor Higgins, Councillor Hopkins, Councillor Johnson, Councillor Stewart and Councillor Summers.

Councillors Against: Councillor Frolich.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Project status reports are provided on a monthly basis in the delivery program report. Any report will simply cover the same information.

Council is only funding the connecting road, with the budget included in the current Delivery Program (Page 53), set at \$500,000. If that requires changing a report will come to Council. Council

would need to seek information from the Rural Fire Service on the cost of the project they are undertaking.

Irrespective of any resolution of Council, the CEO/General Manager is still bound by legislation and any limitations that puts into place on the release of information.

Council is provided funding each year towards the cost of fire control centres and maintenance and repair of the appliances. In the allocation Council is provided with one overall number, which for this year is \$448,502.21.

Construction of the access road is at Geebung Road, Polo Flat. That is where construction of the road by Council will occur. Councillors are reminded that they should not be entering council worksites nor should they, under the code of conduct, be approaching Council's contractors or staff (other than nominated contact staff).

Two blocks remain to be sold. There is sufficient profit from the sale of the first two blocks (as councillors were advised in the last few weeks) to fund the entry road construction.

As advised to the councillors, the electrical substation is not part of Council's contribution. It is part of the development of the building, not the access road. Council would need to seek this information from the Rural Fire Service as they are constructing the headquarters.

The CEO will not be able to certify that Council will not pay for any fuels used at the site. The Rural Fires service provides services to Council to meet its legislative requirements (see below). The situation will be no different than is currently the case. If the concern is the helipad, the RFS pays expenses for the air fleet directly, those costs are not part of Council's operations.

63 Duties of public authorities and owners and occupiers of land to prevent bush fires

- (1) It is the duty of a public authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of a bush fire on or from--
 - (a) any land vested in or under its control or management, or
 - (b) any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.
- (2) It is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land.
- (3) A public authority or owner or occupier is liable for the costs incurred by it in performing the duty imposed by this section.**
- (4) The Bush Fire Co-ordinating Committee may advise a person on whom a duty is imposed by this section of any steps (whether or not included in a bush fire risk management plan) that are necessary for the proper performance of the duty.
- (5) In this section—

"notified steps" means--

- (a) any steps that the Bush Fire Co-ordinating Committee advises a person to take under subsection (4), or
-

- (b) any steps that are included in a bush fire risk management plan applying to the land.

ATTACHMENTS

Nil

11.3 QUESTIONS TAKEN ON NOTICE

Record No: I25/233

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That:

- A. Any questions taken on notice by staff or the executive must be answered within 30 days and where needed 60 days as a maximum.
- B. If a question is not able to be answered, it must be recorded in the minutes that it was not able to be answered.
- C. All questions taken on notice must be recorded in the meeting minutes and noted as such.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

It is common for staff or officers of this council to take on questions from councillors in council meetings 'on-notice'.

However, we now see that there is no effort made to bring a timely answer or even an answer at all.

In my experience, I asked questions in the November 2024 Council meeting held in Jindabyne, where my questions were 'taken on notice' by the then acting GM Mr Rawlings

We find ourselves now some three months later there has been no answer provided to those questions, nor is there any indication of when they might be answered.

An answer provided at such a late time loses its relevance and becomes a waste of everybody's time.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Part C of the motion is a change to the Code of Meeting Practice. As such the decision cannot be made to make this change, until the process for changing the Code has been followed.

ATTACHMENTS

Nil

11.4 END ALL COVID RESTRICTIONS

Record No: I25/234

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. End all Covid restrictions and directions across the entire LGA.
2. End all Covid mandates and requirements.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

Covid is over.

Finished.

SMRC retains a number of public sites and council work locations where Covid direction signs and paraphernalia remain which cause confusion and misdirection to the public, and importantly to staff.

As all mandates and work-related requirements have now ended, or they have been removed, it is time for SMRC to remove this material and stop promulgating the Covid agenda.

SMRC must not coerce, force, or cajole people into an untested, un-scientific medical conscription (substance injection) where the risks are poorly understood and have now been proven to be quite dire.

Those in our community who refused to be medially conscripted must not be further victimised, bullied, or sidelined.

We must bring the community back together.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Covid has not finished, it has now become an ongoing virus and is still causing issues among Council's workforce, the same as other viruses do. The nature of viruses does sometimes require measures within parts of our service delivery that impact on vulnerable members of the community or for ensuring continued operation of critical services. This is no different to the flu virus. Signage or information that is no longer required can be reviewed and removed.

ATTACHMENTS

Nil

11.4 END ALL COVID RESTRICTIONS

11.5 INSPECT AND PROVIDE A REPORT IN RELATION TO 32 WOLFE STREET NIMMITABEL.

Record No: I25/235

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Inspect and Provide a report in to the non-conformance/non-compliance of Development Consents, Building Codes, Fire Codes, fencing laws et al, at 32 Wolfe St Nimmitabel.
2. Direct the occupants of 32 Wolfe St to bring their property into compliance immediately.
3. Direct the occupants of 32 Wolfe St to immediately remove all unauthorised structures and things.

RESPONSIBLE COUNCILLOR: Cr Thaler

BACKGROUND

The occupants of 32 Wolfe St have erected uncontrolled structures, a 40 foot shipping container, a 40 foot transportable site-shed, walls, roller doors, roofs, flood lights, CCTV cameras and the like across a large part of the property.

The property is a veritable eye-sore and a fire hazard. There is an automotive repair shop and a large number of vehicles stored upon the site, in various states of disrepair.

The metal shipping container was placed without a consent.

The site-shed was placed upon a pile of pallets and inhabited without a consent.

There is a large portion of the property covered in unapproved metal roofing, in an extremely haphazard way such that there is a great deal of flapping in the wind and upon many occasions the occupant is observed trying to secure the roof sheets during wind events. This noisy work is conducted at all hours, and well outside noise limits and time restrictions.

This non-conformance has been repeatedly observed by council staff, the former CEO Mr Peter Bascomb, the former COO Mr Jeff Morgan and the Former Mayor Narelle Davis who ALL promised to order compliance and rectification. yet nothing has happened in many years now. The locals in the street and village have asked me to 'call time' on this mess.

The Nimmitabel Pre-school is the immediate neighbour and the Anglican Church shares the same fence line. There is an acute snake and vermin risk, and the visual pollution of this site does not sit well against the gardens and setting of the historic Anglican church. Our kids deserve to be safe while at school.

The site is covered in CCTV cameras which further adds to the sinister and dodgy appearance of this property, and council should have acted to restrain the occupants from their unapproved and illegal endeavours.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The Built & Natural Environment team have provided the following advice in relation to this matter;

- Council has no record of any compliance matters at the subject property
- Council has not engaged in any inspections or the like on the subject property, despite said claims
- Metal shipping containers do require formal approval, as they are not exempt. The other matters raised would require an inspection to ascertain their legality, and whether they would warrant any further action
- Council does not administer the installation of CCTV Cameras.

This matter could be dealt with via a compliance matter, where the complainant can put into writing their concerns, and Council would investigate in accordance with the enforcement policy.

ATTACHMENTS

Nil

11.6 RESIDENTIAL OCCUPATION OF CARAVAN SITES

Record No: I25/236

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Evict the permanent resident from Nimmitabel Caravan park immediately.
2. Restrict or prevent the erection of permanent structures on council caravan parks
3. Charge the current permanent resident for their full use of the caravan park-
 - a. Use of multiple sites
 - b. Use of electricity
 - c. Use of amenities

RESPONSIBLE COUNCILLOR: Cr Thaler

BACKGROUND

It is not allowable nor is it permissible under NSW law for permanent residential occupation of Caravan sites.

