



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
19 October 2023**

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 BOMBALA COMMUNITY CENTRE, 163 MAYBE STREET,
BOMBALA NSW 2632**

**ON THURSDAY 19 OCTOBER 2023
COMMENCING AT 1:00PM**

BUSINESS PAPER

| | | |
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8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 9)

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 9)

Record No: I23/565

| | |
|-----------------------|--|
| Applicant Number: | 10.2007.3000079.17 |
| Applicant: | T Tuxworth |
| Owner: | Snowy Monaro Regional Council |
| DA Registered: | 01/08/2023 |
| Property Description: | Twynam Street JINDABYNE NSW 2627 Lot 30 & 31 DP 1118132 |
| Zone: | R1 - General Residential |
| Current Use: | Vacant Community Land |
| Proposed Use: | Create an Asset Protection Zone for lots adjoining Councils Public Reserve (Stage 9) |
| Permitted in Zone: | Yes |
| Recommendation: | Refusal |

RECOMMENDATION

That Pursuant to section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979 (as amended)* refuse modify DA 10.2007.3000079.17 for the inclusion of a condition of consent to allow for a caveat on Lots 30 & 31 DP 1118132 for an Asset Protection Zone, for the following reasons;

1. The subject lands, Lot 30 and 31 DP 1118132, do not have an active Plan of Management which allows for 'other estates'. As such the proposed development is in contravention of section 35 of the Local Government Act 1993.
2. Ministerial consent has not been granted and as such the proposed development is in contravention of section 47 (5) of the Local Government Act 1993.
3. The proposed development and design does not meet the site suitability and public interest tests of 4.15 of the Environmental Planning and Assessment Act 1979.
4. The proposed development is not in keeping with the Rural Fires Act 1997 and 3.2.5 of Planning for Bushfire Protection 2019.

BACKGROUND

The purpose of this report is to seek Council's determination of a request to modify an existing approval for the creation of an easement on a Council public reserve, to provide for an Asset Protection Zone (APZ) for adjoining lots as part of Stage 9 Highview Estate.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 9)

An Asset Protection Zone is a requirement of Planning for Bushfire Protection 2019 which establishes an area with reduced fuel loads to mitigate risk in the event of bushfire. The APZ provides a physical separation between areas of vegetation and a building or structure.

The application is referred to Council for determination as the land upon which the applicant requests to create the APZ is owned by Council.

Upon assessment, it is not recommended that Council agree to the request, due to the requirements of the Local Government Act as they relate to the management of 'Community Land', and because Council, as owner of the adjoining land to be affected, has not granted consent to the making of the application.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

Any person who made a submission is notified according to the Regulations.

SITE DESCRIPTION AND SITE HISTORY

The subject site is classified as community land and is located within the Highview Estate in Jindabyne.



Figure 1: Location plan of Council reserve

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
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Figure 2: Detailed map of Councils reserve

Bushfire Mapping History

The NSW Bush Fire Prone Land dataset is a map prepared in accordance with the Guide for Bush Fire Prone Land Mapping (BFPL Mapping Guide) and certified by the Commissioner of NSW RFS under section 146(2) of the Environmental Planning and Assessment Act 1979. Over time there have been various releases of the BFPL Mapping Guide, in which the categories and types of vegetation included in the BFPL map have changed.

In 2021 new Bushfire mapping was adopted for the Snowy Monaro area. The primary difference between the previous map(s) and the current map is the inclusion of an additional 16 classes of vegetation formations and a new category (Category 3) which captures previously under-represented fire prone vegetation formations, especially grasslands.

Figures 1 & 2 below show the difference between the previous and current mapping.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
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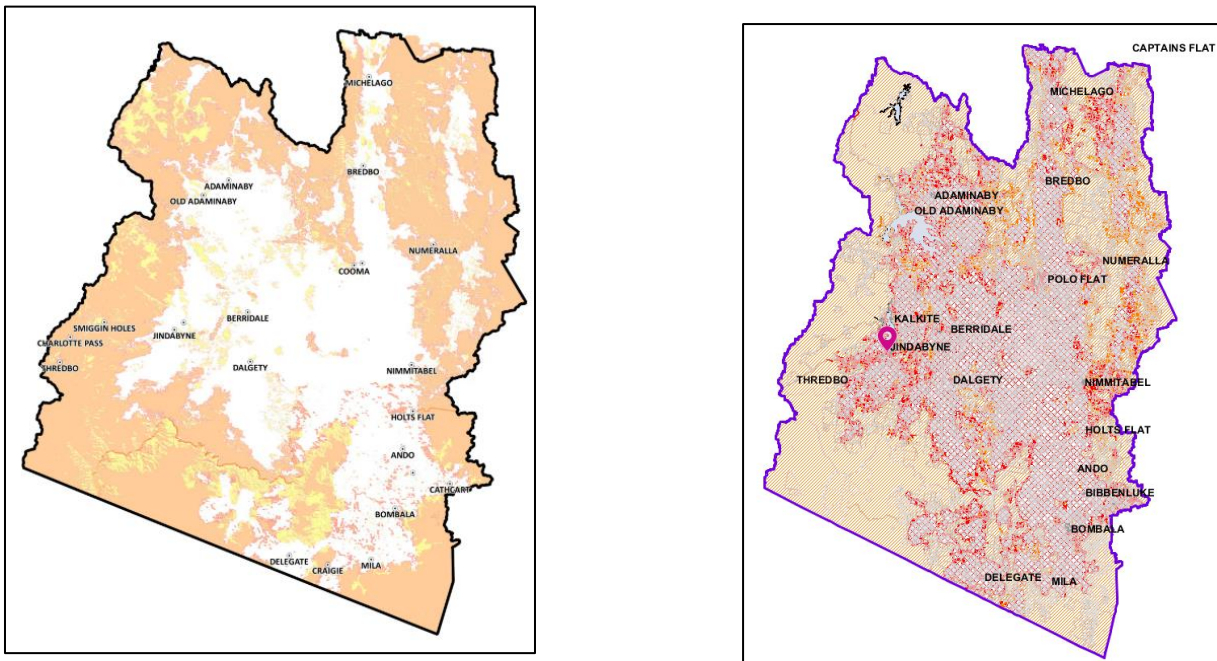


Figure 3: Superseded bushfire mapping (left) and current bushfire mapping (right) (effective 03/06/2021)

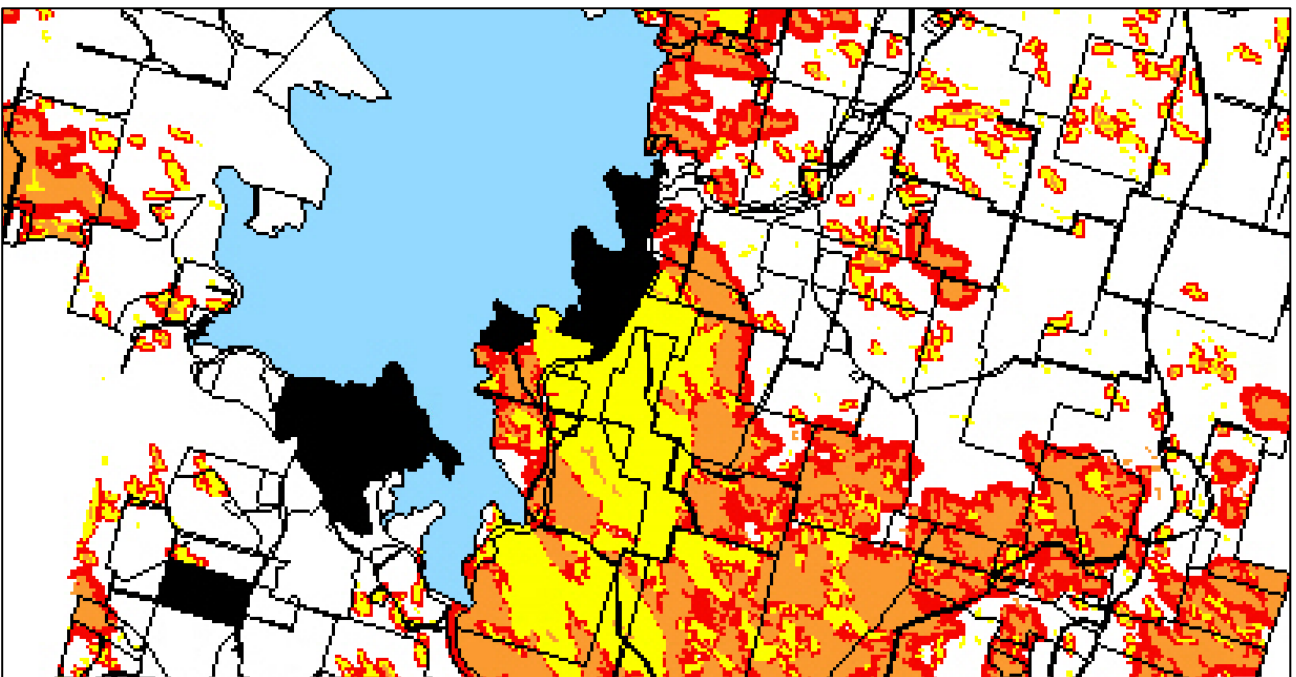


Figure 4: Detailed superseded Bushfire map (black area denoting urban area and considered not bushfire prone land)

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 9)

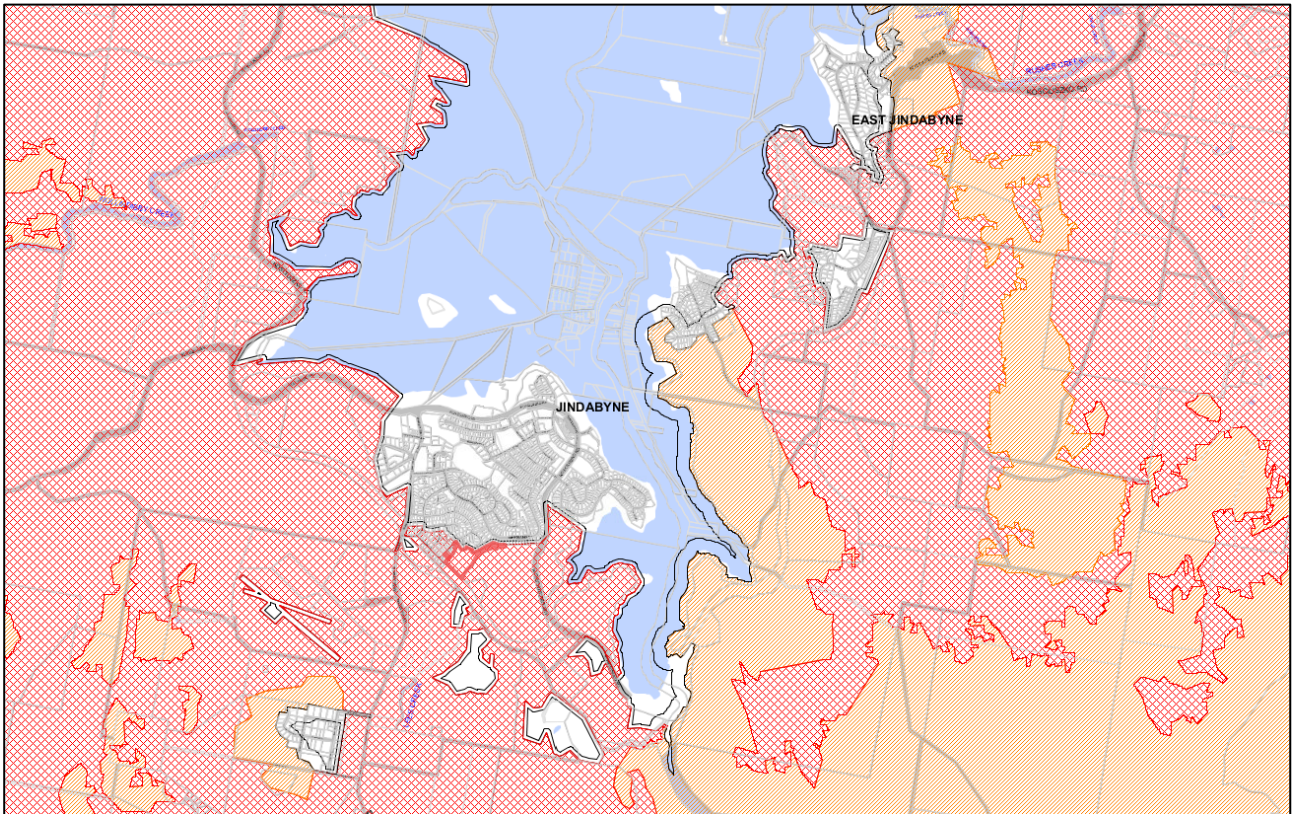


Figure 5: Current bushfire mapping (effective 03/06/2021)

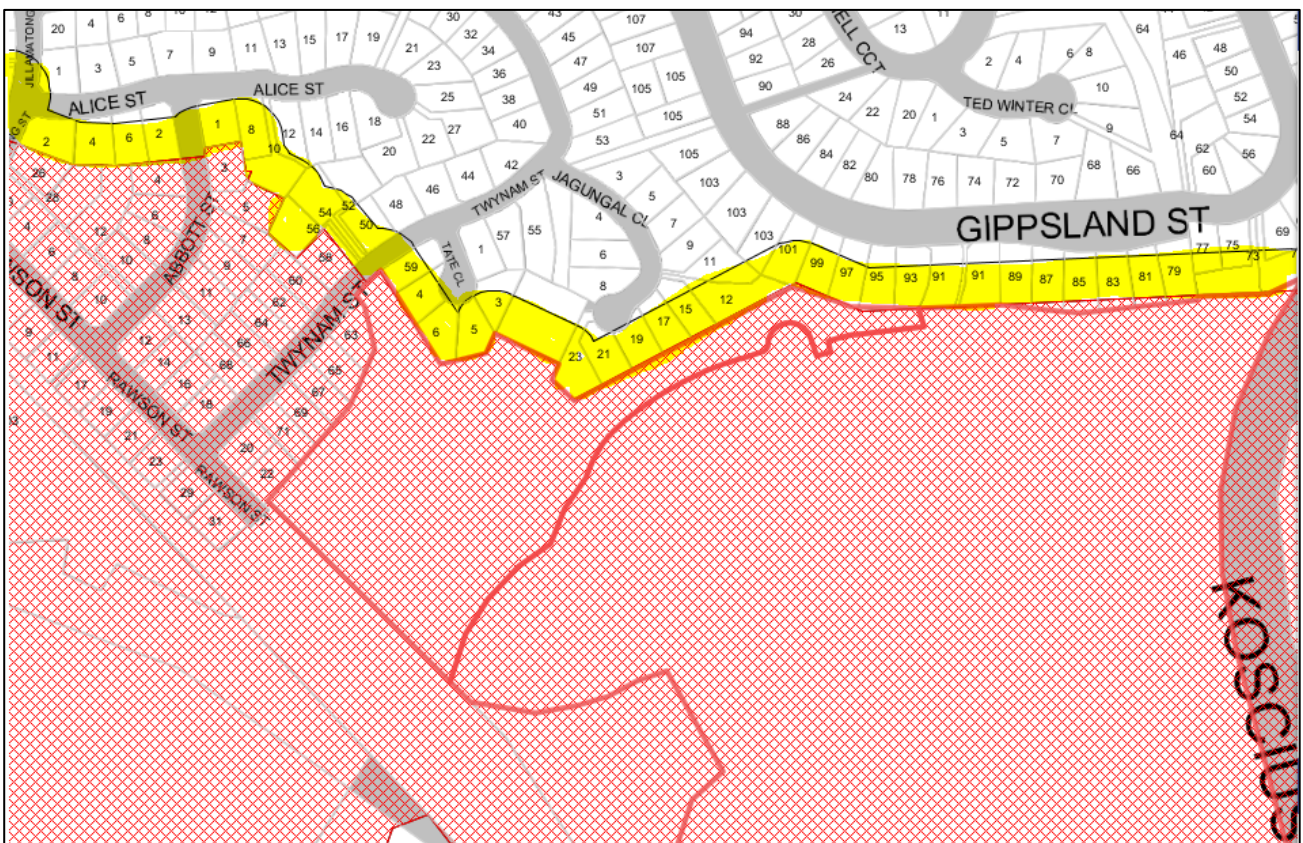


Figure 6: Detailed current bushfire mapping (effective 03/06/2021)

RURAL FIRES ACT 1997

It is noted that under Section 63 of the Rural Fires Act a public authority has a 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 any land vested in or under its control or management. Therefore, as Council is the owner of lots 30 & 31 it is required 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.

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—*

It is noted that the Rural Fire Service provides funding to Council for the carrying out of work to minimise the danger of the spread of bushfire on or from their public reserves.

The Rural Fires Act does not require Council to maintain the land to the standard of an APZ.

The proposed provision of an APZ within the public reserve adjoining the affected lots and the proposed restrictions on title, would require the owners of land adjoining the reserve to maintain the APZ, potentially meaning that Council would not have to carry out as much of this work.

Applicant's submission

The applicant has provided the following in the Statement of Environmental Effects:

The public reserve that will be impacted by the 88B instrument is classified as Community Land under the provisions of the Local Government Act, 1993.

Section 35 of the Act requires that community land is required to be used and managed in accordance with the following —

- the plan of management applying to the land*
 - any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land this Division. [sic]*
-

Given that the public reserve is managed to prevent bushfires it is assumed that plan of management must allow for such a use. Therefore, it is assumed that the provision of an APZ on the public reserve is consistent with the plan of management.

The above statement is based on assumptions around a plan of management being in place and about the contents of the assumed plan of management.

While Council has a responsibility to manage the land to minimise the threat of bushfires, there is no requirement for that to extend to providing required APZs within that land.

LOCAL GOVERNMENT ACT 1993

The public reserves to be impacted by the creation of the APZs are classified as Community Land under the provisions of the Local Government Act, 1993. Section 35 of the LG Act requires that community land is required to be used and managed in accordance with the following -

35 What governs the use and management of community land?

Community land is required to be used and managed in accordance with the following—

- **the plan of management applying to the land**
- *any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land*
- *this Division.*

In accordance with s35 of the LG Act, if Council was to allow the APZ to be established on the Council reserve, a Council Plan of Management (POM) would firstly need to be in place which allows for 'other estates' (in this case being an APZ) to occur upon the reserve.

Council's Land & Property section has advised that there is no current POM in place for the subject reserve. The timeline to establish a POM is not known.

In order to have a POM which allows an 'other estate' to be in place for a term greater than 5 years, which is the case in this situation given that the APZ would need to be established in perpetuity, the following must be carried out (s47, LG Act);

- (1) (a) *give public notice of the proposal (including on the council's website), and*
(b) *exhibit notice of the proposal on the land to which the proposal relates, and*
(c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
- (4) *Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.*

Additionally, s 47(5) states that council must not grant another estate except with the Minister's consent, if:

- (a) *a person makes a submission by way of objection to the proposal, or*
 - (b) *in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.*
-

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 9)

As such, if a POM was prepared and the relevant public exhibition requirement completed, it may also be necessary to seek approval from the Minister.

The work to prepare the POM, undertake public consultation, and then to subsequently seek authorisation from the Minister would need to be carried out by Council staff and at the expense of Council.

A key consideration is whether Council should be permitting the use of Community Land as a private benefit to enable a broader range of development opportunities for private landowners.

It is also considered that if the APZs were allowed on Council's reserve in accordance with the proposal, it would allow for private owners to undertake work on Council land. This may also open Council up to liabilities.

Planning for Bushfire Protection 2019 & Dual Occupancy)

Provision 8.2.1 (Increased residential densities) of PBP 2019 states that an increase in residential density does not necessarily require a subdivision approval. However, the same principles and criteria associated with subdivisions in bush fire prone areas will apply. This includes ensuring an APZ based on a radiant heat threshold of 29kW/m² for any new dual occupancies.

As such, Council cannot approve the development of a Dual Occupancy or a Secondary dwelling (granny flat) at a BAL rating of more than BAL-29.

8.2 Other residential development

Residential development, other than single dwellings and subdivisions, covered in this section must also meet the requirements of Chapter 7.

8.2.1 Increased residential densities

In some situations increased densities may not be appropriate having regard to the strategic principles (see section 4.1), even though zoning has been approved for the proposed use. A Bush Fire Strategic Study may be required for these proposals as part of the broader BFDB process.

Increased resident densities of existing lots that are bush fire prone may heighten the level of risk to the occupants. The presence of additional dwellings can impact on the evacuation and sheltering of residents during a bush fire.

Where a new dwelling or dwellings are proposed on existing lots which already contain one or more dwellings, this is considered to be an increase in residential density and can include the following:

- dual occupancy;
- multi-dwelling housing;
- secondary dwellings;
- rural workers dwellings; and
- boarding houses.

This increase in residential density does not necessarily require a subdivision approval. However, the same principles and criteria associated with subdivisions in bush fire prone areas will apply. This includes ensuring an APZ based on a radiant heat threshold of 29kW/m² for any new dwellings, along with suitable provision for construction, access, water and landscaping.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 9)

Previous Development History

Highview Estate is an approved subdivision under DA10.2007.3000079.1 in 2007. The subdivision consists of Stages 3 – 12 and a total of 205 lots.



Early layout of the Highview Subdivision

PROPOSAL IN DETAIL

The proposed amendment is for the inclusion of a new condition to require the provision of an APZ on council's public reserve that adjoins the proposed lots in Stage 9 of the approved subdivision.

At the time of the approval for the subdivision (2007) the subject area was not identified as bushfire prone land. In 2019 an amendment was made to the Planning for Bushfire Protection guideline (PBP) include an additional vegetation category of Grassland Hazard Area. The Snowy Monaro Regional Council Bushfire Prone Land Maps was subsequently updated in 2021 to include this vegetation hazard type.

This has resulted in the public reserve adjoining the lots within the approved subdivision being now mapped as Bushfire Prone Land.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 9)

To negate the requirement of providing the APZ within each lot within the Highview Estate the applicant is requesting the establishment of a 10m wide APZ easement within the public reserve that adjoins each affected lot.

Section 88B (Conveyancing Act 1919)

The developer has proposed that on the Deposited Plan (DP) for each lot within Stage 9 of the approved subdivision a Positive Covenant under section 88B of the Conveyancing Act 1919 is to be established. Subsequently, the owner of the lot having benefit of the covenant, which council has the sole authority to release and modify, will enable the benefited lot to:

- a) Maintain that area within the adjoining public reserve (at their own cost) as an Inner Protection Area (IPA) as outlined in Section 3.2 and Appendix 4 of Planning for Bushfire Protection guideline 2019 and APZ standards*
- b) Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of the positive covenant.*

In complying with the terms of the Positive Covenant, the Benefited Proprietor can (at their cost):

- a) Pass across the lot burdened by any reasonable means to get to the site of the positive covenant; and*
- b) Do what is reasonably necessary including:*
 - i. Taking anything on to or from the area;*
 - ii. Carrying out the appropriate Hazard Reduction Method; and*
 - iii. Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.*

Additional proposed restriction

Should the easement for an APZ be approved it is recommended that an additional restriction be included in the 88B, with the below additional restriction as follows:

The developer shall ensure that the final plan of subdivision includes a restriction on use for the following:

- c) To exclude the erection of any buildings or structures and/or placement or storage of private property within the APZ easement.*

OPTIONS CONSIDERED

- 1. Allow APZ on Council Reserve** - Approve the proposal with the inclusion of the proposed caveat to be included as a condition of consent and the creation of a plan of management which allows for 'other estates'.

The approved lot layout was designed in accordance with the SR LEP 2013 and created lots which under 4.1A would allow for the future development of Detached Dual Occupancies.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 9)

In accordance with the relevant table of PBP 2019, to achieve a BAL-29 the minimum required setback from grasslands is 11m. In addition to the APZ requirement the SR DCP requires minimum of 6m setback from the street for single storey dwellings.

Should approval for the proposed easement be granted each lot would potentially have an increased development potential. The developable area for each lot is shown in green below.

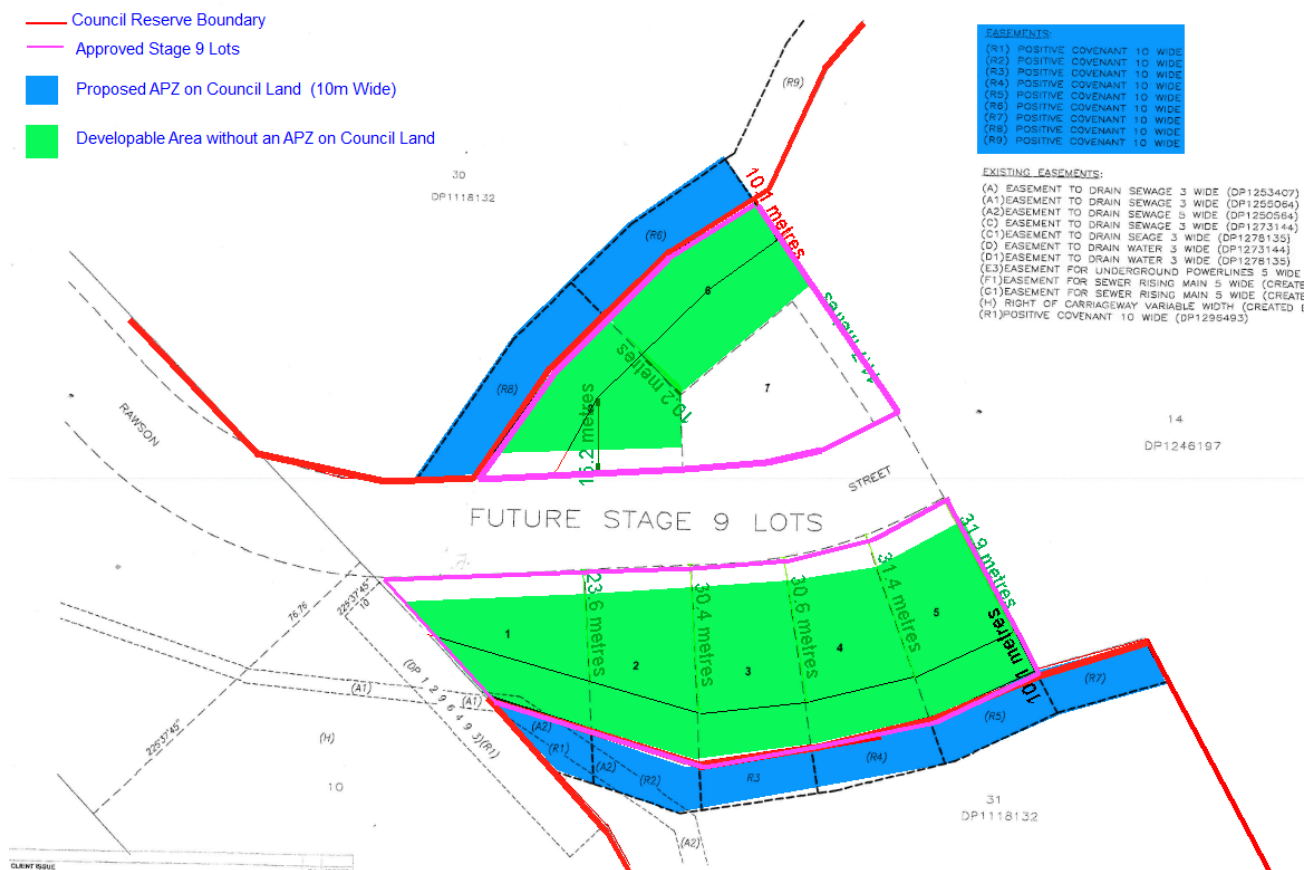


Figure 7: Asset Protection Zone diagram with an APZ on Council Land

2. Refuse APZ on Council Reserve - Refuse the proposal as there is no current Plan of Management in place for the subject lots and to not support the inclusion of 'other estates' within a future POM.

Should the proposed APZ on Councils reserve be refused it may prevent lots 6 & 8 from being developed with any form of Dual Occupancy, and potentially restrict lots 1 – 5 from having detached dual occupancies. However, it would be up to the applicant to demonstrate whether compliance with the Bushfire Requirements can be achieved through other measures.

Should approval for the proposed easement not be granted, the developable area of each lot may be considerably reduced. The developable area for each lot is shown in green below.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 9)

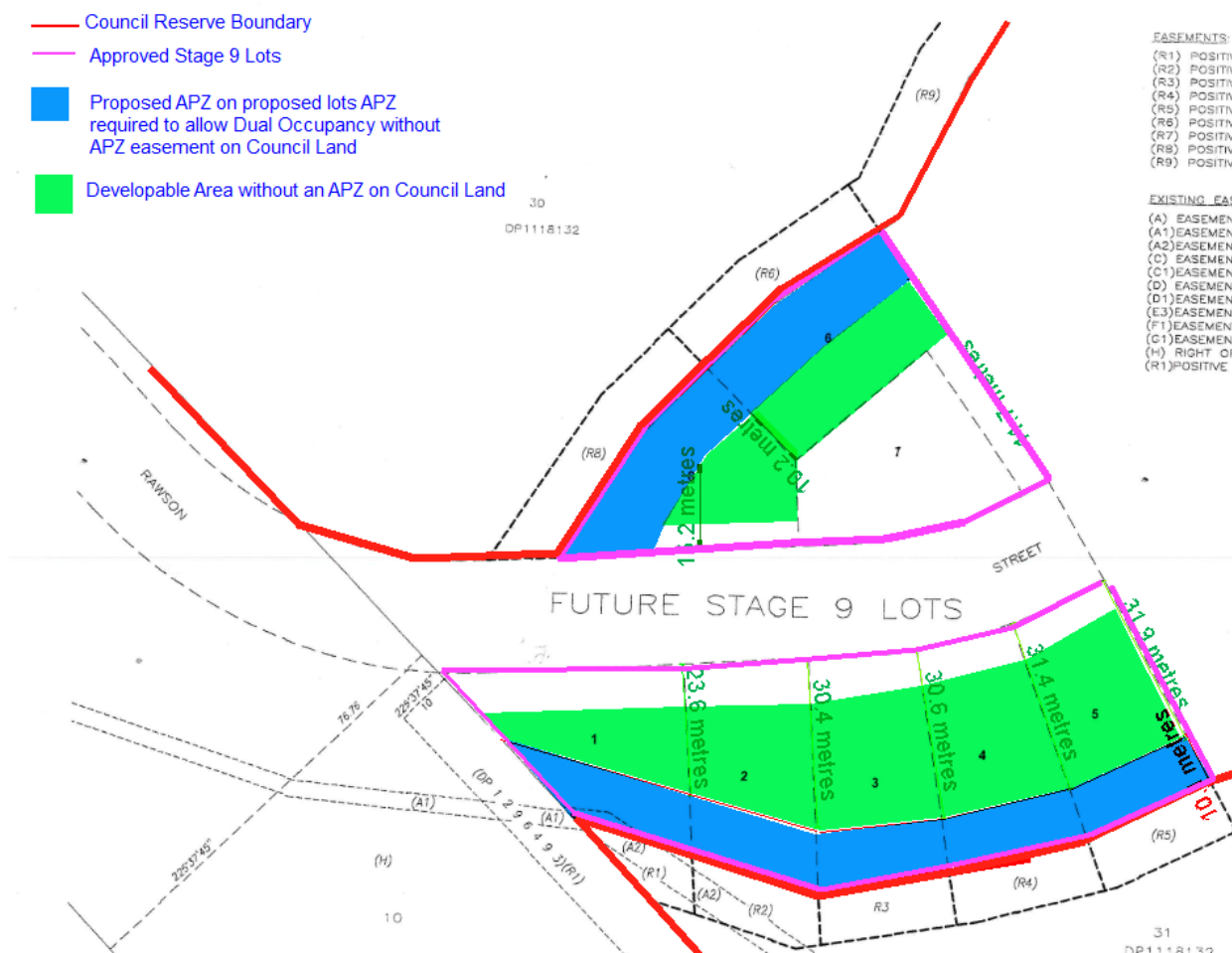


Figure 8: Asset Protection Zone diagram without APZ on Council Land

Lots 6 & 8 could be developed with single dwellings at a BAL rating greater than BAL- 29. The result of this would be that the development of dwellings at either BAL-40 or BAL-FZ will have an additional cost associated with the construction.

Further, it should be noted that the lot layout for stage 9 could be redesigned. The developer is in pre-subdivision works discussion with Council Development engineers and this may increase the timeframe for the Stage 9 lots to be made available.

3. Subdivision of the Council Block to Extend Rear Boundaries - Not Permissible

An alternative solution is for a boundary adjustment to be carried out which would add the land from the reserve, however this is not achievable due to section 45 of the Local Government Act.

45 What dealings can a council have in community land?

- (1) *A council has no power to sell, exchange or otherwise dispose of community land.*
- (2) *A council may grant a lease or licence of community land, but only in accordance with this Division.*
- (3) *A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.*

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 9)

It should be noted that in 2022, approval was given (apparently at the request of a previous staff member) for the acceptance of a Bushfire Plan of Management for a property at 12 Jagungal Close, which imposed a requirement upon Council to manage part of this same reserve as an APZ in perpetuity. It is considered that this was approved in error, and accordingly, a similar error should not be replicated. It should be noted that a Bushfire Plan of Management is not the same as a Plan of Management for Community Land.

ASSESSMENT

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

| | |
|--|---|
| State Environment Planning Policies (SEPPs) | No SEPP applicable |
| Local Environmental Plan (LEP) (including draft LEPs) | Snowy River Local Environment Plan 2013 |
| Development Control Plans | Snowy River Development Control Plan 2013 |

REFERRALS

External Referrals

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

| State or Federal Agency | Comments |
|--------------------------------|---|
| NSW RFS | <p>No referral required. However, on the RFS the following statement is provided in regards to AZPs on adjoining land:</p> <p><i>The maintenance of the APZ is always the responsibility of the owner of the land being developed. An APZ should be contained wholly within that block of land and cannot be imposed on a third party by either the NSW RFS or the consent authority.</i></p> <p><i>Exceptions may occur in exceptional circumstances and in such cases an easement must be entered into between the two land owners.</i></p> <p><i>An adjoining land owner can negotiate and/or agree to a legal easement over their land for the purpose of an APZ if they wish to do so.</i></p> |

Internal Referrals

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

Land and Property and Civic Maintenance

To negate the need to provide APZs within each adjoining lot the proposal tabled is to provide 10m APZs within public reserve land that adjoins each affected lot. The public reserves being Lot 30 DP 1118132 (4.03ha) and Lot 31 DP 1118132 (1.456 ha).

The proposal is seeking to create multiple easements that will benefit adjacent private property holdings, and burden the dedicated public reserve sites (2); which, for the purposes of the Local Government Act 1993, are categorised as 'community land'.

- Stage 9 proposed modification will result in at total of 9 individual APZ arrangements: 6 x 10m APZ impacting Lot 31 DP1118132 & 3 x 10m APZ impacting Lot 30 DP1118132.
- Stage 7 proposed modification will result in 6 individual APZ arrangements: 6 x 10m APZ impacting Lot 30 DP1118132

Pursuant to Local Government Act 1993, Section 44 Use of community land pending adoption of plan of management: "Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed." Civic Maintenance confirm that no adopted plan of management exist at present for two reserves.

Due to the subject parcels of land (2) being categorised 'community land' and with no adopted Plans of Management existing at present for the parcels, the Local Government Act 1993 does not provide a pathway for Council to grant easement (other estate) creation under Section 46 of the Local Government Act 1993. Estate - is defined under Section 21(1) of the Interpretation Act 1987 to include *interest, charge, right, title, claim demand, lien and encumbrance, whether at law or in equity.*

As a dedicated plan of management for the site/s have not been adopted, there is no "express authorisation" to enable grant of easement (other estate) for the purpose of APZs to benefit private landholders/developers.

Distinct to the above advice, it is noted that the use of adjoining lands to meet APZ requirements is not supported by Planning for Bushfire Protection 2019 (PBP 2019), which instead seeks to locate them wholly within the boundaries of the development site. In principle, it is the general view of officers that Council, in its landowner capacity, should not consent to easements on public land for APZ purposes benefitting adjacent holdings, to:

- demonstrate alignment with the PBP 2019 intent;
- take into consideration of the costs associated with establishing and monitoring compliance with any binding agreement required.

PBP 2019 identifies a fundamental premise of APZs is that they are provided within the property in such a way that the owner/occupant will be able to maintain the area in perpetuity. PBP 2019 emphasises that an APZ is but one of a suite of Bushfire Protection Measures (BPM) that need to be applied to achieve acceptable outcomes in terms of reducing the potential impact of a bush fire on human life and property. There are a range of acceptable solutions in addition to APZs available to development proponents to meet the requirements of PBP 2019. These additional BPM's include building construction, siting & design, landscaping, access, services and emergency and evacuation planning.

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 9)

Planning for Bushfire Protection 2019 (PBP 2019) Section 3.2.5 APZs on adjoining land:

“APZs on adjoining land are not encouraged.” “Easements should not be considered where the adjoining land is used for a public purpose...”. “In circumstances where an APZ is proposed on adjoining land, it will be considered as a performance based solution*.”

*Performance based solution means a method of complying with the PBP performance criteria other than by the ‘acceptable solutions’ which have been deemed to meet the specified performance criteria. PBP 2019 emphasises that an APZ is but one of a suite of Bushfire Protection Measures (BPM) that need to be applied to achieve acceptable outcomes in terms of reducing the potential impact of a bush fire.

SECTION 4.15

Section 4.15 and EP&A Act Checklist

| | |
|---|--|
| The suitability of the site for the development: | The site is generally suitable for development, however, the requirements of Planning for Bushfire Purposes for provision of required APZ's within the allotments may restrict the developable area of those allotments. |
| The provisions of any environmental planning instrument and draft environmental planning instrument: | <p>The proposal does not achieve compliance due to the requirements of the Local Government Act.</p> <p>The proposal has been assessed against the provisions of all relevant SEPP's and did not raise items of concern.</p> <p>The proposal has been examined in detail against the provisions of SRRLEP 2013. The proposal is not considered to be acceptable as it requires the use of the adjoining Council land, without the prerequisite requirements of the Local Government Act being met.</p> |
| The provision of any development control plan: | The application generally complies with the provisions of Council's relevant development control plans. |
| Any matters prescribed by the regulations: | The application generally complies with the <i>EP&A Regulation 2021</i> . |
| The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: | The likely impacts of the development have been considered as part of this application, and appropriately addressed above. |
| Any submissions made in accordance with the | The application was not notified or advertised. |

8.1 DEVELOPMENT APPLICATION 10.2007.3000079.17 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 9)

| | |
|---|---|
| EP&A Act or the regulations: | |
| The public interest: | The proposal is considered to be contrary to the public interest, as it would require the use of community land to provide a benefit to private landowners. |

SUBMISSIONS

The application was not notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Zero (0) submission received.

The application was not publicly advertised, in accordance with relevant DCP and the relevant statutory regulations.

CONCLUSION

It is considered that the proposed development does not comply with the relevant provisions of Section 35 and 47 of the Local Government Act 1993 and 4.15 of the Environmental Planning and Assessment Act 1979. The key issues arising out of the assessment of this application comprise:

- The subject land/s are classified as Community Land and do not have active Plans of Management which allow for 'other estates'. As such the proposed development is in contravention of section 35 of the Local Government Act 1993.
- Ministerial consent is potentially required for a Plan of Management to provide for leases/licences (easements) on Community land for periods in excess of 21 years, this has not been obtained and as such the proposed development does not meet the requirements of section 47 (5) of the Local Government Act 1993.
- It is considered that the proposed development does not meet the site suitability and public interest tests of s4.15 of the Environmental Planning and Assessment Act 1979.
- The proposed APZ are on adjoining land and is not in keeping with the Rural Fires Act 1997 and section 3.2.5 of Planning for Bush Fire Protection 2019 'APZs on adjoining land'.

ATTACHMENTS

1. DRFAT Reasons of Refusal
2. Statement Of Environmental Effects
3. Survey Plan
4. Proposed 88B
5. Owners Consent - Council Signed Pre-DA Form

REFERENCES

NSW Rural Fire Service. (2019). Planning for Bushfire Protection. Retrieved from <https://www.rfs.nsw.gov.au>



L M PO Box 714 COOMA NSW 2630

REASONS FOR REFUSAL

P 1300 345 345

Development Application 2007.3000079.17 is **refused** for the following reason/s:

1. The proposed development and design does not meet the site suitability and public interest tests of 4.15 of the Environmental Planning and Assessment Act 1979.
2. The subject land, Lot 30 and 31 DP 1118132, do not have an active Plan of Management which allows for 'other estates'. As such the proposed development is in contravention of section 35 of the Local Government Act 1993.
3. Mistrial consent has not been granted and as such the proposed development is in contravention of section 47 (5) of the Local Government Act 1993.
4. The proposed development is not in keeping with the Rural Fires Act 1997 and 3.2.5 of Planning for Bushfire Protection 2019.