In the Nimmitabel Caravan site there is now, a permanent resident, in an erected structure that does not sit upon its wheels as caravans do.

While this structure is purported to be able to be towed, it does not look like it conforms to the Australian Design Rules for road vehicles, nor does it appear to be registered. The occupant of this structure has erected a ramp, garden shed and the structure sits upon a series of poles.

The resident has enjoyed free and unfettered use of the public amenities, the free site electricity and more importantly, the structure has been erected across multiple overnight-caravan sites thereby permanently depriving other users of this facility.

Council must not be used, and abused, and must not provide subsidies to people who try to live as cheaply as possible in our caravan parks.

If other caravan park providers in our shire area MUST abide by the regulations and NSW Laws, then so too must this council abide by those same rules as the Model Citizen.

There is a strict time-limit and maximum allowable time for a short-term stay in a caravan park, around 180 days maximum, and this occupant has exceeded this time as of March 2025.

CHIEF EXECUTIVE OFFICER'S RESPONSE

It is assumed that the intent of the motion is for retrospective charging to occur for the utilisation of the sites. While this would be legal, it is considered likely that the Council would find that it would not be able to enforce the charges at Court, due to Council being deemed to have been aware of the use and not having taken action to charge as appropriate.

ATTACHMENTS

Nil

11.7 SMRC DEVELOPS AND ADOPTS A ROAD STRATEGY BASED ON THE FINDINGS OF THE CONDITION ASSESSMENT AND STRATEGIC ANALYSIS OF ROAD NETWORK.

11.7 SMRC DEVELOPS AND ADOPTS A ROAD STRATEGY BASED ON THE FINDINGS OF THE CONDITION ASSESSMENT AND STRATEGIC ANALYSIS OF ROAD NETWORK.

Record No: I25/238

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

As part of its planning for the 2026 Delivery and Operational Plan, the Snowy Monaro Regional Council develops and adopts a road strategy based on the findings of the recent Condition Assessment and Strategic Analysis of the Road Network conducted by *Damage Control Project Management Pty Ltd*.

The strategy should be grounded in a comprehensive road needs analysis and include, but not be limited to:

- a) A structured road maintenance priority system for routine maintenance, including bitumen reseals and gravel re-sheeting;
- b) A prioritization framework for heavy patching requirements, with an annually reviewed program for repairs;
- c) A structured bridge and culvert replacement/repair priority system, ensuring critical infrastructure is maintained proactively;
- d) A systematic approach to road safety enhancements, including the installation and replacement of protective fencing, guardrails, and other necessary safety feature;
- e) A prioritization system for the expansion of the sealed road network, based on condition ratings, traffic volume, and long-term economic viability.

RESPONSIBLE COUNCILLOR: Cr Rose

BACKGROUND

The maintenance and improvement of the road network form a significant portion of the council's budget and is one of the areas of great dissatisfaction within the local community. Given the extensive geographic area of the Snowy Monaro region and the relatively small ratepayer base, council must implement a strategic and systematised approach to road funding and prioritization to ensure efficient allocation of resources.

Currently, the council's road maintenance and improvement initiatives appear to be largely reactive rather than proactive. Without a structured and council-approved strategy, decision-

11.7 SMRC DEVELOPS AND ADOPTS A ROAD STRATEGY BASED ON THE FINDINGS OF THE CONDITION ASSESSMENT AND STRATEGIC ANALYSIS OF ROAD NETWORK.

making on road repairs, maintenance, and upgrades can be inconsistent, potentially leading to inefficiencies and funding shortfalls.

To maximize the benefits of available funding, including state and federal grants, council needs a well-defined and data-driven priority system. An adopted strategy will provide clear guidelines for staff and decision-makers, ensuring that maintenance, safety upgrades, and infrastructure extensions are undertaken in a transparent, accountable, and financially sustainable manner.

By adopting this strategy, the council can:

- Enhance the long-term sustainability of the road network.
- Ensure efficient use of limited financial resources.
- Provide a structured framework for securing and utilising grant funding.
- Improve public confidence in the council's road management processes.

A proactive and strategic approach will enable the council to serve the community's needs better while optimising available road network maintenance and development resources.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Cr Rose has developed a report based on information provided to councillors in workshops which as advised at the time was preliminary information pending further workshops to be held to take councillors through the findings of the review of the condition of the road network and what is seen as required over the next ten years to manage the network.

The proper management of the road network is a highly technical process. Based on the information currently available, the strategy proposed in the Motion is likely to result in higher cost of maintaining the road network over the longer term. The proposed strategy focuses on certain aspects of the network, which will distort the allocation of funding to the most effective areas of need. While it is agreed that there is a need for the road network to be prioritised around spending on parts of the network at the right time, the strategy proposed above will not achieve that goal for the entire network.

It is recommended that councillors wait until they are fully informed on the situation before making a decision on a strategic approach. At that time the Council can consider an asset management strategy based on the data underpinning the needs to manage the assets.

The strategy also proposes an increase in service levels that has not been assessed through the Council's framework. The strategy creates unclear direction as to the extent of the service level being proposed and as such will create high expectations. Meeting those expectations will be costly.

From a broader perspective, this Motion appears as an attempt to circumvent the integrated strategic planning process required under the local government act, by seeking to pursue particular policies and approaches before the governing body is fully informed of all the challenges facing the Council. This is not considered good governance practices. Ad-hoc decision making can lead to Council committing to projects and priorities that will have significant impacts on the community through the cuts to other services that may later be required to incorporate the projects or service levels the Council has resolved to include.

ATTACHMENTS

- 11.7 SMRC DEVELOPS AND ADOPTS A ROAD STRATEGY BASED ON THE FINDINGS OF THE CONDITION ASSESSMENT AND STRATEGIC ANALYSIS OF ROAD NETWORK.
-

Nil

11.8 PLANT AND EQUIPMENT UTILIZATION REPORT

Record No: I25/239

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That the CEO provide a report to Council, before the finalisation of planning discussions for the Community Strategic Plan (CSP) and Integrated Planning and Reporting (IPR) documents, detailing plant and motor vehicle utilisation for the financial year up to and including February 2025.

The report should include, but not be limited to, the following details:

- a) Plant/vehicle description, including plant number;
- b) Date of purchase;
- c) Purchase price;
- d) The council operational area is where the vehicle/plant is employed;
- e) Odometer or hours reading at the start and end of the reporting period;
- f) Percentage utilisation for the period compared to the optimal utilisation;
- g) Maintenance and operating costs per hour/kilometre;
- h) The proposed replacement date for the vehicle/plant item;
- i) Depreciation applicable for the financial year;
- j) Proposed vehicle/plant purchases for the 2025/26 financial year; and
- k) Expected balance of the Fleet Fund for the 2025/26 financial year.

RESPONSIBLE COUNCILLOR: Cr Reuben.

BACKGROUND

The Fleet Fund is designed as a self-sustaining mechanism. Income generated from plant hire and kilometre charges is credited to the fund and used to maintain and replace plant items and motor vehicles.

As custodians of the council's financial sustainability, councillors must comprehensively understand the Fleet Fund's income and expenditure. A detailed utilisation report will enable informed decision-making on:

- The effectiveness of current plant and vehicle usage.
- The cost-efficiency of maintaining versus replacing assets.

- The adequacy of the Fleet Fund in sustaining ongoing operational and capital needs.
- The alignment of fleet procurement with service delivery demands.

Ensuring the council's plant and equipment are utilised efficiently will contribute to cost savings, improved service delivery, and long-term financial planning. A transparent and data-driven approach will also provide accountability and strategic oversight of council assets.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The information requested is not required by councillors prior to determining the delivery program and operational plan. The governing body determine the principle activities that are to be carried out for the coming four years. This is not determined by the existing fleet. Once the decisions are made on the services to be provided it is then the function of the CEO to determine how to carry out the directions provided by the councillors. As advised to the councillors at the recent workshop, once the governing body determines the services and service levels a process will begin to determine the optimal mix of fleet required to meet the service levels funded within the delivery program.

The councillor's role does not include the management of the individual fleet and plant resources and decisions on the level and type of plant to be held, which is the only purpose data on individual fleet items and much of the information requested is used for.

As advised to the councillors, staff will be managing the utilisation of fleet against the Institute of Public Works Engineering Australasia (IPWEA) guidelines. Within this process there is also a need to then determine whether there are operational situations that warrant variations from those guidelines. Consideration also has to be given to the relative cost of internal provision of fleet and contracting in. This costing also plays a part in determining the optimisation of the operations of the fleet. There are many operational factors that come into play in what fleet is held and how long for.

ATTACHMENTS

Nil

11.9 REVIEW INTO COST-EFFECTIVENESS OF VISITOR INFORMATION CENTRES

Record No: I25/240

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council include in its draft 2026 Delivery and Operational Plan a process to conduct a formal review process to assess the cost-effectiveness of the Visitor Information Centres (VICs) in Cooma and Bombala. This review should evaluate whether the current funding allocation provides the best return on investment for tourism support. The review should also explore alternative strategies to enhance visitor engagement and regional tourism growth.

RESPONSIBLE COUNCILLOR: Cr Rose

BACKGROUND

Ensuring that the Council invests in the most effective tourism support strategies is essential for maximising economic benefits in our region. Tourism is our area's No. 1 economic driver, and we must maximise the Council's investment in this critical area for regional prosperity. Recent consultation with senior tourism leaders in the Snowy Monaro region has suggested that the visitor centres in Cooma and Bombala are not cost-effective in delivering benefits for the area in a digital age.

Given the low visitation numbers, changing tourist behaviour, and the significant costs of maintaining the Cooma and Bombala Visitor Information Centres (VICs), a review is necessary. Notably, the Eurobodalla Shire closed their visitor information centres in 2021 because of low visitor use. The *About Regional* magazine (<https://aboutregional.com.au/eurobodalla-to-close-visitor-information-centres-in-favour-of-online-resources/367208/>) noted on 17 January 2021 that:

"Eurobodalla Shire Council will close the visitor information centres in Batemans Bay and Narooma after a review of their services concluded less than 10 per cent of visitors use them. Services will now be provided online via the Eurobodalla Coast Tourism [website](#)."

There is a long-overdue need for the Snowy Monaro to review our VICs similarly.

Here are a few of the background issues associated with the need for this review:

1. Low Utilization of Current Visitor Centres

The Cooma VIC is located in an area with limited parking, making it inconvenient for passing tourists, particularly those with caravans or large recreational vehicles. Additionally, visitors already have an alternative at the Snowy Hydro Discovery Centre, which offers tourism information alongside a well-established attraction. There also is a wonderful visitor information centre at the National Parks building in Jindabyne.

The Bombala VIC sees even fewer visitors, raising concerns about its effectiveness in reaching and assisting tourists. Bombala needs to be put on the tourist map in our region, and digital tools could help tourists discover this hidden gem.

2. Shift to Digital Information Sources

Most travellers now rely on websites, apps, and social media for trip planning and real-time information, reducing the need for traditional, in-person visitor centres. Many regional councils have adapted to this trend by shifting funds toward digital tourism campaigns, self-service kiosks, and improved signage, offering tourists more accessible and flexible ways to obtain information.

3. Strategic Reallocation of Funds

The current VICs require several hundred thousand dollars in operational costs—funds that could be redeployed into tourism initiatives where there will be more impact. Alternative investments could include digital marketing to attract visitors, enhancing local tourism infrastructure, working with the industry to grow product, improving wayfinding signage, or supporting events and partnerships that drive economic benefits for local businesses. By reallocating resources to modern, high-impact strategies, the Council can ensure a better return on investment and more substantial support for the region's tourism industry.

This motion does not assume the closure of VICs but calls for a **data-driven evaluation** to ensure that the Council's tourism funding aligns with modern visitor needs and delivers the most significant benefit to the Snowy Monaro region.

CHIEF EXECUTIVE OFFICER'S RESPONSE

A project was initiated early in 2025 to review services provided by our visitor centres. This project is in its early stages and the project team has had one meeting.

It is worth noting that in mid-2024, SMRC's economic development team was made redundant. A key function of that team was development of tourism strategies and initiatives. This functionality has not been replaced or resourced.

ATTACHMENTS

Nil

11.10 ORDINARY MEETING LOCATIONS

Record No: I25/241

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That the Snowy Monaro Regional Council holds all its regular council meetings in the Cooma Council Chambers.

RESPONSIBLE COUNCILLOR: Cr Rose

BACKGROUND

To ensure accessibility for residents across the region, the Council previously decided to hold meetings in Jindabyne and Bombala, in addition to Cooma. While well-intentioned, the logistical and financial burden of moving meetings outside Cooma is challenging and stressful for IT staff.

The council is mandated to livestream all meetings, and transporting audio visual equipment, setting it up, and troubleshooting technical issues at remote locations requires significant staff time and resources. This process incurs substantial costs and operational challenges that outweigh the benefits.

By holding all regular meetings in the Cooma Council Chambers—where permanent, high-quality audio visual and broadcasting infrastructure is in place—the Council can ensure reliable access for all residents via livestream while significantly reducing costs and logistical strain. This decision would enhance efficiency, free up resources for essential services, and maintain transparency without compromising public engagement.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The cost of holding the meetings at alternative locations is estimated to be in the range of \$15,000 to \$20,000 per annum. Staff have not taken counts of the number of people attending the meetings, but only a small number of people attend and where larger groups of people are attending, they are often travelling from other locations based on the items on the agenda (generally development related).

ATTACHMENTS

Nil

11.11 INTERNAL AND INDEPENDANT AUDIT INTO COMPLAINTS RELATED TO LOT 1 OLD DRY PLAINS ROAD, COOMA

Record No: I25/243

Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That the Audit, Risk & Improvement Committee be requested to consider undertaking an independent audit into:

- A. the quality and completeness of the investigation, and whether reporting other agencies occurred, related to complaints of activities occurring without consent, or contrary to consent, in related Lot 1 Old Dry Plains Road, Cooma;
- B. whether the appropriate governance measure were adopted to ensure integrity of the investigation.
- C. whether Council's environmental compliance unit and investigators were involved in the investigation.

RESPONSIBLE COUNCILLOR: Cr Williamson

BACKGROUND

In the 2024 election, Mayor Hanna and Deputy Mayor Hopkins were in the same electoral group as the former councillor whose construction was subject to the complaint.

This construction was subject to a complaint alleging use of waste concrete as a fill, unapproved excavation and clearing. The complaint apparently included video and photographic evidence supporting the claims. Other members of the community have raised their observations of large number of trucks entering the site.

When the matter was reported, Clr Williamson and Frolich escalated the matter to the CEO David Hogan who committed to ensuring the matter would be investigated independently, thoroughly , and that a report would be provided to councillors. No such report has been provided and members of the community remain concerned that the matter has not been addressed.

CHIEF EXECUTIVE OFFICER'S RESPONSE

RESPONSIBLE COUNCILLOR: Cr Williamson

BACKGROUND

CHIEF EXECUTIVE OFFICER'S RESPONSE

The application was lodged by an architect (Hugh Gordon Architects) on behalf of the owners (Mr P & Mrs K Johnson).