Advice to Applicant: In view of the above **Refusal, NO WORK MAY BE COMMENCED.**

ADVICE TO APPLICANT

Right of appeal / review of determination: If you are dissatisfied with this decision:

- Apply to Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act 1979. Such application must be made and determined by Council within six (6) months from the date on which you received the original determination notice provided that an appeal under Section 8.7 of the Environmental Planning and Assessment Act 1979 has not been made against this determination
- Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Advisory notes: your attention is drawn to the following:

- In view of the above **Refusal, NO WORK MAY BE COMMENCED.**
- For further information and if there is any difficulty understating any of the above information please contact the Development Assessment Section on 1300 345 345.



20 July 2022

Our ref: 6004

The General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

S4.55 1a Application

**DA 00079/2006 (MOD10.2022.44) – Staged Subdivision Comprising 205 Lots at
L23 DP 1227047, Lot 17 DP 1216242 & Lot 32 DP 1118132 Jillamatong Street,
Jindabyne**

Dear Sir

We have enclosed an application under Section 4.55(1a) of the Environmental Planning and Assessment Act to modify the abovementioned development consent.

The amended proposal requires a condition to be added to the consent to require the provision of an Asset Protection Zone be provided on council's public reserve that adjoins the proposed lots in Stage 9 of the development.

Amendments to the Planning for Bushfire Protection guideline (PfBP) include an additional vegetation category of Grassland Hazard Area. The Snowy Monaro Regional Council Bushfire Prone Land Maps have been updated to include this vegetation hazard type. This has resulted in the public reserve adjoining the lots within the approved subdivision being now mapped as Bushfire Prone Land which requires an Asset Protection Zone (APZ) to be provided within each lot that adjoins the reserve. In relation to the public reserve a 10m APZ is required. To negate the need to provide this APZ within each adjoining lot within the Highview Estate it is proposed to provide 10m APZ within public reserve that adjoins each affected lot.

The location of the APZ is shown on the plan prepared by Peter Burns that has been submitted with the application. The APZ will be in accordance with the draft 88B instrument that has been submitted with the application. This instrument provides for the owner of the affected lot to be able enter the adjoining public reserve and maintain a distance of 10m from the rear boundary of the lot as an Inner Protection Zone in accordance with the provisions of Planning for Bushfire Protection Guidelines 2019.

We propose that the consent be modified to include the following condition.

Coastplan Consulting - Platinum Building – 9 Churchill Close MacMasters Beach NSW 2251
Phone: 0425366911 Email: tony.tuxworth@coastplan.com.au
ACN 109 272 853 ABN 95 109 272 853

Include on the Deposited Plan (DP) for each lot within Stage 9 of the proposed subdivision a Positive Covenant under the Conveyancing Act 1919 with the owner of the lot having the benefit of the covenant and council having sole authority to release and modify that will enable the benefited lot to:

- a) Maintain that area within the adjoining public reserve (at their own cost) as an Inner Protection Area (IPA) as outlined in Section 3.2 and Appendix 4 of Planning for Bushfire Protection guideline 2019 and APZ standards*
- b) Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of the positive covenant.*

In complying with the terms of the Positive Covenant, the Benefited Proprietor can (at their cost):

- a) Pass across the lot burdened by any reasonable means to get to the site of the positive covenant; and*
- b) Do what is reasonably necessary including:*
 - i. Taking anything on to or from the area;*
 - ii. Carrying out the appropriate Hazard Reduction Method; and*
 - iii. Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.*

Under Section 63 of the Rural Fires Act 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 any land vested in or under its control or management. 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.

Discussion with council officers indicates that the Rural Fire Service provides funding to council for the carrying out of work to minimize the danger of the spread of bushfire on or from their public reserves. The provision of an APZ within the public reserve adjoining the affected lots within the Highview Estate will require the owners of land adjoining the reserve to maintain the APA which will negate the need for Council to carry out this work.

The public reserve that will be impacted by the 88B instrument is classified as Community Land under the provisions of the Local Government Act, 1993. Section 35 of the Act requires that community land is required to be used and managed in accordance with the following —

- the plan of management applying to the land
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land this Division.

Given that the public reserve is managed to prevent bushfires it is assumed that plan of management must allow for such a use. Therefore, it is assumed that the provision of an APZ on the public reserve is consistent with the Plan of Management.

In relation to the impacts of providing the APZ on the public reserve, the provision of an APZ will require the maintenance of the area as an Inner Protection Zone. This will be achieved by slashing the grass within the APZ. The public reserve that adjoins the approved lots in Stage 9 does not contain any native vegetation other than grassland that will be required to be maintained. No trees will be required to be removed to provide the APZ. Therefore, the amended proposal will not result in any impact on threatened species, populations, ecological communities or critical habitats within the meaning of the *Threatened Species Conservation Act 1995*.

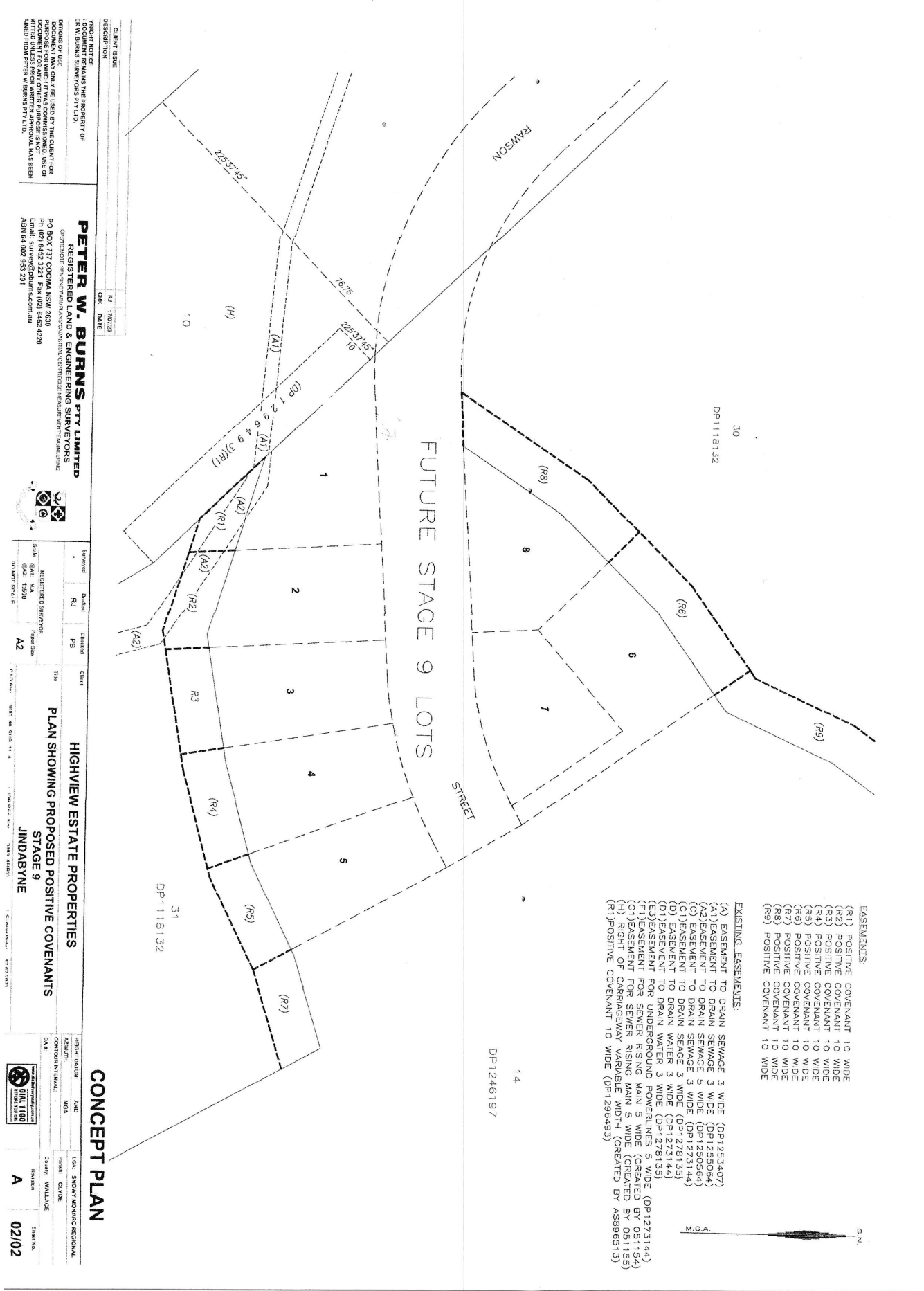
It is considered that the Council should be satisfied that the proposed modified development is of minimal environmental impact as it only relates to the inclusion of a condition of consent.

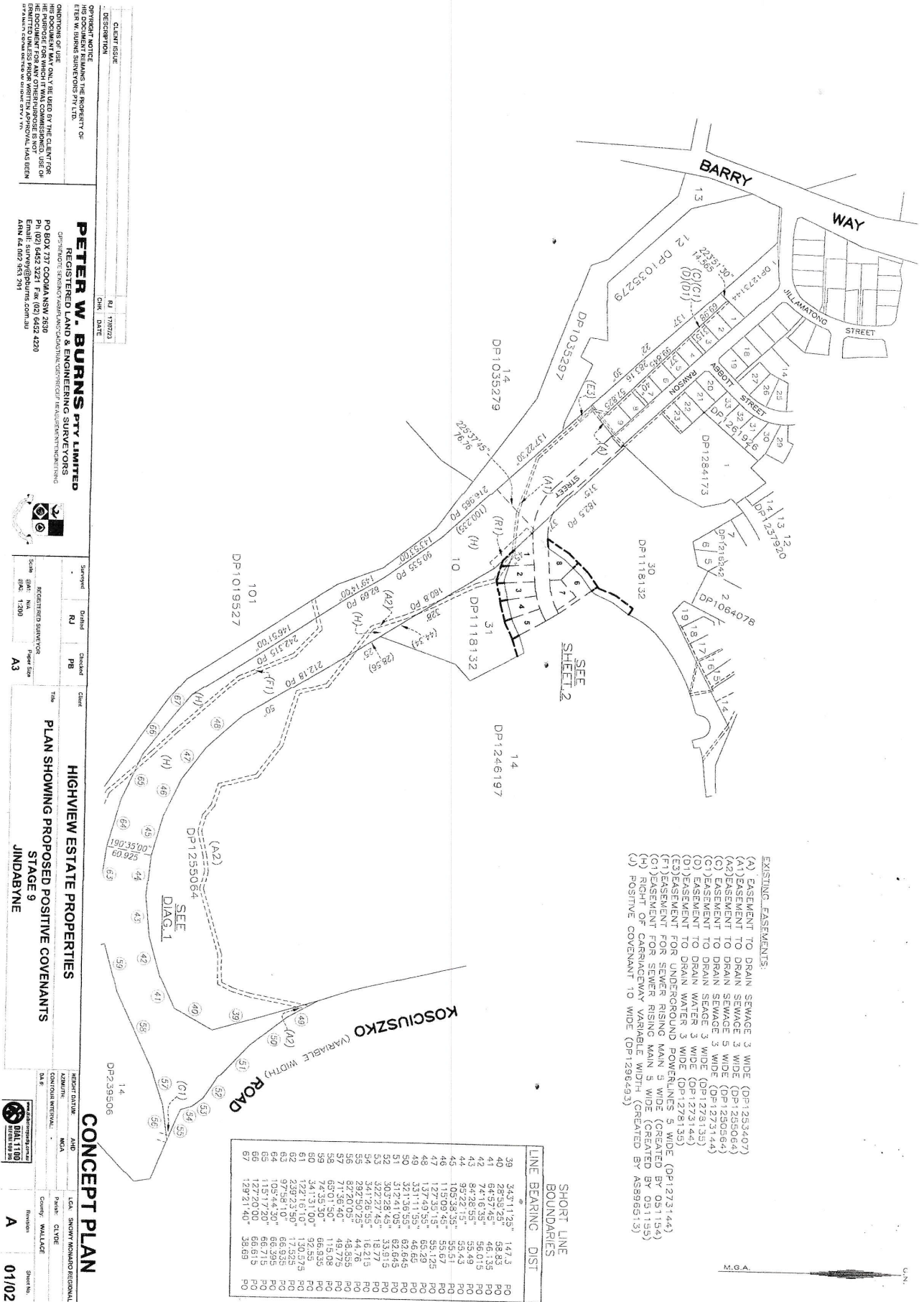
Further, it is considered that Council should be satisfied that the development proposal, as modified, will be substantially the same development as that for which development consent was originally granted.

Should you wish to discuss this matter or require any further information, please contact me.

Yours Faithfully

Tony Tuxworth





**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
INTENDED TO BE CREATED OR RELEASED PURSUANT TO
SECTION 88B OF THE CONVEYANCING ACT 1919**

Plan:

Plan creating Positive Covenant over
Lot 30 in Deposited Plan 1118132 and Lot 31 in
Deposited Plan 1118132

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| | | |
|---|-------------------|--|
| Full name & address of the owner of the land: | 30/1118132 | Snowy Monaro Regional Council 81 Commissioner Street, Cooma NSW 2630 |
| | 31/1118132 | Snowy Monaro Regional Council 81 Commissioner Street, Cooma NSW 2630 |
| | 14/1246197 | Erina Investments Holdings Pty Ltd (ACN 615 891 355) & Village Style Retirement Services Pty Limited (ACN 114 578 639) 25 Prince Street, Wamberal NSW 2260 |
| Full name & address of the mortgagee of the land: | | |

Part 1 (Creation)

| Number of item shown in the intention panel on the plan: | Identity of easement, profit a' 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. | Positive Covenant 10 Wide (R1) | 31/1118132 | 14/1246197 |
| 2. | Positive Covenant 10 Wide (R2) | 31/1118132 | 14/1246197 |
| 3. | Positive Covenant 10 Wide (R3) | 31/1118132 | 14/1246197 |
| 4. | Positive Covenant 10 Wide (R4) | 31/1118132 | 14/1246197 |
| 5. | Positive Covenant 10 Wide (R5) | 31/1118132 | 14/1246197 |
| 6. | Positive Covenant 10 Wide (R6) | 30/1118132 | 14/1246197 |
| 7. | Positive Covenant 10 Wide (R7) | 31/1118132 | 14/1246197 |
| 8. | Positive Covenant 10 Wide (R8) | 30/1118132 | 14/1246197 |
| 9. | Positive Covenant 10 Wide (R9) | 30/1118132 | 14/1246197 |

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
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Part 2 (Terms)

1. TERMS OF POSITIVE COVENANT NUMBERED 1 IN THE PLAN.

1.1 In this positive covenant numbered 1:

- (a). **"APZ"** means "Asset Protection Zone" as that term is defined in the dictionary of PfbP2019.
- (b). **"APZ Standards"** means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service
(as may be varied or replaced)
- (c). **"Benefited Proprietor"** includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
- (d). **"PfbP2019"** means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9
(as may be varied or replaced)
- (e). **"Council"** means Snowy Monaro Regional Council or its successor.
- (f). **"Burdened Proprietor"** means Council.
- (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.

1.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:

- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfbP2019; and
 - (ii). APZ Standards.
- (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.

1.3 In complying with term 1.2 of this positive covenant, the Benefited Proprietor can (at their own cost):

- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
- (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
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Plan creating Positive Covenant over
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- 1.4 In exercising the powers under term 1.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 1.5 Where the Benefited Owner fails to comply their obligation under term 1.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 1.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 1.5(c)(i) of this positive covenant. `
- 1.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

2. TERMS OF POSITIVE COVENANT NUMBERED 2 IN THE PLAN.

2.1 In this positive covenant numbered 2:

- (a). "**APZ**" means "Asset Protection Zone" as that term is defined in the dictionary of PfBP2019.
- (b). "**APZ Standards**" means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service
(as may be varied or replaced)
- (c). "**Benefited Proprietor**" includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
- (d). "**PfBP2019**" means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9
(as may be varied or replaced)
- (e). "**Council**" means Snowy Monaro Regional Council or its successor.
- (f). "**Burdened Proprietor**" means Council.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
INTENDED TO BE CREATED OR RELEASED PURSUANT TO
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Plan:

Plan creating Positive Covenant over
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- (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.
- 2.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:
- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfbP2019; and
 - (ii). APZ Standards.
 - (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.
- 2.3 In complying with term 2.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 2.4 In exercising the powers under term 2.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 2.5 Where the Benefited Owner fails to comply their obligation under term 2.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 2.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 2.5(c)(i) of this positive covenant.
- 2.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

3. TERMS OF POSITIVE COVENANT NUMBERED 3 IN THE PLAN.

- 3.1 In this positive covenant numbered 3:
- (a). **"APZ"** means "Asset Protection Zone" as that term is defined in the dictionary of PfbP2019.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
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Plan:

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- (b). **"APZ Standards"** means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service
(as may be varied or replaced)
 - (c). **"Benefited Proprietor"** includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
 - (d). **"Pfbp2019"** means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9
(as may be varied or replaced)
 - (e). **"Council"** means Snowy Monaro Regional Council or its successor.
 - (f). **"Burdened Proprietor"** means Council.
 - (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.
- 3.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:
- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the Pfbp2019; and
 - (ii). APZ Standards.
 - (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.
- 3.3 In complying with term 3.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 3.4 In exercising the powers under term 3.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
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- 3.5 Where the Benefited Owner fails to comply their obligation under term 3.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 3.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 3.5(c)(i) of this positive covenant.
- 3.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

4. TERMS OF POSITIVE COVENANT NUMBERED 4 IN THE PLAN.

- 4.1 In this positive covenant numbered 4:
- (a). "**APZ**" means "Asset Protection Zone" as that term is defined in the dictionary of PfBP2019.
 - (b). "**APZ Standards**" means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service
(as may be varied or replaced)
 - (c). "**Benefited Proprietor**" includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
 - (d). "**PfBP2019**" means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9
(as may be varied or replaced)
 - (e). "**Council**" means Snowy Monaro Regional Council or its successor.
 - (f). "**Burdened Proprietor**" means Council.
 - (g). "**Hazard Reduction Method**" means the method of reduction as permitted under the BfBP2019 and APZ Standards.
- 4.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:
- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfBP2019; and

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A' PRENDRE
INTENDED TO BE CREATED OR RELEASED PURSUANT TO
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- (ii). APZ Standards.
- (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.
- 4.3 In complying with term 4.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
 - (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 4.4 In exercising the powers under term 4.3 of this positive covenant, the Benefited Owner must (at their own cost):
 - (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 4.5 Where the Benefited Owner fails to comply their obligation under term 4.2 of this positive covenant Council have the right to:
 - (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 4.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 4.5(c)(i) of this positive covenant.
- 4.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

5. TERMS OF POSITIVE COVENANT NUMBERED 5 IN THE PLAN.

- 5.1 In this positive covenant numbered 5:
 - (a). "**APZ**" means "Asset Protection Zone" as that term is defined in the dictionary of PFBP2019.
 - (b). "**APZ Standards**" means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service
(as may be varied or replaced)
 - (c). "**Benefited Proprietor**" includes the registered proprietor of the benefited lot from time to

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time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

- (d). **"PfBP2019"** means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9(as may be varied or replaced)
 - (e). **"Council"** means Snowy Monaro Regional Council or its successor.
 - (f). **"Burdened Proprietor"** means Council.
 - (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.
- 5.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:
- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfBP2019; and
 - (ii). APZ Standards.
 - (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.
- 5.3 In complying with term 5.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 5.4 In exercising the powers under term 5.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 5.5 Where the Benefited Owner fails to comply their obligation under term 5.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent

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jurisdiction:

- (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 5.5; and
- (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 5.5(c)(i) of this positive covenant.

- 5.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

6. TERMS OF POSITIVE COVENANT NUMBERED 6 IN THE PLAN.

- 6.1 In this positive covenant numbered 6:

- (a). **"APZ"** means "Asset Protection Zone" as that term is defined in the dictionary of PfBP2019.
- (b). **"APZ Standards"** means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service
(as may be varied or replaced)
- (c). **"Benefited Proprietor"** includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
- (d). **"PfBP2019"** means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9
(as may be varied or replaced)
- (e). **"Council"** means Snowy Monaro Regional Council or its successor.
- (f). **"Burdened Proprietor"** means Council.
- (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.

- 6.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:

- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfBP2019; and
 - (ii). APZ Standards.
- (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.

- 6.3 In complying with term 6.2 of this positive covenant, the Benefited Proprietor can (at their own cost):

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- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 6.4 In exercising the powers under term 6.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 6.5 Where the Benefited Owner fails to comply their obligation under term 6.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 6.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 6.5(c)(i) of this positive covenant.
- 6.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

7. TERMS OF POSITIVE COVENANT NUMBERED 7 IN THE PLAN.

7.1 In this positive covenant numbered 7:

- (a). "**APZ**" means "Asset Protection Zone" as that term is defined in the dictionary of PFBP2019.
- (b). "**APZ Standards**" means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service(as may be varied or replaced)
- (c). "**Benefited Proprietor**" includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

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- (d). **"PfBP2019"** means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9(as may be varied or replaced)
 - (e). **"Council"** means Snowy Monaro Regional Council or its successor.
 - (f). **"Burdened Proprietor"** means Council.
 - (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.
- 7.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:
- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfBP2019; and
 - (ii). APZ Standards.
 - (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.
- 7.3 In complying with term 6.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 7.4 In exercising the powers under term 6.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 7.5 Where the Benefited Owner fails to comply their obligation under term 6.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 6.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of

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the costs and expenses described in term 6.5(c)(i) of this positive covenant.

- 7.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

8. TERMS OF POSITIVE COVENANT NUMBERED 8 IN THE PLAN.

- 8.1 In this positive covenant numbered 8:

- (a). **"APZ"** means "Asset Protection Zone" as that term is defined in the dictionary of PfbP2019.
- (b). **"APZ Standards"** means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service(as may be varied or replaced)
- (c). **"Benefited Proprietor"** includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
- (d). **"PfbP2019"** means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019
 - (ii). Prepared by: NSW Rural Fire Service
 - (iii). ISBN: 978-0-646-99126-9(as may be varied or replaced)
- (e). **"Council"** means Snowy Monaro Regional Council or its successor.
- (f). **"Burdened Proprietor"** means Council.
- (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.

- 8.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:

- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfbP2019; and
 - (ii). APZ Standards.
- (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.

- 8.3 In complying with term 6.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive

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- covenant; and
- (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 8.4 In exercising the powers under term 6.3 of this positive covenant, the Benefited Owner must (at their own cost):
 - (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 8.5 Where the Benefited Owner fails to comply their obligation under term 6.2 of this positive covenant Council have the right to:
 - (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 6.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 6.5(c)(i) of this positive covenant.
- 8.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro Regional Council or its successor.

9. TERMS OF POSITIVE COVENANT NUMBERED 9 IN THE PLAN.

- 9.1 In this positive covenant numbered 9:
 - (a). "**APZ**" means "Asset Protection Zone" as that term is defined in the dictionary of PfBP2019.
 - (b). "**APZ Standards**" means the publication:
 - (i). Titled: Standards for Asset Protection Zones
 - (ii). Prepared by: NSW Rural Fire Service(as may be varied or replaced)
 - (c). "**Benefited Proprietor**" includes the registered proprietor of the benefited lot from time to time and all heirs, executors, assigns, mortgagee in possession, successors in title to the benefited lot and where there are two or more registered proprietors of the benefited lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.
 - (d). "**PfBP2019**" means the publication:
 - (i). Titled: Planning for Bushfire Protection 2019

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- (ii). Prepared by: NSW Rural Fire Service
- (iii). ISBN: 978-0-646-99126-9
(as may be varied or replaced)

- (e). **"Council"** means Snowy Monaro Regional Council or its successor.
 - (f). **"Burdened Proprietor"** means Council.
 - (g). **"Hazard Reduction Method"** means the method of reduction as permitted under the BfBP2019 and APZ Standards.
- 9.2 The Benefited Proprietor shall always, as to the area described in this positive covenant within the land burdened:
- (a). Maintain that area (at their own cost) as an Inner Protection Area (IPA) as outlined within:
 - (i). Section 3.2 and appendix 4 of the PfbP2019; and
 - (ii). APZ Standards.
 - (b). Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of this positive covenant.
- 9.3 In complying with term 6.2 of this positive covenant, the Benefited Proprietor can (at their own cost):
- (a). Pass across the lot burdened by any reasonable means to get to the site of this positive covenant; and
 - (b). Do what is reasonably necessary including:
 - (i). Taking anything on to or from the area;
 - (ii). Carrying out the appropriate Hazard Reduction Method; and
 - (iii). Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.
- 9.4 In exercising the powers under term 6.3 of this positive covenant, the Benefited Owner must (at their own cost):
- (a). Ensure all work is done properly and carried out as quickly as is practicable;
 - (b). Cause as little damage as is practicable to the lot burdened; and
 - (c). Make good any collateral damage.
- 9.5 Where the Benefited Owner fails to comply their obligation under term 6.2 of this positive covenant Council have the right to:
- (a). Issue a notice (**Notice**) requiring the Benefited Owner to comply with their obligations within a time, to be determined at Council's discretion;
 - (b). Execute the works as described in the Notice, if the Benefited Owner fails to complete same within the time stipulated in such Notice; and
 - (c). To recover from the Benefited Proprietor as liquidated debt in a court of competent jurisdiction:
 - (i). Costs and expenses reasonably incurred by Council in exercising its powers under this term 6.5; and
 - (ii). Legal costs and expenses on an indemnity basis for issue of a Notices and recovery of the costs and expenses described in term 6.5(c)(i) of this positive covenant.

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- 9.6 Name of person empowered to release, vary, or modify this positive covenant is Snowy Monaro
Regional Council or its successor.

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EXECUTIONS PAGES

EXECUTION OF THE REGISTERED PROPRIETOR OF 30/1118132 and 31/1118132

| | |
|---|---|
| Approved by SNOWY MONARO REGIONAL COUNCIL BY ITS AUTHORISED DELEGATE PURSUANT TO S.377 LOCAL GOVERNMENT ACT 1993 ON THIS DAY: |))) |
| | Signature of General Manager / Authorised Person |
| | Signature of General Manager / Authorised Person |
| Signature of witness | |
| Name of witness | |
| Address of witness | |

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EXECUTIONS PAGES (CONTINUED)

EXECUTION OF THE REGISTERED PROPRIETOR OF 14/1246197

| | |
|--|-------------|
| ERINA INVESTMENTS HOLDINGS PTY LTD | |
| Executed for and on behalf of (ACN 615 891 355) | |
| pursuant to section 127 of the Corporations Act 2001 (Cth) by its authorised officers: | |
| Signature | Signature |
| Name | Name |
| Office Held | Office Held |

| | |
|--|-------------|
| VILLAGE STYLE RETIREMENT SERVICES PTY LIMITED | |
| Executed for and on behalf of (ACN 114 578 639) | |
| pursuant to section 127 of the Corporations Act 2001 (Cth) by its authorised officers: | |
| Signature | Signature |
| Name | Name |
| Office Held | Office Held |

EXECUTION OF THE MORTGAGEE OF 14/1246197

No Mortgagee



Pre-Lodgement Application Form

Portal Application number: PAN-353468

Applicant contact details

| | |
|--|-----------------------|
| Title | Mr |
| First given name | T |
| Other given name/s | |
| Family name | Tuxworth |
| Contact number | 04 |
| Email | .com.au |
| Address | MACMASTERS BEACH 2251 |
| Application on behalf of a company, business or body corporate | No |

Owner/s of the development site

| | |
|--|--|
| Owner/s of the development site | A company, business, government entity or other similar body owns the development site |
| Owner # | 1 |
| Company, business or body corporate name | village style retirement services Pty Ltd |
| ABN / ACN | 59 114 578 639 |
| Owner # | 2 |
| Company, business or body corporate name | Erina Investments Holdings Pty Ltd |
| ABN / ACN | 23 514 519 823 |

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

| | |
|---|----|
| Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc. | No |
|---|----|

Developer details

| | |
|---------------|--|
| ABN | |
| ACN | |
| Name | |
| Trading name | |
| Address | |
| Email Address | |

Development details

| | |
|--|---|
| Application type | Modification Application |
| On what date was the development application to be notified determined | 15/05/2007 |
| Type of modification requested | S4.55(1A) - Modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved |
| Development Application number of the consent to be modified | 10.2007.3000079.15 |

| | |
|---|---|
| Description of the proposed modification | add a condition in relation to providing an Asset Protection Zone for bushfire protection for lots adjoining councils public reserve in Stage 9 of the subdivision |
| Was the DA applied for via the NSW Planning Portal? | No |
| What is the Development Application number of the consent to be modified? | 10.2007.3000079.15 |
| Site address # | 1 |
| Street address | 103 BARRY WAY JINDABYNE 2627 |
| Local government area | SNOWY MONARO REGIONAL |
| Lot / Section Number / Plan | 12/-/DP1035279 <input checked="" type="checkbox"/> |
| Primary address? | Yes |
| Planning controls affecting property | <p>Land Application LEP Snowy River Local Environmental Plan 2013</p> <p>Land Zoning R1: General Residential</p> <p>Height of Building 9 m</p> <p>Floor Space Ratio (n:1) NA</p> <p>Minimum Lot Size NA</p> <p>Heritage NA</p> <p>Land Reservation Acquisition NA</p> <p>Foreshore Building Line NA</p> <p>Local Provisions Growth Areas Map</p> <p>Terrestrial Biodiversity Biodiversity</p> |

Proposed development

| | |
|--|---------------------|
| Proposed type of development | Subdivision of land |
| Description of development | 207 Lot Subdivision |
| Dwelling count details | |
| Number of dwellings / units proposed | 0 |
| Number of storeys proposed | 0 |
| Number of pre-existing dwellings on site | 0 |
| Number of dwellings to be demolished | 0 |
| Existing gross floor area (m2) | 0 |
| Proposed gross floor area (m2) | 0 |
| Total site area (m2) | 0 |
| Cost of development | |
| Estimated cost of work / development (including GST) | \$0.00 |
| Do you have one or more BASIX certificates? | No |
| Subdivision | |
| Number of existing lots | 207 |
| Proposed operating details | |
| Number of staff/employees on the site | |

Number of parking spaces

| | |
|---------------------------------------|--|
| Number of loading bays | |
| Is a new road proposed? | No |
| Concept development | |
| Is the development to be staged? | No, this application is not for concept or staged development. |
| Crown development | |
| Is this a proposed Crown development? | No |

Related planning information

| | |
|--|----------------------|
| Is the application for integrated development? | Yes |
| Acts under which licences or approvals are required | Rural Fires Act 1997 |
| Is your proposal categorised as designated development? | No |
| Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat? | No |
| Is this application for biodiversity compliant development? | No |
| Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)? | No |
| Is the application accompanied by a Planning Agreement ? | No |
| Section 68 of the Local Government Act | |
| Is approval under s68 of the Local Government Act 1993 required? | No |
| 10.7 Certificate | |
| Have you already obtained a 10.7 certificate? | |
| Tree works | |
| Is tree removal and/or pruning work proposed? | No |
| Local heritage | |
| Does the development site include an item of environmental heritage or sit within a heritage conservation area. | No |
| Are works proposed to any heritage listed buildings? | No |
| Is heritage tree removal proposed? | No |
| Affiliations and Pecuniary interests | |
| Is the applicant or owner a staff member or councillor of the council assessing the application? | No |
| Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application? | No |
| Political Donations | |
| Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years? | No |

Please provide details of each donation/gift which has been made within the last 2 years

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

| | |
|---------------------|---|
| First name | G |
| Other given name(s) | |
| Family name | h |
| Contact number | 04 |
| Email address | @gmail.com |
| Billing address | 9 CHURCHILL CLOSE MACMASTERS BEACH 2251 |

Application documents

The following documents support the application.

| Document type | Document file name |
|------------------------------------|--------------------------------|
| Other | Draft 88b for Highview Stage 9 |
| Owner's consent | Owners Consent St9 APZ |
| Statement of environmental effects | Ltr to council for APZ Stage 9 |
| Survey plan | Stage 9 Concept Plan APZ |

Applicant declarations

| | |
|---|-----|
| I declare that all the information in my application and accompanying documents is, to the best of my knowledge, true and correct. | Yes |
| I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application. | Yes |
| I understand that if incomplete, the consent authority may request more information, which will result in delays to the application. | Yes |
| I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal | Yes |
| I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it. | Yes |
| I agree to appropriately delegated assessment officers attending the site for the purpose of inspection. | Yes |
| I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning and Environment. | Yes |
| I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice | Yes |
| I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s). | |

Peter Bascomb

Chief Executive Officer



23/08/2023

8.2 DEVELOPMENT APPLICATION 10.2023.63.1 - 56 WELLINGTON STREET BOMBALA - NEW GRANDSTAND

Record No: I23/454

| | |
|-----------------------|--|
| Applicant Number: | 10.2023.63.1 |
| Applicant: | Snowy Monaro Regional Council |
| Owner: | Snowy Monaro Regional Council |
| DA Registered: | 10/03/2023 |
| Property Description: | Lot: A DP: 154400, Lot: 1 DP: 151403, Lot: 1 DP: 151404, Lot: 10 DP: 1097766, Lot: 12 DP: 1097766, Lot: 14 DP: 1097766, Lot: 13 DP: 1097766, Lot: 11 DP: 1097766 |
| Property Number: | 56 Wellington Street |
| Area: | Bombala |
| Zone: | RE1 – Public Recreation |
| Current Use: | Recreational facility (outdoor) |
| Proposed Use: | Recreational facility (outdoor) |
| Permitted in Zone: | Yes |
| Recommendation: | Approval with Conditions |

RECOMMENDATION

That Council:

- A. Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)*, it is recommended that consent to DA 10.2023.63.1 for a grandstand, is granted subject to the conditions attached.
- B. If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018; and
- C. Any person who made a submission is notified according to the regulations.

BACKGROUND

The purpose of this report is to seek approval for a new covered grandstand at the existing outdoor recreational area on 56 Wellington Street Bombala.



Figure 1 – Subject site imagery.

Currently on the site there are existing change room facilities, a canteen, hall, CWA rooms, tennis courts, caretakers cottage and horse facilities.

Moveable bleacher style seating is the only current option for spectator seating.

The application is referred to Council as it involves property owned or managed by Council.



Figure 2 – Existing change room facilities and canteen viewed from the proposed location of the grandstand.



Figure 3 – The proposed location

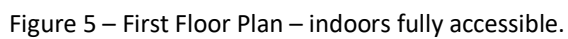
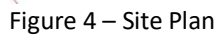
PROPOSAL IN DETAIL

The proposed development is for a two level covered grandstand with a 100 seating capacity outside on the ground level, as well as a fully accessible enclosed upper level with lift, kitchen, accessible toilet and an additional 30 seats.

The lower level will consist of two unisex referee toilets, two unisex toilets (one fully accessible) and two large storage areas.

The proposal also outlines accessible parking to be alongside the grandstand for easy access to the lift and landscaping to connect the grandstand to existing facilities.

Minor cut into the existing embankment will occur to allow for the grandstand.



8.2 DEVELOPMENT APPLICATION 10.2023.63.1 - 56 WELLINGTON STREET BOMBALA - NEW GRANDSTAND

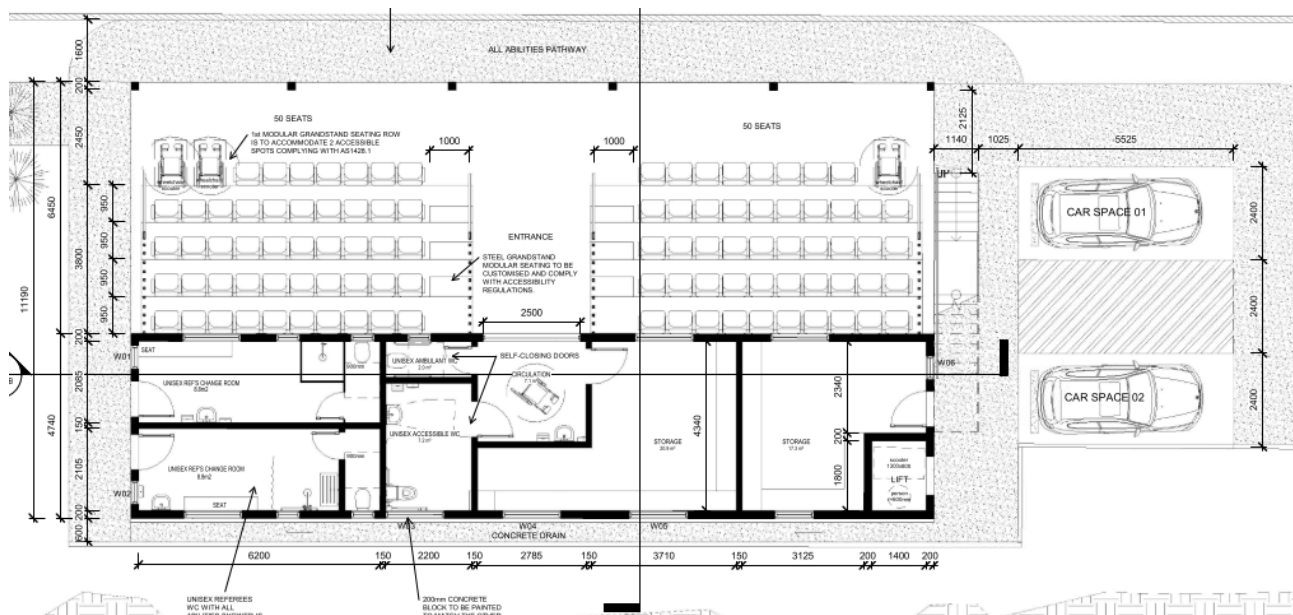


Figure 6 – Ground Floor Plan – 2 unisex referee toilets, 2 unisex toilets and 2 storage areas.