The relevant page on the application tracker on our website is here:

<https://masterview.snowymonaro.nsw.gov.au/application/ApplicationDetails/010.2022.00000223.001/>

Report to the Council meeting of 21 July 2022 (Item 8.2) also lists the applicant and owners' names as part of the report.

Councillors Hanna, Davis, and Hopkins all declared conflicts of interest in the determination of the item, listed under section 5 of the minutes of the 21 July 2022 Council meeting. They had nothing to do with the 'lodging' of the application.

The Audit Risk and Improvement Committee (ARIC) have determined a schedule of internal audits to be undertaken and these are being conducted in combination with audits of other councils. Resolving to undertake this audit will either require the other internal audits to be taken out of the schedule determined by ARIC or for additional resources to be allocated to undertaking this review. Under the Local Government (General) Regulations the CEO is required to ensure that the person exercising the internal audit function has the necessary resources to carry out the function (cl.216Q). This requires that the internal audit has the funding to carry out the audits deemed required by ARIC. As such this will be additional work, which is not allowed for in the current internal audit budget. No funding source has been identified.

ATTACHMENTS

Nil

11.12 FORTNIGHTLY MEETINGS

Record No: I25/244

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Address the NSW Minister of Local Government's PIO concerns (13 of) and meet fortnightly.
2. Provide a situation where one monthly meeting is for planning, operational and related business matters, committee reports and the like.
3. Provide a second situation where the second monthly meeting attends to the 13 issues raised in the Ministers PIO.
4. That the respective fortnightly meetings 'business' not each be exclusive or limited to the points above.
5. The CFO provide a finance report on the unrestricted cash account balance at the PIO focussed monthly meeting.

RESPONSIBLE COUNCILLOR: Cr Thaler

BACKGROUND

The NSW Minister for Local Government has indicated, via 'his' PIO that SMRC meetings are too long.

The community leaders have told me the business papers are too big and cumbersome.

This motion seeks to address this concern by breaking the meeting into fortnightly episodes, to provide councillors the ability to better respond to and regulate the flow of work over each month.

The February ordinary council meeting business paper stretched to over 1400 pages and ran for some 8.5 hours notwithstanding that 11 motions were withdrawn- to economise on time.

The Minister has laid out 13 points of concern, and I recommend we structurally break the monthly meeting into fortnightly meetings to allow focus upon those 13 points. Councillors are already meeting 4 times a month, with most of the ELT (executive Leadership Team) so there is no significant cost to bear beyond some extra livestreaming media and another 'free' lunch platter, with grapes.

By providing this non-exclusive structural break to the agenda, the two main threads of the council business can be more focussed and councillors can be better informed, the debate more succinct and outcomes easily followed.

After all, the Minister is a very busy man and it is quite a job for him to watch 8.5 hours of our meetings, following the Orders of Point, notwithstanding that our meetings now have an immense public appeal and following.

It just makes sense.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Adding a second meeting will not reduce the need for the councillor briefings currently needed to allow provision of information to the councillors leading to the development of the delivery program, which is the reason for the regular sessions.

The process of undertaking fortnightly meeting will increase costs by at least \$40,000 per annum for the generation of the business papers and setup and pack up for the meeting plus the extra time that is expected to come from dealing with business in two meetings instead of one. The actual time in the meetings is only part of the costs. Most of the preparation work required for the current meetings will be effectively doubled. It is expected that the proposed change will result in additional time taken to consider the business, but there is no reasonable way to estimate that cost.

These costs are not allowed for in the current resourcing and no funding source has been identified.

ATTACHMENTS

Nil

11.13 PHOTOS AND COUNCILLOR BIO ON SMRC WEBSITE

Record No: I25/247

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Publicly display photos of the current councillors upon its website, including a group photo.
2. That council provide current contact details for all councillors on its website.
3. That Council provide a short Bio and resume/or LinkedIn link to councillors

RESPONSIBLE COUNCILLOR: Cr Thaler

BACKGROUND

Many organisations are proud of their Directors, Board, Governance team or Executives.

Not so it seems the Snowy Monaro Regional Council.

There is scant detail for the public to contact councillors, or to read any information about the councillors respective backgrounds, experiences or skills.

This motion proposes to address this issue and rectify it.

As a councillor, these are just some of the questions I am routinely asked by the public:

Who are the councillors?

What do they stand for?

What is their background?

Do they have the skills?

How can I contact them?

CHIEF EXECUTIVE OFFICER'S RESPONSE

(**Update:** Since this report was placed in the agenda the photographs have been taken and the website updated.)

Currently, the names and email addresses of councillors are listed on the SMRC website. These details are shared with the councillors' consent, although they may choose not to provide their personal mobile phone numbers. Several efforts have been made to capture councillor photos, including the hiring of a local photographer at the meeting on 3 March, as well as previous attempts on 12 December 2024. Another photo session is scheduled for 13 March 2025.

11.13 PHOTOS AND COUNCILLOR BIO ON SMRC WEBSITE

Each Councillor can decide whether to include additional information on their profile, such as their background, experience, and skills, similar to the approach used on the Bega Valley Shire Council's 'Meet Your Councillors and Mayor' page.

ATTACHMENTS

Nil

11.14 POLO FLAT ASPHALTING

Record No: I25/248

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

- A. Provide a report into the process of asphaltting Polo Flat Rd in April
- B. Supply councillors the Original Polo Flat Rd Contract and grant fund deeds
- C. Supply copy of the Geo-technical assessment report of the pavement recently conducted.
- D. Council identify and show the source of funds to do this work

RESPONSIBLE COUNCILLOR: Cr Thaler

BACKGROUND

Polo Flat Rd is awaiting the emplacement of the Asphalt final surface layer. Whilst due to be completed in 2024, the community and this council is none the wiser as to the current state of this project and there has been a complete lack of updates, progress reports or advice as to the state of this work.

Clr Thaler requested information, reports, briefings, contract documents etc across numerous occasions prior to this meeting and was at all times refused this information, with the exception of one 'blank-sheet-of-paper' meeting with Director of Infrastructure and a roads engineer.

As this is a public matter, using public funds, on a public road it is incumbent upon this council to provide timely advice, transparency and this motion seeks to further this cause.

Whilst it is likely to be voted down, based on recent voting history, it is also a public record and statement of how this council chooses to operate and Clr Thaler was elected to bring light in to the darkness of the SMRC.

It should not be a secret agenda to reseal the road in light of the mess that was publicly displayed upon the first round of works in October 2024.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Rehabilitation work was completed on Polo Flat Road in 2024, which unfortunately saw a deterioration of the wearing surface due to the bitumen sealing being applied during winter. This led to what is known as bleeding of the pavement as temperatures rose later in the year, causing deterioration of the road. It has been proposed to provide an asphalt surface as a more robust, permanent solution.

11.14 POLO FLAT ASPHALTING

It is considered an operational issue for the management of contracts and contractors, however a template of the general contracts that Council uses can be provided to Councillors for perusal.

At the time of writing, the geotechnical report had not been received by Council, due to delays in laboratory testing.

The grant funding source for the original works was through Roads to Recovery, as it is for the proposed asphaltting works.

ATTACHMENTS

Nil

11.15 REPORT ON DELEGATIONS

Record No: I25/249

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

- A. Provide a report to councillors setting out the delegations and delegated positions.
- B. Provide assurance that SMRC has acted in accordance with NSW law to provide lawful delegations and sub-delegations.
- C. Satisfy the requirements of the Local Government Act 1993 to review the current delegations of staff and the ELT.

RESPONSIBLE COUNCILLOR: Cr Thaler

BACKGROUND

The NSW Local Government Act 1993 required Staff and Executive Office holders delegations to be reviewed in a new council term.