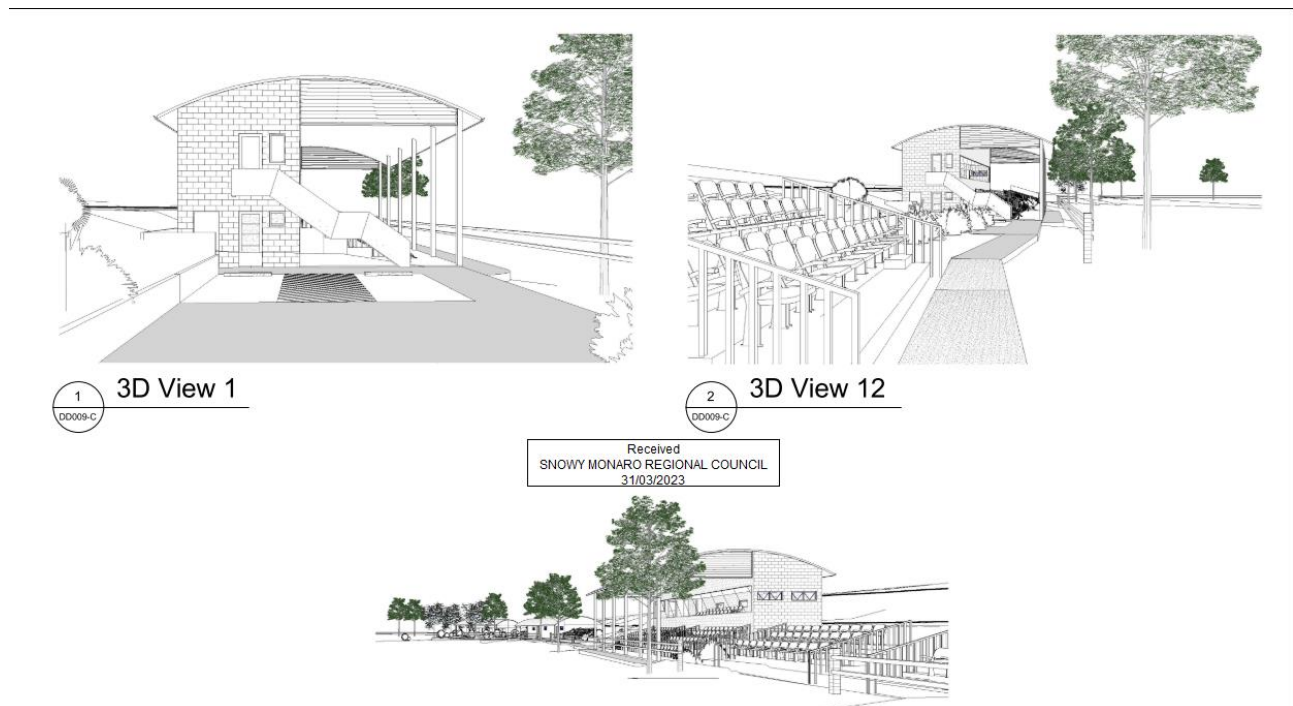





Figure 7 – 3D View

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

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| State Environment Planning Policies (SEPPs) | No State Environmental Planning Policies where applicable to the proposal. |
| Local Environmental Plan (LEP) (including draft LEPs) | Bombala Local Environmental Plan 2012 (BLEP2012) |
| Development Control Plans | Bombala Development Control Plan 2012 (BDCP2012) |

Section 4.15 and EP&A Act Checklist

| | |
|---|---|
| Slope | <p>The slope of the land varies with the area identified for development having a 1 m slope to the parking area and will require a cut to level the area.</p>  |
| Significant vegetation | There is no significant vegetation identified. |
| Adjoining development | Of a similar nature, scale and design to proposal. |
| Suitability of proposed works / building | Generally acceptable having regard to constraints of the land. |
| Streetscape | Proposal generally compatible with adjoining development. |
| Stormwater disposal | Into council system. |
| Services | Electricity/telephone/water/sewer/access all existing. |

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| Views | Nil impact to and from site. |
| Contamination | Nil identified. |
| Bushfire | The subject site is classified as bushfire prone. |
| Flooding | Not applicable.  |
| Vehicular access | The site has existing legal and practical access via Wellington Street. |
| Easements and restriction on use | No easements or restrictions on use identified on the site. |
| Aboriginal sites | Nil identified on-site. |
| Threatened species | Nil identified on-site. |
| Grasslands | Nil identified on-site. |
| Rivers/streams | Not applicable. |
| Effluent disposal | Council. |
| Prevailing winds | Nil impact. |
| Easements | Nil affected by this proposal. |
| Other matters | Nil. |

| Provision | Response/Acceptable Solution |
|--|--|
| PART 1 Preliminary | Satisfied |
| PART 2 Permitted or Prohibited Development | <p>2 Permitted without consent Environmental protection works.</p> <p>3 Permitted with consent Aquaculture; Boat launching ramps; Camping grounds; Caravan parks; Community facilities; Emergency services facilities; Environmental facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Signage; Water recreation structures</p> <p>4 Prohibited Any development not specified in item 2 or 3</p> |
| PART 3 Exempt and Complying Development | Not applicable. |
| PART 4 Principal development standards | |
| Clause 4.3 Height of building | No provisions apply. |
| Clause 4.4 Floor space ratio | No provisions apply. |
| PART 5 Miscellaneous provisions | None apply. |
| PART 6 Local Provisions | |
| Clause 6.1 Earthworks | Complies – Minimal ancillary works apply. |
| Clause 6.2 Flood Planning | Not applicable – Not identified in mapping. |
| Clause 6.3 Terrestrial Biodiversity | Not applicable – Not identified in mapping. |
| Clause 6.4 Riparian land and watercourses | Not applicable – Not identified in mapping. |
| Clause 5.5 Local of sex service premises | Not applicable – Not identified in mapping. |
| SCHEDULE 2 Exempt development | Not applicable. |
| SCHEDULE 3 Complying development | Not applicable. |
| SCHEDULE 4 Classification and reclassification of public land | Not applicable. |
| SCHEDULE 5 Environmental | Not applicable. |

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| heritage | |
| Schedule 6 Pond-based and tank-based aquaculture | Not applicable. |

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

Assessment against the relevant provisions of Bombala Development Control Plan 2012 (as amended) – In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

| Provision | Response/Acceptable Solution | Compliance |
|---|--|--|
| INTRODUCTION | | |
| 1.3 Making a development application | The development complies, it was received with appropriate documentation | Satisfied |
| 1.4 Advertising and Notification | The application was notified and advertised for 14 days – 0 Submissions | Yes |
| 2. SUSTAINABLE DESIGN | | |
| 2.1 Principles of sustainability | | Yes |
| 2.2 Settlement character statements- 2.2.1 Bombala | | Yes |
| 2.3 Site planning | | |
| 2.3.1 Site analysis | | |
| P1 The site analysis establishes the development context by identifying and illustrating the key influences on the design, and how the proposed allotments and buildings will relate to each other and to the immediate surroundings | A1 A site analysis is required to be submitted with development applications for residential subdivisions, multi-unit residential development (multi dwelling housing, residential flat buildings and seniors housing), and tourist and visitor accommodation | The development is consistent with the existing use of the site and has considered local amenity on and adjoining the site |
| 2.4 Heritage conservation | | Not Applicable |
| 2.5 Environmental Management | | |
| 2.5.1 Bushfire - complies | | Complies |
| P1 Subdivision and building design incorporates appropriate mitigative measures to protect life and property in the event of a bushfire | A1 An assessment of the potential impact of bushfire on property mapped as bushfire prone and of bushfire protection measures is prepared and submitted with the development application | The proposal complies with the requirements for Planning for bushfire protection 2019 and was referred to NSW RFS for comment. |

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| 2.5.2 Flooding | | Not Applicable |
| 2.5.3 Biodiversity, vegetation and tree removal | | Not Applicable |
| 3. SUBDIVISION | | Not Applicable |
| 4. BUILDING | | |
| 4.1 General provisions – all zones | | |
| Section 4.1 General provisions applies to all new development that involves building or structures, including alterations and additions, in all zones in Bombala local government area. | | |
| 4.1.1 Building design - Complies | | |
| Intent - to ensure that building appearance from public streets and adjoining sites is attractive and visually compatible with either attractive surrounding development or the identified future urban character of the area. | | |
| P1 The frontage of buildings and their entries are readily apparent from the street | A1 New development takes into consideration the character statement (where applicable) for the settlement and reinforces that character | Complies. The building is placed to the rear of the lot with the seating being visible from the front. |
| P2 Building height at the street frontage maintains a compatible scale with adjacent development | A2 Buildings adjacent to the public street address the street by having a front door and/ or living room or kitchen windows facing the street | Complies and is consistent with other buildings on the site with the rear facing the hill side. |
| P3 Buildings are designed to reflect relevant features of the prevailing character of surrounding attractive streetscapes, features and built form character that have been identified as part of the desired future character of the area | A3 Differences in building height between existing buildings and new development are not more than one storey when viewed from the public street and adjoining properties. This requirement applies to the building for a depth of one room | Complies. |
| P4 Buildings are designed to enhance existing attractive built form character by translating the following characteristics found in the surrounding built form into innovative design solutions: - mass and proportion; - building materials. | A4 Building design, roof form and pitch, detailing and materials visible from public areas and adjoining properties are not in strong visual contrast with the character of attractive neighbouring buildings | Complies Consistent with other recreational buildings on the site |
| P5 New development complements or enhances any | Provides sufficient open space for the planting of trees to complement the | Complies |

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| treed landscape character of the area. | landscape character of the neighbourhood; - retaining and protecting existing vegetation where possible | |
| P6 The building design, detailing and finish provide an appropriate scale to the street, | Add visual interest and enable differentiation between buildings when viewed from public streets | Complies |
| P7 Buildings are designed and sited to acknowledge the private open space of surrounding development, | | Complies |
| P8 Garages and parking structures are sited and designed so as not to dominate the street frontage, | | Not applicable |
| P9 Existing buildings in sound condition that contribute to the streetscape character and items of heritage or conservation significance are retained, incorporated and sympathetically treated, where possible | | Complies |
| 4.1.2 Energy efficiency – not applicable. | | |
| 4.1.3 Stormwater management – complies Stormwater requirements from the Development Engineer have been attached with recommendations for an absorption trench to be used. | | |
| 4.1.4 Landscaping – Existing Complies | | |
| 4.1.5 Security – complies The design has an open grandstand area in the front general area with the indoor section able to be locked and closed off when not in use. The open design will allow for visual surveillance and no areas of entrapment. | | |
| 4.1.6 Land contamination – not applicable | | |
| 4.1.7 Access driveways - existing The access is existing however it does not comply with current standards. Conditions to upgrade the access have been applied. | | |
| 4.2 Residential development in residential and village zones – not applicable | | |
| 4.3 Rural Residential development – not applicable | | |
| 4.4 Business and Industrial development – not applicable | | |
| 4.5 Rural development – not applicable | | |

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| 5. PARKING AND ACCESS |
| 5.1 Parking 5.1.1 Car parking Complies – The site has various parking allowances throughout the site and externally on the road reserve. |
| 5.1.2 Service and delivery vehicles Complies – Sufficient area for delivery vehicles manoeuvring is available. |
| 5.1.3 Bicycle facilities Complies – Sufficient area for bicycle facilities are available |
| 5.2 Access and parking area design 5.2.1 Access driveways and internal roads The existing access will be conditioned to get upgrades to comply with councils current standards |
| 5.2.2 Parking area design Existing Complies – no changes proposed except for accessible parking. |

SUBMISSIONS

The application was notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days.

The application was publicly advertised, in accordance with relevant DCP and the relevant statutory regulations.

No Submissions were received.

| | |
|---|---|
| The suitability of the site for the development: | The site is generally suitable for development. |
| The provisions of any environmental planning instrument and draft environmental planning instrument: | <p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of BLEP 2012 and has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of the draft LEP 2013.</p> |
| The provision of any development control plan: | The application generally complies with the provisions of Council's relevant development control plans. |

| | |
|---|---|
| Any matters prescribed by the regulations: | The application generally complies with the <i>EP&A Regulation 2000</i> . |
| The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: | The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed above. The cumulative impacts of the development negate any time, space, nibbling or synergistic effects. |
| Any submissions made in accordance with the EP&A Act or the regulations: | The application was notified and or advertised. No submissions were received. |
| The public interest: | The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent. |

CONCLUSION

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

An Emergency Management Plan has been requested from NSW Rural Fire Service to ensure compliance with Planning for Bushfire Protection 2019.

Council's Engineer has advised that the access needs repairs which will include sealing of the access to remove some of the pot holes.

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.

ATTACHMENTS

1. NSW Rural Fire Service Advice (*Under Separate Cover*)
2. Bushfire Report (*Under Separate Cover*)
3. Draft Conditions - Construction of Grandstand - Bombala Sports Ground (*Under Separate Cover*)
4. Architectural Plans and SEE (*Under Separate Cover*)
5. Referral - Roads & Stormwater - Development Engineers Comments- DA 010.2023.00000063 (*Under Separate Cover*)

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

**8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION
ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 7C)**

Record No: 123/566

| | |
|-----------------------|---|
| Applicant Number: | 10.2007.3000079.18 |
| Applicant: | T Tuxworth |
| Owner: | Snowy Monaro Regional Council |
| DA Registered: | 01/08/2023 |
| Property Description: | Twynam Street JINDABYNE NSW 2627 Lot: 30 DP: 1118132 |
| Zone: | R1 - General Residential |
| Current Use: | Vacant Community Land |
| Proposed Use: | Create an Asset Protection Zone for lots adjoining Councils Public Reserve (Stage 7C) |
| Permitted in Zone: | Yes |
| Recommendation: | Refusal |

RECOMMENDATION

That Pursuant to section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979 (as amended)* refuse modify DA 10.2007.3000079.17 for the inclusion of a condition of consent to allow for a caveat on Lot 30 DP 1118132 for an Asset Protection Zone, for the following reasons;

1. The subject land, Lot 30 DP 1118132, does not have an active Plan of Management which allows for 'other estates'. As such the proposed development is in contravention of section 35 of the Local Government Act 1993.
2. Ministerial consent has not been granted and as such the proposed development is in contravention of section 47 (5) of the Local Government Act 1993.
3. The proposed development and design does not meet the site suitability and public interest tests of 4.15 of the Environmental Planning and Assessment Act 1979.
4. The proposed development is not in keeping with the Rural Fires Act 1997 and 3.2.5 of Planning for Bushfire Protection 2019.

BACKGROUND

The purpose of this report is to seek Council's determination of a request to Modify an existing approval for the creation of an easement on a Council public reserve, to provide for an Asset Protection Zone (APZ) for adjoining lots as part of Stage 7C.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

The owners of each of the allotments to be benefitted by the proposal have provided their consent for the making of the application.

An Asset Protection Zone is a requirement of Planning for Bushfire Protection 2019 which establishes an area with reduced fuel loads to mitigate risk in the event of bushfire. The APZ provides a physical separation between areas of vegetation and a building or structure.

The application is referred to Council for determination as the land upon which the applicant requests to create the APZ is owned by Council.

Upon assessment, it is not recommended that Council agree to the request, due to the requirements of the Local Government Act as they relate to the management of 'Community Land', and because Council, as owner of the adjoining land to be affected, has not granted consent to the making of the application.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

Any person who made a submission is notified according to the Regulations.

SITE DESCRIPTION AND SITE HISTORY

The subject site classified as community land is located within the Highview Estate in Jindabyne.



Figure 1: Location plan of Council reserve

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)



Figure 2: Detailed map of Councils reserve

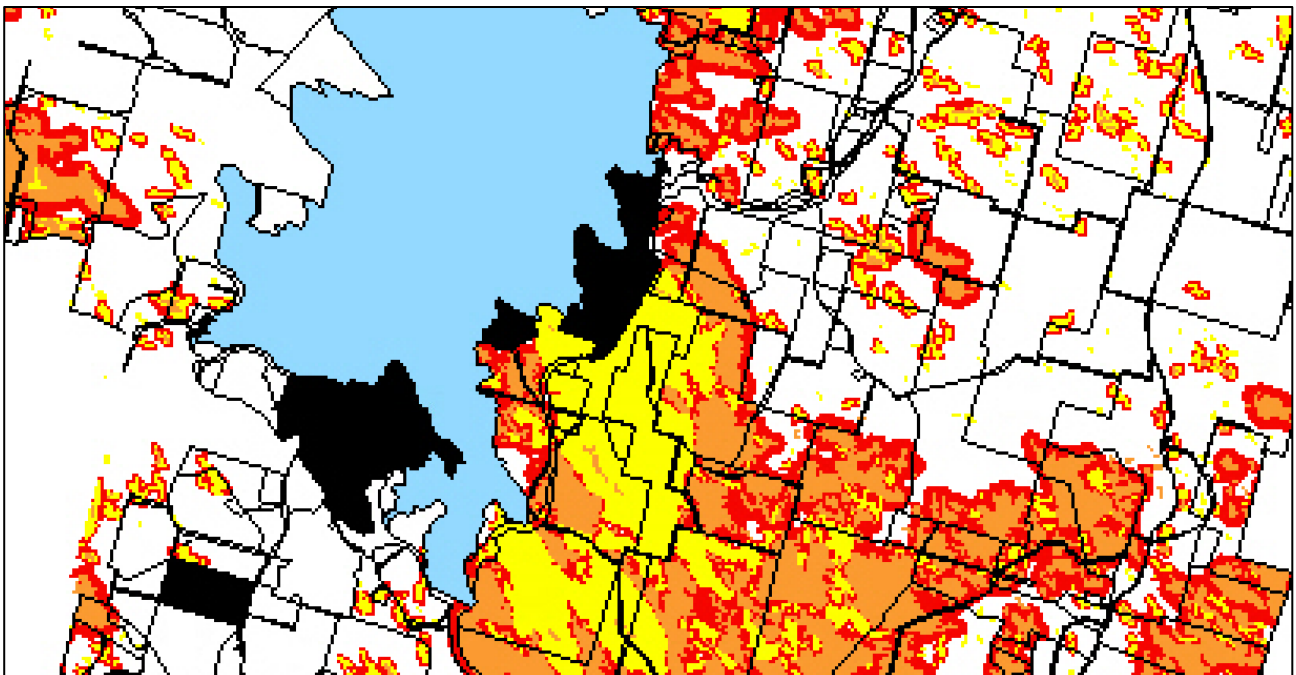
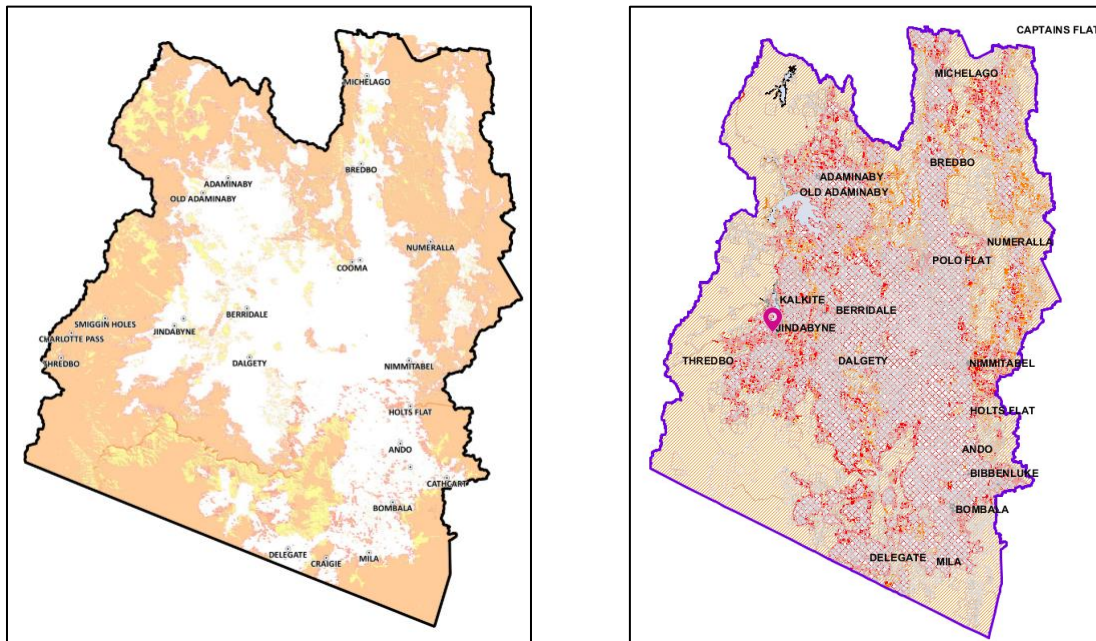
Bushfire Mapping History

The NSW Bush Fire Prone Land dataset is a map prepared in accordance with the Guide for Bush Fire Prone Land Mapping (BFPL Mapping Guide) and certified by the Commissioner of NSW RFS under section 146(2) of the Environmental Planning and Assessment Act 1979. Over time there has been various releases of the BFPL Mapping Guide, in which the categories and types of vegetation included in the BFPL map have changed.

In 2021 new Bushfire mapping was adopted for the Snowy Monaro area. The primary difference between the previous map(s) and the current map is that the inclusion of an additional 16 classes of vegetation formations and a new category (Category 3) which captures previously under-represented fire prone vegetation formations, especially grasslands.

Figures 1 & 2 below show the difference between the previous and current mapping.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)



8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

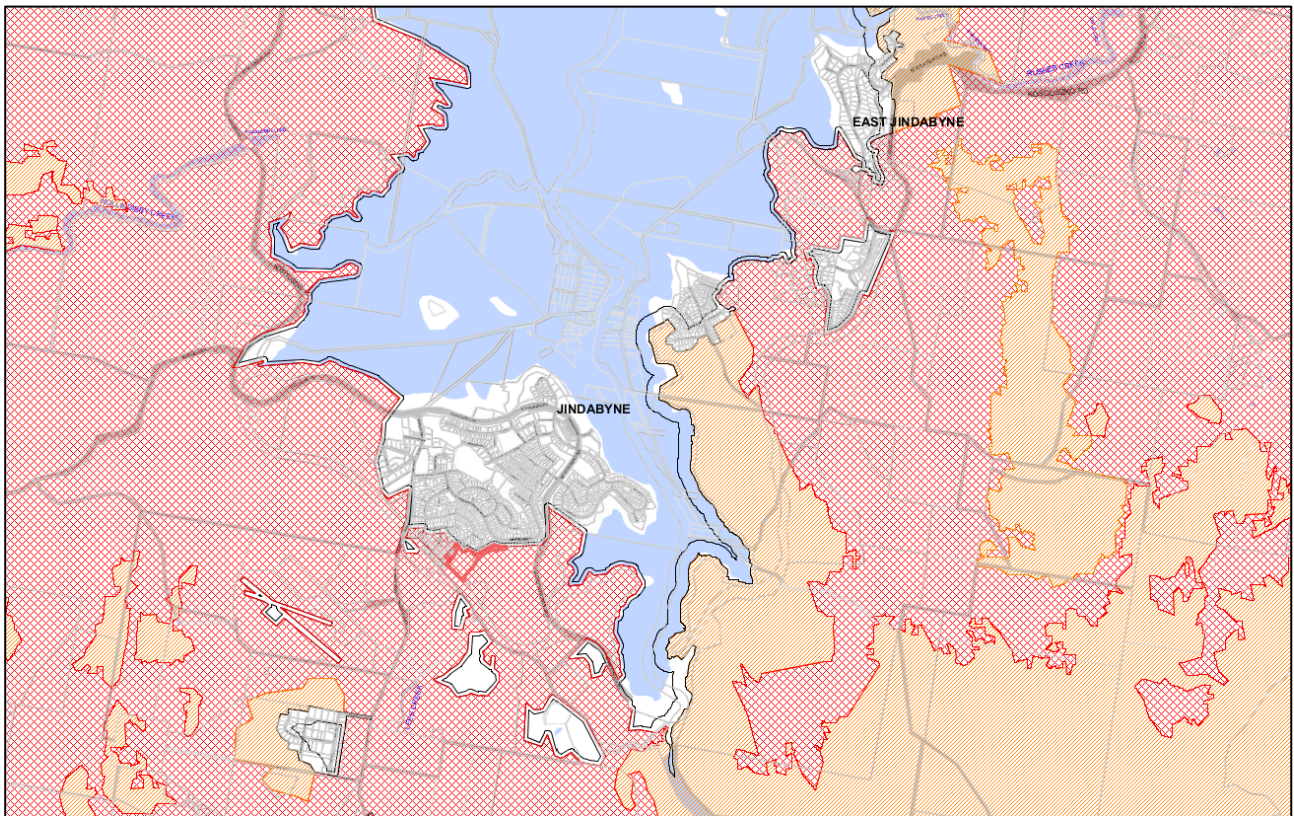


Figure 5: Current bushfire mapping (effective 03/06/2021)

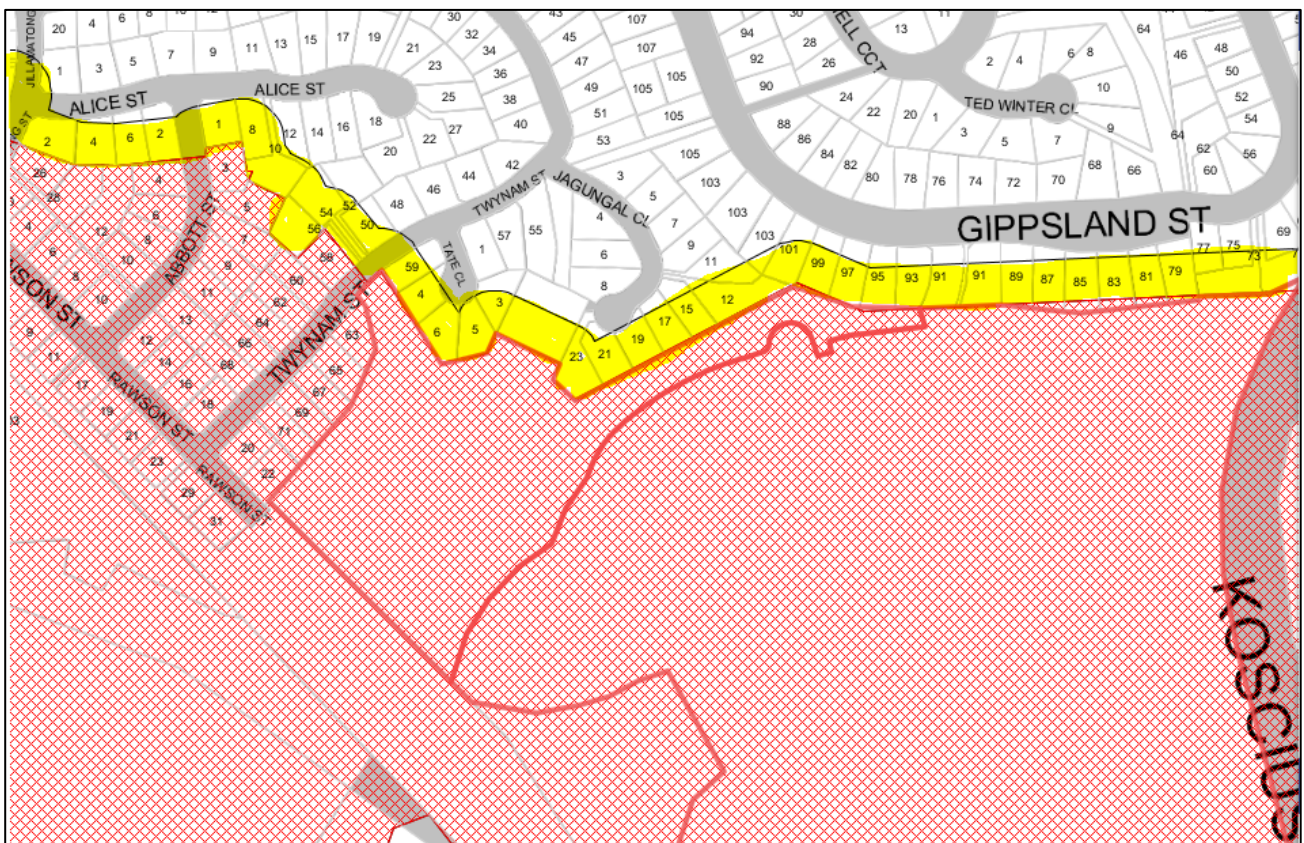


Figure 6: Detailed current bushfire mapping (effective 03/06/2021)

RURAL FIRES ACT 1997

Under Section 63 of the Rural Fires Act a public authority has a 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 any land vested in or under its control or management. Therefore, as Council is the owner of lot 30 it is required 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.

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.*

It is noted that the Rural Fire Service provides funding to Council for the carrying out of work to minimise the danger of the spread of bushfire on or from their public reserves.

The Rural Fires Act does not require Council to maintain the land to the standard of an APZ.

The proposed provision of an APZ within the public reserve adjoining the affected lots and the proposed restrictions on title, would require the owners of land adjoining the reserve to maintain the APZ, potentially meaning that Council would not have to carry out as much of this work.

Applicant's submission

The applicant has provided the following in the Statement of Environmental Effects:

The public reserve that will be impacted by the 88B instrument is classified as Community Land under the provisions of the Local Government Act, 1993.

Section 35 of the Act requires that community land is required to be used and managed in accordance with the following —

- the plan of management applying to the land*
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land this Division.[sic]*

Given that the public reserve is managed to prevent bushfires it is assumed that plan of management must allow for such a use. Therefore, it is assumed that the provision of an

APZ on the public reserve is consistent with the plan of management.

The above statement is based on assumptions around a plan of management being in place and about the contents of the assumed plan of management.

While Council has a responsibility to manage the land to minimise the threat of bushfires, there is no requirement for that to extend to providing required APZs within that land.

LOCAL GOVERNMENT ACT 1993

The public reserve that will be impacted by the 88b instrument is classified as Community land under the provisions of the local government act, 1993. Section 35 of the Act requires that community land is required to be used and managed in accordance with the following -

35 What governs the use and management of community land?

Community land is required to be used and managed in accordance with the following—

- *the plan of management applying to the land*
- *any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land*
- *this Division.*

In accordance with s35 of the LG Act, if Council was to allow the APZ to be established on the Council reserve, a Council Plan of Management (POM) would firstly need to be in place which allows for 'other estates' (in this case being an APZ) to occur upon the reserve.

Council's Land & Property section has advised that there is no current POM in place for the subject reserve. The timeline to establish a POM is not known.

In order to have a POM which allows an 'other estate' to be in place for a term greater than 5 years, which is the case in this situation given that the APZ would need to be established in perpetuity, the following must be carried out (s47, LG Act);

- (1) (a) *give public notice of the proposal (including on the council's website), and*
(b) *exhibit notice of the proposal on the land to which the proposal relates, and*
(c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
- (4) *Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.*

Additionally, s 47(5) states that council must not grant another estate except with the Minister's consent, if:

- (a) *a person makes a submission by way of objection to the proposal, or*
- (b) *in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.*

As such, if a POM was prepared and the relevant public exhibition requirement completed, it may also be necessary to seek approval from the Minister.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

The work to prepare the POM, undertake public consultation, and then to subsequently seek authorisation from the Minister would need to be carried out by Council staff and at the expense of Council.

A key consideration is whether Council should be permitting the use of Community Land as a private benefit to enable a broader range of development opportunities for private landowners.

It is also considered that if the APZs were allowed on Council's reserve in accordance with the proposal, it would allow for private owners to undertake work on Council land. This may also open Council up to liabilities.

Planning for Bushfire Protection 2019 & Dual Occupancy)

Provision 8.2.1 (Increased residential densities) of PBP 2019 states that an increase in residential density does not necessarily require a subdivision approval. However, the same principles and criteria associated with subdivisions in bush fire prone areas will apply. This includes ensuring an APZ based on a radiant heat threshold of 29kW/m² for any new dual occupancies.

As such, Council cannot approve the development of a Dual Occupancy or a Secondary dwelling (granny flat) at a BAL rating of more than BAL-29.

8.2 Other residential development

Residential development, other than single dwellings and subdivisions, covered in this section must also meet the requirements of Chapter 7.

8.2.1 Increased residential densities

In some situations increased densities may not be appropriate having regard to the strategic principles (see section 4.1), even though zoning has been approved for the proposed use. A Bush Fire Strategic Study may be required for these proposals as part of the broader BFDB process.

Increased resident densities of existing lots that are bush fire prone may heighten the level of risk to the occupants. The presence of additional dwellings can impact on the evacuation and sheltering of residents during a bush fire.

Where a new dwelling or dwellings are proposed on existing lots which already contain one or more dwellings, this is considered to be an increase in residential density and can include the following:

- dual occupancy;
- multi-dwelling housing;
- secondary dwellings;
- rural workers dwellings; and
- boarding houses.

This increase in residential density does not necessarily require a subdivision approval. However, the same principles and criteria associated with subdivisions in bush fire prone areas will apply. This includes ensuring an APZ based on a radiant heat threshold of 29kW/m² for any new dwellings, along with suitable provision for construction, access, water and landscaping.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

Previous Development History

Highview Estate is an approved subdivision under DA10.2007.3000079.1 in 2007. The subdivision consist of Stage 3 – 12 and a total of 205 lots.



Early layout of the Highview Subdivision

PROPOSAL IN DETAIL

The proposal amendment is for the inclusion of a new condition to require the provision of an Asset Protection Zone on council's public reserve that adjoins the proposed lots in Stage 7C of an approved subdivision.

At the time of the approval for the subdivision (2007) the subject area was not identified as bushfire prone land. In 2019 an amendment was made to the Planning for Bushfire Protection guideline (PBP) include an additional vegetation category of Grassland Hazard Area. The Snowy Monaro Regional Council Bushfire Prone Land Maps was subsequently updated in 2021 to include this vegetation hazard type.

This has resulted in the public reserve adjoining the lots within the approved subdivision being now mapped as Bushfire Prone Land.

To negate the requirement of providing the APZ within each lot within the Highview Estate the applicant is requesting the establishment of a 10m wide APZ easement within the public reserve that adjoins each affected lot.

Section 88B (Conveyancing Act 1919)

The developer has proposed that on the Deposited Plan (DP) for each lot within Stage 9 of the approved subdivision a Positive Covenant under section 88B of the Conveyancing Act 1919 is to be established. Subsequently, the owner of the lot having benefit of the covenant, which council has the sole authority to release and modify, will enable the benefited lot to:

- a) Maintain that area within the adjoining public reserve (at their own cost) as an Inner Protection Area (IPA) as outlined in Section 3.2 and Appendix 4 of Planning for Bushfire Protection guideline 2019 and APZ standards*
- b) Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of the positive covenant.*

In complying with the terms of the Positive Covenant, the Benefited Proprietor can (at their cost):

- a) Pass across the lot burdened by any reasonable means to get to the site of the positive covenant; and*
- b) Do what is reasonably necessary including:
 - i. Taking anything on to or from the area;*
 - ii. Carrying out the appropriate Hazard Reduction Method; and*
 - iii. Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.**

Additional proposed restriction

Should the easement for an APZ be approved it is recommended that an additional restriction be included in the 88B. As per proposed condition 67C, with the below additional restriction as follows:

The developer shall ensure that the final plan of subdivision includes a restriction on use for the following:

- c) To exclude the erection of any buildings or structures and/or storage of private property within the APZ easement.*

OPTIONS CONSIDERED

- 1. Allow APZ on Council Reserve** - Approve the proposal with the inclusion of the proposed caveat to be included as a condition of consent and the creation of a plan of management which allows for 'other estates'.

The approved lot layout was designed in accordance with the SR LEP 2013 and created lots which under 4.1A would allow for the future development of Detached Dual Occupancies.

In accordance this the relevant table of PBP 2019, to achieve a BAL-29 the minimum required setback from grasslands is 11m. In addition to the APZ requirement the SR DCP requires minimum of 6m setback from the street for single storey dwellings.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 7C)

Should approval for the proposed easement be granted each lot would potentially have an increased development potential. The developable area for each lot is shown in green below.



Figure 7: Asset Protection Zone diagram with an APZ on Council Land

2. Refuse APZ on Council Reserve - Refuse the proposal as there is no current Plan of Management in place for the subject lots and does not support the inclusion of 'other estates' within a future POM.

Should the proposed APZ on Councils reserve be refused it may prevent lots 40 & 46 from being developed with any form of Dual Occupancy and lots 41-44 detached dual occupancies.

Should approval for the proposed easement not be granted, the developable area of each lot may be considerably reduced. The developable area for each lot is shown in green below.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING COUNCILS PUBLIC RESERVE (STAGE 7C)

However, it would be up to the applicant to demonstrate whether compliance with the Bushfire Requirements can be achieved through other measures.

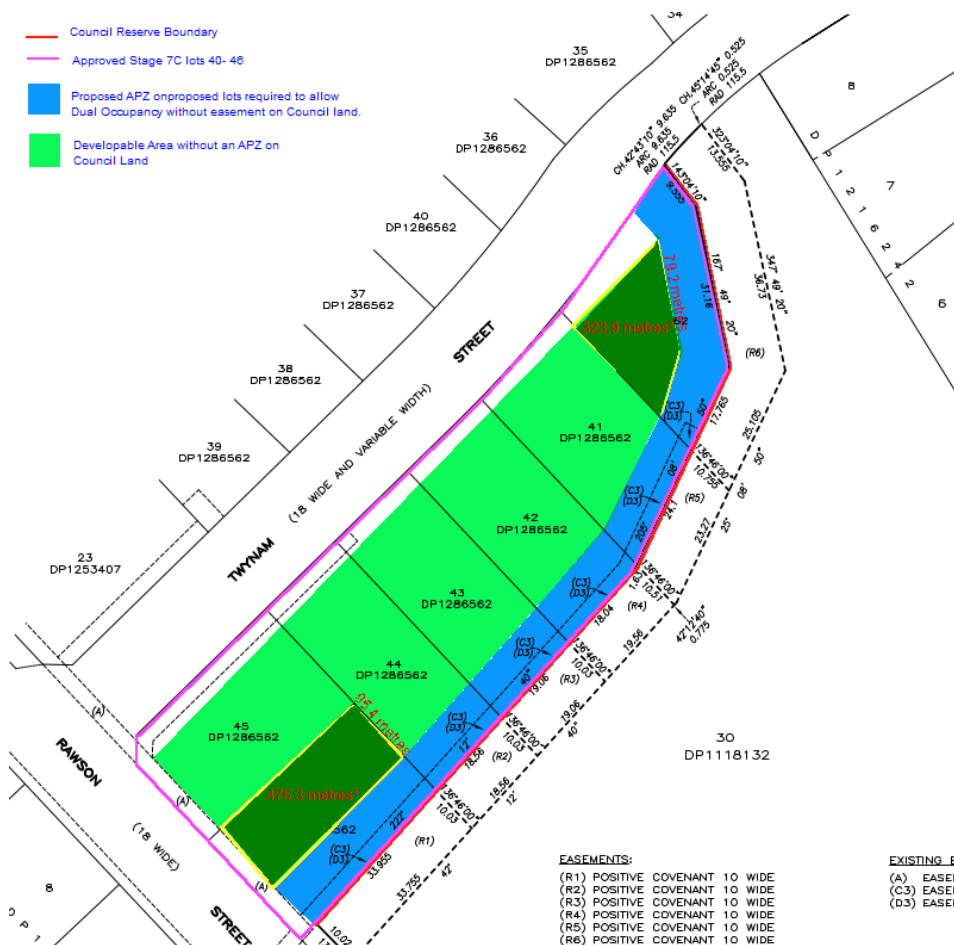


Figure 8: Asset Protection Zone diagram without APZ on Council Land

Lots 40 & 46 could be developed with single dwellings at a BAL rating greater than BAL-29. The result of this would be that the development of dwellings at either BAL-40 or BAL-FZ will have an additional cost associated with the construction.

Further, it should be noted that the lot layout for lot 45 & 46 could be redesigned, however these lots have contracts of sale in place. In regards to lot 40 there appear to be limited options for the development of anything more than a single dwelling.

Subdivision of the Council Block to Extend Rear Boundaries - Not Permissible

An alternative solution is for a boundary adjustment to be carried out which would add the land from the reserve, however this is not achievable due to section 45 of the Local Government Act.

45 What dealings can a council have in community land?

- (1) A council has no power to sell, exchange or otherwise dispose of community land.
- (2) A council may grant a lease or licence of community land, but only in accordance with this Division.
- (3) A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

It should be noted that in 2022, approval was given (apparently at the request of a previous staff member) for the acceptance of a Bushfire Plan of Management for a property at 12 Jagungal Close, which imposed a requirement upon Council to manage part of this same reserve as an APZ in perpetuity. It is considered that this was approved in error, and accordingly, a similar error should not be replicated. It should be noted that a Bushfire Plan of Management is not the same as a Plan of Management for Community Land.

ASSESSMENT

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

| | |
|--|---|
| State Environment Planning Policies (SEPPs) | No SEPP applicable |
| Local Environmental Plan (LEP) (including draft LEPs) | Snowy River Local Environment Plan 2013 |
| Development Control Plans | Snowy River Development Control Plan 2013 |

REFERRALS

External Referrals

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

| State or Federal Agency | Comments |
|--------------------------------|--|
| NSW RFS | <p>No referral required. However, on the RFS the following statement is provided in regards to AZPs on adjoining land:</p> <p>The maintenance of the APZ is always the responsibility of the owner of the land being developed. An APZ should be contained wholly within that block of land and cannot be imposed on a third party by either the NSW RFS or the consent authority.</p> <p>Exceptions may occur in exceptional circumstances and in such cases an easement must be entered into between the two land owners.</p> <p>An adjoining land owner can negotiate and/or agree to a legal easement over their land for the purpose of an APZ if they wish to do so.</p> |

Internal Referrals

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

Land and Property and Civic Maintenance

To negate the need to provide APZs within each adjoining lot the proposal tabled is to provide 10m APZs within public reserve land that adjoins each affected lot. The public reserves being Lot 30 DP 1118132 (4.03ha) and Lot 31 DP 1118132 (1.456 ha).

The proposal is seeking to create multiple easements that will benefit adjacent private property holdings, and burden the dedicated public reserve sites (2); which, for the purposes of the Local Government Act 1993, are categorised as 'community land'.

- Stage 9 proposed modification will result in a total of 9 individual APZ arrangements: 6 x 10m APZ impacting 31/1118132 & 3 x 10m APZ impacting 30/1118132.
- Stage 7 proposed modification will result in 6 individual APZ arrangements: 6 x 10m APZ impacting 30/1118132

Pursuant to Local Government Act 1993, Section 44 Use of community land pending adoption of plan of management: "Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed." Civic Maintenance confirm that no adopted plan of management exist at present for two reserves.

Due to the subject parcels of land (2) being categorised 'community land' and with no adopted Plans of Management existing at present for the parcels, the Local Government Act 1993 does not provide a pathway for Council to grant easement (other estate) creation under Section 46 of the Local Government Act 1993. Estate - is defined under Section 21(1) of the Interpretation Act 1987 to include interest, charge, right, title, claim demand, lien and encumbrance, whether at law or in equity.

As dedicated plan of management for the site/s have not been adopted, thus there is no "express authorisation" to enable grant of easement (other estate) for the purpose of APZs to benefit private landholders/developers.

Distinct to the above advice, it is noted that the use of adjoining lands to meet APZ requirements is not supported by Planning for Bushfire Protection 2019 (PBP 2019), which instead seeks to locate them wholly within the boundaries of the development site. In principle, it is the general view of officers that Council, in its landowner capacity, should not consent to easements on public land for APZ purposes benefitting adjacent holdings, to:

- demonstrate alignment with the PBP 2019 intent;
- not to set precedent for future developments;
- take into consideration of the costs associated with establishing and monitoring compliance with any binding agreement required.

PBP 2019 identifies a fundamental premise of APZs is that they are provided within the property in such a way that the owner/occupant will be able to maintain the area in perpetuity. PBP 2019 emphasises that an APZ is but one of a suite of Bushfire Protection Measures (BPM) that need to be applied to achieve acceptable outcomes in terms of reducing the potential impact of a bush fire on human life and property. There are a range of acceptable solutions in addition to APZs available to development proponents to meet the requirements of PBP 2019. These additional BPM's include building construction, siting & design, landscaping, access, services and emergency and evacuation planning.

Planning for Bushfire Protection 2019 (PBP 2019) Section 3.2.5 APZs on adjoining land:

“APZs on adjoining land are not encouraged.” “Easements should not be considered where the adjoining land is used for a public purpose...”. “In circumstances where an APZ is proposed on adjoining land, it will be considered as a performance based solution*.”

*Performance based solution means a method of complying with the PBP performance criteria other than by the ‘acceptable solutions’ which have been deemed to meet the specified performance criteria. PBP 2019 emphasises that an APZ is but one of a suite of Bushfire Protection Measures (BPM) that need to be applied to achieve acceptable outcomes in terms of reducing the potential impact of a bush fire.

SECTION 4.15

Section 4.15 and EP&A Act Checklist

| | |
|---|--|
| The suitability of the site for the development: | The site is generally suitable for development, however, the requirements of Planning for Bushfire Purposes for provision of required APZ's within the allotments may restrict the developable area of those allotments. |
| The provisions of any environmental planning instrument and draft environmental planning instrument: | <p>The proposal does not achieve compliance due to the requirements of the Local Government Act.</p> <p>The proposal has been assessed against the provisions of all relevant SEPP's and did not raise items of concern.</p> <p>The proposal has been examined in detail against the provisions of SRRLEP 2013. The proposal is not considered to be acceptable as it requires the use of the adjoining Council land, without the prerequisite requirements of the Local Government Act being met.</p> |
| The provision of any development control plan: | The application generally complies with the provisions of Council's relevant development control plans. |
| Any matters prescribed by the regulations: | The application generally complies with the <i>EP&A Regulation 2021</i> . |
| The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: | The likely impacts of the development have been considered as part of this application, and appropriately addressed above. |
| Any submissions made in accordance with the | The application was not notified and or |

8.3 DEVELOPMENT APPLICATION 10.2007.3000079.18 - CREATE AN ASSET PROTECTION ZONE FOR LOTS ADJOINING
COUNCILS PUBLIC RESERVE (STAGE 7C)

| | |
|------------------------------|---|
| EP&A Act or the regulations: | advertised. |
| The public interest: | The proposal is considered to be contrary to the public interest, as it would require the use of community land to provide a benefit to private landowners. |

SUBMISSIONS

The application was not notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Zero (0) submission received.

The application was not publicly advertised, in accordance with relevant DCP and the relevant statutory regulations.

CONCLUSION

It is considered that the proposed development does not comply with the relevant provisions of Section 35 and 47 of the Local Government Act 1993 and 4.15 of the Environmental Planning and Assessment Act 1979. The key issues arising out of the assessment of this application comprise:

- The subject land is classified as Community Land and do not have active Plan of Managements which allow for 'other estates'. As such the proposed development is in contravention of section 35 of the Local Government Act 1993.
- Mistrial consent is required for leases/licences (easements) on Community land, this has not been granted and as such the proposed development is in contravention of section 47 (5) of the Local Government Act 1993.
- The proposed development does not meet the site suitability and public interest tests of 4.15 of the Environmental Planning and Assessment Act 1979.
- The proposed APZ are on adjoining land and is not in keeping with the Rural Fires Act 1997 and section 3.2.5 APZs on adjoining land of Planning for Bush Fire Protection 2019.

In conclusion, it is considered that the proposal is considered to not be an **unacceptable** use of community land. Accordingly, **refusal is recommended** subject to the Statement of Reasons attached.

ATTACHMENTS

1. DRAFT Reasons of Refusal
2. Statement of Environmental Effects
3. Survey Plan
4. DA Form signed by CEO Owners consent

REASONS FOR REFUSAL

Development Application 2007.**3000079.18** is **refused** for the following reason/s:

1. The proposed development and design does not meet the site suitability and public interest tests of 4.15 of the Environmental Planning and Assessment Act 1979.
2. The subject land, Lot 30 DP 1118132, does not have an active Plan of Management which allows for 'other estates'. As such the proposed development is in contravention of section 35 of the Local Government Act 1993.
3. Mistrial consent has not been granted and as such the proposed development is in contravention of section 47 (5) of the Local Government Act 1993.
4. The proposed development is not in keeping with the Rural Fires Act 1997 and 3.2.5 of Planning for Bushfire Protection 2019.

Advice to Applicant: In view of the above **Refusal, NO WORK MAY BE COMMENCED.**

ADVICE TO APPLICANT

Right of appeal / review of determination: If you are dissatisfied with this decision:

- Apply to Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act 1979. Such application must be made and determined by Council within six (6) months from the date on which you received the original determination notice provided that an appeal under Section 8.7 of the Environmental Planning and Assessment Act 1979 has not been made against this determination
- Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Advisory notes: your attention is drawn to the following:

- In view of the above **Refusal, NO WORK MAY BE COMMENCED.**
- For further information and if there is any difficulty understating any of the above information please contact the Development Assessment Section on 1300 345 345.



8 August 2023

Our ref: 6004

The General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

S4.55 1a Application

**DA 00079/2006 (MOD10.2022.44) – Staged Subdivision Comprising 205 Lots at
L23 DP 1227047, Lot 17 DP 1216242 & Lot 32 DP 1118132 Jillamatong Street,
Jindabyne**

Dear Sir

We have enclosed an application under Section 4.55(1a) of the Environmental Planning and Assessment Act to modify the abovementioned development consent.

The amended proposal requires a condition to be added to the consent to require the provision of an Asset Protection Zone be provided⁹⁰ on council's public reserve that adjoins the proposed lots in Stage 7C of the development.

Amendments to the Planning for Bushfire Protection guideline (PfBP) include an additional vegetation category of Grassland Hazard Area. The Snowy Monaro Regional Council Bushfire Prone Land Maps have been updated to include this vegetation hazard type. This has resulted in the public reserve adjoining the lots within the approved subdivision being now mapped as Bushfire Prone Land which requires an Asset Protection Zone (APZ) to be provided within each lot that adjoins the reserve. In relation to the public reserve a 10m APZ is required. To negate the need to provide this APZ within each adjoining lot within the Highview Estate it is proposed to provide 10m APZ within public reserve that adjoins each affected lot.

The location of the APZ is shown on the plan prepared by Peter Burns Surveyor that has been submitted with the application. The APZ will be in accordance with the draft 88B instrument for each of the affected lots (Lots 40-44 and 46) that have been submitted with the application. This instrument provides for the owner of each of the affected lots to be able to enter the adjoining public reserve and maintain a distance of 10m from the rear boundary of the lot as an Inner Protection Zone in accordance with the provisions of Planning for Bushfire Protection Guidelines 2019. There are 6 Lots in Stage 7C that are affected by the proposed Asset Protection zone and an 88b instrument has been

prepared for each of the properties affected. Lots 40-44 were part of the original holding but have been recently sold. Each of the owners has given their consent for the lodgment of the modification. Lot 46 is owned by the owner of Highview Estate. In relation to the owners consent it will be necessary for council to give their consent to the lodgment of the application.

We propose that the consent be modified to include the following condition.

Include on the Deposited Plan (DP) for Lots adjoining the public reserve within Stage 7C of the proposed subdivision a Positive Covenant under the Conveyancing Act 1919 with the owner of the lot having the benefit of the covenant and council having sole authority to release and modify that will enable the benefited lot to:

- a) *Maintain that area within the adjoining public reserve (at their own cost) as an Inner Protection Area (IPA) as outlined in Section 3.2 and Appendix 4 of Planning for Bushfire Protection guideline 2019 and APZ standards*
- b) *Indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any failure of the Benefited Owner to comply with the terms of the positive covenant.*

In complying with the terms of the Positive Covenant, the Benefited Proprietor can (at their cost):

- a) *Pass across the lot burdened by any reasonable means to get to the site of the positive covenant; and*
- b) *Do what is reasonably necessary including:*
 - i. *Taking anything on to or from the area;*
 - ii. *Carrying out the appropriate Hazard Reduction Method; and*
 - iii. *Carrying out appropriate ongoing management and landscaping within the site of this positive covenant.*

Under Section 63 of the Rural Fires Act 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 any land vested in or under its control or management. 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.

Discussion with council officers indicates that the Rural Fire Service provides funding to council for the carrying out of work to minimize the danger of the spread of bushfire on or from their public reserves. The provision of an APZ within the public reserve adjoining the affected lots within the Highview Estate will require the owners of land adjoining the reserve to maintain the APA which will negate the need for Council to carry out this work.

The public reserve that will be impacted by the 88B instrument is classified as Community Land under the provisions of the Local Government Act, 1993. Section 35 of the Act requires that community land is required to be used and managed in accordance with the following —

- the plan of management applying to the land
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land this Division.

Given that the public reserve is managed to prevent bushfires it is assumed that plan of management must allow for such a use. Therefore, it is assumed that the provision of an APZ on the public reserve is consistent with the Plan of Management.

In relation to the impacts of providing the APZ on the public reserve, the provision of an APZ will require the maintenance of the area as an Inner Protection Zone. This will be achieved by slashing the grass within the APZ. The public reserve that adjoins the approved lots in Stage 9 does not contain any native vegetation other than grassland that will be required to be maintained. No trees will be required to be removed to provide the APZ. Therefore, the amended proposal will not result in any impact on threatened species, populations, ecological communities or critical habitats within the meaning of the *Threatened Species Conservation Act 1995*.

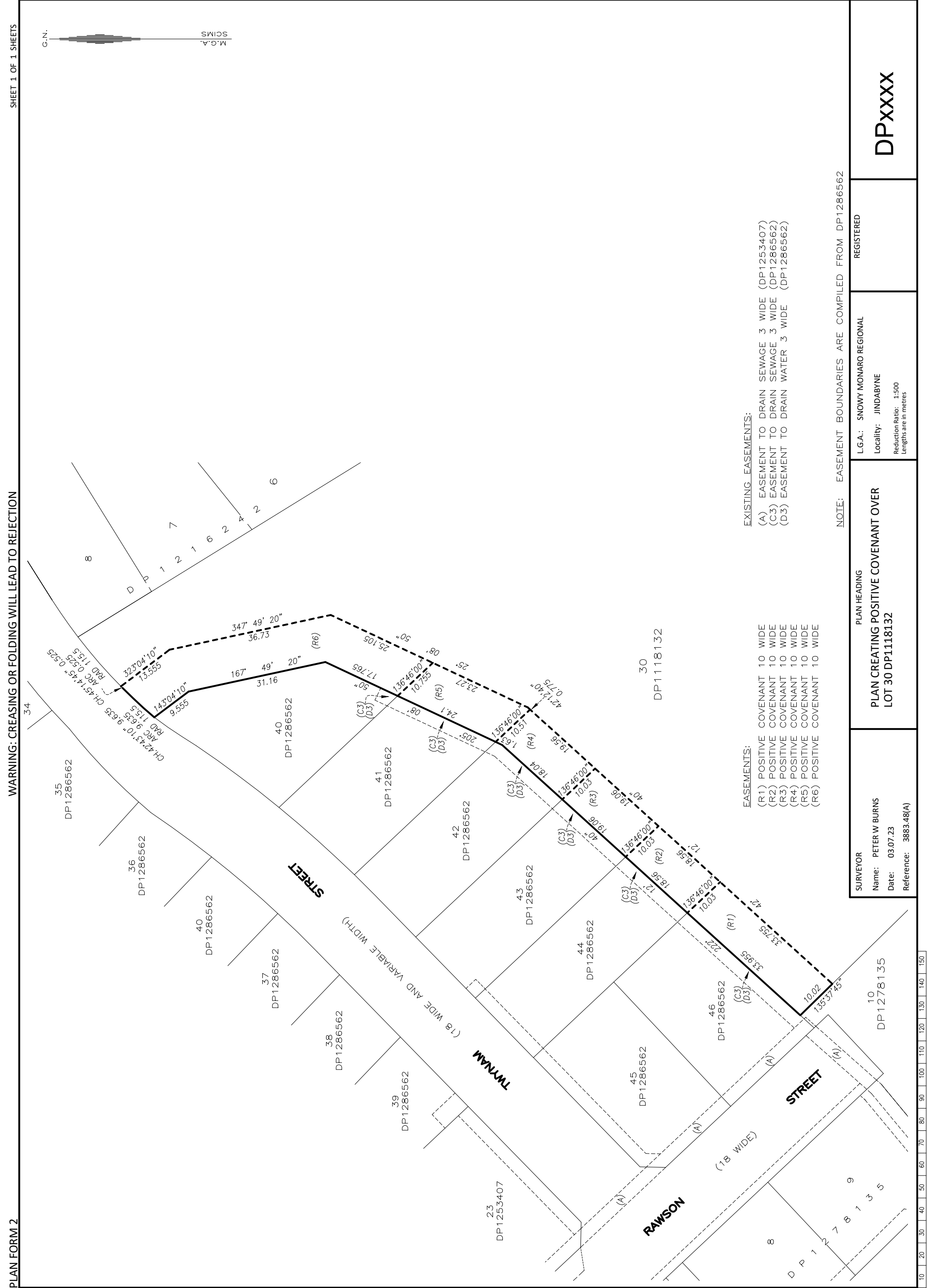
It is considered that the Council should be satisfied that the proposed modified development is of minimal environmental impact as it only relates to the inclusion of a condition of consent.

Further, it is considered that Council should be satisfied that the development proposal, as modified, will be substantially the same development as that for which development consent was originally granted.

Should you wish to discuss this matter or require any further information, please contact me.

Yours Faithfully

Tony Tuxworth



| | | |
|--|-------------------------------------|--|
| PLAN FORM 6 (2017) | DEPOSITED PLAN ADMINISTRATION SHEET | Sheet 1 of 5 sheet(s) |
| Office Use Only | | Office Use Only |
| Registered: | | DPxxxx |
| Title System: | | |
| PLAN CREATING POSITIVE COVENANT OVER LOT 30 DP1118132 | | LGA: SNOWY MONARO REGIONAL Locality: JINDABYNE Parish: CLYDE County: WALLACE |
| Survey Certificate I, PETER WILLIAM BURNS of P.O.BOX 737, COOMA. NSW 2630 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or *(b) The part of the land shown in the plan being Lots 1 9 & 11 and Easements were surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on 13th October 2021, the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> . Datum Line: Type: *Urban/* Rural The terrain is *Level-Undulating / * Steep Mountainous . Signature: Dated: Surveyor Identification No: 690 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey. | | Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office: |
| Plans used in the preparation of survey /compilation. DP1118132 DP1286562 | | Subdivision Certificate I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number: *Strike through if inapplicable. |
| Surveyor's Reference: 3883.48(A) | | Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. |
| | | Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A |

| PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET | | Sheet 2 of 5 sheets | | | | | | | | | | | | |
|---|------|---|------------------------------|------|------------------------------|------|------------------------------|------|------------------------------|------|------------------------------|------|------------------------------|------|
| Office Use Only | | Office Use Only | | | | | | | | | | | | |
| Registered: | | DPxxxx | | | | | | | | | | | | |
| PLAN CREATING POSITIVE COVENANT OVER LOT 30 DP1118132 | | | | | | | | | | | | | | |
| Subdivision Certificate number: | | <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. | | | | | | | | | | | | |
| Date of Endorsement: | | | | | | | | | | | | | | |
| <p>PURSUANT TO SEC.88B OF THE CONVEYANCING ACT, 1919,</p> <p>IT IS INTENDED TO CREATE:</p> <table><tbody><tr><td>1. POSITIVE COVENANT 10 WIDE</td><td>(R6)</td></tr><tr><td>2. POSITIVE COVENANT 10 WIDE</td><td>(R5)</td></tr><tr><td>3. POSITIVE COVENANT 10 WIDE</td><td>(R4)</td></tr><tr><td>4. POSITIVE COVENANT 10 WIDE</td><td>(R3)</td></tr><tr><td>5. POSITIVE COVENANT 10 WIDE</td><td>(R2)</td></tr><tr><td>6. POSITIVE COVENANT 10 WIDE</td><td>(R1)</td></tr></tbody></table> | | | 1. POSITIVE COVENANT 10 WIDE | (R6) | 2. POSITIVE COVENANT 10 WIDE | (R5) | 3. POSITIVE COVENANT 10 WIDE | (R4) | 4. POSITIVE COVENANT 10 WIDE | (R3) | 5. POSITIVE COVENANT 10 WIDE | (R2) | 6. POSITIVE COVENANT 10 WIDE | (R1) |
| 1. POSITIVE COVENANT 10 WIDE | (R6) | | | | | | | | | | | | | |
| 2. POSITIVE COVENANT 10 WIDE | (R5) | | | | | | | | | | | | | |
| 3. POSITIVE COVENANT 10 WIDE | (R4) | | | | | | | | | | | | | |
| 4. POSITIVE COVENANT 10 WIDE | (R3) | | | | | | | | | | | | | |
| 5. POSITIVE COVENANT 10 WIDE | (R2) | | | | | | | | | | | | | |
| 6. POSITIVE COVENANT 10 WIDE | (R1) | | | | | | | | | | | | | |
| Surveyor's Reference: 3883.48(A) | | | | | | | | | | | | | | |

| PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET | | Sheet 3 of 5 sheets |
|--|--|---|
| Office Use Only | | Office Use Only |
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| PLAN CREATING POSITIVE COVENANT OVER LOT 30 DP1118132 | | |
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| Date of Endorsement: | | |
| | | |
| Surveyor's Reference: 3883.48(A) | | |

| PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET | | Sheet 4 of 5 sheets |
|--|--|---|
| Office Use Only | | Office Use Only |
| Registered: | | DPxxxx |
| PLAN CREATING POSITIVE COVENANT OVER LOT 30 DP1118132 | | |
| Subdivision Certificate number: | | <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. |
| Date of Endorsement: | | |
| | | |
| Surveyor's Reference: 3883.48(A) | | |

| PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET | | Sheet 5 of 5 sheets |
|--|--|---|
| Office Use Only | | Office Use Only |
| Registered: | | DPxxxx |
| PLAN CREATING POSITIVE COVENANT OVER LOT 30 DP1118132 | | |
| Subdivision Certificate number: | | <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. |
| Date of Endorsement: | | |
| | | |
| Surveyor's Reference: 3883.48(A) | | |



Pre-Lodgement Application Form

Portal Application number: PAN-359201

Applicant contact details

| | |
|--|-----------------------|
| Title | Mr |
| First given name | T |
| Other given name/s | |
| Family name | Tuxworth |
| Contact number | 04 |
| Email | t@coastplan.com.au |
| Address | MACMASTERS BEACH 2251 |
| Application on behalf of a company, business or body corporate | No |

Owner/s of the development site

| | |
|--|--|
| Owner/s of the development site | A company, business, government entity or other similar body owns the development site |
| Owner # | 1 |
| Company, business or body corporate name | erina investments holdings Pty Ltd |
| ABN / ACN | 23 514 519 823 |
| Owner # | 2 |
| Company, business or body corporate name | village style retirement services pty ltd |
| ABN / ACN | 59 114 578 639 |

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

| | |
|---|----|
| Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc. | No |
|---|----|

Developer details

| | |
|---------------|--|
| ABN | |
| ACN | |
| Name | |
| Trading name | |
| Address | |
| Email Address | |

Development details

| | |
|--|---|
| Application type | Modification Application |
| On what date was the development application to be notified determined | 5/05/2007 |
| Type of modification requested | S4.55(1A) - Modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved |
| Development Application number of the consent to be modified | |

| | |
|---|---|
| Description of the proposed modification | add a condition relating to provision of an asset protection zone on council land for stage 7c |
| Was the DA applied for via the NSW Planning Portal? | Yes |
| Please provide portal application number (PAN) | PAN-278827 |
| Site address # | 1 |
| Street address | 14/DP1246197 |
| Local government area | SNOWY MONARO REGIONAL |
| Lot / Section Number / Plan | |
| Primary address? | Yes |
| Planning controls affecting property | Land Application LEP NA Land Zoning NA Height of Building NA Floor Space Ratio (n:1) NA Minimum Lot Size NA Heritage NA Land Reservation Acquisition NA Foreshore Building Line NA |

Proposed development

| | |
|--|---------------------|
| Proposed type of development | Subdivision of land |
| Description of development | 207 Lot Subdivision |
| Dwelling count details | |
| Number of dwellings / units proposed | 0 |
| Number of storeys proposed | |
| Number of pre-existing dwellings on site | |
| Number of dwellings to be demolished | |
| Existing gross floor area (m2) | 0 |
| Proposed gross floor area (m2) | 0 |
| Total site area (m2) | 0 |
| Cost of development | |
| Estimated cost of work / development (including GST) | \$0.00 |
| Do you have one or more BASIX certificates? | No |
| Subdivision | |
| Number of existing lots | |
| Type of subdivision proposed | Torrens Title |
| Number of proposed lots | 207 |
| Proposed operating details | |
| Number of staff/employees on the site | |

Number of parking spaces

| | |
|-------------------------|--|
| Number of loading bays | |
| Is a new road proposed? | |

| | |
|---------------------------------------|--|
| | |
| Concept development | |
| Is the development to be staged? | No, this application is not for concept or staged development. |
| | |
| Crown development | |
| Is this a proposed Crown development? | No |

Related planning information

| | |
|--|----|
| Is the application for integrated development? | No |
| Is your proposal categorised as designated development? | No |
| Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat? | No |
| Is this application for biodiversity compliant development? | No |
| Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)? | No |
| Is the application accompanied by a Planning Agreement ? | No |
| | |
| Section 68 of the Local Government Act | |
| Is approval under s68 of the Local Government Act 1993 required? | No |
| | |
| 10.7 Certificate | |
| Have you already obtained a 10.7 certificate? | |
| | |
| Tree works | |
| Is tree removal and/or pruning work proposed? | No |
| | |
| Local heritage | |
| Does the development site include an item of environmental heritage or sit within a heritage conservation area. | No |
| Are works proposed to any heritage listed buildings? | No |
| Is heritage tree removal proposed? | No |
| | |
| Affiliations and Pecuniary interests | |
| Is the applicant or owner a staff member or councillor of the council assessing the application? | No |
| Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application? | No |
| | |
| Political Donations | |
| Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years? | No |
| Please provide details of each donation/gift which has been made within the last 2 years | |

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

| | |
|---------------------|-----------------------|
| First name | Gi |
| Other given name(s) | |
| Family name | H |
| Contact number | 04 |
| Email address | @gmail.com |
| Billing address | MACMASTERS BEACH 2251 |

Application documents

The following documents support the application.

| Document type | Document file name |
|-----------------|---|
| Other | Lot 41_Deed_All Parties dated 03082023_Mihajlov Lot 44_Li_Deed_Signed by Owner at 88B not Deed Lot 43_Deed_All Parties dated 03082023_Harvey Lot 42_Chung_Deed_Signed Lot 42_Deed_All Parties dated 03082023_Chow Lot 43_Harvey_Deed_Signed Lot 40_Shields_Deed_Signed Lot 44_Li_88B_Signed Lot 42_Chung_88B_Signed Stage 7C_APZ_Section 88B (1) Lot 43_Harvey_88B_Signed ltr S4.55 stage 7C |
| Owner's consent | Lots 40 41 42 43 44_DA Consent_Signed Lot 44_Li_DA Consent_Signed Lot 42_Chung_DA Consent_Signed Lot 44_Li_Mortgagee Consent Lot 43_Harvey_DA Consent_Signed Owners Consent St7c APZ |
| Survey plan | Stage 7C_APZ_Draft DP Including Admin Sheets |

Applicant declarations

| | |
|---|-----|
| I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct. | Yes |
| I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application. | Yes |
| I understand that if incomplete, the consent authority may request more information, which will result in delays to the application. | Yes |
| I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal | Yes |
| I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it. | Yes |
| I agree to appropriately delegated assessment officers attending the site for the purpose of inspection. | Yes |
| I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning and Environment. | Yes |

| | |
|--|-----|
| I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice | Yes |
| I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s). | |



04/09/2023

Peter Bascomb

CEO

8.4 REQUEST TO VARY DCP REQUIREMENT - REVIEW OF DETERMINATION

Record No: I23/667

| | |
|-----------------------|---|
| Applicant Number: | 16.2022.249.1 |
| Applicant: | C Timmins |
| Owner: | M A Timmins and E Timmins |
| DA Registered: | 21/06/2022 |
| Date of Determination | 30/5/2023 |
| Property Description: | Lot 2 DP 572732 |
| Area: | 168.2 Ha |
| Zone: | RU1 Primary Production |
| Current Use: | Primary Production |
| Proposed Use: | Two-lot subdivision and construction of a new dwelling, machinery shed and workshop |
| Permitted in Zone: | Yes |
| Recommendation: | Approval with conditions |

RECOMMENDATION

That;

- A. Council agree to set aside the requirement of Clause C3.1-2 of Snowy River Development Control Plan 2013 in relation to DA 10.2022.249.1 (Review 16.2023.1.1).
- B. No further dwelling approvals, including dual occupancy/secondary dwellings, be issued on Bushy Park Road until such time as the intersection of Bushy Park Road and Kosciusko Road has been upgraded in accordance with applicable requirements as advised by Transport for NSW.
- C. Council re-examine its Development Control Plan requirements in relation to Rights of Carriageway for rural subdivisions, and the triggers for dedication of Rights of Carriageway as Council roads.

BACKGROUND

A request has been received for a Review of a Determination for DA 10.2022.249.1, which was an application involving 2 aspects:

- for the erection of a dwelling, machinery shed and workshop on Lot 2 DP 572732; and
- for the subdivision of Lot 2 to create a separate allotment for the new dwelling.

The subdivision component was to provide for a family member to obtain the new allotment which met the minimum lot size for the erection of a dwelling, thereby creating a new title to enable the family member to seek finance and enable other transactions relating to that title in their own right. Lot 2 DP 572732 is 168 Ha in area, with the proposed new lot to be created being 40 Ha, leaving the residual as 128 Ha.

The residual land is intended to remain as part of the existing agricultural enterprise carried out on the remaining property, which is approximately 840 Ha in total.

The formal property address is Geikle Creek Road however, the allotment in consideration is primarily accessed from Bushy Park Road.

The determination was made on 30 May 2023, and was a part approval – i.e. to approve the construction of the dwelling, machinery shed and workshop, but to refuse the 2 lot subdivision.

The request for Review seeks to gain approval of the subdivision component, and to do so, seeks to set aside a requirement of SMRC's Development Control Plan (Snowy River DCP Clause C3.1-2(d)) regarding the number of properties serviced by a Right of Carriageway (ROC).

It should be noted that this report only seeks a decision of Council in relation to the DCP provision, as this is the only aspect preventing the subdivision being approved pursuant to the application to Review the Determination. The assessment of the subdivision component had separately concluded that issues such as Bushfire safety and potential Ecological Impacts had been satisfactorily addressed.

The DCP Clause to be considered stipulates that where a subdivision results in more than 6 allotments gaining access by an ROC, the ROC *"is to be replaced with a public road"*.

In this instance, this would have required a section of approximately 300m of the existing ROC to be transferred to Council as a public road.

The owner of the land upon which the ROC is located has not given consent to provide their land to Council as a public road. In the event that the landowner did agree to have the 300m section of ROC dedicated to Council, it may be subject to a financial compensation to the landowner, and Council would then have the ongoing responsibility for maintaining the additional 'new' road segment.

The applicants have asked for this aspect to be reviewed, as it is only this aspect that is preventing the excising of the 40Ha allotment.

The dwelling approval was permissible as the existing allotment (Lot 2) was larger than the minimum lot size for erection of a dwelling, and already had legal access via an existing ROC. As such, the proposed dwelling did not trigger the DCP clause in relation to the number of allotments being serviced through a subdivision.

Site Description and Site History

The existing lot is a rural lot approximately 2.8km south east of Kosciuszko Road, to the east of the town of Jindabyne.

8.4 REQUEST TO VARY DCP REQUIREMENT - REVIEW OF DETERMINATION

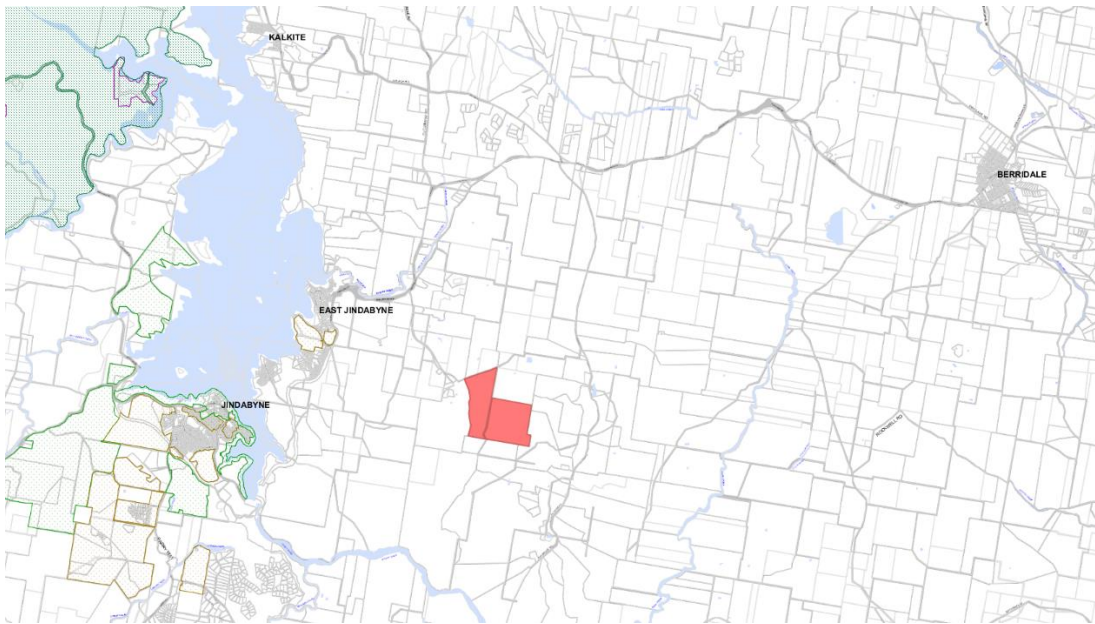


Figure 1: Location of subject lot to the east of Jindabyne

Access to the land is via Bushy Park Road, which is a Council road for approximately 2.35km (shown as light blue in the map below), before becoming a right of carriageway (green) for a distance of approximately 300m.

The final length of access to the subject lot is a right of carriageway (orange), which is not identified as part of Bushy Park Road. This part was subject to a private agreement between the 2 landowners.

The owner of the land upon which the ROC sits has provided written confirmation that the ROC was established, with their agreement, for the purpose of creating a 40Ha lot for a new dwelling for a family member.

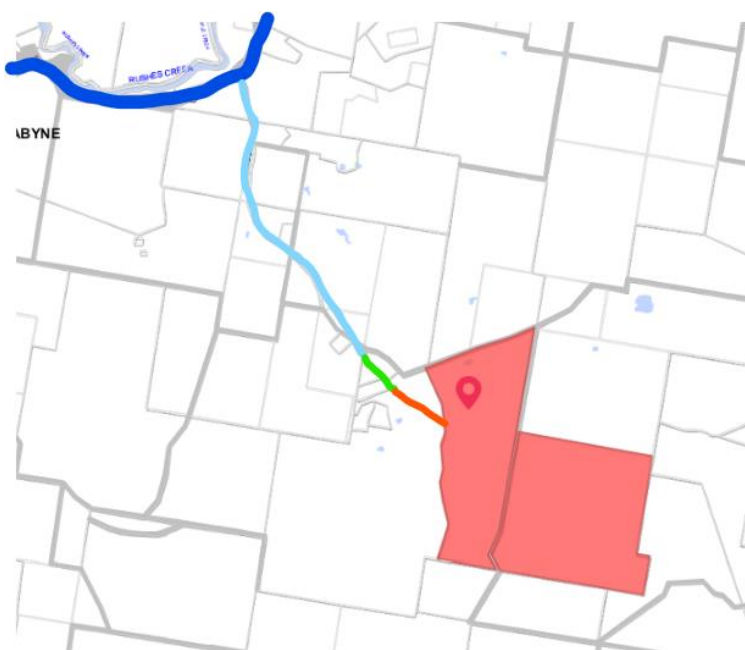


Figure 2: Access to subject lot.

History of Subdivision and Creation of Rights of Carriageway

Access to the subject lot is via multiple carriageways created by multiple deposited plans. Some of these were the result of approved subdivision applications, and some were not subject to Council approval. The evolution of the associated lots and right-of-carriageways, including relevant Deposited Plans, are outlined in attachment 4.

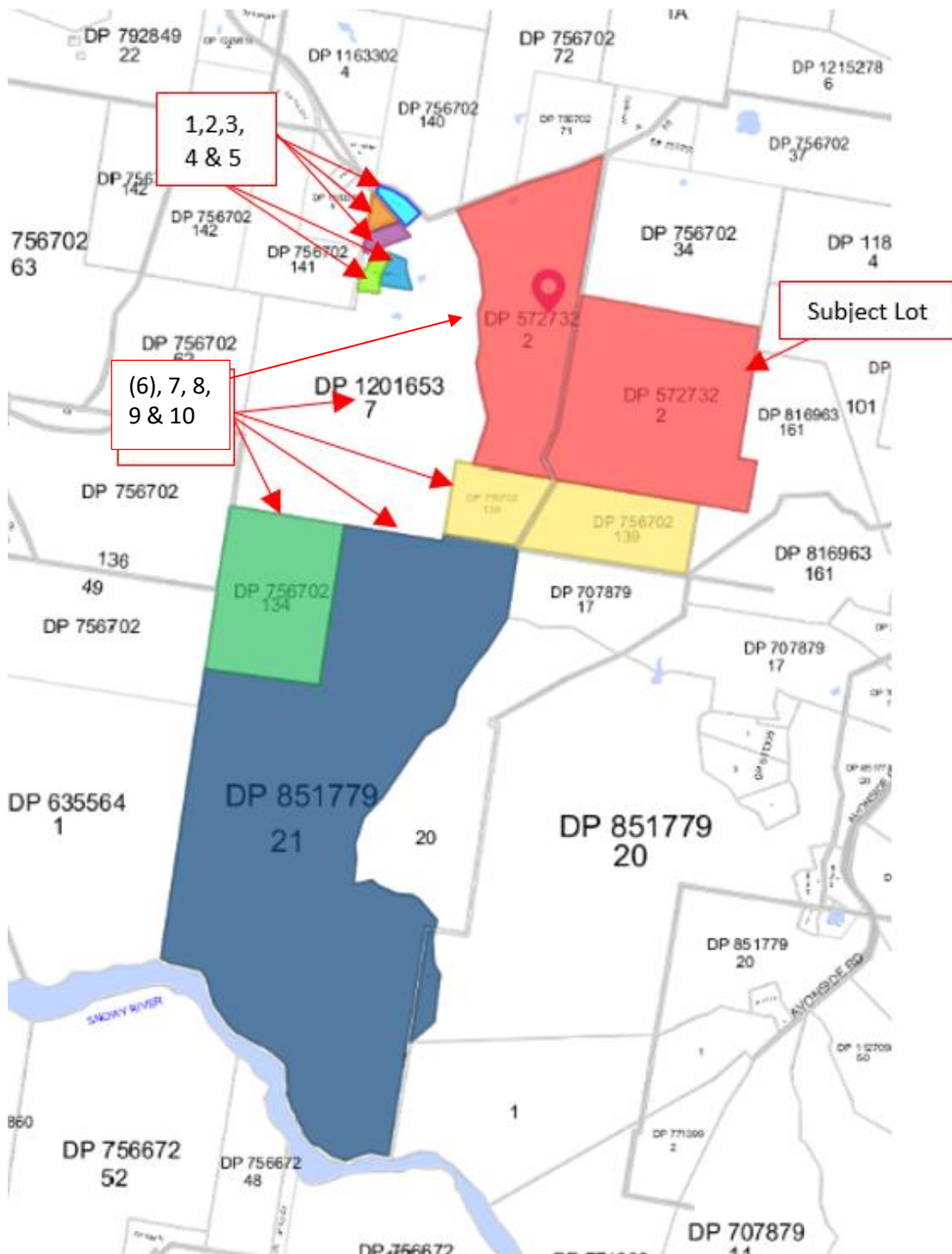
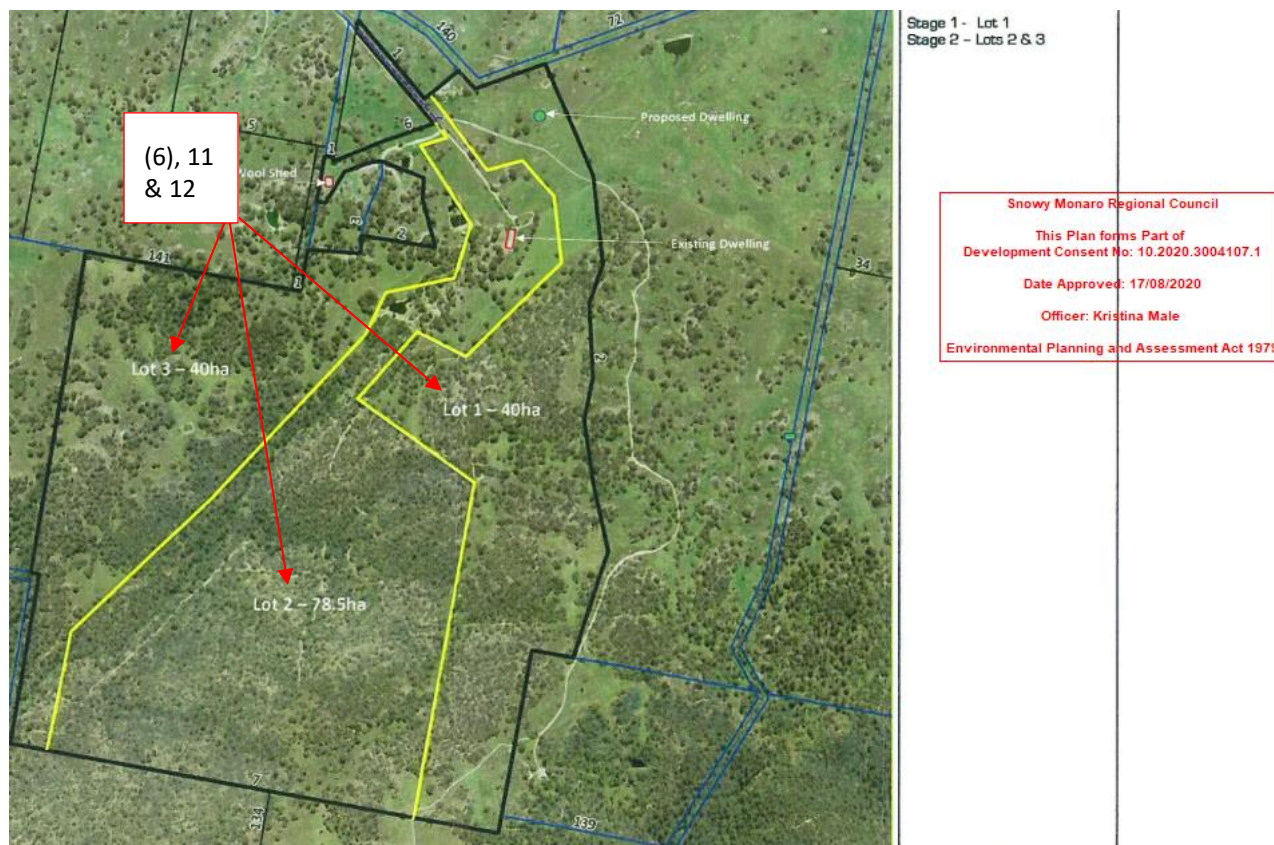


Figure 3: Lots being benefited by 300m section of right of carriageway, prior to further approval to subdivide Lot 7 DP 1201653 into 3 lots.