While this council has a range of delegations and sub-delegations, it appears that many are purported to be delegated to 'roles' rather than named office holders- which might not be permissible in the original delegation.

Delegated authorities can only remain legally delegated while the Delegator holds the power 'to' delegate, and as the SMRC has had a high level of ELT staff turnover, it is wise and prudent that the council reviews the current suite of Delegations to ensure our organisation is functioning and according to NSW Law.

We have seen that many of our council's policies, which are used to direct staff and daily operations, are out of date, have not been reviewed, and unfortunately rely on legislation that is no longer in-force or has been repealed.

This is a must-do and it should be done as early as possible in the new council term to ensure the lawfulness of council operations and actions. We must also review the power of delegation to confirm if the delegation of functions/authorities can be made to a 'role' or to a person.

s380 LGA1993 Each council must review all its delegations during the first 12 months of each term of office.

CHIEF EXECUTIVE OFFICER'S RESPONSE

All delegations are already publicly available to councillors on the website.

The governing body reviews the delegations to the Mayor, CEO and any delegations to external bodies as provided for in the Local Government Act. The delegations by the CEO to staff will be reviewed by the CEO following the review of the delegations to the CEO. Reviewing the delegations is one of the mandatory actions to be undertaken within the first 12 months following an election. This has been scheduled for a report to the May 2025 Council Meeting.

Local Government Act

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act,.....

378 Delegations by the general manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).

A review was undertaken of the top ten councils (By population). The councils that utilise the process of delegation through the role are:

- Blacktown City Council (Executive Corporate Counsel)
- Canterbury Bankstown Council (legal counsel employed)
- Central Coast Council (Employ at least their own solicitors)
- Sutherland Shire (Employ at least their own lawyer)
- City of Sydney (Employ their own legal counsel)

The other councils either do not publicly list staff delegations or they could not quickly be found on the Council's website.

While other councils undertaking the same process does not guarantee the legality of the process, it does indicate that there is a low risk that the practice is illegal. Given this low risk, it is considered unnecessary to incur costs to seek legal advice.

ATTACHMENTS

Nil

11.16 CANCEL UNREASONABLE CUSTOMER COMPLAINT RESTRICTIONS

Record No: I25/250

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That:

- A. All current UCC (Unreasonable Customer Complainant) restrictions be cancelled with immediate effect.
- B. The report from staff dealing with the SMRC UCC Policy be attended to with some urgency.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

Nil.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Part A of the above motion is contrary to Council's policy. Council may override its own policy but should be aware that they are doing so. Overriding its policy is not considered good governance, unless there are exceptional reasons for doing so. The current policy can be found here:

https://www.snowymonaro.nsw.gov.au/files/assets/public/v/1/council/policies/250.2018.467.2-policy-managing-unreasonable-complainant-conduct_202005271445036704.pdf

ATTACHMENTS

Nil

11.17 MASTER PLAN FOR BOMBALA, CBD, TOWN ENTRANCES, BOMBALA RIVER RIPARIAN ZONE INCLUSIVE OF
COOLUMBOOKA RIVER INTERSECTION

**11.17 MASTER PLAN FOR BOMBALA, CBD, TOWN ENTRANCES, BOMBALA RIVER RIPARIAN
ZONE INCLUSIVE OF COOLUMBOOKA RIVER INTERSECTION**

Record No: I25/256

Councillor Narelle Davis has given notice that at the Ordinary Meeting of Council on 17 April 2025, she will move the following motion.

MOTION

That Council place in the Draft 2025 – 2027 Delivery and Operational Plan to:

Seek grant funding for the development of a Master Plan for Bombala, CBD, Town Entrances, Rail Precinct Bombala River Riparian zone inclusive of Coolumbooka River Intersection.

RESPONSIBLE COUNCILLOR: Cr Narelle Davis

BACKGROUND

The Bombala Chamber of Commerce has requested the work that was commenced on a Master Plan for Bombala in 2023 covering the, CBD, Town Entrances, Rail Precinct, Bombala River Riparian zone inclusive of Coolumbooka River intersection continue.

This work was commenced by the SMRC Economic Development Team but not continued after this team was dissolved in 2024. Grant funding will be required for this plan.

Council seek funding opportunities for both Cooma and Bombala Masterplans.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Resources are not currently available for the development of the project through the project management framework to get it to the stage where Council is in a position to ensure that the grant application does not leave Council exposed to additional costs. This would need to occur at the expense of other possible activities. Locking in actions prior to the consideration of all the alternative priorities for the next four years is not considered good governance.

ATTACHMENTS

Nil

11.18 CRANKIES PLAIN ROAD

Record No: I25/257

Councillor Bob Stewart has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Withdraw support for the upgrade and sealing of Crankies Plain Road, and
2. Call on Transport for NSW to construct a new concrete two lane B double truck rated bridge across the Coolumbooka River adjacent to the existing bridge.

RESPONSIBLE COUNCILLOR: Cr Bob Stewart

BACKGROUND

Transport for NSW is proposing to refurbish the existing 1907 timber bridge across the Coolumbooka River at Bombala. The bridge is located on the Cathcart Road, a main regional road, MR91. The refurbished bridge will take 4 years to complete and will remain single lane and load limited.

Council previously supported the realignment and sealing of Crankies Plain Road, however significant public concern has arisen after the community gained full knowledge of the project details.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Nil.

ATTACHMENTS

Nil

11.19 CONSULTANTS

Record No: I25/251

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council resolves to:

1. Require that any expenditure on consultants not explicitly identified in the annual budget or that exceeds the amount approved for specific consultant categories within the budget must be presented to and approved by Council resolution, prior to commitment.
2. Recognise that Section 223 of the Local Government Act 1993 (NSW) outlines the responsibility of councillors to "direct and control the affairs of council," and that as part of this role, councillors must have oversight and responsibility for approval of all significant unbudgeted operational expenditure, including consultant fees.
3. Direct the Acting CEO and relevant council officers to immediately implement this policy and ensure that no contracts for consultancy services, not identified in the annual budget, are executed without prior council approval.
4. Ensure that any proposals to engage consultants must include a detailed rationale and justification, including but not limited to: the purpose of the consultancy, the expected deliverables, and the anticipated cost, for review and approval by councillors.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

Councillors have an obligation under the NSW Local Government Act to oversee the financial management of the Snowy Monaro Regional Council, particularly during a period of financial duress. Consultants are being appointed for significant sums not specifically allocated for such purposes in the annual budget. This motion aims to standardise the process by which such expenditures are approved and ensure that councillors maintain their statutory responsibility for the financial governance of the Council as outlined in Section 223 of the Local Government Act 1993 (NSW).

It is essential that councillors remain engaged in the approval process for unbudgeted consultant expenditures to ensure financial accountability and effective governance. This is particularly important to fulfil our financial responsibilities under the Minister's Performance Improvement Order.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The budget does not explicitly list all the specific consultancies that are engaged. Most consultancies are of relatively low value and funds are being used for the purpose for which the budget has been allocated.

The councillors set a budget allocation that can be used by the staff to achieve service delivery or project. Within those resources the CEO (and through him the staff) then consider the most efficient and effective way to provide the outcomes within the available resources. This varies depending on issues such as staff availability and skills sets required for the outcome. This is the standard process for how Council's operate.

Using the approved funds in the optimal way is not 'unbudgeted consultant expenditures'. If there is a need for additional resources, thus an unbudgeted expense, that needs to go back to the governing body to consider and adoption of a budget change.

ATTACHMENTS

Nil

11.20 STAFF SURVEY

Record No: I25/252

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That a full briefing on the staff survey, as resolved in council resolution 301/24 on 12 December 2024, be delivered to all councillors no later than 28 days from the date of this meeting. This briefing should include a live online session with the survey company to discuss the results of the staff survey and provide a comparison with other councils or similar organisations.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

- 1. Accountability and Transparency:** The original motion (Resolution 301/24) passed on 12 December 2024, called for a timely and informative briefing on the staff survey to be provided to all councillors. As of this date, no action has been taken to provide the required briefing. This delay has led to concerns about transparency and the council's commitment to ensuring councillors are adequately informed.
- 2. Council's Duty to Uphold Resolutions:** As an elected body, it is critical that resolutions passed by the council are respected and actioned in a timely manner. The council risks undermining its credibility and eroding trust among its elected members by failing to provide the briefing in line with the original resolution.
- 3. Staff Engagement and Wellbeing:** The staff survey is an important tool for assessing the engagement, satisfaction, and well-being of council employees. Understanding the results of this survey is critical for councillors in making informed decisions in the interests of staff welfare and service delivery. Delaying the briefing is not in the interest of staff, and hinders councillors' ability to act on these insights in a timely manner.
- 4. Comparative Analysis with Other Councils:** The briefing was intended to include insights on how our staff survey results compare with those of other councils or similar organisations. This comparative data is crucial for contextualising the results and guiding council's future policies and strategies regarding staff engagement, welfare and retention. Delays in the briefing prevent councillors from making well-informed decisions in this regard.
- 5. Efficiency and Responsiveness:** It is in the council staff's and councillors' best interest that this briefing occurs within a defined, reasonable timeframe. Given that four months has already elapsed, the motion provides a specific 28-day period to address this matter promptly. The timing will enable councillors and council staff to take any necessary actions based on the survey findings before final budget discussions and planning sessions.

CHIEF EXECUTIVE OFFICER'S RESPONSE

As councillors have been advised, the delay in undertaking the briefing is due to the high number of other briefings and meetings occurring that are then pushing back briefings.

Staff have now confirmed a briefing on the survey results from the consulting firm on 30 April 2025.

ATTACHMENTS

Nil

11.21 JINDABYNE WASTE MANAGEMENT FACILITY

Record No: I25/253

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council: directs the Interim CEO to conduct a comprehensive and systematic review into the circumstances that led to the sudden recognition that the Jindabyne Waste Management Facility was nearing full capacity.

- 1) This review should examine:
 - a) The historical planning, operational strategies, and decision-making processes related to managing the facility's capacity.
 - b) The lines of communication within Council and between Council and the community regarding the facility's status.
 - c) Any failures or gaps in forecasting, reporting, and long-term waste management planning.
- 2) Within one month, the Council must receive a report outlining the key factors contributing to the lack of timely awareness and recommendations for process improvements to prevent similar situations in the future.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

Hidden text instruction for authors, if required

The Jindabyne Waste Management Facility (tip) has been a significant concern for the community and the council for several years. Over 20 years ago, the need for a long-term waste management strategy for this facility was identified, particularly regarding its approaching capacity limits. Recently, it has become evident that the facility has reached full capacity much sooner than anticipated, leading to substantial disruption for both residents and commercial operators who rely on it. The increased costs and logistical challenges now faced by these groups have caused significant inconvenience.

This situation appears to have been caused by a lack of proactive action in future planning, capacity management, and community communication. It is essential to understand how the situation developed, why previous warnings about the facility's future capacity were not adequately addressed, and what failures in planning or strategy may have occurred.

This motion aims to ensure that:

The root causes of the failure are identified, including any issues with planning, resourcing, and forecasting.

Lessons are learned from this situation, to prevent similar issues at other waste management facilities or within the council's broader environmental planning.

Improved communication and transparency with the community and local stakeholders are established, ensuring they are adequately informed and involved in future decisions.

The review should focus on:

- **Capacity management and forecasting:** Why was the facility considered to be near capacity much earlier than anticipated and with no warning?
- **Planning and strategy:** What long-term plans were in place, and why were they not executed effectively?
- **Communication and community impact:** How was the situation communicated to residents and businesses, and were there adequate contingency plans in place to handle the issue?
- **Operational deficiencies:** Were there any issues with existing operational aspects that could have been hidden from the view of relevant staff?

CHIEF EXECUTIVE OFFICER'S RESPONSE

As noted in the motion, Councillors, SMRC management and the community were well-aware of the limitations of the Jindabyne landfill site, with original estimates anticipating its closure in 2023.

However, it should be noted that the site remains open as a transfer station with no impact on domestic users.

Necessary limits have been imposed on commercial waste, which is now directed to Cooma landfill. However, commercial quantities of builders' rubble, green waste, and scrap metal can still be deposited at the Jindabyne site.

A status report on the transition of the landfill to a transfer station is included on this council Meeting Agenda.

ATTACHMENTS

Nil

11.22 MORATORIUM ON SPENDING

Record No: I25/254

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council implement an immediate moratorium on all discretionary spending and any new expenditure commitments, including utilising unspent funds from previously approved budgets, until further review. This includes but is not limited to, the use of funds allocated for unfilled staff positions. This moratorium will remain in effect until the Council's financial situation stabilises and performance improvement targets have been met.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

The Snowy Monaro Regional Council is currently facing significant financial challenges, which require urgent and decisive action to prevent further financial strain. A recent discovery that \$150,000 is being spent on consultants under the justification of broad budget allocation highlights the need for greater financial control and oversight. Given the current financial peril noted in the Minister's Performance Improvement Order, it is critical that the Council prioritise immediate cost containment and take measures to prevent unnecessary expenditures from depleting funds.

This motion aims to achieve the following objectives:

- 1. Financial Prudence and Cost Containment:** The financial situation of the Council is precarious, and it is essential that all discretionary spending be immediately halted. This includes expenditures that, while within the approved budget, are not urgent or critical. By implementing a moratorium on discretionary spending, the Council will be taking a cautious and responsible approach to its finances.
- 2. Control Over Unspent Funds:** The existence of approximately \$2 million allocated for unfilled staff positions is a significant concern. While these positions were previously approved in the budget, the funds have not been spent, and there is no immediate need to fill these positions given the Council's current financial state. This motion seeks to prevent these funds from being used for staffing costs until the financial situation stabilizes. Simply because funds are approved doesn't mean they should be spent, especially in the face of a budget shortfall.
- 3. Preventing Unnecessary or Delayed Expenditures:** Some funds, although approved, may have been lying dormant for a significant time or were allocated for projects or roles that are not critical to the short-term financial health of the Council. This moratorium will ensure that no new, non-

essential spending occurs, preventing staff from moving forward with previously approved expenditures that may no longer align with the council's immediate priorities.

4. Aligning with the Performance Improvement Order: The Council is currently operating under a performance improvement order, and all financial actions should be aligned with achieving the performance targets outlined within this order. It is important that the focus remains on stabilising the financial situation and improving performance, rather than engaging in expenditures that may undermine those efforts.

5. Transparency and Accountability: This motion emphasises the need for a clear and transparent approach to budgeting and expenditure. It will enable the management of funds in a way that prioritises financial stability and directs spending only toward the most essential services and projects. This will also help restore confidence within the community, ensuring that resources are allocated judiciously during difficult financial times.

6. Long-Term Financial Health: The moratorium will allow the Council time to review its priorities and assess which expenditures are truly necessary. This approach helps safeguard the Council's long-term financial health and will allow for the identification of potential savings or reallocations that could strengthen future budgets and provide **more stability**.

7. Evaluation and Adjustment: The motion allows for the review and re-evaluation of the financial situation. The moratorium is not intended to be indefinite but will remain in place until it is clear that the Council's financial stability has been restored and that performance improvement targets have been met.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The motion does not define what are discretionary services. As written, discretionary services will include all services of Council other than those required by regulation.