8.4 REQUEST TO VARY DCP REQUIREMENT - REVIEW OF DETERMINATION



The ROC currently services 12 lots with dwelling entitlements (most now have dwellings).

Most of these have been created through subdivision approvals with the ROC as the proposed legal access. The access to the subject lot was changed in 2015/16 when the right of access across lot 7 was established and extinguished the ROC to the north (not subject to Council approval – see ROC evolution attachment), and consequently increased the number of serviced lots to nine (9). Note that this action was not from a subdivision.

Lot 7 DP 1201653 was further subdivided in 2020 to create an additional 2 lots, bringing the total number serviced to 11. The ROC was required to be upgraded as a condition of approval for DA 10.2020.3004107.1

The addition of the subject property to the lots benefitted by the ROC was through a private agreement between landowners – not subject to Council approval, bringing the total number of lots serviced by the 300m section of ROC to 12.

If Council does agree to the setting aside of the DCP requirement in this instance, the result will increase the number of allotments serviced by the 300m section of the ROC to 13, however, no additional dwellings will automatically be permitted by this action. No additional vehicle movements would be created above the level expected from the existing number of dwelling approvals already in place.

If the DCP requirement was set aside and a future application was received for a dwelling on the residue of Lot 2, such application would be assessed against the criteria in place at that time. It is noted that the residue of lot 2 can be accessed through other parts of the owners' property.

Prior to the approval of the dwelling component in this application, the other most recent dwelling approval was via a determination by Council at its meeting of 20 October 2022 where Council determined to approve a proposed dwelling which required a substantial variation to the minimum lot size requirement through a Clause 4.6 variation. The DCP requirement for dedication of a ROC to a public road was not included as a condition of consent for that application, even though the 5 lot threshold contained within the DCP had already been exceeded. Again, that application was for the erection of a dwelling, not for subdivision of land.

Local Development

Development within the vicinity of the subject lot is rural residential in character, with a cluster of dwellings on small allotments at the start section of the ROC, and other dwellings on larger allotments along Bushy Park Road.

Site

The subject lot is characterised by isolated stands of trees within largely cleared pasture land over its northern areas, including those sites proposed for the erection of structures, and the access route to these sites. The southern areas of the lot are wooded. The terrain is generally gently undulating.

Proposed Development in Detail

Subdivision

The proposal to subdivide the existing subject lot to create one 40ha lot, upon which the proposed dwelling and structures was approved, and the resulting 128ha residual lot, was assessed as part of the initial Determination. The assessment concluded that the subdivision component would have been acceptable, except for the requirement in relation to the ROC/road.

The subdivision does create the residue lot which is not proposed to be developed as part of this application, but as it is greater than 40ha, it exceeds the current Snowy River LEP minimum lot size for erection of a dwelling in this area.

Any subsequent application for a dwelling on the resulting allotment would be subject to the usual assessment processes – including consideration of access requirements. That would be a ‘point in time’ consideration – i.e. assessment would be in accordance with the provisions in place at the time.

Issues for consideration

The Development Control Plan (DCP) applying to the area relating to this application is the Snowy River Development Control Plan 2013.

It is clearly apparent that each of the individual DCPs still in force in the Snowy Monaro Council area require updating, and compilation to form a new, modern, Council-wide DCP. This is understood to be a sub-project for the Strategic Planning staff, and would logically follow the completion of Council’s various settlement and land use strategies, and the new Local Environmental Plan for the whole Council area.

Until that project is completed and a new DCP has been adopted, development assessment staff are confined to the instruments currently in place, which also include the similar but differing Cooma-Monaro and Snowy River Engineering Design Guidelines (again, there is a pressing need to develop a single suite of documents to standardise these requirements).

A difficulty for Council is that by applying the current DCP requirements, there are various 'triggers' that will result in Council having to acquire more road assets. While roadworks may be required to improve carriageway conditions to Council standards, once accepted they become the responsibility for Council to maintain in perpetuity. Funding to maintain Council's current road network is limited, and it follows that dedication of additional roads to be added to the maintenance schedule will increase Council's overall maintenance burden.

In a situation like this, where Council has already permitted new development without requiring road dedication, it appears logical to allow the subdivision as it will not create an additional burden on maintenance allocations, as the requirement to maintain the ROC is incumbent on the ROC beneficiaries.

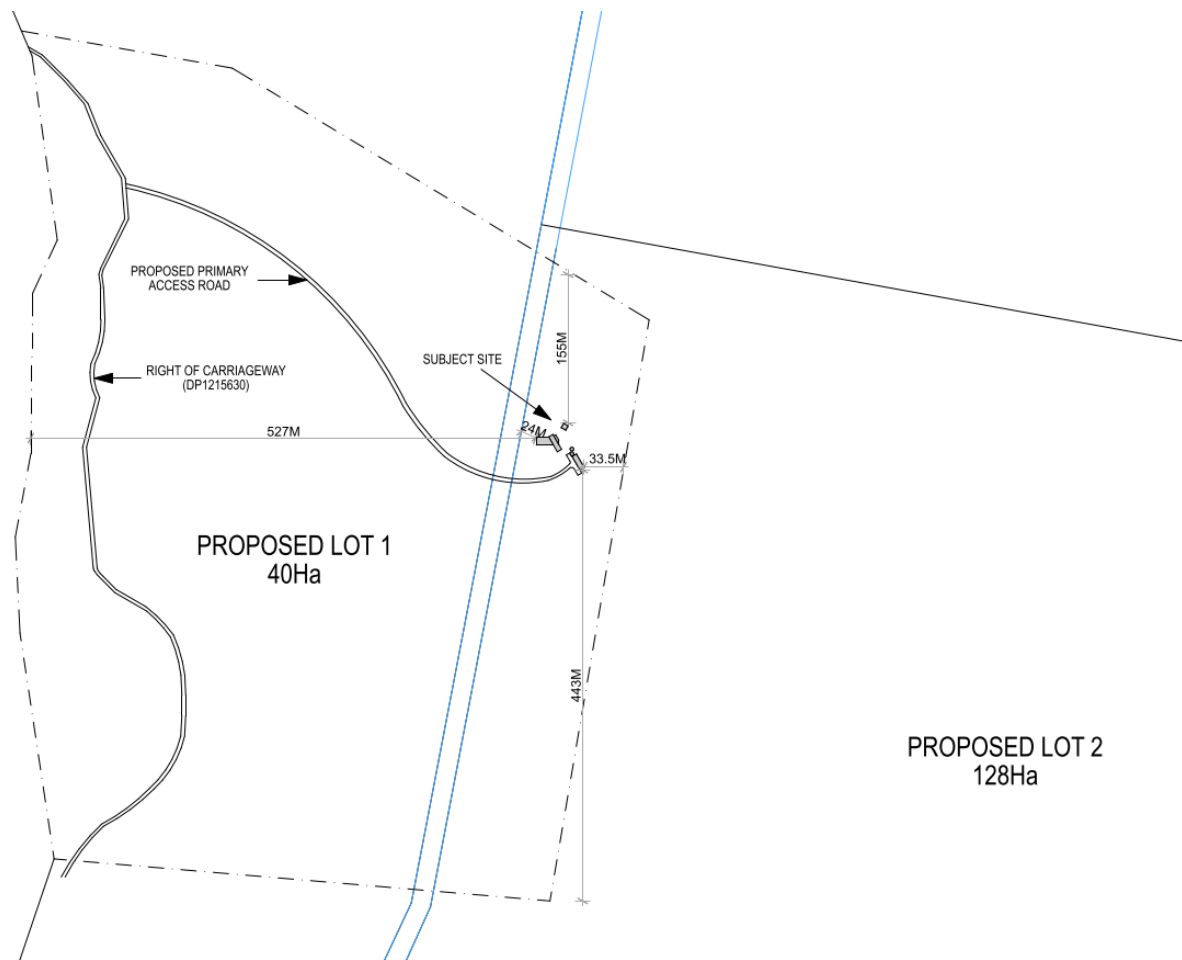
This particular case is considered a one-off, as it is already at the end of the formed Council road, already has the benefit of established ROCs, there are already several allotments which have been created (with Council approval) in excess of the DCP standard, and the dwelling component of the application has already been approved.

Additionally, the standard of the intersection of Bushy Park Road and Kosciusko Road has been highlighted as requiring attention on safety grounds. It is recommended that any future application for erection of a new dwelling or new dual occupancy/secondary dwelling on Bushy Park Road not be permitted until such time as any required upgrading works have been completed to the intersection.

The intersection has been listed as one requiring improvements subject to State funding being received (Kosciusko Road is a State Road).

There are also several other pockets of residential developments, primarily in the former Snowy River Shire area, which are serviced by Rights of Carriageway where the 5 dwelling threshold has already been exceeded, with further DA's lodged to create additional allotments. These will require assessment on a case-by-case basis. It is suggested that a longer-term view needs to be formed as to how Council wishes to proceed with such applications.

8.4 REQUEST TO VARY DCP REQUIREMENT - REVIEW OF DETERMINATION



SUBMISSIONS

The application was notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days. No submissions were received.

CONCLUSION

It is considered that the request to set aside the requirements of Snowy River Development Control plan Clause C3.1-2 has merit in this instance, due to the number of allotments previously permitted to utilise the Right of Carriageway without requiring conversion to a Council road, and due to the situation where the proposed dwelling has been approved without the need for considering the Right of Carriageway requirement.

It is also recommended that if the DCP Clause is set aside in this instance, that no further dwellings, dual occupancies or secondary dwellings be approved on Bushy Park Road until such time as any required improvements have been carried out to the intersection of Bushy Park Road and Kosciuszko Road.

If Council does determine to set aside the DCP requirement, the subdivision component of DA 10.2022.249.1 can subsequently be approved as part of the application for Review of the Determination.

ATTACHMENTS

1. Subdivision Plan (*Under Separate Cover*)
2. DCP Clause C3.1-2 (*Under Separate Cover*)
3. Request for Review of Determination and Owners' submission (*Under Separate Cover*)
4. Bushy Park Road ROC History (*Under Separate Cover*)

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

Record No: I23/669

| | |
|-----------------------|---|
| Applicant Number: | 10.2023.196.1 |
| Applicant: | R Kilpatrick |
| Owner: | Snowy Monaro Regional Council |
| DA Registered: | 19/07/2023 |
| Property Description: | Lot 360 DP756819 and Lot 7018 DP94005 |
| Zone: | RE1 Public Recreation and E1 Local Centre |
| Current Use: | Outdoor recreation facility (public swimming pool) |
| Proposed Use: | Alterations and Additions to outdoor recreation facility, including new plant room and plant equipment, new pool concourse, new shelters, and minor internal alterations. |
| Permitted in Zone: | Yes |
| Recommendation: | Approval with Conditions |

RECOMMENDATION

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that council grants consent to DA 10.2023.196.1 for alterations and additions to existing outdoor recreation facility on Lot 360 DP756819 and Lot 7018 DP94005, Bombala War Memorial Swimming Pool, Therry Street Bombala with conditions of consent attached to this report.

BACKGROUND

The purpose of the report is to seek approval for the Bombala War Memorial Swimming Pool located Therry Street, Bombala (Lot 360 DP756819 and Lot 7018 DP94005).

The application is referred to Council for determination as it involves a facility under Council's control.

The proposed development will consist of a new pool concourse, new flat roof over loose seating space, new flat roof over seating area off kiosk building, new entry and exist turnstiles, new

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
-

disable WC, alterations to both the male and female change room/toilets, new wet edge to children's pool, children's playground, new pool filtration plant room including a new balance tank and pool cover storage.

The application was notified to Snowy Monaro Regional Council and adjoining property owners for a period of sixteen (16) days.

The application was publicly advertised in the Monaro Post for a period of fourteen (14) days

Zero (0) submissions were received.

Upon assessment, the assessing officer is satisfied that the development complies with the provisions of the Bombala Local Environment Plan (LEP) 2013, the Bombala Development Control Plan (DCP) 2014 and SEPP Transport and Infrastructure 2021, and it is recommended that the application be approved subject to conditions.

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

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

SITE DESCRIPTION

SITE CONTEXT



Figure 1: Site location within township of Bombala. The site is comprised of two (2) lots.

The development site is located within the town of Bombala, on the southern side of Bombala River, at the edge of the town's commercial core. The development site is on Therry Street, which runs parallel to the town high street, being Maybe Street. Lots on the southern side of Therry Street contain general commercial land uses, orientated towards Maybe Street in such a way that the rear of these properties face onto Therry Street. The street thus has a disorganised and neglected character at this section of the street.



Figure 2: Example of the rear of properties facing on to Therry Street

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.



Figure 3: Site context

To the north and north-west of the development site is public parkland adjacent to the Bombala River, which runs approximately parallel to Therry Street. North-east of the development site is a public carpark serving the Memorial Pool and the parkland, and to the south-west is Caveat Street which contains a mix of residential and commercial land uses.



Figure 4: Public parkland adjacent to Bombala River

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

Site

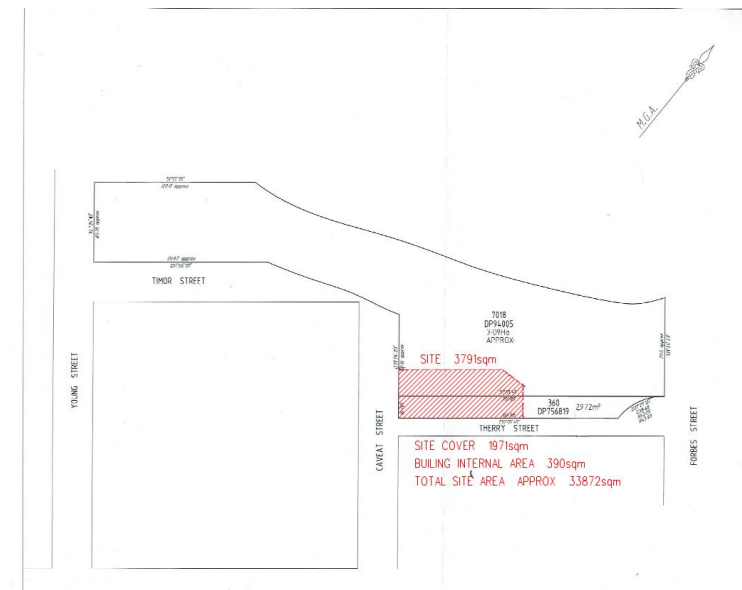


Figure 5: Site location within subject lots

The development site traverses portions of two separate lots, being the south-western half of Lot 360, and a small southern portion of Lot 7018. This area is currently defined by the existing buildings of the Memorial Pool and fencing around the pool grounds.

Both lots are owned by Crownlands, with Council functioning as Crown Land Manager.

Aboriginal Land Claims

There has previously been two Aboriginal Land Claims. Both land claims were withdrawn.

Lot 7018 DP 94005 - Aboriginal Land Claim 42626 - Withdrawal of Claim 10 September 2019

Lot 360 DP 756819 – Aboriginal Land Claim 42626 - Withdrawal of Claim 10 September 2019

Existing Pool Facilities

- 33m Pool
- Children's pool
- Male and female change rooms
- Kiosk
- Covered seating area
- Laundromat
- Storeroom
- 1st aid room
- Pool pump room
- Storage shed
- Pool covers facility

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.



Figure 6: View towards existing entry to pool

Figure 7: View from entry to pool, looking south-west along Therry Street



Figure 8: Existing pool entry

Figure 9: Building adjacent to pool, facing carpark



Figure 10: Existing 33m pool

Figure 11: Existing children's pool

Figure 12: Existing kiosk



Figure 13: Covered seating area adjoining kiosk

Figure 14: covered walkway adjoining existing change rooms

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

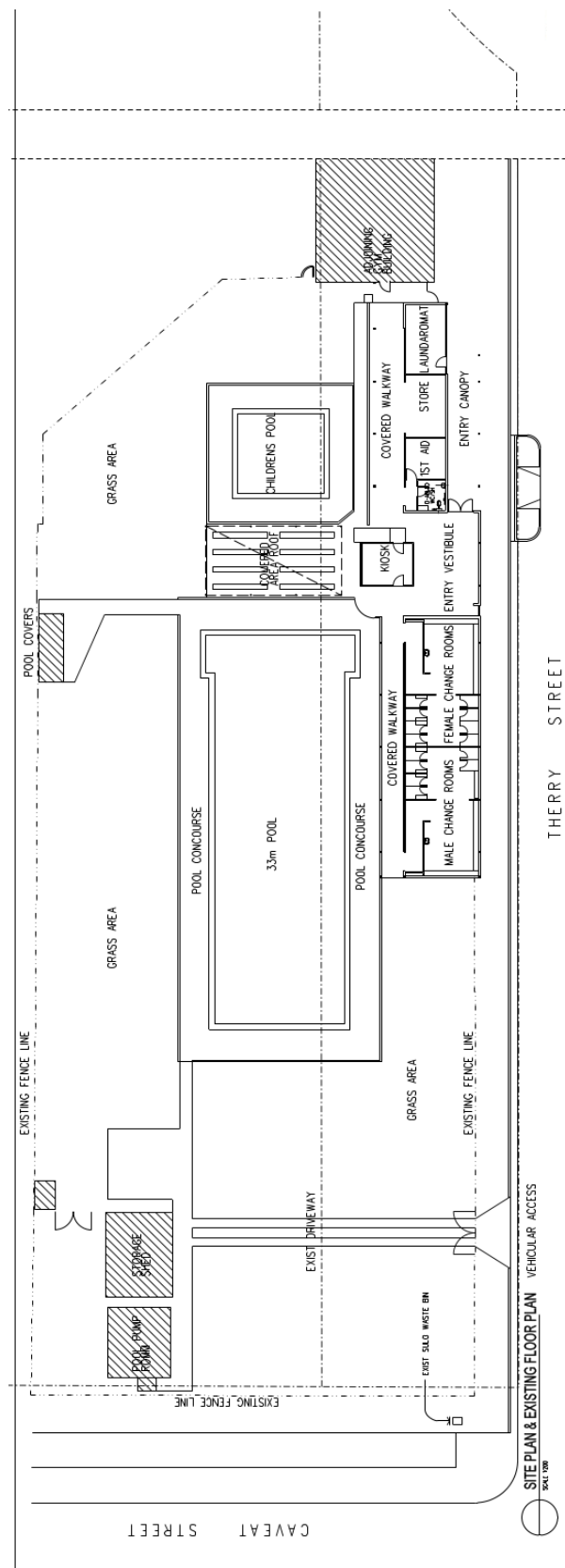


Figure 15: Plan of existing Bombala Memorial Pool

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

Proposal in Detail

It is proposed to refurbish the Memorial Pool, including general alterations and additions, and the installation of a new plant room. The proposed works will include the demolishing of existing structures and facilities at the site.

Proposed Demolition

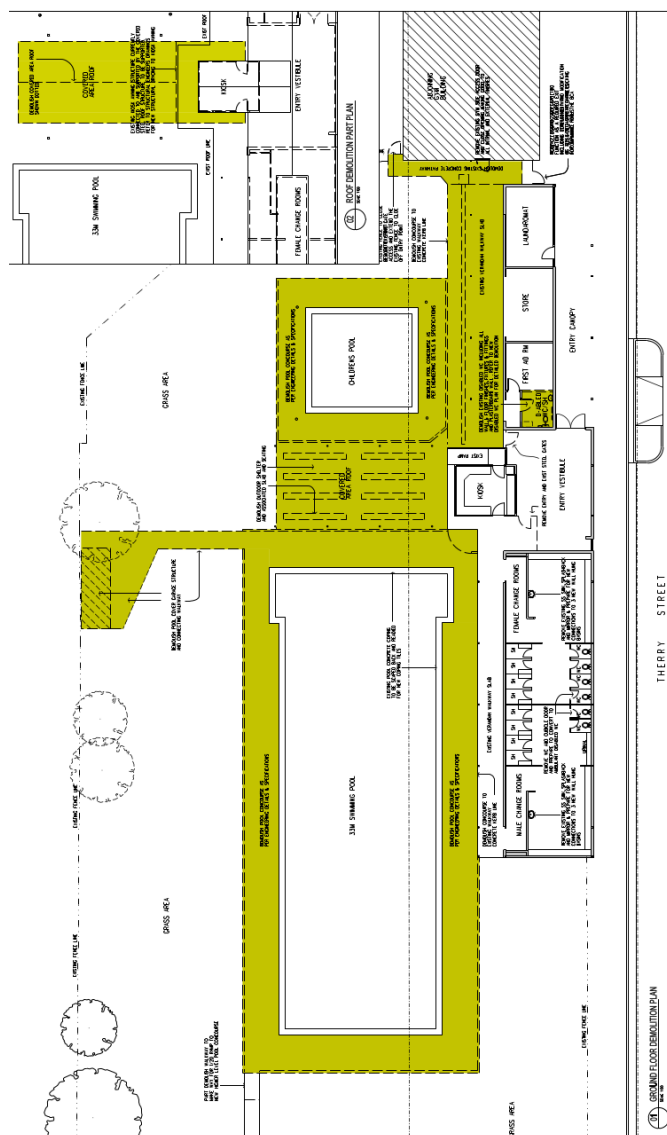


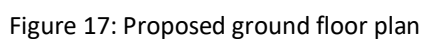
Figure 16: Plans of proposed demolition

It is proposed to demolish the following items.

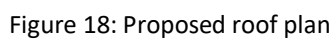
- Existing concourse
- Existing pool cover garage structure and connecting walkway
- Existing outdoor shelter and associated slab and seating
- Existing Disabled WC
- Existing concrete walkway adjacent to Gym

Proposed Pool Facilities

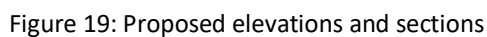
Proposed Plans



8.5



Elevations and Sections of Proposal



- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

Perspectives of Proposal

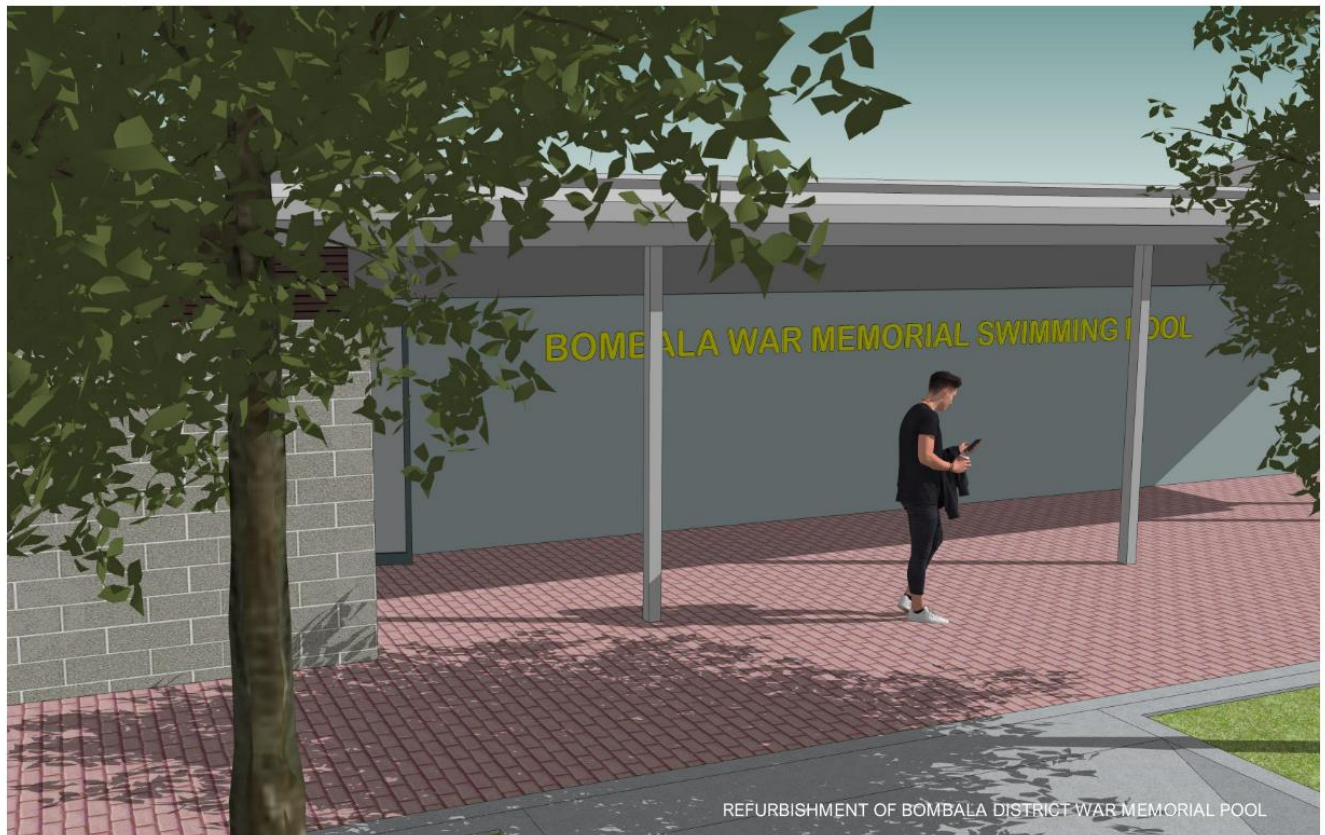


Figure 20: Proposed refurbished pool entry

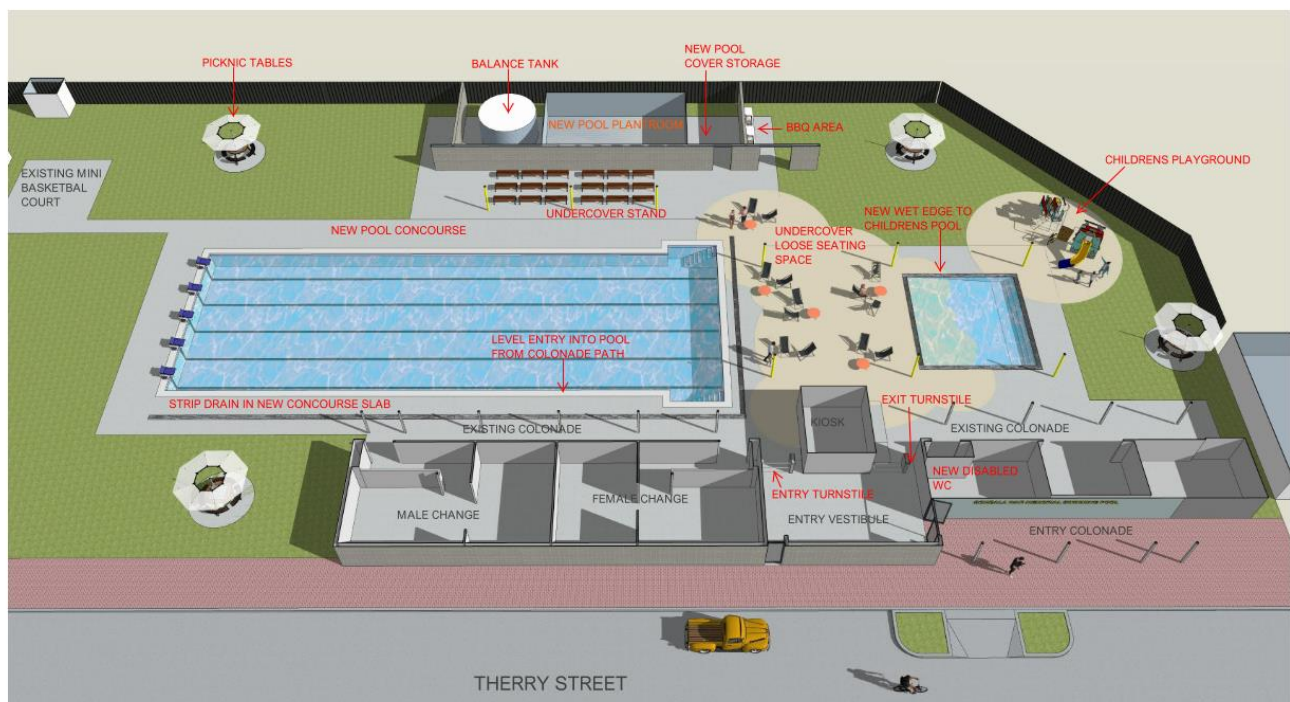


Figure 21: Extruded 3d plan of proposal

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

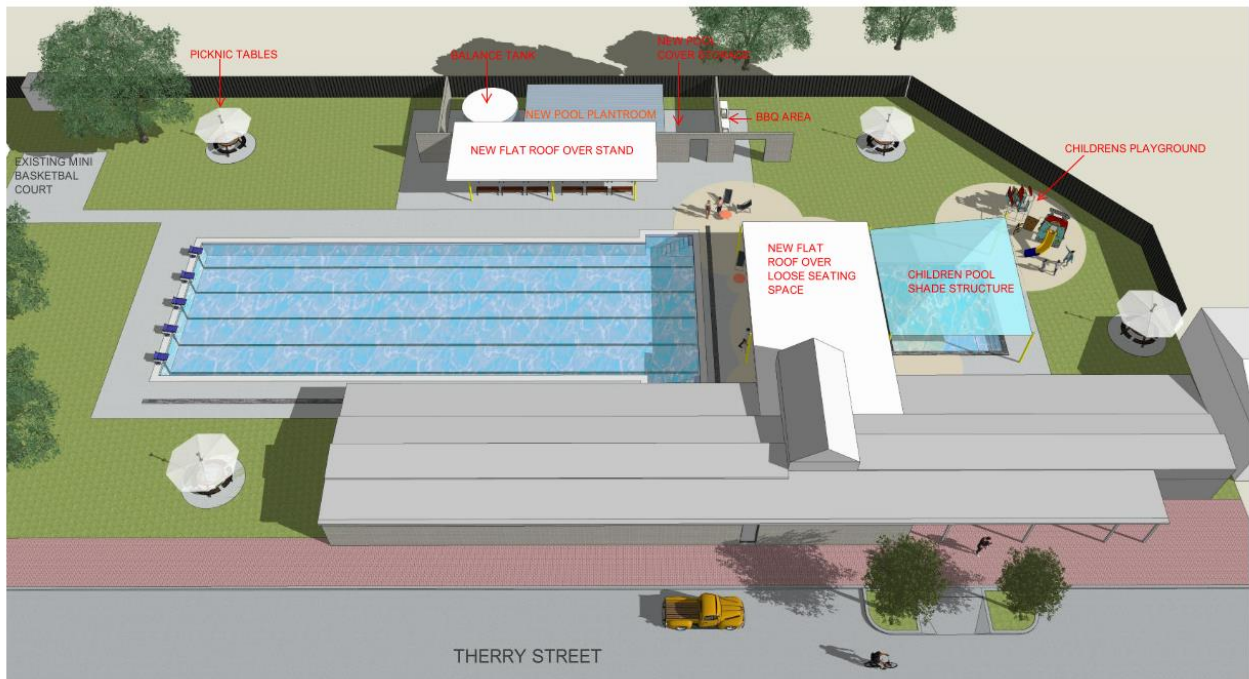


Figure 22: 3d digital model of the proposal



Figure 23: view towards entry from Terry Street

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.



Figure 24: view towards entry



Figure 25: 3d digital model of the proposal

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Figure 26: 3d digital model of the proposal



Figure 27: Proposed 33m pool



Figure 28: Proposed children's pool

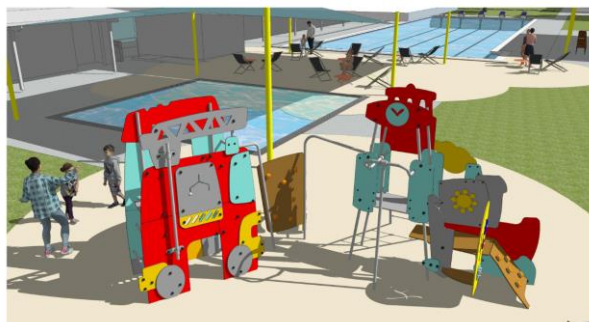


Figure 29: Proposed playground



Figure 30: Proposed covered seating area adjoining kiosk

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
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Figure 31: Proposed plant room and bbq facilities

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ASSESSMENT

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

| | |
|--|---|
| State Environment Planning Policies (SEPPs) | State Environmental Planning Policy (Transport and Infrastructure) 2021 |
| Local Environmental Plan (LEP) (including draft LEPs) | Bombala Local Environmental Plan 2012 |
| Development Control Plans | Bombala Development Control Plan 2012 |

Section 4.15 Assessment and EP&A Act Checklist

| | |
|---|---|
| The suitability of the site for the development: | The site is suitable for development. |
| The provisions of any environmental planning instrument and draft environmental planning instrument: | The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance. The proposal has been examined in detail against the provisions of the Bombala LEP 2012 and has been found to achieve an acceptable level of compliance. |
| The provision of any development control plan: | The application generally complies with the provisions of Council's relevant development control plans. |
| Any matters prescribed by the regulations: | The application generally complies with the <i>EP&A Regulation 2021</i> . |
| The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: | The likely impacts of the development have been appropriately considered and addressed as part of this application. |
| Any submissions made in accordance with the EP&A Act or the regulations: | The application was notified and advertised in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019. No submissions were received |
| The public interest: | The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent. |

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
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Integrated Development

The proposed development was reviewed against the relevant provisions of the *Environmental Planning and Assessment Act 1979*, to identify whether the application was integrated development. The proposal was not deemed to be integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

REFERRALS

External Referrals

| Section | Comments |
|------------|--|
| Crownlands | No response received. Recommendation of approval by Council's assessing officer subject to consent from Crownlands |

Internal Referrals

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

LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT


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

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

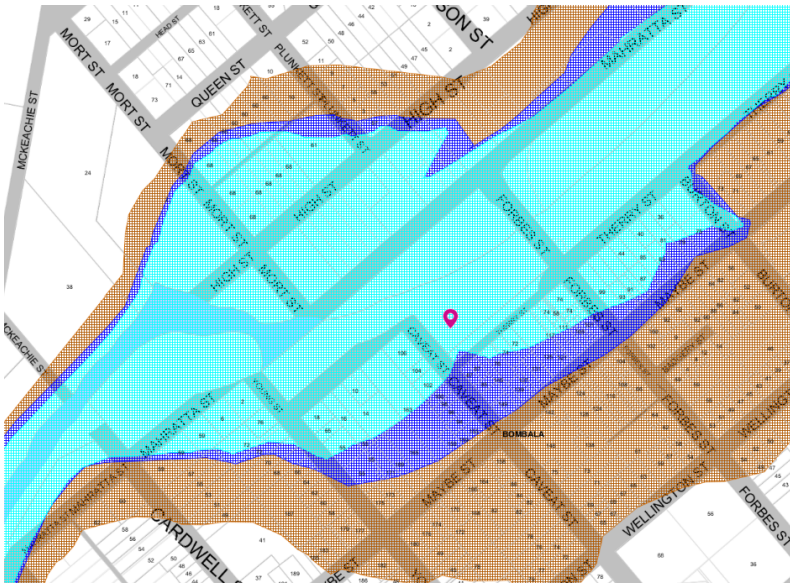
The suitability of the site for the development

The site is suitable for the development proposed as it is alterations and additions to an existing outdoor recreation facility providing for swimming facilities to the local population. The proposed development does not pose any increased adverse impact on the locality.

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

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| Slope | No impediment to development exists. |
| Significant vegetation | Nil identified. |
| Adjoining development | Similar scale to proposal. The proposal adjoins public parkland, this being a similar land use to the proposal, whilst the site is opposite to the rear portions of commercial land uses on Therry Street, and thus does not adversely impact significant building character. |
| Suitability of proposed works / building | Generally acceptable having regard to constraints of the land. |
| Streetscape | The proposal is appropriate in regards to surrounding development. |
| Stormwater disposal | Into council system. |
| Services | Electricity / telephone / water. |
| Views | Nil impact to and from site. |
| Contamination | Nil identified on site. |
| Bushfire | <p>A portion of the subject site is classified as bushfire prone land.</p>  <p>The proposed development is greater than 100m distant from land mapped as bushfire prone. The land separating the development from land mapped as bushfire prone is managed land.</p> |
| Flooding | The subject land is identified as flood prone land. The proposed development will not adversely impact flood patterns and is suitable in regards to flood risk. A flood assessment has been lodged as part of this application, and the recommendations of this report have been taken into |

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

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| | <p>consideration by the development proposal. A condition has been included in the draft consent to address flood issues.</p>  |
| Vehicular access | The site has coinciding legal and practical access. |
| Easements and restrictions on use | Nil. |
| Aboriginal sites | Nil identified on-site. |
| Threatened species | Nil identified on-site. |
| Grasslands | Nil identified on-site. |
| Rivers/streams | Not applicable. |
| Effluent disposal | The site is connected to council reticulated sewer. |
| Prevailing winds | Nil impact. |
| Easements | Nil affected by this proposal. |

The provisions of any environmental planning instrument

State Environmental Planning Policies

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

Complies – a full assessment of the development against the provisions of the SEPP (Transport and Infrastructure) 2021 has been undertaken and officer responses provided for each of the clauses are outlined below.

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
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The application is assessed against the provisions of **Part 2.3 Development Controls, Divisions 12 Parks and other public reserves.**

2.73 Development permitted without consent

(3) Any of the following development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority—

(a) development for any of the following purposes—

(ii) recreation areas and recreation facilities (outdoor), but not including grandstands

Although development consent is therefore not required for this development proposal, the public authority (council) has nominated to seek development consent pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Permissibility of the development under the Bombala Local Environmental Plan 2012

In the assessment of this application, the following special provisions from BLEP 2012 are of relevance and have been assessed for compliance:

The subject land is zoned: E1 – Local Centre and RE1 Public Recreation under the Bombala LEP 2012 (BLEP) and recreation facility (outdoor) is permitted with consent under both zones.

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The existing land use is outdoor swimming pool, which is included in the land uses defined as recreation facility (outdoor) and is therefore permissible with consent under both of the subject land's zoning. This development application does not propose a change in land use.

PART 2 Permitted or prohibited development

The proposal is permitted in the E1 and RE1 zones and the land is considered to be suitable to support the development. The development as proposed meets the applicable objectives of E1 – Local Centre and RE1 Public Recreation, in the Bombala LEP 2012 which are the following:

Zone E1 Local Centre

1 Objectives of zone

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

Response: The proposal will enable the existing public swimming pool facility to continue to provide recreation and health infrastructure to the local community.

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- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Response: The proposal will enable the public facility to continue to provide employment opportunities within the township of Bombala, whilst not impeding on private commercial development elsewhere within the E1 zone.

- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the council's strategic planning for residential development in the area.*

Response: The proposal will not impede continued residential development.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Response: The proposed development will not alter the existing recreation facility's role in generating street activation on Therry Street.

- *To consolidate commercial uses in the town centre of Bombala having regard to the need to preserve its historic character.*

Response: The proposed development does not involve significant changes in the built form of the existing facility and will not adversely impact the historical character of the Bombala town centre.

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*

Response: The proposed development will enable the existing outdoor recreation facility to continue to operate as such.