It calls for Council to cease the following services immediately:

- Cemeteries, Swimming Pools, Caravan Parks, Saleyards, Community Hall use, Libraries, Non Critical Road, Water and Waste Maintenance and renewal, Park and Open Space Maintenance, Sporting Facilities, Snowy Health Centre, Communications, Tourist Centres, and Strategic Planning.

Services/projects that will continue are as follows:

- Towards Excellence: A requirement to continue under the PIO.
 - Executive Office: Regulatory requirement to have CEO and will have reduced capacity based on the reduction in service delivery, but to still meet legislative requirements.
 - Biosecurity: Minimum capacity to deal with any identified state significant weed infestations.
 - Ranger Services: Only inspection of dangerous dog or Direction received from Police.
 - Building certification: Some regulatory service (e.g. fire inspections) but Callers will be advised to see a private certifier.
 - Development Assessment: Regulatory service.
-

- Public Health and Environment: Only mandatory issues will be responded to.
- Land and Property Management: Limited services for essential services.
- Water and wastewater: Current reticulation services will continue.
- Financial Services: Minimum service will remain in place to support the non-discretionary services.
- Fleet and Plant: Fleet and plant not required for non-discretionary services will be parked up.
- Governance: Minimal governance services will be in place to meet legislative requirements.
- Information and Communications Technology: Reduced service will be in place to support non-discretionary services.
- Asset Management: Minimal service to support legislative requirements and non-discretionary services.
- Corporate Reporting: Service will continue as required to meet legislative requirements.
- Workforce Management Support: Reduced service to support non-discretionary services. Resources will need to be in place to manage the Award impacts from staff stand downs.

Some projects may need to be subject to a staged close down to manage safety concerns.

In addition staff not undertaking regulatory required services will be stood down on pay pending the determination of the moratorium period. If no timeframe is set for the moratorium or the time frame exceeds the notice period required under the Award, the motion will require that impacted staff will be provide with notice that Council will be terminating their employment.

Contractors not undertaking regulatory required roles will be stood down.

Capital works projects that relate to non-discretionary services will be paused until the timeframe of the moratorium is known. This is expected to lead to some grant funding needing to be returned.

Response to Background and Objectives:

The \$150,000 referenced was not from a broad budget but a reallocation from the already established, towards excellence and training budget, using the already allocated funds to undertake the project from contractor resources instead of staff. This is in line with the performance improvement order to “continue the towards excellence program”. It is also in line with how local government operates. The governing body allocates funding to undertake a service or project, the CEO then determines the most appropriate way to deliver the services funded by the governing body.

The \$2 million referred to is not allocated for unfilled staff positions. In setting the current budget Council accounts for a “Vacancy Rate”. The vacancy rate discounts the staff budget based on the estimation that a percentage of the actual roles will be vacant at any given time. While there may be vacancies, they do not have money allocated against them and so there is no money to “freeze”.

The councillor states he wishes to prevent staff from moving forward with “previously (councillor) approved expenditure” that don’t align with current priorities. If a councillor has items that he or she feels should no longer continue they need to lodge a notice of motion to have the governing body consider and determine whether that specific matter is to continue.

Responses in reference to the AEC Financial Sustainability Review, Performance Improvement order and the Office of Local Government

The Council has received guidance from the 24 recommendations outlined in the AEC Financial Sustainability review and has documented its progress in previous reports. Recently, the minister issued a Performance Improvement Order, which requires maintaining a minimum \$500,000 in unrestricted reserves, with a medium-term strategy aimed at increasing this amount to \$5,000,000. Regular check-ins with the Office of Local Government performance team are conducted with the CFO and CEO to assess sustainability goals. Furthermore, budgets are reviewed quarterly through the Quarterly Budget Review, accompanied by additional briefings for Councillors during Finance working group sessions. It is important to note that the AEC review, Performance Improvement Order, working group sessions, or the OLG's performance team have not recommended or indicated an immediate cessation of discretionary services to achieve financial sustainability.

ATTACHMENTS

Nil

11.23 PUBLIC FORUMS

Record No: I25/255

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council provide the opportunity for a public forum, where residents and ratepayers may speak on matters before the Council, prior to all ordinary and extraordinary Council meetings, in accordance with the provisions of the Code of Meeting Practice.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

Public forums are normally held before ordinary council meetings but there has been some contention about whether such forums can be held when there are extraordinary general meetings. Our current Code of Meeting Practice (Item 4.1) provides this opportunity but there is confusion about who can agree to the public forum – the CEO or the Mayor. To ensure that local residents and ratepayers have the maximum opportunity to engage with council and to ensure transparency, this motion proposes that such forums are a normal part of both ordinary or extraordinary council meetings. This will allow the following opportunities:

Enhancing Community Engagement: The regularisation of public forums will provide a consistent and structured opportunity for residents and ratepayers to engage with councillors on matters that directly affect them. This promotes a culture of transparency and inclusivity, allowing for the early identification of community concerns, which can be addressed during formal council meetings.

Encouraging Open Dialogue: A regular public forum fosters an open dialogue between the council and the community, ensuring that members of the public know their voices are heard and considered in decision-making processes. This helps to build trust and strengthens relationships between the council and its constituents, which is vital for good governance and the best interests of the community.

Improving Decision-Making: Public forums provide councillors with valuable insights into the opinions, concerns, and perspectives of the local community. This feedback can inform decision-making and enhance the quality of discussions during council meetings. It ensures that decisions are more reflective of the needs and priorities of the community.

Consistent Access to the Public: By ensuring public forums are held regularly before every ordinary and extraordinary council meeting, councillors are giving consistent access to residents. The current practice, where public forums are only held occasionally or at the discretion of the Mayor, can create confusion or inequity. Regularising this practice removes ambiguity and guarantees equitable access to all community members for participation.

Transparency and Accountability: Holding regular public forums helps demonstrate the council's commitment to transparency and accountability. By allowing the public to address the council before decisions are made, it ensures that councillors are more accountable to the residents they represent. This can also encourage councils to provide clear responses or actions on community concerns during the meeting.

Consistency with the Spirit of the Code of Meeting Practice: The existing **Code of Meeting Practice** states that the council "may" hold a public forum. By amending this to make it a regular feature of all council meetings, the council would be acting in alignment with the spirit of the code, which aims to promote democratic participation and open communication between councils and their communities.

Enhancing Council's Image and Reputation: A regular public forum highlights the council's commitment to public participation and can enhance its reputation as a responsive and community-focused body. In an era where citizens expect greater involvement in the decisions that affect them, regular public forums would underscore the council's dedication to fostering a collaborative and responsive local government.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The motion as provided has no effect, as the code of meeting practice already has the opportunity for public forums to occur.

From the text of the information supporting the motion it appears Cr Rose is seeking to make it mandatory that a public forum be held before all meetings. To achieve this will require a different motion, which changes the code of meeting practice to that effect.

If this is the case, the governing body will need to determine if the change is considered a substantial change.

A substantial change to the code of conduct requires that a new code of conduct be adopted following the process set out in the local government act:

361 Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

362 Adoption of draft code

- (1) After considering all submissions received by it concerning the draft code, the council may decide--
 - a. to amend those provisions of its draft mandatory code that are non-mandatory provisions, or
 - b. to adopt the draft code as its code of meeting practice.
-

- (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

ATTACHMENTS

Nil

11.24 SMART CITY OR 15 MINUTE CITY AGENDA

Record No: I25/260

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Declare that this Shire will not be a part of any Smart City or 15-minute City agenda.
2. Make a formal declaration that there will be no effort to implement, support, build, receive, construct or operate any 'Smart City' apparatus.
3. Give notice to the State and Federal Government of our declaration.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

There is an agenda rolling out around the western world to establish 'Smart Cities' and to covertly erect the apparatus required for a Smart City to operate.

Our Shire suffers from a poor coverage of mobile Internet, mobile phone signal, and data connectivity.

We have prided ourselves on our free-living, wide-open spaces, and ability to move around without being tracked or observed.

Why would we give this up, so unelected bureaucrats can build databases and reports of our movements?

A Smart City is well described as a Digital Prison.

A true Smart City would seek to protect its residents, guests, visitors and businesses from the surveillance apparatus of the 'State' and the unelected.

The Smart City agenda has occurred in secret, and we see the first building blocks of it with camera gantries at both sides of Cooma, Bredbo and mobile cameras which are now being 'modified' from only tracking heavy vehicles to tracking all vehicles.

We must put the interests of our people first, foremost and reject the use and abuse of State apparatus to monitor, track and record.

We have no knowledge of how this captured data is being used, where it is stored, or who can have access to it. I can explain the presently hypothetical argument of the Blue Eyed Baby agenda, with respect to democracy. Leslie Stephen (Virginia Woolf's father) wrote, to point out, in his 'Science of Ethics' (1882) that "if Parliament decided that all blue-eyed babies should be murdered, the preservation of blue-eyed babies would be illegal". Just because other councils, or

11.24 SMART CITY OR 15 MINUTE CITY AGENDA

parliaments, decide to embrace the Smart City/15-minute city agenda, we should not accept their decision unless that was a decision of our people- and that our people were fully informed of how those 'city' ideas would actually operate.

S.M.A.R.T. Surveillance. Monitoring. Analysis. Reporting. Technology. Or is this just a conspiracy?

CHIEF EXECUTIVE OFFICER'S RESPONSE

Nil.

ATTACHMENTS

Nil

11.25 SUPPORTS CASH-COINS AND NOTES

Record No: I25/261

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Declare that this Shire supports and welcomes the use of Cash - coins and notes.
2. Formally declare that we do not and will not support the introduction of a Central Bank Digital Currency (CBDC).
3. Write to all major banks and credit unions seeking their return to our towns and villages where possible.
4. Offer assistance and encouragement to any hybrid banking models where multiple banking companies share common facilities.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

There is an agenda rolling out around the western world to de-bank populations and set them up to be forcibly moved into a CBDC system.

We have seen the loss of many of our bank branches, and this trend needs to be opposed, halted and reversed.

A premier tourism destination, in a region with very poor mobile and internet connectivity, needs to be a safe haven for the use of cash. A clever or 'smart' tourist destination needs to make the use of cash easy, convenient and seamless.. such that our visitors actually spend.

We also cannot rely on digital systems for payments, as we all too often see failures and activity operators face loss of revenue or customer loses out on satisfaction. Large crowd events also see the mobile networks swamped, such as we experienced at the recent Cooma 150th Royal Show, where the payment systems all failed and everybody needed to use cash.

If we are going to be a premier destination, we need to also promote that we are a cash friendly area.

A CBDC is a digital only system, that would fail much of our population once they leave the town limits of our major centres and villages. Cash requires no electricity, no internet, and no permission to use.

Cash is king .. that's why his head is on it:)

People need only to read up about King Charles the First to understand what happened (to him) in the year 1649 when he took too many rights away from the people. History guides our Futures.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Nil.

ATTACHMENTS

Nil

**11.26 DECLARATION THAT WE DO NOT SUPPORT THE UNITED NATIONS SUSTAINABLE
DEVELOPMENT GOALS**

Record No: I25/262

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Declare that we do not support the United Nations Sustainable Development Goals.
2. Remove the UN Sustainable Development Goals from our Community and Operational plans.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

There is a clear agenda to push a climate change narrative, and we see this being promulgated throughout our community plans where the UN Sustainable Development Goals (UNSDGs) have been added into our community and operational plans- without any clear reason or desire from our people.

The source point is the Canberra Region Join Organisation of Councils, where they have a funded program and have pushed out the templates for multiple councils to adopt. But there is no community knowledge of this, and our council has never made this properly known. We don't really need it. We should have our own plans.

The UN is not interested in our particular regional aspects, nor would they have any real knowledge of how our area communities, our economies, our farms, our enterprises and our people live, work and play. Yet, the UN seek to limit all of our rights, and they never asked for our permission, our consent or our agreement.

If the UN want to influence, dictate or control how our area exists and what it does, or chooses to do, the UN should field candidates in our local elections and campaign for their ideas, as the Independent candidates have done. I could argue however that the UN does have Clymate Chaynge candidates in our recent election.

We live in a democracy and we are governed by the 'will of the people'.

People who live here, work here, build their family here, invest here, and stay here - they say what they want.

The UN should not be forced down peoples throats, nor surrepticiously added into our public documents via sleight of hand and secrecy.

There is nothing sustainable about the UN Sustainable Development goals. Not when their 'representatives' all fly in private jets to mountain top conferences.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Nil.

ATTACHMENTS

Nil

11.27 JINDABYNE STREETScape

Record No: I25/265

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 17 April 2025, he will move the following motion.

MOTION

That Council:

1. Set out a workshop to survey, design, execute upon and maintain the Jindabyne streetscape.
2. Fund in the operational budget the ongoing streetscape maintenance.
3. Provide a report to this council, including that of a Dilapidation Survey, Defect Report and/or Works Plan to address the concerns of the Jindabyne community in respect of their streetscape and public areas.
4. Set out a work strategy to conduct 1 to 3 above across all population areas of our shire and report this back to this council.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

This is the community request received, and it is entirely reasonable. I provide it here, and the identity of the writer may be provided if needed. Street awnings and streetscapes are overwhelmingly public property, and the responsibility of this council and we need confidence that our public streetscape areas are safe, clean and functional. This is a must-do and we must cut back on needless and endless bureaucracy until we address the core community issues. This is not only a Jindabyne issue .. this applies to all areas.

Dear Councillor Thaler,

I write to you as a commercial and residential rate payer living in Jindabyne. I have a 25 year professional background in commercial asset maintenance in both the private and public sector.

I am requesting that a motion be raised within Snowy Monaro Council's next council meeting to raise awareness and an enquiry into the long term ongoing lack of streetscape maintenance in the main CBD area of Jindabyne. As a long term resident, business owner and part of the local community I am well aware the level of utter frustration that exists among residents and business owners regarding this matter.

Specifically this area can be defined by the intersections of Munyang Street and Kosciusko Road and the Barry Way/Kosciusko Road roundabout. The maintenance of the streetscape in this central business area is clearly lacking from funding, labour/equipment resourcing and operational management commitment.

CBD streetscape maintenance should be the highest priority funding of councils. It has the ability to impact visitor perception, community spirit, rate payer perception of council service delivery capability. Sadly the perception that the streetscape of Jindabyne conveys is one of total lack of care and community pride.

The information that councillors should be seeking is the operational budget, grounds maintenance schedule, annual improvement budget and resourcing levels. I would be happy to attend a council meeting in person to raise awareness on the issue.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The civic maintenance team delivers against an operational plan that includes regular maintenance of parks and recreational areas. In conjunction with the infrastructure team, streets and footpaths are regularly maintained.

With regard to point 1 of the motion, Jindabyne should not be considered in isolation to other towns in region.

The frequency of this broad maintenance function is dependent on adequate resourcing and funding, and the competing priorities of parks, sporting ovals, and cemetery maintenance.

The proposed work in this motion is not funded, nor has funding been identified in the current delivery and operational plans.

As such, Council should consider identifying this matter as an item for consideration in the proposed Delivery Program and Operational Plan currently being developed and identify appropriate funding.

ATTACHMENTS

Nil

14. 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.