- *To provide a range of recreational settings and activities and compatible land uses.*

Response: The proposed development will enable the existing outdoor recreation facility to continue provide swimming based recreation activities within the township of Bombala.

- *To protect and enhance the natural environment for recreational purposes.*

Response: The proposed development will have no adverse impacts on the natural environment, being that the development does not involve increasing the scope of the existing recreation facility.

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

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

Clause 6.2: Flood Planning

Complies: The proposed development will not adversely affect flood behaviour, being that the scope of works are limited and do not involve any significant new structures, the plant room being the most significant additional structure. The proposal will additionally not expand on the existing facilities at the public swimming pool. The relevant flood report indicates that the proposed works will increase flood level height in a probable maximum flood (AEP 1%) by 3mm or less. This impact is therefore negligible.



Clause 6.4: Riparian land and watercourses

Complies: The proposed development will have no direct impact on riparian land, being wholly within the bounds of existing development. The recreation facility will generally continue to operate as existing.



SCHEDULE 5: Environmental heritage

There are no adjoining locally listed heritage items. There are listed items in proximity to the development lot. These sites are not considered to be adversely impacted by the proposal.



There are no identified aboriginal sites or relics on this land or within a 50 m buffer of the land.

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.

Provision of any Proposed Planning Instruments

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

Assessment against the relevant provisions of Bombala Development Control Plan 2012


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

| Provision | Response/Acceptable Solution | Compliance |
|---|---|-------------------------------|
| INTRODUCTION | | |
| 1.3 Making a development application 1.3.1 Documentation 1.3.2 BASIX 1.3.3 Requests to vary acceptable solutions | The development was received with appropriate documentation and did not request any variations to acceptable solutions. | 1.3.1 Complies. N/A N/A |
| 1.4 Advertising and Notification <i>Compliance is required against the provisions of the Snowy Monaro Regional Council Community Participation Plan</i> | The application was notified and advertised for 14 days. No submissions were received. | Complies. |
| 2. SUSTAINABLE DESIGN | | |
| 2.1 Principles of sustainability | | Complies |
| 2.2 Settlement character statements 2.2.1 Bombala 2.2.2 Delegate 2.2.3 Ando 2.2.4 Bibbenluke 2.2.5 Cathcart 2.2.6 Craigie | The proposed works do not significantly change the character of the development and are therefore considered appropriate to the character of Bombala. | 2.2.1 Complies. |
| 2.3 Site planning | | |
| 2.3.1 Site analysis Intent - The relationship of new development with the site, adjoining properties and the local community, is considered in the site planning and design phase. | | |
| P1 The site analysis | A site analysis is not required | Satisfactory. |


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| establishes the development context by identifying and illustrating the key influences on the design, and how the proposed allotments and buildings will relate to each other and to the immediate surroundings. | for this development type under the DCP. | |
| P2 The design of new development considers the uses of neighbouring sites, and potential constraints relating to overlooking, overshadowing, view retention, building bulk, landscaping and screening between the development and adjoining sites. | The development site generally does not exceed the existing footprint and massing of the memorial pool. It is additionally spatially isolated from adjacent development, due to the Bombala river, the carpark, the cul-de-sac to the west and deep rear setbacks on lots on the opposite side of Therry Street. The proposed works therefore do not adversely impact on privacy, view retention, building bulk, landscaping and screening between the development and adjoining sites. | Satisfactory. |
| P3 An analysis of the street character provides clues for successful integration, and influences site layout, landscape, alignment of buildings and the design of the proposed development in relation to the streetscape. | Street analysis has been provided. There is no relevant street characteristics which are required to be considered in the proposed development. Architectural renders illustrating the proposed development's character impact on the street have been provided. | Satisfactory. |


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| 2.4 Heritage conservation | | |
| 2.4.1 Indigenous heritage | | |
| Intent – To ensure that new development considers and respects objects, places and sites of cultural significance to the local Aboriginal community. | | |
| P1 Sites of cultural significance to the Aboriginal community are identified and protected | A1 The Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, is carried out to ensure that Aboriginal cultural heritage issues are addressed and whether the activity requires an application for an Aboriginal Heritage Impact Permit. Due diligence was performed by council's Land and Property department. There are no aboriginal sites or artefacts which will be impacted by the proposed development. | Satisfactory. |
| 2.4.2 Non-indigenous heritage | | |
| Intent – To ensure that new development, including the adaptive re-use of heritage buildings and, alterations and additions, are compatible with and respectful of recognised heritage values and the historic context. | | |
| P1 The fabric of heritage items and places, including landscaping and vegetation that contributes to heritage significance, is conserved. | <p>The development will have no adverse impacts on non-indigenous heritage. There is one heritage item adjacent to the development site, on Caveat Street. It is assessed that the refurbishment of the memorial pool will improve the impact on the streetscape, and thus limit potential adverse impacts on this heritage item.</p>  <p>Local Heritage Item no. 111,</p> | Satisfactory. |


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| | <p>at 102 Caveat Street.</p>  <p>View towards development site from heritage item.</p> | |
| P2 Settlement identity, scenic values, historic streetscapes and traditional patterns of settlement are retained. | <p>The development will have no adverse impacts in this regard. As the proposal does not involve significant changes to the existing built character and form of the memorial pool, it will not modify the streetscape and settlement pattern at this part of the Bombala township. It will otherwise not adversely impact scenic values, being that views to the development site will be improved through refurbishment works.</p> | Satisfactory |
| 2.5 Environmental Management | | |
| 2.5.1 Bushfire | | |
| Intent – To ensure that bushfire protection measures are implemented during the planning and design phase so that the risk to the community is minimised. | | |
| P1 Subdivision and building design incorporates appropriate mitigative measures to protect life and property in the event of a bushfire. | <p>Although a portion of a subject lot is mapped as bushfire prone, the portion of the lot which is part of the scope of works is greater than 100 m distant from the bushfire risk buffer zone. The land adjoining the development site is additionally managed land. It is therefore assessed that the development is not under bushfire risk.</p> | Satisfactory |

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| |  | |
| 2.5.2 Flooding Intent – To ensure that flood protection measures are implemented during the planning and design phase so that the risk to the community is minimised. | | |
| P1 The flood risk to life and property associated with the use of land is minimised. | A1 An assessment of the impact of a 1:100 ARI flood event and of flood protection measures was carried out and submitted with the application to develop the land that is mapped as a flood planning area in Bombala LEP 2012 or that is below the flood planning level. The report concluded that the development is appropriate. | Complies subject to conditions of consent |
| P2 New development on flood prone land is compatible with the flood hazard of the land. | The development is a public pool with limited additional structures proposed. | Satisfactory. |
| P3 New development does not affect flood behaviour that causes an increase in the potential flood affectation of other development or properties, or the natural environment | The submitted flood report concluded that impacts on flood behaviour are negligible. | Satisfactory. |
| P4 New development incorporates measures that manage risk to life from flood and does not result in unsustainable social and economic costs to the community as a consequence of flooding | | Satisfactory. |

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| 2.5.3 Biodiversity, vegetation and tree removal | | |
| 4. BUILDING | | |
| 4.1 General provisions – all zones | | |
| Section 4.1 General provisions applies to all new development that involves building or structures, including alterations and additions, in all zones in Bombala local government area. | | |
| 4.1.1 Building design | | |
| Intent – To ensure that building appearance from public streets and adjoining sites is attractive and visually compatible with either attractive surrounding development or the identified future urban character of the area. | | |
| P1 The frontage of buildings and their entries are readily apparent from the street. | The entry to the facility will be improved via new identification signage. Otherwise generally as is. | Satisfactory. |
| P2 Building height at the street frontage maintains a compatible scale with adjacent development. | No proposed changes. | Satisfactory. |
| P3 Buildings are designed to reflect relevant features of the prevailing character of surrounding attractive streetscapes, features and built form character that have been identified as part of the desired future character of the area. | No significant proposed changes, beyond minor improvement. | Satisfactory. |
| P4 Buildings are designed to enhance existing attractive built form character by translating the following characteristics found in the surrounding built form into innovative design solutions: - mass and proportion; - building materials, patterns, textures, colours, and decorative elements; - ground-floor height above natural ground level; floor to ceiling height; - roof form and pitch; - facade articulation, detailing, and window and | Generally no proposed changes. The proposed exterior colour at the facility entry is appropriate as an identifier of the public pool.  | Satisfactory. |

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| door proportions; - verandahs, eaves and parapets; - driveway crossovers, fence style and alignment. | | |
| P5 New development complements or enhances any treed landscape character of the area by: - providing sufficient open space for the planting of trees to complement the landscape character of the neighbourhood; - retaining and protecting existing vegetation where possible; - protecting neighbouring trees from damage to their root systems; - using building footing designs, where necessary, that allow root growth of large trees. | Open space retained. No significant vegetation proposed to be removed. | Satisfactory. |
| P6 The building design, detailing and finish provide an appropriate scale to the street, add visual interest and enable differentiation between buildings when viewed from public streets. | Generally no significant changes proposed. | Satisfactory. |
| P9 Existing buildings in sound condition that contribute to the streetscape character and items of heritage or conservation significance are retained, incorporated and sympathetically treated, where possible. | | Complies. |
| 4.1.2 Energy efficiency Intent – To ensure that the comfort of occupants of new development is maximised through building and window design, orientation and shading, insulation, thermal mass and ventilation, and energy needs for the provision of services such as lighting, hot water, space heating and cooling are minimised. | | |

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| | | |
|---|--|-------------------|
| P1 Buildings are positioned and designed to maximise solar access to internal areas and open space. | Generally unshaded open space, with shading where appropriate. | Complies. |
| P2 Building materials are selected to store thermal energy during winter to release into living spaces at night and to absorb heat during summer. | No significant changes proposed. | No major changes. |
| P3 Designs facilitate natural cross ventilation and maximise the availability of natural lighting. | The open character of the outdoor pool facility is retained. | Complies. |
| P4 Energy efficient lighting, office equipment, air conditioning and appliances, particularly for water heating and space heating/cooling, are installed. | No significant changes proposed. | Satisfactory. |
| P5 Insulation materials are selected for walls, flooring and roofing to eliminate or reduce the need for mechanical heating and cooling systems. | No significant changes proposed. | Satisfactory. |
| 4.1.3 Stormwater management Intent – To ensure that stormwater is managed so that flows are maintained at pre-development levels and to supplement reticulated supplies. | | |
| P1 The volume of stormwater runoff is managed using absorption pits, grass swales, infiltration trenches or landscape features. | No significant changes proposed. Draft conditions of consent are proposed where appropriate. | Satisfactory. |

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
-

Contributions

This development is excluded from the requirement to pay contributions under the Section 7.12 Snowy Monaro Local Infrastructure Contributions Plan 2022, as it is consistent with the below exemption.

- An application by or on behalf of Council for infrastructure, such as, but not limited to: emergency services facilities, libraries, community facilities, waste management facilities, recreation areas, recreation facilities and car parks.

Impacts of the Development - Environmental, Social and Economic

Access, transport and traffic

The subject lot is accessed from a public road (Therry Street) and is serviced by an existing public carpark. The proposed development will not generate an intensification of use or traffic, as the public pool facilities are not proposed to be expanded. The existing access and parking arrangements are therefore considered adequate to the proposed refurbished public pool.

Easements/88B Restrictions on Use

There are no easements or 88B Restrictions on use impacted by this proposal.

Bushfire Assessment

The land is mapped as bushfire prone land. The development is over 100m distant from the buffer area of land mapped as bushfire prone. The land separating the development from the bushfire prone land buffer is managed land. It is therefore assessed that the subject land is not at bushfire risk.

Impacts on supply of utilities

The proposed refurbishment of the public pool does not involve any expansion of the existing facilities. The proposed development will therefore not increase the demand on the utilities.

Heritage

AHIMS search zero (0) aboriginal sites or locations within the subject site or within a 50 m buffer.

There are no adjoining locally listed heritage items.

Natural and other land resources

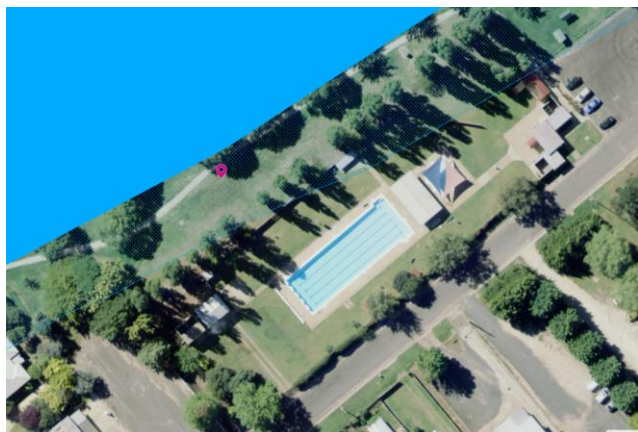
No negative impacts predicted as a result of the proposed development.

Flora and fauna and Consideration of Threatened Species

The development site is not mapped as having Terrestrial Biodiversity in the terrestrial biodiversity mapping in the Bombala LEP. A portion of Lot 7018 DP94005 is mapped as riparian lands. The small portion of the Lot 7018, which is impacted by this development proposal is within the

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
-

riparian land buffer zone. Due to the proposed development not involving an intensification of use or significant new building works, and because the land mapped as riparian is setback from the development site, it is not considered that this proposed development will have adverse impacts on the riparian land.



Waste facilities and controls

Draft conditions of consent are proposed to ensure appropriate waste management and disposal, both during the construction phase of the development and the operational phase of the development.

Energy efficiency and greenhouse gas emissions

Satisfactory. It is not considered that the proposed development will result in an unacceptable increase in greenhouse gas emissions.

Noise and vibration

Some noise will result from the construction of the proposed development however, such noise would be temporary and restricted to occur within time limits, and have no lasting impact.

Noise associated with the operation of the outdoor recreation facility will not be intensified by the proposed refurbishment, as the facilities are not proposed to be expanded. Improvements associated with the refurbishment may increase patronage of the facility, which may increase noise. This is considered appropriate and consistent with the desired outcomes of a public pool.

Safety, security and crime prevention

The proposed refurbishment of the recreation facility is not considered to adversely or positively impact on safety, security or crime prevention, relative to the operation of the facility pre-refurbishment.

Social impact in locality

The refurbishment is likely to increase patronage of the pool, due to the increase in quality of the facilities. The improvement in public recreation facilities is considered to have a positive social impact on the community.

- 8.5 DEVELOPMENT APPLICATION - 10.2023.196.1 - REFURBISHMENT OF THE BOMBALA WAR MEMORIAL SWIMMING POOL, INCLUDING NEW PLANT ROOM AND PLANT EQUIPMENT, NEW POOL CONCOURSE, NEW SHELTERS, AND MINOR INTERNAL ALTERATIONS.
-

Impacts on aboriginal heritage

AHIMS search revealed zero (0) aboriginal sites or locations within the subject site or within a 50m buffer.

Planning Agreements

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

Any matters prescribed by the EP&A Regulation 2000

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

SUBMISSIONS

The application was notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days.

The application was publicly advertised, in accordance with relevant DCP and the relevant statutory regulations.

No submissions were received.

CONCLUSION

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

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.

ATTACHMENTS

1. Draft Conditions of Consent (*Under Separate Cover*)
 2. Architectural Plans (*Under Separate Cover*)
 3. Statement of Environmental Effects (*Under Separate Cover*)
 4. Flood Risk Management Report (*Under Separate Cover*)
 5. Artist Impressions (*Under Separate Cover*)
 6. BCA Report (*Under Separate Cover*)
 7. Estimated Cost of Works (*Under Separate Cover*)
 8. Preliminary Stormwater Management Plan (*Under Separate Cover*)
-

9.1.1 DETERMINE FUTURE USE OF OLD ADAMINABY CHURCH - LOT 21 SEC 13 DP 758008

Record No: I22/50

OFFICER'S RECOMMENDATION

That Council offer the Old Adaminaby Church site and building (Lot 21 Sec 13 DP 758008) under a lease or licence agreement for a use type permitted under the zoning (SP1 - Special Activities) through an Expression of Interest process.

ISSUES

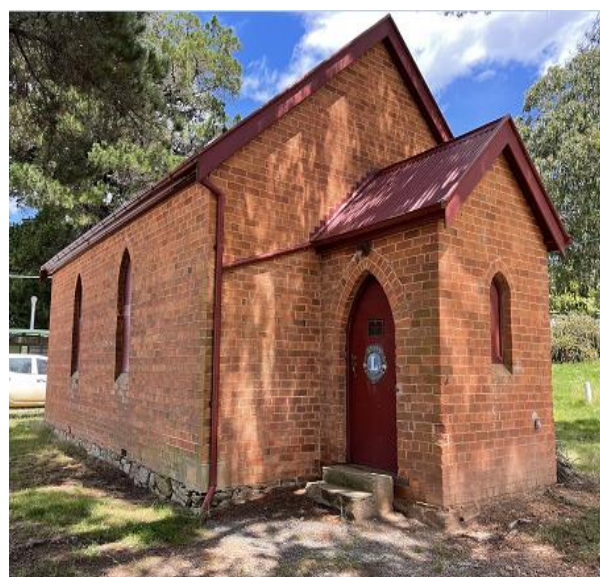
The Old Adaminaby Church sits on Lot 21 Sec 13 DP 758008, however, over time an assumption had been made by the former lessees of Rainbow Pines Tourist Caravan Park, as well as various former Council officers, that the church sat on the neighbouring parcel Lot 378 DP 821745 and was therefore included in the leased caravan park area. Once the error was identified the Lessees were made aware of the misunderstanding and have since transferred the caravan park lease to a new Lessee, along with the knowledge that the church site does not form part of the caravan park lease.

In light of this position a determination is sought from Council as to the future use of the church site and building. Following internal consultation, the proposed recommendation bears in mind the logistics for access i.e. a solution that does not impose the need for additional resources from Council.

Not doing anything with the site would result in the burden of maintenance resting solely with Council, and as with any unused site it could be subjected to vandalism. Leaving the site vacant would also convey a negative image in that the asset would be locked up, vacant and disused, instead of being able to be engaged with by the community.

Lot 21 Sec 13 DP 758008 The site is owned by Council and categorised as 'Community Land' for the purposes of the Local Government Act 1993 (LG ACT); with a land area of 863m². Under the Snowy River LEP 2013 the site is Zoned is SP1 – Special Activities; and Local Heritage Listed – Item 183 and is part of the State Heritage Conservation Area for Lake Eucumbene (Item C2).

9.1.1 DETERMINE FUTURE USE OF OLD ADAMINABY CHURCH - LOT 21 SEC 13 DP 758008



Under the LG Act, all council land must be classified as either “community” or “operational” land. The main effect of classification is to determine the use of the land. Operational land has no special restrictions other than those that may apply to any piece of land. Community land is different as it reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access.

The LG Act contains important restrictions on the ability of a council to grant leases, licences, and other estates over community land. This is coupled with requirements for public consultation to ensure that council take community views into account.

In the circumstances covered by this report, the LG Act provides the pathway for Council to deal with granting a lease or licence in accordance with an express authorisation in the plan of management applying to the land (s46(1)(b)) for one of the purposes listed in section 46(1)(b) of the Act, provided that purpose is consistent with the core objectives of the categorisation of the land (s46(2)).

The former Snowy River Shire Council (SRSC) developed a Plan of Management (PoM) for Community Land and this specific site is identified within the PoM. The PoM expressly authorises leases and licences (p11), which serves to provide a legal pathway for the granting of lease or licence as per the requirements of the Local Government Act 1993.

RISK ASSESSMENT

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

Recognising the value of this asset's activation will ensure it will not fall into a state of neglect and disrepair, and enable strategic management of the land comprising of the Old Adaminaby Church site, which would be beneficial for Council's reputation and provide positive outcomes within the community.

FINANCIAL IMPACTS

| | Amount | Details |
|-------------------------------|--------|---------|
| Current Annualised Net Cost | N/A | |
| Estimated Annualised Net Cost | N/A | |
| Capital Investment | N/A | |
| Capital Funding Source | N/A | |

Lease/licence fee TBC - to be balanced against the benefit derived for the site, Council and the community.

Property is located at 2A Denison Street Old Adaminaby (Assessment 40526717). Water Billing has advised the system reflects that this property is not connected to water and nor charged. Rates has advised that site is classified non-rateable. Council is being levied and paying an OSSM charge on the property, as there is separate public toilet facility on the same lot.

As the site had been incorrectly under the care and control of the Lessee of Rainbow Pines Caravan Park, the only electricity that was paid by the former Lessee was to also support power connection for a camera which was installed at the boat ramp. In a letter to the Eucumbene Chamber of Commerce, dated 7 June 2010, a former Council officer wrote:

Council understands that the operator of Rainbow Pines Tourist Caravan Park has agreed to the power being connected to the church and to be responsible for the costs of the power. Would you please arrange for a letter to this effect signed by R n and K P t to be submitted to Council. (CM9 SR.213198).

RESPONSIBLE OFFICER: Property Officer and Coordinator Land & Property

OPTIONS CONSIDERED

The preferred option is to action an Expression of Interest (EOI) process to seek a suitable tenant to enter into a lease or licence agreement for the site. The aim being to ensure long-term consistent care and maintenance of the asset, as well as enabling it be further available to the community, which has always been its intended purpose.

A proposal by prior Lessees of Rainbow Pines Tourist Caravan Park (W s) was included in the 6 February 1996 Business Paper for the Environmental Services Committee Meeting of the Snowy River Shire Council (SRSC). A proposal was for the church to be used to house a Pictorial Museum of Old Adaminaby and the surrounding area. The Lessees of the adjacent caravan park requested that the church and surrounding area be included in their lease to enable the setup of the Pictorial Museum. (CM9 21/99623)

A DA was lodged on 15 July 1996 and approved on 26 August 1996, however, by all accounts it appears the Pictorial Museum never went ahead and no mention was made of including the site in the lease. (CM9 21/99625)

In an internal SRSC memo dated 26 July 2000, from S h P n (in capacity of Heritage Advisor) to the then GM of SRSC, Ms. P n advised she visited the church on the preceding day sighting correspondence on file from people concerned about the state of the building and stating the church had been nominated as an item of local heritage significance in the Snowy River Heritage study: *'It is the only surviving building from the original town... therefore has a great deal of significance for people who were associated with the area prior to its inundation.'*

The Heritage Advisors recommendation was that, with little effort and not a great deal of money the building could be returned to serviceable condition, stating if it were in better condition it would probably be used more often and posed the question to the then GM, if there was a community group, e.g. Progress Association which could take it on. (CM9 21/99627)

In a letter to Council dated 28 September 2004, Adaminaby resident G n K e requested permission to renovate the disused church at Old Adaminaby, stating that the church was being used for the annual Friendship Day in January and occasionally by other community members for memorial services, meetings, etc. She went on to say she believed if the building was restored, it would be used for many other occasions and be a great benefit to the community, and that she had received an enormous amount of support and encouragement from the local community, that were prepared to provide time and talent to make the project possible. (CM9 21/99628)

On 4 August 2011, the Lessees of Rainbow Pines Tourist Caravan Park wrote to Council to advise that Marine Rescue NSW, had been speaking to them regarding the placement of a marine rescue boat on Lake Eucumbene. The Lessees put forward the use of the decommissioned Church, which at the time was assumed to be situated on the lake side of their Crown land lease, stating the premises would only be used by the volunteers for purposes relating to Marine Rescue, i.e. a place to store equipment, and that the premises would be maintained in a clean and tidy fashion. (CM9 SR.256758). There were further discussions around the above option and even a Draft Memorandum of Understanding. No records can be found beyond 2012, so it appears the option was never taken up by Marine Rescue NSW, and this option is not supported.

IMPLEMENTATION PLANS

An EOI process to seek suitable tenants to be initiated to ensure that the intended use arrangements would benefit the site, respect the heritage status, whilst also enabling broader access to the site. Lease/licence terms would be negotiated with the successful party.

The implementation will be guided by the LG Act requirements, particularly in terms of Public Notification of Proposed Lease/Licence. The LG Act (s47 and s47A) sets out a public notification process that Council is required to follow for proposed leases or licences of Community Land. The public notification process generally involves:

- giving notice to adjoining land owners, putting a sign on the property and publishing certain details on Council's website;
- members of the public may make written submissions within the timeframe prescribed in the notice;
- any submissions are considered when making a final decision on the proposed lease or licence; and
- if the submissions include an objection and the lease term is over 5 years, the matter must be referred to the Minister for Local Government for consent.

EXISTING POLICY/DECISIONS

Asset Management Policy – Document ID 205.2016.210.2

It is acknowledged that various proposals related to use of the site which have not come to fruition; as exemplified below:

- Council had previously determined this asset be used as a Pictorial Museum. Refer Business Paper for the Environmental Services Committee Meeting of Snowy River Council – 6 February 1996 (CM9 21/99623) and, 1996 DA 108-96 Determination (CM9 21/99625).
 - Further to this, in 2011, at the full meeting of Council on 15th November 2011 Council resolved as follows (CM9 SR.275470):
 - a. *“That the local community be consulted so as not to be disadvantaged with the preparation for their annual Friendship Celebration Day.*
 - b. *That prior to seeking the consent of the Crown, Council's Heritage Consultant be approached for an evaluation of the proposal from a heritage point of view.*
 - c. *Consider approving the use of the decommissioned church located on [Lot 378 DP 821745](#) [NB: One instance of the incorrect Lot and DP being referenced] for storage and training facilities for Marine Rescue NSW subject to the consent of the Crown and after completion of tasks A and B.*
 - d. *That if Council approves the use of the church property, Marine Rescue NSW be required to enter into a licence agreement with Council and the Crown for the current minimum rental fee under the Crown Lands Act.*
 - e. *That written evidence of current Public Liability Insurance in the amount of \$20,000,000 be produced prior to use of the building.*
 - f. *That no signage be erected on the church building or surrounds without the prior written consent of Council and the Crown.*
 - g. *That a report be brought back to Council when all investigations are carried out with a draft licence agreement for Council's consideration.”*
-

BACKGROUND

The Snowy Hydro Electric Authority transferred the property to Council so that the land would be used for Public Recreation, and historically the majority of enquiries relating to the church reference any use as being for the benefit of the community.

In an internal SRSC memo dated 7 November 1995 advises that “the property was transferred to Council by the Snowy Hydro Electric Authority in 1990 on the understanding that the land *“would be used for Public Recreation and, the building might house some historical memorabilia”*.” (CM9 21/99613)

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.

Recent advice received from former Council’s Coordinator Development, Built and Natural Environment:

As such the use of the church being for new approvals would be limited, if they were to use only the permitted uses in the zone. The other option is, because it is heritage listed that there is an ability under clause 5.10 of the LEP they can look at using the heritage incentives if the use is something that is prohibited in the zone.

Snowy River Local Environmental Plan 2013 - 5.10 Heritage conservation

1) Objectives: The objectives of this clause are as follows—

- a. To conserve the environmental heritage of Snowy River,
 - b. To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - c. To conserve archaeological sites,
 - d. To conserve Aboriginal objects and Aboriginal places of heritage significance.
-

10) **Conservation incentives:** The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this plan, if the consent authority is satisfied that—

- a. The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- b. The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- c. The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- d. The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

ATTACHMENTS

Nil

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - SEPTEMBER 2023

Record No: I23/680

OFFICER'S RECOMMENDATION

That Council:

- A. Receive the report indicating Council's cash and investments position as at 30 September 2023; and
- B. Receive the certificate 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 |

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

RESPONSIBLE OFFICER: Acting 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 grandfathered Investment Policy, November 2022. 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.

To take advantage of increasing interest rates, a move has been made to maximise the investment portfolio that is placed in cash products, such as term deposits. This reduces the amount held in at call accounts, which are now earning lower yields than term deposits. Diversifying the portfolio's maturity dates will enable Council to have access to cash on a regular basis, if required, and ensure agility to be able to access term deposits with higher yields as they become available.

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 by Council resolution number 324/22 and is next due for review in November 2023. 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. Any investments that were invested prior to the adoption of this version of the Investment Policy will be grandfathered until maturity unless a financial gain can be made by Council in redeeming the investment prior to maturity.

BACKGROUND

Council's Cash and Investments 30 September 2023:

| 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 | 4,446,580 | Tiered | n/a |
| n/a | National Australia Bank - At Call | A1+ | AA- | At Call | 4,494,016 | 1.95% | At Call |
| 23-Oct-19 | Bank of Queensland | A2 | BBB+ | TD | 1,000,000 | 1.80% | 23-Oct-23 |
| 17-Mar-20 | ING Bank | A1 | A | TD | 1,000,000 | 1.63% | 17-Mar-25 |
| 20-Mar-20 | Bank of Queensland | A2 | BBB+ | TD | 1,000,000 | 1.85% | 19-Mar-25 |
| 05-May-22 | MyState | A2 | BBB+ | TD | 5,000,000 | 3.25% | 03-Nov-23 |
| 22-Jun-22 | National Australia Bank | A1+ | AA- | TD | 4,000,000 | 4.30% | 26-Jun-24 |
| 23-Aug-22 | Australian Military Bank | A2 | BBB+ | TD | 2,000,000 | 4.41% | 22-Aug-24 |
| 29-Nov-22 | National Australia Bank | A1+ | AA- | TD | 5,000,000 | 4.23% | 30-Oct-23 |
| 29-Nov-22 | National Australia Bank | A1+ | AA- | TD | 5,000,000 | 4.30% | 29-Nov-23 |
| 15-Dec-22 | ING Bank | A1 | A | TD | 5,000,000 | 4.50% | 14-Dec-23 |
| 27-Feb-23 | ING Bank | A1 | A | TD | 5,000,000 | 4.95% | 27-Feb-24 |
| 28-Feb-23 | ING Bank | A1 | A | TD | 2,000,000 | 5.00% | 28-Mar-24 |
| 17-Mar-23 | Bendigo and Adelaide Bank Limited | A2 | BBB+ | TD | 4,000,000 | 4.45% | 14-Mar-24 |
| 28-Apr-23 | AMP Bank | A2 | BBB | TD | 1,000,000 | 4.90% | 25-Oct-23 |
| 05-May-23 | Judo Bank | A3 | BBB- | TD | 4,000,000 | 4.90% | 06-May-24 |
| 13-Jun-23 | AMP Bank | A2 | BBB | TD | 2,000,000 | 5.45% | 12-Jun-24 |
| 13-Jun-23 | National Australia Bank | A1+ | AA- | TD | 3,000,000 | 5.30% | 12-Jun-24 |
| 29-Jun-23 | National Australia Bank | A1+ | AA- | TD | 4,000,000 | 5.40% | 27-Jun-24 |
| 29-Jun-23 | National Australia Bank | A1+ | AA- | TD | 5,000,000 | 5.35% | 21-Dec-23 |
| 29-Jun-23 | ING Bank | A1 | A | TD | 10,000,000 | 5.55% | 24-Apr-24 |
| 31-Jul-23 | National Australia Bank | A1+ | AA- | TD | 5,000,000 | 5.30% | 30-Jul-24 |
| 31-Jul-23 | AMP Bank | A2 | BBB | TD | 2,000,000 | 5.50% | 30-Jul-24 |
| 29-Aug-23 | National Australia Bank | A1+ | AA- | TD | 5,000,000 | 5.15% | 28-Aug-24 |
| 31-Aug-23 | National Australia Bank | A1+ | AA- | TD | 7,000,000 | 5.10% | 26-Sep-24 |
| 06-Sep-23 | Beyond Bank | A2 | BBB | TD | 2,000,000 | 5.22% | 05-Sep-24 |
| 19-Sep-23 | National Australia Bank | A1+ | AA- | TD | 1,000,000 | 5.20% | 18-Sep-24 |
| 20-Sep-23 | G&C Mutual Bank | A2 | BBB | TD | 1,000,000 | 5.20% | 18-Sep-25 |
| 28-Sep-23 | ING Bank | A1 | A | TD | 5,000,000 | 5.35% | 25-Sep-25 |
| | | | | | 105,940,596 | | |

*Tiered rate means we will earn different rates of interest depending on the balance of our account. If our account balance is above a certain level, the bank will pay a higher rate of interest on the whole balance.

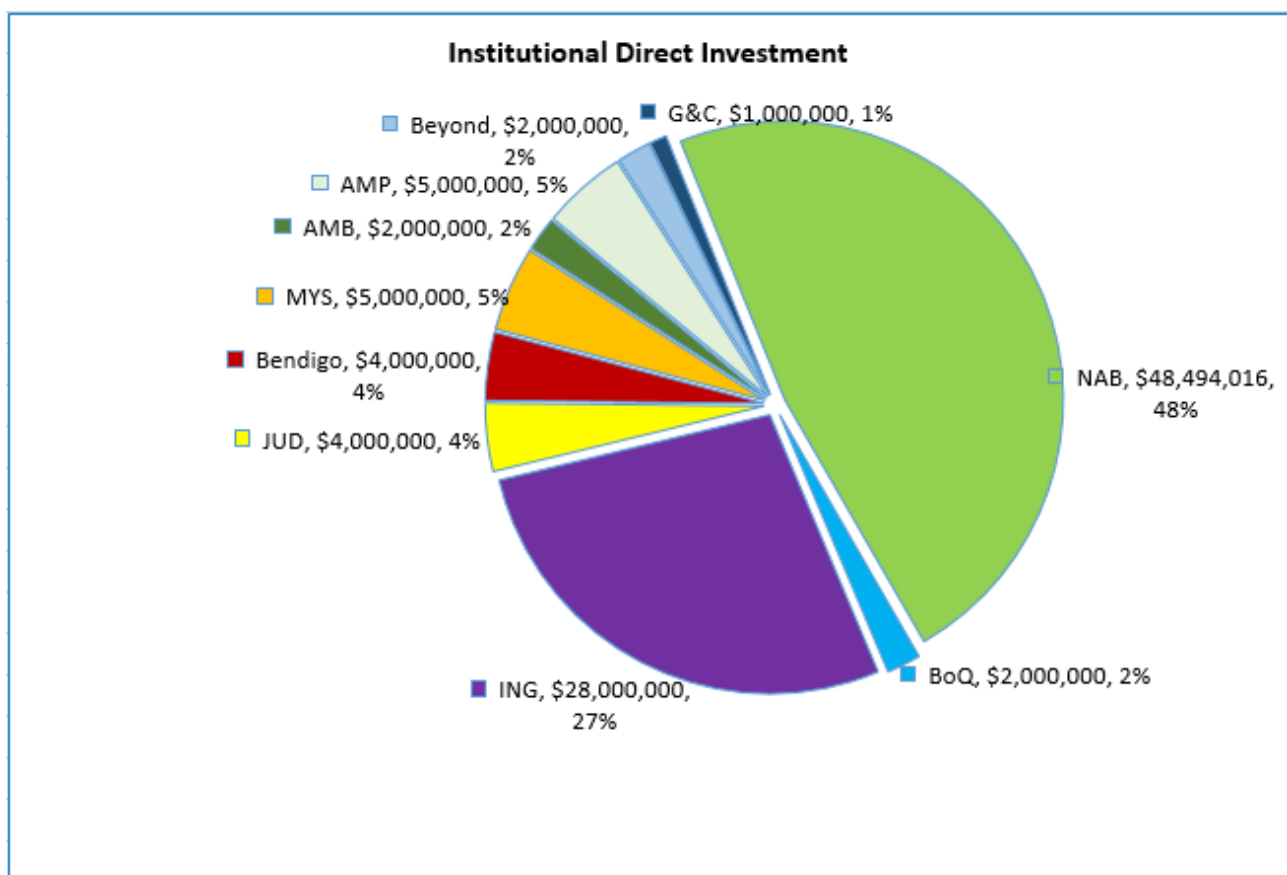
Investment Portfolio Return:

Benchmarking is used by Council as a gauge for the performance of its portfolio against its investing universe (*universe*: securities sharing a common feature – liquidity, return patterns, risks and ways to invest). A suitable benchmark to review the return on Council's portfolio is the Bank Bill Swap Rate (BBSW), or Bank Bill Swap Reference Rate – a short-term interest rate used as a benchmark for the pricing of Australian dollar derivatives and securities – most notably floating rate bonds.

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - SEPTEMBER 2023

| Month | YTD Annualised Return | Monthly Average Interest Return | 90 Day Bank Bill* | Margin |
|-------------|-----------------------|---------------------------------|-------------------|--------|
| September | 4.59% | 4.58% | 4.14% | 0.44% |
| August | 4.52% | 4.27% | 4.13% | 0.14% |
| July (2023) | 4.74% | 4.74% | 4.26% | 0.48% |

**The Australian Financial Market Association (AFMA)*



ATTACHMENTS

Nil

9.3.1 JINDABYNE DEVELOPMENT CONTROL PLAN

Record No: I23/491

OFFICER'S RECOMMENDATION

That Council:

- A. Endorse the public exhibition of draft Jindabyne Development Control Plan 2023; and
- B. Endorse the public exhibition period of 6 weeks, from 8 November to 20 December 2023.

ISSUES

The draft Jindabyne Development Control Plan (DCP) has been prepared by the Department of Planning and Environment in accordance with Part 3, Division 3.6 of the *Environment Planning and Assessment Act 1979* and Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

The purpose of the DCP is to support the Snowy River Local Environmental Plan 2013 and build on the aims and objectives of the Snowy Mountains Special Activation Precinct Master Plan 2022. That being, a 40-year vision to become a year round tourist destination with new business opportunities, services and community infrastructure for people to live, work and visit.

The draft DCP when adopted will inform and guide development requiring development consent within the Jindabyne Growth precincts. These precincts are shown in Figure 1, and include the following:

- East Jindabyne Village
- Jindabyne Town Centre
- Jindabyne South
- Jindabyne West
- Jindabyne Aerodrome
- Leesville Industrial Area, and
- Barry Way South.

9.3.1 JINDABYNE DEVELOPMENT CONTROL PLAN

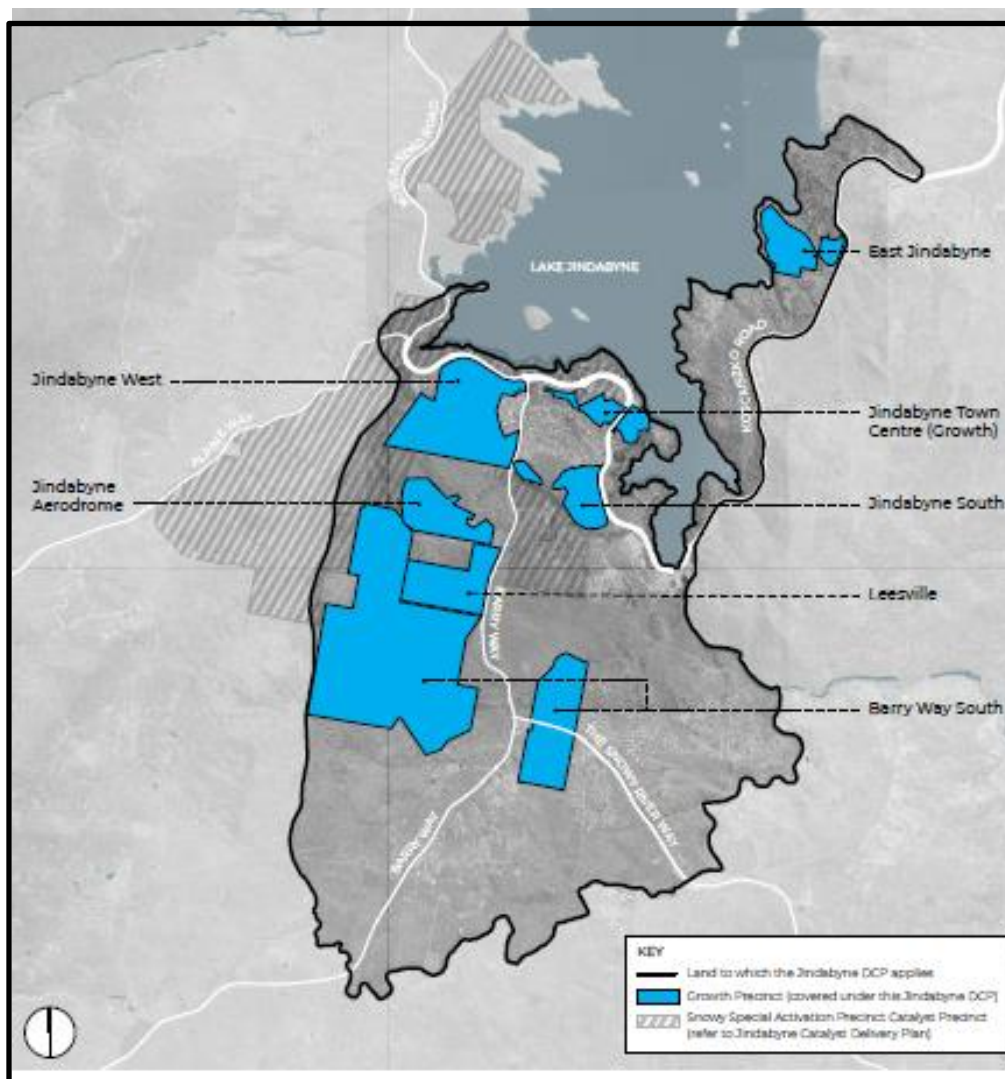


Figure 1 – Jindabyne Development Control Plan Areas

The next step in the development of the (DCP) is public exhibition. This being a requirement under section 3.45 of the *Environmental Planning and Assessment Regulation 2021*.

The purpose of this report is to seek council's endorsement to place the DCP on public exhibition for a 6 week period.

This exhibition period is also consistent with the exhibition period for other documents being exhibited for the Snowy Mountains Special Activation Precincts, and includes:

- Special Activation Precinct Delivery Plan
- Alpine Development Control Plan
- Discussion Paper on amendments to the Snowy River Local Environmental Plan.

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 | Medium | Low | Yes |
| Financial Sustainability | Medium | Low | Yes |
| Health and Safety | Low | Low | Yes |
| Legislative Governance and Compliance | Low | Low | Yes |
| Reputation and Image | High | Low | Yes |
| Service Delivery | Low | Low | Yes |

The DCP is important as it:

- Defines development standards that deliver outcomes desired by the community and council.
- Provides clear and concise development guidelines and desired future character statement for various forms of development and site specific precincts.
- Encourage innovation in design and developments.
- Expedite development approvals by providing clear direction on council's intent and criteria
- Provide certainty of development outcomes for developers and the community.

If this plan is not progressed alongside the remaining Special Activation Precinct projects, council risks placing the community within an inconsistent planning framework that does not deliver to the intent of the scheme.

FINANCIAL IMPACTS

The draft DCP has been prepared by consultants engaged by the Department of Planning and Environment in collaboration with the Snowy Monaro Strategic Planning staff.

The majority of the project is being funded by the Department of Planning and Environment. Council is providing a co-contribution with the adopted Strategic Planning budget for staff time.

RESPONSIBLE OFFICER: Chief Strategy Officer.

OPTIONS CONSIDERED

The exhibition of a DCP is a legislative requirement. As such, consideration of other options are unnecessary.

IMPLEMENTATION PLANS

Engagement will run from Wednesday, 8 November 2023 to Wednesday, 20 December 2023. Within this period, planned actions include:

- Media release by minister
- Planning Portal host page for documents and link to the council digital mapping portal, 'Your Say' website
- Newspaper notification – Monaro Post (every Wednesday for the entire exhibition period)
- Social Media
- Posters and postcards (with QR code to the Planning Portal) distributed around Jindabyne and the resorts
- Print advertising such as adverts in Snowy Monaro Post, Canberra Times and Snowy Magazine
- Hard copies of plans at the agency offices in Jindabyne
- Radio advertising on Snow FM and 2XL FM (weeks 1, 3 and 5)
- Face to face sessions in Jindabyne at Nuggets Crossing and Jindabyne Library (x5 sessions)
- Jindabyne Market (3 December 2023)
- Notification to CAG members to register awareness of this public engagement process
- Online consultation opportunities with the general public including one to one session on request (including the ability to undertake this online via teams)
- Supplementary material
 - Old vs new plan comparison
 - FAQs
- Members of the public can phone or attend council offices in person to discuss the development control plan.

At the conclusion of the public exhibition period, submissions will be reviewed and the draft DCP amended (if required) ahead of a final DCP being presented to council for consideration and adoption.

BACKGROUND

Special Activation Precincts

Special Activation Precincts are a new way of planning and delivering projects in parts of regional NSW to attract businesses, provide employment and stimulate the economy. The Special Activation Precincts were created as part of the NSW government 20-year economic vision for regional NSW and will be delivered as part of the \$4.2 billion Snowy Hydro Legacy Fund.

The NSW government supports the precincts approach with master planning that streamlines the planning pathway, invests and delivers enabling infrastructure that support business establishment, and facilitates establishment of new industries and businesses.

In November 2019, the Snowy Mountains was announced as one of the six special activation areas to become a thriving business hub built on the competitive tourism and hospitality, and sport and recreation strengths. This precinct contains the following:

- Jindabyne catalyst precinct that comprises of five sub-precincts to promote the boarder special activation precinct.
- Jindabyne growth precinct that comprises of seven sub-precincts to support increase in visitor and resident populations.
- Alpine precinct that comprises of twelve sub-precincts focused tourism attractions and accommodation.

Snowy Mountains Special Activation Precinct Master Plan

To progress the project, a Master Plan was prepared and exhibited over June to August 2021, and finalised on 1 July 2022.

The Master Plan sets a 40-year strategy to bring together planning and investment, and to increase jobs and economic activity. The Master Plan was informed by technical assessment that focuses on heritage, sustainability and infrastructure, and community feedback.

The Master Plan is a statutory planning document that supports the State Environmental Planning Policy (Precincts – Regional) 2021, Snowy River Local Environmental Plan 2013 and the Kosciuszko National Park Plan of Management.

The NSW government set a budget of \$391.3 million to deliver the precinct and enable the region to become a year round tourism destination and Australia's alpine capital.

Opportunities in the Master Plan focus on:

- Improvements to community facilities and amenities
- Improvements to transport connectivity within the precinct and car parking
- Upgrades to the Jindabyne town centre
- Upgrades to utilities
- New housing for residents and tourists, and plans for aged care facilities
- Conservation and enhancement of environmental and heritage values
- Positioning Jindabyne and the Snowy Mountains region as a centre of alpine recreation and elite sports.

The Master Plan describes matters that are to be addressed through the Delivery Plan and DCPs.

Delivery Process

The Special Activation Precinct supports streamlined development approvals and business concierge support, offering confidence to investors.

The delivery mechanisms include:

- Jindabyne Growth Precinct Development Control Plan (prepared by the Department of Planning and Environment in collaboration with Snowy Monaro Regional Council)
-

9.3.1 JINDABYNE DEVELOPMENT CONTROL PLAN

- Jindabyne Catalyst Precinct Delivery Plan (prepared by the Regional Growth NSW Development Corporation)
- Alpine Precinct Development Control Plan (prepared by the Department of Planning and Environment).

The delivery and development control plans have been prepared as drafts for exhibition. While all documents will be exhibited together, this report seeks endorsement to exhibit only the draft Jindabyne Development Control Plan.

ATTACHMENTS

1. Draft Jindabyne Development Control Plan (*Under Separate Cover*)
 2. Appendix A Indicative waste and recycling generation rates (*Under Separate Cover*)
 3. Appendix B Flood Maps (*Under Separate Cover*)
 4. Appendix C Recommended Species for Landscaping (*Under Separate Cover*)
 5. Appendix D Wayfinding and signage (*Under Separate Cover*)
-

9.3.2 DELIVERY PROGRAM PROGRESS REPORT - SEPTEMBER 2023

Record No: I23/665

OFFICER'S RECOMMENDATION

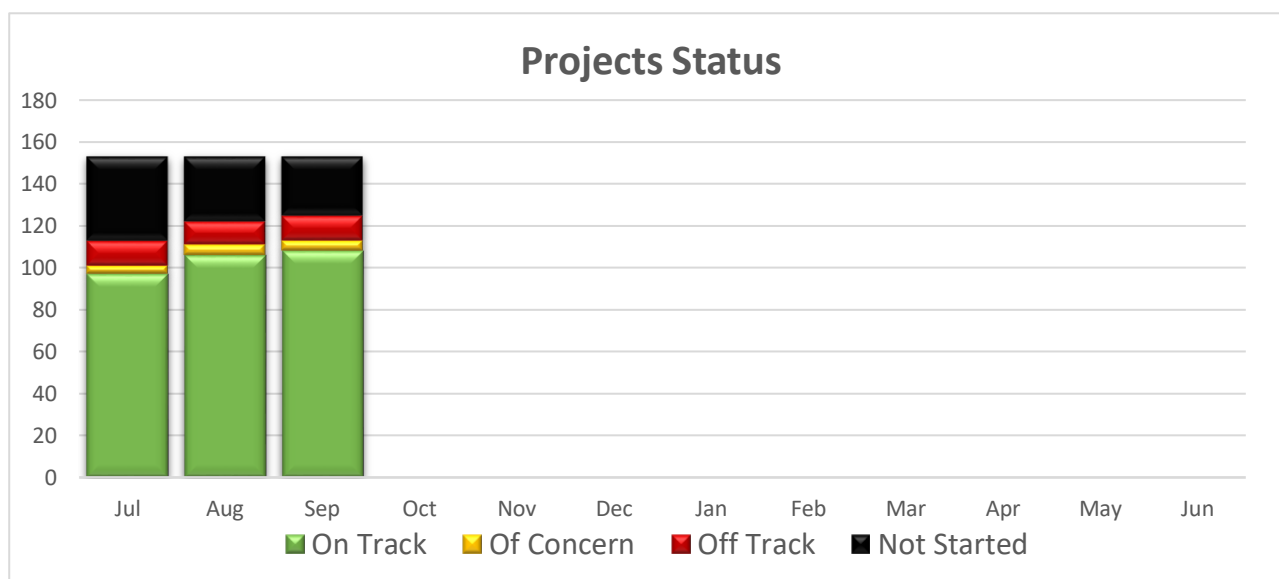
That Council note the delivery program progress report.

PROJECT DELIVERY

The revised 2022-2026 delivery program has 153 projects identified for delivery over the four year period. We are currently in year two of the delivery program with 125 projects being worked on in the 2023-2024 year.

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.

September saw the commencement of a small number of projects in the Water and Wastewater service area, contributing towards the improvement in the number of projects showing as "not started" in the below graph.



Project: Yallambee Lodge Extension

Status: Off track

This project has concluded at Design and Tender. The design has been completed and the tender was run. Due to the divestment process the construction is unlikely to proceed under Council direction. The designs are at a stage where they can be novated pending the outcome of the divestment process.

Project: Support delivery of key projects within the SAP project Status: Of Concern

The NSW Government is reassessing its investment priorities. There is a potential that the investment may be withdrawn or scaled back. It is expected that this will be announced as part of

the 19 September budget. The only option available to Council would be to lobby for support to retain the level of planned investment.

Project: Development of the new LEP **Status: Off track**

Council has resolved to undertake further consultation. The loss of key strategic planning staff means that the council does not have the available resources to undertake another round of consultation. Due to this, the project plan is being reviewed to determine the next steps within the resources available.

Project: Review heritage study **Status: Of Concern**

We have been unable to replace our strategic planning resources and this means that aspects of our usual business needs to be prioritised. Among this work will be the heritage study review. While a majority of the work has been completed to the draft stage, the project will be held in abeyance until full team capacity is achieved. Without an active heritage study the council may not be able to access grant funding for the heritage advisory service.

Project: Prepare and active transport strategy **Status: On Track**

This project has commenced with Currajong Consultancy being awarded the project. It is expected that community input into this project will commence throughout September 2023 along with internal stakeholder engagement. An adopted active transport strategy will enable grant funding opportunities and identify priorities for footpaths and other active transport links within our towns and villages that will inform our Local Infrastructure Contribution Plans.

Project: Regional Sport Hall **Status: On Track**

The Cooma Region Sports Hall is progressing well with a progress inspection undertaken during the last week of July. Community consultation among the sports user groups is to be undertaken prior to setting the fees and charges, with the sports hall due to open in November 2023.

Project: Bombala and Cooma Pool Upgrades **Status: Of Concern**

Swimming pool upgrade works are moving into detailed design stage. The major issue with this project is that the works are anticipated to take in the order of 12 months to complete. This will depend on the results of the tenders, but is a significant risk of impact to the community and will require consultation once timeframes for the works are known. Consultation on gaining input on the way to undertake the works (closing for a full season or missing two halves).

Table 1: Listing of projects identified as off track

| Summary of projects currently considered off track to original plans | |
|--|---|
| Fire service and general upgrades for aged care facilities | <ul style="list-style-type: none"> Non-essential works on hold while considering the divestment and impact that may have on the approach taken with the facility. |
| Yallambee Lodge new section of facility | <ul style="list-style-type: none"> This project has concluded at Design and Tender. The design has been completed and the tender was run. Due to the divestment process the construction is unlikely to proceed under Council direction. The designs are at a stage where they can be novated pending the outcome of the divestment process. |

| Summary of projects currently considered off track to original plans | |
|--|--|
| Bobeyan Road upgrade | <ul style="list-style-type: none"> Funding remains the most critical issue in delivery of the entire scope of the project. <p>Snowy Valley's Council (Construction Contractor) have returned, and construction has now recommenced. Jones Plains Bridge construction completed, requiring pavement construction and guard railing before opening to traffic. Scope Variation required to reduce the project length to Ashvale Road to Shannons Flat Road.</p> <p>Progress currently under review in preparation for community consultation in mid-late October to inform works post Winter. Availability of DGS from the Shannons flat Quarry continues to hamper construction.</p> |
| Ryrie Street Michelago extension | <ul style="list-style-type: none"> All elements of the bridge have been procured and Transport for NSW have appointed a dedicated project manager to assist move this project ahead with UGLRL. The biggest risk to the project remains dealings with UGLRL and the delays due to their process. Construction paperwork has been lodged with UGLRL, and awaiting progression (estimated early November). Process of gaining approvals to undertaking the work taking an extremely long time. |
| Jindabyne Town Centre improvements | <ul style="list-style-type: none"> Impacted by uncertainty around proposed work within the special activation precinct planning. |
| Lake Jindabyne Shared Trail | <ul style="list-style-type: none"> Significant planning work was not undertaken prior to the project being funded. |
| Delegate School of Arts | <ul style="list-style-type: none"> The original trade estimate report indicated that there was a \$202,000 shortfall, even with additional funds secured. The project may still fall short of approximately \$76,000 meaning the project will be unable to be completed with the current scope of works. |
| Jindabyne landfill rehabilitation and capping | <ul style="list-style-type: none"> When developing the waste strategy it was identified that due to the cost of operating landfills the best outcome was the development of a transfer station and centralising landfill operations. This needs to be completed prior to rehabilitation of the site. |

Summary of projects currently considered off track to original plans

| | |
|---|--|
| Develop a framework for policies and procedures to support the organisation | <ul style="list-style-type: none">• Vacancies of staff in the area has limited activities to essential business as usual. |
| Development of the Integrated Water Cycle Management (IWCM) Strategy and Grey Water Management Plan | <ul style="list-style-type: none">• Unable to employ a suitable resource to undertake the projects. Significantly more costly to use external resources. |
| Development of the new Local Environmental Plan (LEP) | <ul style="list-style-type: none">• Council has resolved to move forward with the development of a community reference group for the development of the LEP. Limited Strategic Planning resources continue to be problematic with ensuring progress. |

SERVICE DELIVERY

Service Area: Economic Development and Tourism

The Cooma Visitors Centre recently received a 2023 Travellers' Choice Award with Tripadvisor. This is an excellent reflection on the quality of staff employed at the visitor centre and wonderful recognition for the passion of the work that they do, not just for Council and the community, but for our valued visitors.

Service Area: Strategic Planning

Community consultation commenced in July for a complex planning proposal located adjacent to Kalkite village at the site known as 56 Hilldowns Rd. The consultation closed on 11 September with over 180 submissions received. The planning proposal seeks to rezone RU1 – primary production land to varying zones. If approved by Council, the expansion of the RU5 – village zone would potentially yield another 220 lots increasing the size of Kalkite substantially if a development application was received by Council to subdivide the land. The planning proposal is proponent led (by the owner), meaning Council is not the applicant, but the planning proposal authority authorised by NSW Department of Planning to consider the proposal. It is anticipated that the post-exhibition report will be tabled at the November 2023 Council meeting for Council to make a decision as to whether the planning proposal will proceed.

Service Area: Resource and Waste

The capping and rehabilitation of the Delegate legacy landfill site has been completed. It is planned that the areas around the landfill area will be planted out with more trees, including snow gums. While the land is classified as contaminated, and any future use cannot be predicted or expected, this work will make the area look pleasant.

The design for the Cooma compost facility has been revisited to reduce costs relating to earthworks. Due to the cost grant funding will now be sought to minimise the impact on charges required for the service. As these works are required to meet a mandated NSW government waste target it is considered there is a good chance of grant funding, but the process of seeking this funding may delay the completion of the project.

Service Area: Information Technology and Communications

Council has taken a significant step forward in meeting the NSW Government requirements in relation to cybersecurity. New systems have been put into place that actively monitor for existing and emerging cyber threats and provides real time response capabilities. Council is now meeting the majority of the requirements for cybersecurity.

Service Area: Fleet and Plant

Plant replacement within benchmarks is falling behind the target due to supply chain issues. The supply of semi-conductors is the main issue, which impact more on those vehicles with increased automation. This is particularly impacting our attempts to source garbage trucks and graders at the moment. We are bringing forward the ordering time on certain plant that we expect to be impacted in the future.

KEY PERFORMANCE INDICATORS

| KPI | Actual | Target | Commentary |
|---|--------|--------|---|
| <p>% KPI's on target</p> <p>KPI Status</p> <p>73.91% 13.04% 11.59% 1.45%</p> <p>■ On Track ■ Monitor ■ Needs Work ■ No Target</p> | 73.91% | 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 50% of s138 applications processed within 40 business days 95% approval of all s68 plumbing and drainage applications lodged with Council |
| % projects/actions on target | 54.34% | 31.25% | <p>Council is 15 months into a 48 month Delivery Program. We are tracking well ahead of the calculated progress target of 31.25% to this point with our principal activities and commenced projects. There are still several projects that are not due to commence until years three and four of the Delivery Program.</p> |

9.3.2 DELIVERY PROGRAM PROGRESS REPORT - SEPTEMBER 2023

| Performance Measures | Period | Unit | Target | Actual | Comment |
|--|--------|------|--------|--------|---|
| 50% of s138 applications processed within 40 business days | Month | # | 50 | 42 | Planned leave of Council's development engineers has resulted in a slight backlog of s138 approvals being administered. |
| <15 water main breaks per 100km of water main/year | Month | # | 12.00 | 22.00 | The number of water main breaks for the month is unusual. Further investigation is underway to determine the likely reasons. |
| <20 repairs and chokes per 100km/year | Month | # | 12.00 | 38.00 | The winter peak period has seen an increase in sewer mains breaks. A combination of aging infrastructure and increased load is the likely reason. |
| 95% approval of all s68 plumbing and drainage applications lodged with Council | Month | # | 24 | 2 | An unusually small number of s68 approvals was issued for the month of September. The number of actual applications received at Council are tracking lower than normal this year. |

RESPONSIBLE OFFICER: Coordinator Strategic Planning

ATTACHMENTS

1. Delivery Program Progress Report September 2023 (*Under Separate Cover*)

9.3.3 TABLING OF DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

9.3.3 TABLING OF DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

Record No: I23/671

OFFICER'S RECOMMENDATION

That Council note the disclosures of pecuniary interest returns completed by councillors and designated staff for the period 1 July 2022 to 30 June 2023.

ISSUES

Council's Code of Conduct requires councillors and staff holding a designated position at 30 June each year to complete a disclosure, to be lodged with the Chief Executive Officer.

Council is required to keep a register containing the returns of councillors and designated persons and make these publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*.

RISK ASSESSMENT

| Risk Type | Current Risk | Expected Risk | Within Accepted |
|---------------------------------------|--------------|---------------|-----------------|
| Legislative Governance and Compliance | Low | Low | Yes |
| Reputation and Image | Low | Low | Yes |

FINANCIAL IMPACTS

The costs of administration of the returns are contained within council's operational budget.

RESPONSIBLE OFFICER: Coordinator Governance.

OPTIONS CONSIDERED

To be compliant with the code of conduct and GIPA Act it is advised against considering any other option.

IMPLEMENTATION PLANS

Following the meeting, the register of disclosures will be published on Council's website.

EXISTING POLICY/DECISIONS

- Code of Conduct
- Government Information (Public Access) Act 2009

BACKGROUND

Part 4 of Council's code of conduct requires councillors and designated persons to lodge a return of their interests. These returns are classified as mandatory proactive release under the GIPA Act and are required to be published on Council's website.

Disclosing the information contained in returns furthers openness, transparency and accountability in local government, the GIPA Act requires these interest disclosures to be made publicly available. However, the Information and Privacy Commission recognises returns may contain sensitive and personal information of staff and councillors, which individuals may have concerns about disclosing publicly.

Section 6(4) of the GIPA Act requires agencies to "facilitate public access to open access information contained in a record by deleting matter from a copy of the record to be made publicly available, if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record, and it is practicable to delete the matter."

Accordingly councillors and designated persons may request for certain information be redacted prior to returns being published on council's website. These requests are considered and weighed against any interest in release of the information. Some forms may be published in a redacted state.

ATTACHMENTS

1. Disclosure by the CEO (*Under Separate Cover*)
 2. Register of Disclosures by Councillors (*Under Separate Cover*)
 3. Register of Disclosures by Designated Persons (*Under Separate Cover*)
-

9.3.4 FINANCIAL SUSTAINABILITY RECOMMENDATIONS - PROGRESS UPDATE

Record No: I23/688

OFFICER'S RECOMMENDATION

That Council note Financial Sustainability Recommendations - Progress Update.

This is an information only report.

EXECUTIVE SUMMARY

Updates of the activities against all of the recommendations made from the financial sustainability review are reported quarterly to Council.

RESPONSIBLE OFFICER: Chief Strategy Officer.

ATTACHMENTS

1. Financial Sustainability Progress Report
-



Action and Task Progress Report – Financial Sustainability Review

Snowy Monaro Regional Council (SMRC)

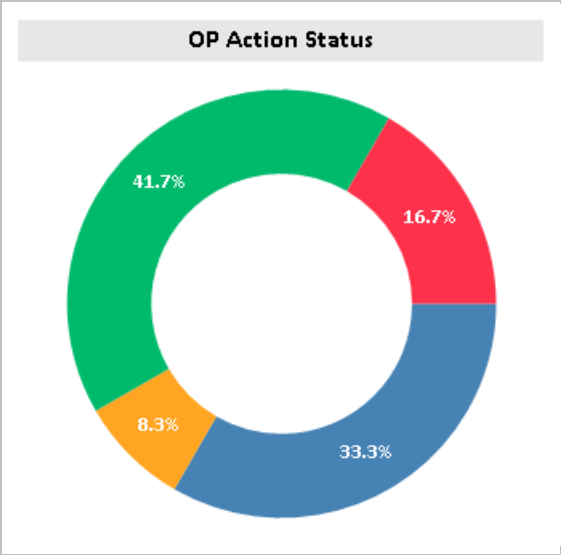
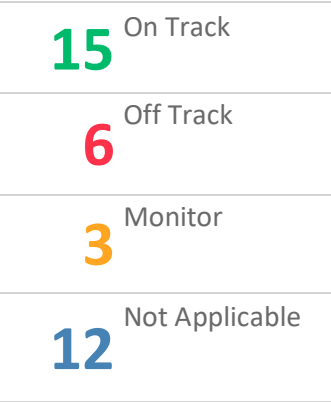
camms**strategy**

Print Date: 04-Oct-2023

OVERVIEW

OP ACTION SUMMARY

By Performance



OP ACTION PLANS



* Dates have been revised from the Original dates

1 Financial Sustainability Review


1.1 Improve the Operating Position

1.1.1 Increase generation of revenue

OP Action Title: 13.2.35.1 Special Rate Variation (SRV) - implementation

OP 23 24

Financial
Sustainability


| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--------------------|-----------|-------------|-------------|------------|---------|--|
| Manager Finance | Completed | 01-Jul-2023 | 31-Jul-2023 | 100% | 100.00% |  GREEN |

OP Action Progress Comments: Project complete

Last Updated: 25-Aug-2023

OP Action Title: 13.2.7.2 Review fees and charges pricing and ensure they reflect full cost price for services

Financial
Sustainability


| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--------------------|-------------|-------------|-------------|------------|--------|--|
| Manager Finance | Not Started | 30-Dec-2022 | 31-Jan-2024 | 0% | 60.00% |  RED |

OP Action Progress Comments: Not started. Review of the Waste Fund is critical given the long term outlook.

Last Updated: 25-Aug-2023

OP Action Title: 14.2.3.1 Lobby for SAP Growth factor in rate peg cap

Financial
Sustainability


| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Coordinator Economic Development | In Progress | 30-Dec-2022 | 15-Dec-2023 | 15% | 10.00% |  GREEN |

OP Action Progress Comments: Continuing to work on SAP cost estimates based on the Jindabyne DCP and Delivery Plan (both currently in draft stage) along with the designs of new infrastructure. However progress has been slow pending the outcome of the state government budget review. Expect to understand the implications of the reduced SAP budget in coming weeks.

Last Updated: 21-Sep-2023

1.1.2 Decrease operating costs

OP Action Title: 13.2.26.1 Conduct a strategic review of services and service levels (FSR)

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--|-------------|-------------|-------------|------------|--------|--|
| Chief Workforce Officer | In Progress | 01-Jul-2023 | 30-Jun-2024 | 15% | 40.00% |  RED |
| OP Action Progress Comments: Organisational Development Officer role filled, commencing 28 August 2023. <i>Last Updated: 25-Aug-2023</i> | | | | | | |

OP Action Title: 15.2.1.4 Establish a productivity and efficiency target of \$1.0 million

Financial
Sustainability


Strategy
Portfolio

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-----------|-------------|-------------|------------|--------|-------------|
| Chief Strategy Officer | Completed | 01-Jul-2022 | 30-Jun-2023 | 100% | - | - |
| OP Action Progress Comments: KPI included in the Delivery Plan for 23-34 year onwards. <i>Last Updated: 14-Aug-2023</i> | | | | | | |

OP Action Title: 2.1.5.1 Divestment of Residential Aged Care

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-------------|-------------|-------------|------------|--------|--|
| Manager Community Services | In Progress | 01-Jul-2023 | 30-Jun-2024 | 25% | 25.00% |  GREEN |
| OP Action Progress Comments: The discussion with Respect in regarding to the divestment of aged care continues with no further updates available. There is no decision as to the future of Snowy River Hostel at the date of this update. An alternative motion was passed at the Council meeting 21 September 2023, where actions will be undertaken as per the motion and another report presented to Council at the November 2023 Council meeting. <i>Last Updated: 26-Sep-2023</i> | | | | | | |


1.1.3 Develop the demand management approach in service planning

OP Action Title: 13.2.27.2 Service review program is to be completed outlining which service reviews are to be undertaken within the next four years


Work is underway to identify suitable provider for IT service review which has been identified as a priority.

| Towards Excellence | Financial Sustainability | | | | | |
|--|--------------------------|-------------|-------------|------------|--------|-------------|
| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
| Chief Workforce Officer | In Progress | 01-Jul-2022 | 30-Jun-2023 | 75% | - | - |
| OP Action Progress Comments: ICT Service Review to be undertaken in 23-24 as part of the Towards Excellence Program (TEP). As Phase 1 of TEP concludes in early 2024, it is anticipated that departments will be identified for next round of service reviews that will allow development of a 4 year schedule. <i>Last Updated: 20-Mar-2023</i> | | | | | | |

OP Action Title: 13.2.27.4 The Information and Communication Technology service review is undertaken

| Financial Sustainability | OP 23 24 | | | | | |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
| Chief Workforce Officer | Not Started | 01-Jul-2023 | 30-Jun-2024 | 0% | 0.00% |  GREEN |
| <i>Last Updated: 10-Aug-2023</i> | | | | | | |


OP Action Title: 13.2.7.8 Development and implementation of grant funding policy and procedures with inclusion into the project management framework

| Financial Sustainability | OP 23 24 | | | | | |
|---|-------------|-------------|-------------|------------|--------|--|
| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
| Acting Chief Financial Officer | In Progress | 01-Jul-2023 | 30-Jun-2024 | 41% | 25.00% |  GREEN |
| OP Action Progress Comments: Currently reviewing the processes to ensure integrity of the grants register. Progress on this task has been impacted by limited resources available. <i>Last Updated: 20-Sep-2023</i> | | | | | | |

1.1.4 Improve governance and financial controls

OP Action Title: 13.2.7.3 Review of budget methodology with move towards activity based budgeting (FSR)


| Towards Excellence | Financial Sustainability | OP 23 24 | | | | |
|--------------------|--------------------------|------------|----------|------------|--------|-------------|
| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |

| | | | | | | |
|--|-------------|-------------|-------------|-----|---------|--|
| Manager Finance | In Progress | 02-Jan-2023 | 29-Feb-2024 | 60% | 100.00% |  RED |
| OP Action Progress Comments: Finance is anticipating close alignment with the objectives of Towards Excellence and will work closely again with managers when the forward budgets are reviewed towards the end of the year. <i>Last Updated: 25-Sep-2023</i> | | | | | | |

OP Action Title: 15.1.3.1 Update integrated strategic planning documents and other adopted plans when material decisions are made that impact on the respective plans

Strategy
Portfolio

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--|-------------|-------------|-------------|------------|--------|--|
| Coordinator Strategy Development | In Progress | 22-Aug-2023 | 30-Jun-2024 | 20% | 25.00% |  AMBER |
| OP Action Progress Comments: Report being developed to upgrade fees and charges to reflect need for changed fees. <i>Last Updated: 22-Aug-2023</i> | | | | | | |

1.2 Improve the Availability of Cash

1.2.1 Budget for and maintain an unconstrained cash reserve of at least \$5 million as a contingency for unplanned asset renewals/replacements

OP Action Title: 13.2.7.4 Minimise financial risks by maintaining sufficient available cash

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--|-------------|-------------|-------------|------------|--------|-------------|
| Simon Rennie - Acting Chief Financial Officer | In Progress | 02-Jan-2023 | 30-Jun-2023 | 80% | - | - |
| OP Action Progress Comments: Policy and process has been developed, adopted and implemented to ensure appropriate levels of cash are maintained. Reports are being developed to ensure Council is informed of levels of cash on an ongoing basis. <i>Last Updated: 20-Feb-2023</i> | | | | | | |

1.2.2 Review internally restricted cash

OP Action Title: 13.2.7.5 Review internally restricted cash

Financial
Sustainability


| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--|-------------|-------------|-------------|------------|--------|-------------|
| Acting Chief Financial Officer | In Progress | 02-Jan-2023 | 30-Jun-2023 | 80% | - | - |
| OP Action Progress Comments: Processes are in place to ensure Council cash is monitored, reviewed and reported on in a timely manner. <i>Last Updated: 20-Feb-2023</i> | | | | | | |

1.2.4 Consider a borrowings program to invest in required upgrades and enhancements

OP Action Title: 13.2.38.1 Develop Long Term Financial Plans for the Water, Wastewater and Waste funds

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--|-------------|-------------|-------------|------------|--------|--|
| Manager Finance | In Progress | 01-Jul-2023 | 30-Jun-2024 | 22% | 25.00% |  AMBER |
| OP Action Progress Comments: Determining opening cash position July 23 once year end complete and revised 23/24 budgets due to carryforwards. This will form the basis to review the forward budgets in a few months and to look at revenue strategies to achieve long term sustainability. <i>Last Updated: 25-Aug-2023</i> | | | | | | |

1.3 Improve Investment in Assets

1.3.1 Enhance the capability and effectiveness of asset management

OP Action Title: 13.2.22.1 Asset Management Plans are reviewed

Strategy
Portfolio

Financial
Sustainability


| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--|-----------|-------------|-------------|------------|--------|-------------|
| Ashraf Ahamat - Team Leader Asset Management | Completed | 01-Mar-2023 | 30-Jun-2030 | 100% | - | - |
| OP Action Progress Comments: Revised Asset Management Plans complete. <i>Last Updated: 27-Sep-2023</i> | | | | | | |

OP Action Title: 13.2.22.2 Improve the strategic and technical asset management capability

Financial
Sustainability

Towards
Excellence

Strategy
Portfolio

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-------------|-------------|-------------|------------|--------|--|
| Coordinator Strategy Development | In Progress | 01-Mar-2023 | 30-Jun-2028 | 50% | 25.00% |  GREEN |
| <p>OP Action Progress Comments: A full review of the structure and capabilities of the Asset team is to commence prior to the end of the calendar year. In March, networking with key Asset personnel from Queanbeyan-Palerang Council to share ideas, resources and technical expertise took place. The outcome of IPART's decision to approve the SRV with increments over four years, with year one being 12.25 % means an additional Asset SME to be employed within the team.</p> <p><i>Last Updated: 25-Sep-2023</i></p> | | | | | | |

OP Action Title: 13.2.22.4 Prepare an asset management strategy

Strategy
Portfolio


Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-----------|-------------|-------------|------------|--------|-------------|
| Chief Strategy Officer | Completed | 01-Jul-2022 | 30-Jun-2023 | 100% | - | — |
| <p>OP Action Progress Comments: Consultancy engaged and asset strategy developed and adopted by Council.</p> <p><i>Last Updated: 14-Aug-2023</i></p> | | | | | | |

OP Action Title: 13.2.25.6 Establish a training and development program aimed at improving the leadership and management of assets (Asset Management Plan Action #7)

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-------------|-------------|-------------|------------|--------|--|
| Chief Workforce Officer | Not Started | 01-Jul-2023 | 31-Dec-2023 | 0% | 25.00% |  RED |
| <p><i>Last Updated: 10-Aug-2023</i></p> | | | | | | |

OP Action Title: 13.2.27.1 Assets service review is undertaken

Towards
Excellence

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|-------------------------|-----------|-------------|-------------|------------|--------|-------------|
| Chief Workforce Officer | Completed | 01-Jul-2022 | 30-Jun-2023 | 100% | - | — |

OP Action Progress Comments: Findings and recommendations entered into the audit system and to be distributed for management responses.


Last Updated: 22-Apr-2023

OP Action Title: 13.2.29.2 Develop a program to improve the quality of asset condition data (Asset Management Strategy Action #14)

OP 23 24

Strategy
Portfolio

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------------|-------------|-------------|-------------|------------|--------|--|
| Team Leader Asset Management | Not Started | 01-Jul-2023 | 30-Jun-2024 | 0% | 25.00% |  RED |

OP Action Progress Comments: Not yet commenced.


Last Updated: 25-Sep-2023

1.3.2 Improve the integration of asset planning with the strategic service planning

OP Action Title: 13.2.22.7 Improve the integration of asset planning with the strategic service planning

Financial
Sustainability

Strategy
Portfolio

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Coordinator Strategy Development | In Progress | 01-Jul-2023 | 30-Jun-2024 | 50% | 25.00% |  GREEN |

OP Action Progress Comments: Improved stakeholder negotiations in a number of service areas across council has been undertaken. One area of note is the development of a new VPA Policy and Local Infrastructure Contributions Plan which strategically manages future infrastructure growth to assets identified as needed, or renewed through our adopted strategies. Another area is the recently adopted s.64 Development Servicing Plan with an appendix for capital renewal, also based on growth scenarios for out towns and villages with reticulated water and sewer services.


Last Updated: 04-Sep-2023

OP Action Title: 13.2.29.1 Establish an Assets Advisory Group (Assets Management Strategy Action #4)

OP 23 24

Strategy
Portfolio

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------------|-------------|-------------|-------------|------------|--------|--|
| Team Leader Asset Management | In Progress | 01-Jul-2023 | 31-Dec-2023 | 80% | 60.00% |  GREEN |

OP Action Progress Comments: First meeting scheduled for 16 October


Last Updated: 25-Sep-2023

1.3.3 Explore opportunities to rationalise the land and facilitates assets that are used to deliver Council's services

OP Action Title: 13.2.22.3 Explore opportunities to rationalise the land and facilities assets that are used to deliver Council's services

Strategy
Portfolio

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------|-------------|-------------|-------------|------------|---------|---|
| Chief Strategy Officer | In Progress | 06-Mar-2023 | 31-May-2024 | 10% | 100.00% |  |

OP Action Progress Comments: Limited information has been provided back on the majority of the building assets. Additional work will now need to be undertaken to investigate the use of the various buildings to determine their usage.

The completion date has needed to be changed to reflect diversion of resources to resolutions of the governing body and lack of provided information.

Last Updated: 27-Sep-2023

1.3.4 Undertake community engagement to establish and agree on service levels

OP Action Title: 13.2.24.1 Development of Service Level Agreements for the Transport Network

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------|-------------|-------------|-------------|------------|--------|-------------|
| Manager Infrastructure | Not Started | 01-Jul-2022 | 30-Jun-2023 | 0% | - | - |

OP Action Progress Comments: Towards Excellence Workshops kicking off in October.

Last Updated: 27-Sep-2023

1.4 Enhance the Strategic Service Planning

1.4.1 Develop a strategic service planning framework


OP Action Title: 13.2.34.2 Develop a strategic service planning framework

Financial
Sustainability

Towards
Excellence

Strategy
Portfolio


| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--------------------|--------|------------|----------|------------|--------|-------------|
|--------------------|--------|------------|----------|------------|--------|-------------|

| | | | | | | |
|--|-------------|-------------|-------------|-----|---------|--|
| Chief Strategy Officer | In Progress | 02-Jan-2023 | 31-Jan-2024 | 75% | 100.00% |  AMBER |
| OP Action Progress Comments: Draft reviewed by ELT. Identified that there is currently insufficient resources to undertake the required level of work to undertake strategic reviews within a reasonable timeframe. Issue deferred for consideration by the incoming CEO as to the preferred direction. <i>Last Updated: 25-Sep-2023</i> | | | | | | |

1.5 Enhance productivity and efficiency of services


1.5.1 Review the efficiency and effectiveness of current corporate overhead functions

OP Action Title: 13.2.27.4 The Information and Communication Technology service review is undertaken

| Financial Sustainability | OP 23 24 | | | | | |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
| Chief Workforce Officer | Not Started | 01-Jul-2023 | 30-Jun-2024 | 0% | 0.00% |  GREEN |
| <i>Last Updated: 10-Aug-2023</i> | | | | | | |

1.5.2 Develop measures of productivity and efficiency when developing the annual budget and reporting

OP Action Title: 13.2.26.2 Develop measures of productivity and efficiency

| Towards Excellence | Financial Sustainability | Strategy Portfolio | | | | |
|---|--------------------------|--------------------|-------------|------------|---------|--|
| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
| Coordinator Strategy Development | Completed | 02-Jan-2023 | 30-Jun-2030 | 100% | 100.00% |  GREEN |
| OP Action Progress Comments: Measures of productivity and efficiencies have been drafted as KPI's into the draft revised 2022/2026 Delivery Program. <i>Last Updated: 02-Apr-2023</i> | | | | | | |

1.5.3 Implement and fund productivity and efficiency improvement initiatives previously identified

OP Action Title: 13.2.25.6 Establish a training and development program aimed at improving the leadership and management of assets (Asset Management Plan Action #7)

| | | | | | | |
|----------|--------------------------|--|--|--|--|--|
| OP 23 24 | Financial Sustainability | | | | | |
|----------|--------------------------|--|--|--|--|--|

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---------------------------|-------------|-------------|-------------|------------|--------|--|
| Chief Workforce Officer | Not Started | 01-Jul-2023 | 31-Dec-2023 | 0% | 25.00% | <div><div></div><div></div><div></div><div></div></div> RED |
| Last Updated: 10-Aug-2023 | | | | | | |

OP Action Title: 13.2.29.1 Establish an Assets Advisory Group (Assets Management Strategy Action #4)

OP 23 24 Strategy Portfolio Financial Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------------|-------------|-------------|-------------|------------|--------|---|
| Team Leader Asset Management | In Progress | 01-Jul-2023 | 31-Dec-2023 | 80% | 60.00% | <div><div></div><div></div><div></div><div></div><div></div></div> GREEN |

OP Action Progress Comments: First meeting scheduled for 16 October

Last Updated: 25-Sep-2023

OP Action Title: 13.2.29.2 Develop a program to improve the quality of asset condition data (Asset Management Strategy Action #14)

OP 23 24 Strategy Portfolio Financial Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------------|-------------|-------------|-------------|------------|--------|---|
| Team Leader Asset Management | Not Started | 01-Jul-2023 | 30-Jun-2024 | 0% | 25.00% | <div><div></div><div></div><div></div></div> RED |

OP Action Progress Comments: Not yet commenced.

Last Updated: 25-Sep-2023

1.5.4 Report to Council on a quarterly basis the progress in achieving the efficiencies and implement processes

OP Action Title: 13.2.27.6 Implement system to track the achievement of the productivity and efficiencies target

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|------------------------|-----------|-------------|-------------|------------|--------|---|
| Chief Strategy Officer | Completed | 01-Jul-2023 | 30-Jun-2024 | 100% | 25.00% | <div><div></div><div></div><div></div></div> GREEN |

OP Action Progress Comments: KPI developed and added to the delivery program. Will be reported on as part of the monthly progress report to Council.

Last Updated: 21-Aug-2023


1.6 Invest in growth and economic development

1.6.1 Investigate the likely benefits of the SAP development

OP Action Title: 13.2.34.1 Understand the likely benefits of SAP development

Strategy
Portfolio

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-------------|-------------|-------------|------------|--------|--|
| Coordinator Strategy Development | In Progress | 04-Jan-2023 | 30-Dec-2026 | 20% | 20.00% |  GREEN |
| OP Action Progress Comments: SAP indicative layout plans have been released for review by Council. The 2023 September 19 budget has been released with significant funding cuts for the region impacting what will be delivered. Until these have been bedded down it hard to investigate and gauge full impacts at this point in time. This action to be deferred to the 2023-2024 Operational Plan | | | | | | |
| Last Updated: 25-Sep-2023 | | | | | | |

OP Action Title: 5.1.1.1 Continue to support the Snowy Mountains Special Activation Precinct (SAP)


Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|---|-------------|-------------|-------------|------------|--------|-------------|
| Coordinator Economic Development | In Progress | 01-Jul-2022 | 30-Jun-2023 | 25% | - | - |
| OP Action Progress Comments: The SAP Executive Group, Planners Group and Projects Group are all now set up for liaison with RGDC on a consistent basis. All meetings are occurring monthly. The internal Project Control Group is meeting on a monthly basis chaired by the Coordinator Economic Development. The Department of Planning are in the process of finalising the draft DCP and Delivery Plan for public exhibition. Awaiting further clarification from the DRNSW on what the SAP will look like post state budget. | | | | | | |
| Last Updated: 21-Sep-2023 | | | | | | |

OP Action Title: 5.1.1.2 Identify opportunities for Council to grow own source revenue streams through SAP implementation and report findings to Council (FSR)

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Coordinator Economic Development | Not Started | 01-Jul-2023 | 30-Jun-2024 | 0% | 0.00% |  GREEN |


OP Action Progress Comments: Still awaiting more definitive information on what the state budget means for the SAP before this project can commence.

Last Updated: 21-Sep-2023

OP Action Title: 5.1.1.3 Develop a plan to identify and measure increased employment opportunities from the SAP (FSR)

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Coordinator Economic Development | Not Started | 01-Jul-2023 | 30-Jun-2024 | 0% | 0.00% |  GREEN |

OP Action Progress Comments: Project not started as yet pending outcome of state budget review process of SAP.


Last Updated: 21-Sep-2023

1.6.2 Develop and implement an economic development and investment attraction strategy

OP Action Title: 5.1.5.1 Investment Attraction Strategy

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|----------------------------------|-------------|-------------|-------------|------------|--------|--|
| Coordinator Economic Development | In Progress | 01-Jul-2023 | 30-Jun-2024 | 10% | 10.00% |  GREEN |

OP Action Progress Comments: Work on initial draft is underway. Majority of project planned to be completed first half of 2024.

Last Updated: 25-Aug-2023


1.7 Enhanced governance, prioritisation and decision making

1.7.1 Revise the resourcing strategy including the long-term financial plan

OP Action Title: 13.2.38.1 Develop Long Term Financial Plans for the Water, Wastewater and Waste funds

OP 23 24

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--------------------|-------------|-------------|-------------|------------|--------|--|
| Manager Finance | In Progress | 01-Jul-2023 | 30-Jun-2024 | 22% | 25.00% |  AMBER |

OP Action Progress Comments: Determining opening cash position July 23 once year end complete and revised 23/24 budgets due to carryforwards. This will form the basis to review the forward budgets in a few months and to look at revenue strategies to achieve long term sustainability.

Last Updated: 25-Aug-2023

1.7.2 Implement a comprehensive and robust budget development process

OP Action Title: 13.2.7.1 Implement effective budget and other financial controls & implement a comprehensive and robust budget development process

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--------------------|-------------|-------------|-------------|------------|--------|--|
| Manager Finance | In Progress | 02-Jan-2023 | 31-Dec-2023 | 60% | 60.00% |  GREEN |

OP Action Progress Comments: Finance are working collaboratively with managers to continuously improve the budgeting process. This includes confirmation, review and reconciliation processes to improve the integrity of the budget figures. Finance has just finished a thorough carry forward process as part of its overall clean up exercise. The budget clean up process has taken up considerable time over the last 14 months. It is hoped improvements to processes moving forward will ensure tighter budget control. Finance is currently working with managers on the September budget review further improving the integrity of budgets and budget management capability.

Last Updated: 25-Sep-2023

1.7.3 Implement oversight and control of the funded organisation chart by the Chief Workforce Officer

OP Action Title: 13.2.25.3 Implement oversight and control of the funded organisation chart

Towards
Excellence

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|-------------------------|---------|-------------|-------------|------------|--------|-------------|
| Chief Workforce Officer | Ongoing | 01-Nov-2022 | 30-Jun-2023 | - | - | - |

OP Action Progress Comments: Business areas have reviewed vacancies. Civica now aligned with positions in the formal structure. CWO will monitor and update changes to structure as approved by CEO.

Budget development process will be used to identify any further unfunded positions. Need to be vigilant and monitor constantly.

All changes to the adopted structure are to be directed through ELT and communicated to consultative committee.

Last Updated: 10-Aug-2023

1.7.4 Implement a project management framework

OP Action Title: 12.2.5.1 Project management framework is in place to ensure consistency and strategic decision making

Strategy
Portfolio

Corporate
Projects

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|-------------------------|-----------|-------------|-------------|------------|--------|-------------|
| Project Support Officer | Completed | 01-Jul-2022 | 30-Jun-2023 | 100% | - | — |

OP Action Progress Comments:

Project management framework is in place. Council policy position adopted requiring all projects to go through the framework prior to being approved.

Last Updated: 27-Sep-2023

1.7.5 Develop the organisational financial management governance and financial acumen of management

OP Action Title: 13.2.7.6 Develop the organisational financial management governance and financial acumen of management

Financial
Sustainability

| Responsible Person | Status | Start Date | End Date | % Complete | Target | On Target % |
|--------------------------------|-------------|-------------|-------------|------------|--------|-------------|
| Acting Chief Financial Officer | In Progress | 04-Jan-2023 | 30-Jun-2023 | 80% | - | — |

OP Action Progress Comments: Training is being provided as part of the budget development process. A project plan is underway to ensure all tasks are tracked for the preparation of the financial statements. A budget manual is being developed to assist with future budget development.

Last Updated: 31-Mar-2023



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9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

Record No: 123/620

OFFICER'S RECOMMENDATION

That Council, subject to receiving landowner consent from TfNSW (or relevant sub-entity):

- A. Accept the invitation from the federal government to apply for \$1 million of funding to begin construction of the Monaro Rail Trail at Bombala.
- B. Prepare and submit the application on the basis that, outside of the Bombala Station complex, the rail trail will be constructed on the track alignment necessitating the removal of the rails.
- C. The trail be constructed for as far as the funding will permit.
- D. Make preparations with TfNSW to enter into a lease of the rail corridor for the rail trail.
- E. Write to the three community groups who provided letters for this report, formally informing them of council's decision.

ISSUES

Prior to the last federal election, then local MP Kristy McBain pledged \$1 million to begin construction of the Monaro Rail Trail at Bombala if re-elected. Kristy McBain was subsequently returned as the member for Eden-Monaro at the 2022 election.

The Invitation

Council was advised by the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) via email on 13 July 2023, that it could now apply to receive the pledged \$1 million funding through the Investing in Our Communities Program (IiOC). The application form states that the IiOC is a 'one-off, closed, non-competitive grants program', designed to deliver on the 'Government's 2022 election commitments to provide important community and social infrastructure projects'.

To receive the funding, Council must apply to DITRDCA by 30 November 2023, although they urge the application to be submitted sooner if possible.

The grant offer from DITRDCA was initially made to local community group MRT Inc. who are the strongest community advocates for the Monaro Rail Trail. However, MRT Inc. requested that the offer be transferred to council for two reasons. Firstly, MRT Inc. is a voluntary not-for-profit community group and does not have the capacity to handle money in the volumes proposed in the grant. Secondly, the NSW Rail Trails Framework (RTF) requires local councils to be the lead proponents of rail trails and the recipients of the lease of the rail corridor to enable them. The RTF also envisages local councils having the primary management responsibility for rail trails in NSW. As such, it is most appropriate that local councils organise and oversee their construction as well.

It is specifically stated in the application form that there is no capacity to increase the grant amount above what was pledged in the election commitment. As such, the maximum amount council may apply for is \$1 million. Any costs above this amount are the responsibility of council.

The Proposal

Council had a Trail Development Plan (TDP) prepared in July 2022 which included detailed works and costing for construction of the Bombala to Jincumbilly section (24.5km) of the Monaro Rail Trail within the rail corridor. The estimated cost to construct this section was \$6,474,507 (2022), which included a 20% contingency and other allowances for project management, design and approvals costs.

Construction of the Bombala to Jincumbilly section would be a genuine rail trail in itself however, the maximum grant amount of \$1 million is well short of the required figure to construct it. However, it could nevertheless be used to make a genuine start on the MRT which would include construction of the trailhead at Bombala, adjacent the Visitors Centre, and then construction of the trail for as far as the funding would permit. Based on the cost estimates in the 2022 TDP, \$1 million would likely be enough to construct around 3.5 km of the rail trail.

It is important to note that the TDP costings were based on a 2.5 m wide sealed track constructed in place of the rails (ie on top of the ballast) within the rail corridor. This would necessarily mean that the rails and sleepers are removed.

In terms of planning approvals, a rail trail is 'development without consent' under section 2.109(1) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* by virtue of it being defined as 'road infrastructure facilities' and subsequently as a 'road related area' under the *Road Transport Act 2013*. This Act defines 'road related area' as follows:

road related area means—

- (a) an area that divides a road, or*
- (b) a footpath or nature strip adjacent to a road, or*
- (c) an area that is open to the public and is designated for use by cyclists or animals, or*
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or*
- (e) a shoulder of a road, or*
- (f) any other area that is open to or used by the public and that has been declared under section 18 to be an area to which specified provisions of this Act or the statutory rules apply.*

This means that to receive planning approval the rail trail does not need a development application. Instead Council needs to do its own environmental assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* before it can begin construction. Approvals from other government agencies may also be required depending on any environmental impacts, particularly any impacts on threatened species.

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

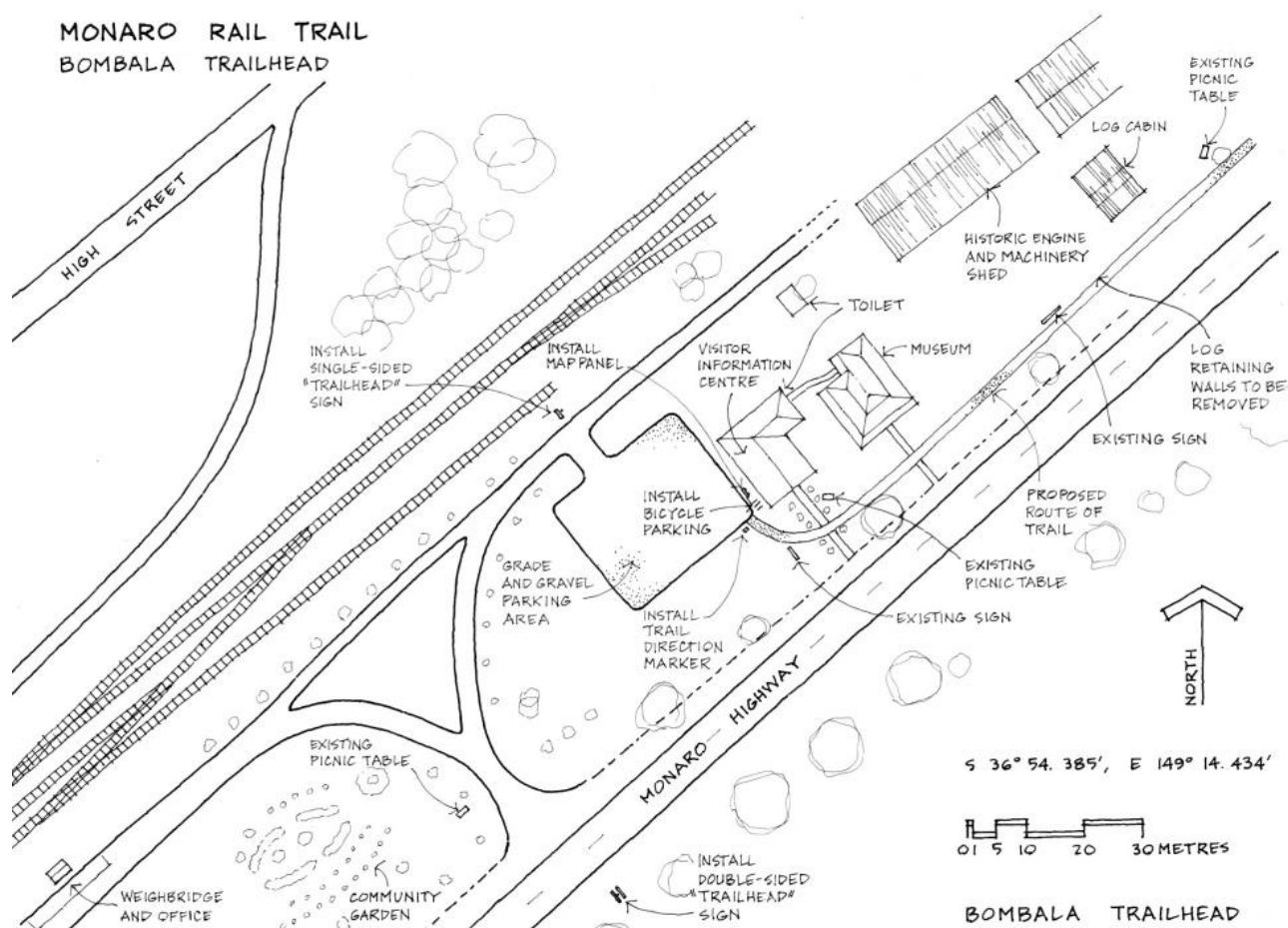


Figure 1: Extract from TDP showing concept plan for the Bombala MRT Trailhead

The Corridor

The rail corridor, within which the trail would be constructed for this project, consists of two distinct sections, being the Bombala Station complex and the single rail line corridor.

The Bombala Station and yard group is a state listed heritage item and item I5 in *Bombala Local Environmental Plan 2012* (BLEP 2012). Council currently holds a lease over most of the station complex including the rails (including the station over-run), station building, turntable, visitors centre and other buildings on the site. The station complex is a sizable area around 9 hectares in total size. There is no intent in the proposal to significantly alter any rail infrastructure within this area and most, if not all, of the original rail infrastructure in the complex remains intact, although in various stages of decay and disrepair. The station complex is Zone SP3 – Tourist under BLEP 2012.

The single line corridor extends from the eastern side of the Monaro Highway (Stephen Street) crossing at the entry/exit to the station complex before heading in a northwards direction towards Nimmitabel. The corridor is generally close to 40 metres in width, although this can vary considerably depending on the terrain, curvature of the rail line and the surrounding cadastral features, such as road reserves or adjoining lot boundaries. Whilst the rails and sleepers are intact for much of the single line corridor, there are significant stretches where the rails are missing, including a stretch of 1880 m within about 5-7 km of Bombala, as shown on the following extract from the TDP.

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

Over the first 3.5 km of the corridor from Bombala, the rail corridor is zoned as per the adjoining land. As such sections of the corridor are Zone R1 – General Residential, R5 – Large Lot Residential and RU1 – Primary Production under BLEP 2012. The zoning of the rail corridor under BLEP 2012, does not impact the permissibility of the rail trail as ‘development without consent’ because the provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* override the provisions of the BLEP 2012 in the event of an inconsistency.

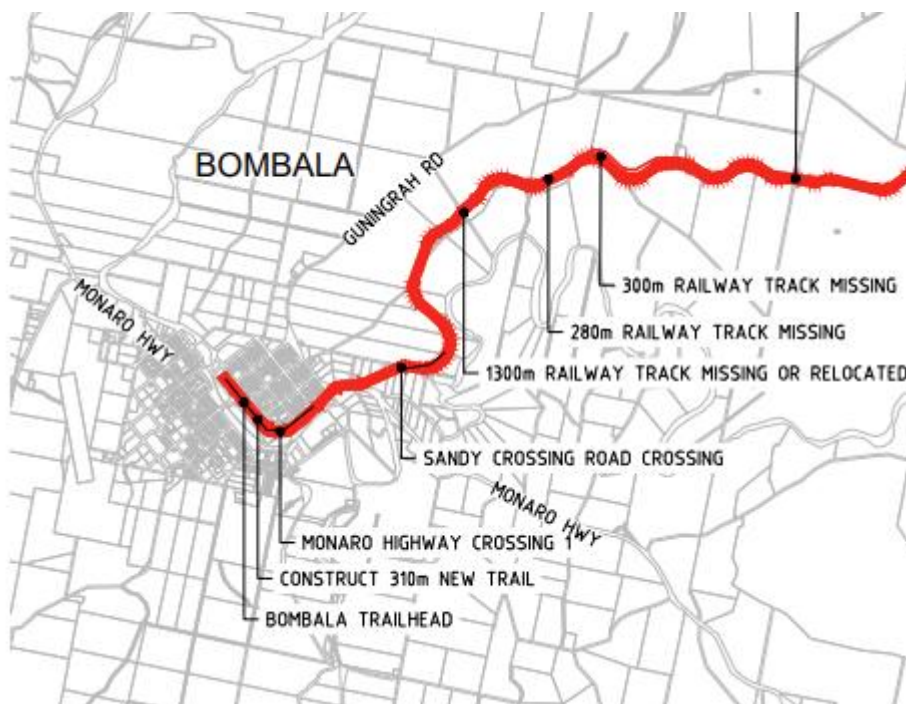


Figure 2: Extract of a map from Appendix 1 of the TDP showing the rail corridor including missing sections of track.

Council does not own any part of the rail corridor or station complex. It would need to obtain a lease from Transport for NSW (or one of its subsidiary entities) to construct and manage the trail. TfNSW are aware of the proposal and are satisfied that a lease could be obtained after grant funding is obtained. Legislative amendments to provide a clear framework for rail trail leases are expected to come into force during November. In the meantime a request has been made to TfNSW to provide owners consent to lodge a grant application for construction. At the time of writing this report, TfNSW had advised that they anticipate being able to provide such a consent letter prior to the end of November should council decide to apply for the grant. As such any resolution of council to proceed with applying for the grant must be predicated on receiving this consent letter prior to lodging the application.

TfNSW have also advised that surveys of property boundaries prior to any rail tracks being removed will be a condition of any lease or licence that involves construction of the rail trail in place of the existing track. This is because the cadastral boundaries of the rail corridor are based on the in-situ rail tracks and without new survey markers to replace them, the location of the rail corridor boundaries may not be able to be definitively established.

Within the corridor there are existing TfNSW assets that would become the responsibility of Council to maintain because they would need to be included in the rail trail lease boundary. TfNSW have advised that the lease boundary is open to negotiation and doesn't necessarily have

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

to span the entire width of the rail corridor. It can be a separately defined area within the rail corridor. Nevertheless, there are around a dozen concrete culverts within the first 3.5 km of the corridor from the station complex that would have to be included in the lease if the trail was built in place of the existing tracks. According to the TDP, all these culverts are between 1-2 m in length. This being the case they can be considered relatively small, low maintenance assets.

A further consideration in the rail corridor is the presence of threatened species that would need to be protected from harm or disturbance. As part of the Business Case and Strategy Development (BCSD) Fund grant Council received earlier this year, Macrozamia Environmental Pty Ltd have been engaged to investigate biodiversity issues within large stretches of the rail corridor between Queanbeyan and Bombala. Whilst this work is still in progress and a final report has not yet been received, Macrozamia have provided preliminary advice that there does not appear to be any insurmountable issues in relation to biodiversity or biosecurity within the first 5 km of the rail trail from Bombala. Nevertheless, in certain places native vegetation communities have regrown inside the corridor including over the track alignment. To avoid significant impact on threatened species/communities and to minimise native vegetation removal, the rail trail alignment may need to be adjusted to move outside the rail track alignment in these locations.



Figure 3: Two pictures from the existing rail corridor showing native vegetation regrowth within the track alignment.

Potential contamination of the soil within the rail corridor and station complex (from previous railway uses) also remains a possibility. Whilst any contamination identified is likely to be capable of remediation if a trail is built, its existence or otherwise is yet to be determined. As such, if council elects to proceed with the proposal, money will need to be set aside in the project budget to investigate this issue conclusively.

Three competing or complementary ideas for use of the rail corridor?

There are three community stakeholder groups that each have their own idea for use of the rail corridor. These groups are; Monaro Rail Trail Inc., Cooma-Monaro Railway and Friends of Bombala Railway Inc. Each of these groups were informed of the grant opportunity under consideration by council and afforded a chance to provide a written response for council to consider in its deliberations. Each of these responses are included as attachments to this report. The key aspirations of each group in relation to the rail corridor are summarised below:

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

| Stakeholder Group | Aspiration for use of the rail corridor at/from Bombala |
|---------------------------------|--|
| Monaro Rail Trail Inc. | Create a rail trail within the rail corridor from Queanbeyan to Bombala. Also support use of the Bombala Station complex for other potential tourism oriented activities such as trolley cars, with a coordinated approach to be determined in a master plan for the entire station precinct. Do not support a shared railway/rail trail use for substantial lengths of the corridor but happy to support shared use of the corridor for shorter stretches where it will benefit all parties concerned. |
| Cooma-Monaro Railway | Operate a tourist train between Cooma and Bombala, which may also support overnight camping at key location(s) along the route. Support a shared railway/rail trail use but only if council commits to this arrangement for the entire length of the route between Cooma and Bombala. Happy to work in a complementary fashion with Friends of Bombala Railway Inc in relation to their aspiration for use of the corridor. |
| Friends of Bombala Railway Inc. | Run pedal karts (trolley cars/rail karts) on the railway tracks either to Bukalong or Jincumbilly departing from the northern side of the Monaro Highway railway crossing near the northern entrance to Bombala (to avoid any highway road crossings for the pedal karts). Also aspire to operate the karts within the Bombala Station complex, but only if the Bukalong or Jincumbilly (or other significant stretch of track) operations can also proceed. Happy to work in a complementary fashion with Cooma-Monaro Railway in relation to their aspiration to operate a tourist train to Bombala. Also happy to support a rail trail but only if it does not involve removal of the existing rail tracks. |

There are clear differences between the aspirations of MRT Inc and the two railway groups. The obvious difference concerns the preferred use of the corridor in the existing alignment of the railway tracks. However, there are other notable differences between the three groups and/or their aspirations and the origins/implications of their ideas, including:

- Decisions at previous council meetings have allocated money towards investigating the MRT, and this has resulted in staff working with MRT Inc during the investigation of the rail trail. No such money or subsequent regular staff time has been allocated towards investigating the ideas of either of the rail groups, at least in part, because they are developing their ideas independently of Council (and are perfectly entitled to do so).
- Council will be responsible for the ongoing maintenance and management of the rail trail, whereas the rail groups state they will fund and organise their own maintenance activities.
- As a result of the investigative work undertaken, council has a well-founded cost estimate for constructing and managing the MRT. There has been no such detailed cost investigations (although there have been preliminary investigations by the groups) into either of the rail ideas that council is aware of, making it difficult to evaluate the likelihood of these ideas coming to fruition. In addition, the rail groups would also rely heavily on

their volunteer base for new construction work, meaning 'industry standard' estimates for construction of railways are likely to be an over-estimate of the actual cost to the groups. The heritage rail status also affords grant opportunities and access to commodities (such as steel rails) for little if any cost to the groups further complicating the task of accurate estimating the costs for the rail group aspirations. In these situations where volunteers and philanthropic donations are integral to reducing cost, there may also be an associated implication of longer delivery times to bring these ideas to fruition.

There is a discussion of options in light of these differences later in the report. However, regardless of the decision that is made there will be an opportunity cost associated with it, because consensus between each group's aspirations appears unachievable at this point.

Economic impacts and Business Case

The draft Business Case for the entire MRT from Queanbeyan to Bombala estimates a benefit to cost ratio of 4:1 for the full project based on information available to date. Investigations are continuing on costing of stage 2 (Queanbeyan to Tralee and Michelago to Cooma), as well as economic impacts on each town along the route. Each of these reports/investigations will assist with further refinement of the draft Business Case. The Feasibility Study commissioned in 2019, estimates that the full MRT would attract just under 70,000 users annually and add almost \$24.5 million to the local economy along the route.

For comparison, a report commissioned by council in 2019 investigating the benefits of recreational fishing in Snowy Monaro, estimated that recreational fishing resulted in an additional \$31.3 million of expenditure annually in the Snowy Monaro economy (Aither, 'Recreational Fishing in the Snowy Monaro Region – An assessment of trends, drivers and economic benefits', June 2019).

The Tweed section of the Northern Rivers Rail Trail opened on 1 March 2023 and is the first stage of that project. This section is 24 km long which is also the length of the Bombala to Jincumbilly section of the MRT. The business case for this section of trail estimated 27,000 people per year would use the trail. However, after the first 4 months of operation an estimated 70,551 people have used the trail which is more than double the estimated annual use in the business case (as reported in the Byron Shire Echo published 11 July 2023 available at this link <https://www.echo.net.au/2023/07/rail-trail-has-smashed-expectations-tweed-council-says/>).

The proposal under consideration in this report however, is not for the full rail trail or even for a significant part of it, but only for a trail likely around 3.5 km in length. A trail this short is not expected to attract the number of visitors as a trail that was 24 km in length. Clearly a large part of its justification in economic terms has to be based on the fact that it is the beginning of something much bigger. Although its benefits are likely to be mainly focussed around local health benefits, it will nevertheless begin to tap into the Australian cycling economy which in 2020 was estimated to contribute \$6.3 billion of direct gross output into the Australian economy. In addition, an estimated 5.8 million Australian adults were estimated to have spent money on cycling or cycling related goods and services. This equates to 29% of adults aged between 18 and 90 (We Ride Australia, 'The Australian Cycling Economy – Estimating the Size and Scope of the Australian Cycling Economy in 2020', October 2021).

Transport for NSW (TfNSW) uses research based parameters to estimate the economic benefits of active transport in NSW. These parameters estimate the health benefits of cycling at \$1.28 per

cycle km and walking at \$1.92 per km (TfNSW Economic Parameter Values, May 2022). Walking has not been included in the calculations below but it is interesting to note the health benefits are greater than cycling and walkers will certainly benefit from the rail trail as well. Similarly, TfNSW have also estimated the tourism benefit from cycling in some projects. In one project the tourism benefit was estimated at around \$3.50 per cycle km (TfNSW's proposed Regional and Outer Metropolitan Cycling and Micro Mobility Infrastructure Program). Whilst credible, these figures are indicative only and should be used with caution as they were developed for TfNSW project assessments, not for a rail trail. Nevertheless they could be applied to the proposal in Bombala as follows:

- A round trip in the proposal is 7 km, equating to trip benefits of \$8.96 (health) and \$24.50 (tourism).
- In broad terms, the population of Bombala is around 1380 (Id Consulting - [Home | Snowy Monaro Regional Council | Community profile \(id.com.au\)](#)).
- The National Walking and Cycling Participation Survey 2021, indicated 16.4% of the regional population are cyclists. Further, about 90% ride for recreation once a week, at least 10km (assume these users would ride the 7km trail at a similar interval).
- In very round terms, the estimated local cycling activity on the rail trail in Bombala based on this could be around 10,500 trips, with a potential total health benefit of up to \$94,080 per year. Note that this might overstate the benefit attributable to the new route if locals are already engaged in cycling.
- While difficult to estimate tourism numbers in Bombala, in 2014 Destination NSW reported Bombala received 26,000 visitors. Tourism Research Australia identified in 2019 that across Australia, 2.2% of tourists cycled on their holiday (equating to 572 cycling tourists in Bombala) spending an average of \$830 per visit (multiple nights). On this basis, the possible tourism benefit from a 3.5 km segment of the rail trail at Bombala could be calculated in one of several ways. The first method is to use the \$830 spend per visit, in which case the benefit totals up to \$475,000 per year. The second method is to use the \$3.50 benefit per cycle km, which totals \$14,014 per year.
- A third method would be to use the same visitor numbers but, base them on actual visitor spend data from Bombala. In the last 12 months visitors to Bombala spent \$14.67m (Spendmapp by Geografia). If it is assumed this was spread evenly across 26,000 visitors, it equates to a total of \$564 per visitor, resulting in a tourism spend of \$322,608 per year from the trail.

Based on the above reasoning and figures (and noting that various assumptions are contained throughout), in summary:

- If only health benefits were considered, net undiscounted gains could be expected after 11 years (ie this is when the health benefits would exceed the \$1 million capital construction cost).
-

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

- It is conceivable that overall benefits (tourism and health), generated from two or more years, might offset the \$1 million capital cost if the \$830 spend figure per visitor is used. If the \$3.50 per cycle km figure is used the capital cost would not be offset until around 9 years. If the \$564 spend figure per visitor is used, the capital cost would be offset in around three years.

In all cases the annual maintenance cost, including asset renewal (estimated at \$34,000 per year) is exceeded by the benefits, whether they are health benefits alone or some combination of health and tourism benefits.

As the proposal would be a start on the larger Bombala to Jincumbilly section of the rail trail, some further key figures for this entire section are provided below. The Trail Development Plan for this section estimated the following:

Line length: 24.58 km

Capital cost: \$6,474,507

Maintenance Cost: \$64,950 (ex gst) per year

| | | |
|----------------|-------------------|-----------------------------|
| Asset Renewal: | Trail surface | \$124,250 (ex gst) per year |
| | Fencing | \$21,640 (ex gst) per year |
| | Bridges/crossings | \$6,384 (ex gst) per year |
| | Total | \$152,274 |

Total annual cost (maintenance & asset renewal) = \$217,224 say \$220,000

As part of the BCSD grant, council is currently working on non-rates based revenue sources for the rail trail. Whilst this work is still in progress (and will be presented to Councillors in due course), it seems likely that there will be means of offsetting some of the ongoing cost of the trail from non-rates based sources. How much is likely to be offset depends on a variety of factors but, fundamentally the trail needs to be popular. Nevertheless, there will likely be some level of ongoing cost to ratepayers for this larger trail meaning that a proportion of the estimated \$220,000 annual cost will need to be covered by savings in council's budget and/or increases in rates in future years. Ideally staff would have preferred for details of this information to be included in this report for Council's consideration before it potentially embarks on construction of even the small portion of the rail trail in this current proposal. However unfortunately the timing of the grant offer (beyond Council's control) and the completion of the revenue report have not co-incided, meaning Council must make its decision on the information available at present.

The Tumbarumba to Rosewood rail trail has been in operation for around three years and has attracted 50,000 riders during this time, so roughly 17,000 per year. In addition it is also a similar length (22km) to the Bombala to Jincumbilly section of the MRT. If this number of additional visitors came to Bombala to ride the Bombala to Jincumbilly rail trail, based on the \$564 spend figure per visitor used earlier, this would add another \$9 million in spending to the local economy in Bombala and increase the visitor spend there by 61% when compared to the visitor spend in the last 12 months. It could also grow Bombala's economy by \$4.08 million and the Snowy Monaro economy by \$5.18 million per year (figures generated from council's economic impact analysis tool prepared by AMSTEC).

RISK ASSESSMENT

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

The key risks stemming from this project come down to two basic factors:

1. The length of track that can be constructed with the funding available is too small to generate substantial tourism benefits for Bombala. This risks the council being responsible for maintaining an asset that is not delivering a substantial tourism benefit (the main purpose of the rail trail). The main responses to this risk are that although it is small, there is still likely to be some health and tourism benefits that will still exceed the annual maintenance cost. In addition, by beginning the MRT with a small section lessons can be learnt about how to construct and manage a rail trail efficiently, which can then be applied to a much larger section when a funding opportunity arises. Beginning now with the funding on offer also reduces the size of a future grant application by \$1 million. An additional aspect of the risk is that if no further funding can be obtained Council may be stranded with an asset (albeit via a lease) that is not generating the tourism benefit it was constructed to bring.
2. The lack of consensus between stakeholder groups on the best means of utilising the corridor means that pushing ahead with the Proposal risks damage to councils reputation and image among whichever stakeholder group (and their supporters) are considered to have 'lost' in this decision. The main response to this is that the council's foremost concern is improving the economic resilience of Bombala in the longer term and in considering this project, it is trying to choose whichever option is most likely to best deliver this outcome. Each stakeholder group has good ideas and should be commended, but the ultimate decision needs to be based around what will deliver most benefit for Bombala. In addition, the rail corridor is long, and there is room for all three user groups to have a credible tourism product along the corridor at some point.

FINANCIAL IMPACTS

| | Amount | Details |
|-------------------------------|--------------------|---|
| Current Annualised Net Cost | \$0 | If constructed the proposal would become a new asset for the duration of council's lease of the corridor. Standard lease term is 30 years. |
| Estimated Annualised Net Cost | -\$34,000 (\$2022) | This figure is based on estimates for routine maintenance and asset renewal over a 30 year lease. Figures sourced from the TDP and based on 3.5 km of trail plus the trailhead. |
| Capital Investment | \$1,000,000 | 100% grant funded. |
| Capital Funding Source | \$1,000,000 | Federal government's Investing in Our Communities Grant. |

The estimated annual cost is a relatively small figure. It could be sourced from the additional \$55,000 budget council allocated to tourism in the current financial year, assuming this funding continues in future financial years. The grant terms require the project to be completed by 31 December 2026, so funding allocations for ongoing maintenance would not need to be allocated until the 2026-27 financial year.

RESPONSIBLE OFFICER: Coordinator Economic Development.

OPTIONS CONSIDERED

There are a number of options that have been considered in relation to how the rail corridor could be used to accommodate the aspirations of the three key community groups involved. Whilst the focus of this report is the Bombala trailhead and first 3.5 km or so of the corridor which are the subject of the potential grant opportunity for the rail trail, the bigger context is the entire length of the corridor between Queanbeyan and Bombala. Within this 213km length, the section between Queanbeyan and Chakola (located about 18km north of Cooma along the corridor) has no potential competing/complementary uses for the rail trail. It is close to 100km in length. The section between Chakola to Bombala, around 113km in length, is within the aspirations of Cooma Monaro Railway for potentially operating tourist train services.

Option 1

Proceed with the grant but construct the rail trail beside the rail line leaving the rails and sleepers intact.

Advantages:

- All three stakeholder groups could use the corridor.
- Bombala would receive benefits from all three uses if they proceed.

Disadvantages:

- Option not investigated, designed or costed to date besides basic details.
- Although not costed, it is certain to substantially increase costs for the MRT primarily due to the need for additional earthworks, possible land acquisitions and requirement to duplicate all waterway/drainage crossings. This may ultimately make the MRT unviable.
- Would substantially increase the time to construct, due to increased cost and possible difficulties in finding trail routes, in particular if/where required over private land.
- One of the appeals of a rail trail is the easy grade, which may need to be compromised in sections to overcome landscape obstacles.
- The time when Bombala would begin to see benefits from a new tourist attraction is likely to be pushed further into the future.
- If the railway options do not deliver or fail due to cost, time or resources required, then Bombala may miss the benefit of any activity in the rail corridor.
- There is substantial risk in this option that none of the three potential uses of the corridor will ever occur, because all three options (MRT beside track, restoration of railway operations and rail kart operations) are not costed at this time and lack business cases or any indication of support from the state or federal governments.

Option 2

Proceed with the grant but construct the rail trail on the track alignment but, leaving the rails in-situ and still usable by trains and rail karts.

Advantages:

- Allows the MRT to remain on the track alignment, overcoming many issues of additional cost for the MRT if it were to be located beside the track.
- Allows both train and rail kart uses to also use the track alignment.

Disadvantages:

- None of the three uses could occur at the same time, meaning that coordination on usage times for each use would need to be organised, monitored and enforced.
 - There are safety issues of potential collision if a rail trail user decided to ride the trail ignoring signs or unaware of the possibility of trains or rail karts also being on the trail.
 - Although this would require confirmation, the required flange way clearance at a level crossing is 60 mm (Engineering Manual TMC 521 Level Crossings, Version 2.3 Issued, July
-

2010, Railcorp). The flange way clearance is the clearance required along the inside of each of the rail tracks to avoid interference with the flange of the train wheel. Standard mountain bike tyres are understood to have a width of between 1.6-2.6 inches, converting to 40.6-66 mm. This means that the flange way on this type of trail design is likely to present a hazard to cyclists because their wheels could become stuck in the flange way clearance gap. There may be opportunity to reduce the 60 mm flange way clearance further, but this would need to be investigated.

Option 3

Proceed with the grant but in the meantime seek clarification of the costs of a rail trail beside the tracks between Bombala and Jincumbilly.

Advantages:

- Allows the grant application to proceed for the time being.
- Keeps open the possibility that all three potential uses of the corridor could be accommodated.
- Would allow council to be better informed of the actual costs of a shared corridor before making a decision about whether to pursue this or not.

Disadvantages:

- Would require council to spend around \$20,000 on investigating this issue.
- Council would need to make a conclusive decision which option to pursue once the costings were known, which depending on the decision may complicate the grant.
- It is clear that the costs of constructing the rail trail will rise substantially if it is constructed beside the rail, so is it worth the cost and time finding out exactly how much more it will cost?

Option 4

Do not proceed with the grant at this time, abandon plans for the MRT between Cooma and Bombala and pursue the MRT between Queanbeyan and Cooma only.

Advantages:

- This removes the complications of competing stakeholder groups from almost all sections of the rail corridor, given that CMR and Friends of Bombala Railway Inc. could operate their intended uses in a complementary fashion at Bombala.
- It sets clear boundaries in place for all groups moving forward.
- It would allow the region to benefit from all three potential tourist activities which could each operate unhindered along substantial sections of the overall corridor.

Disadvantages:

- Nimmitabel and Bombala would not receive any direct benefits from the rail trail. There may be indirect benefits depending on how effectively rail trail users could be encouraged to explore other parts of Snowy Monaro once they have finished the rail trail.
-

- A small section of shared rail corridor would ideally be required between Chakola and Cooma to allow the rail trail a route into Cooma.
- There would be an opportunity cost of the rail trail being less than its ultimate potential however, the portion that remained would still be likely to be a highly effective rail trail.
- It would mean refusing an opportunity now for \$1 million of funding.

Option 5

Apply for grant funding but in the meantime, allocate money to investigate cost of repairing the rail line to be suitable for a tourist train and rail karts.

Advantages:

- Would enable clarification of the costs of reinstating the rail line for a tourist train and rail karts to be independently verified.
- Council would be better informed when making decisions about the likelihood and time required to make the tourist train a reality.
- Would form a strong evidence base for whatever council's decision was.

Disadvantages:

- Would require council to spend money on a consultant to prepare a report. It is unknown what this cost would be.
- If the cost of reinstating the tourist train was considered reasonable and achievable it would complicate the MRT grant (because a further investigation would be required into locating the rail trail beside the railway).

Option 6:

Apply for the funding as proposed including removal of the existing tracks.

Advantages:

- Provides a clear direction of council's preference for use of the corridor at Bombala.
 - Would enable Bombala to begin receiving benefits from the rail trail as soon as possible.
 - Would provide a good foundation for further grants to extend the rail trail further from Bombala.
 - Would enable some refreshment and rejuvenation of the Bombala station precinct and Bombala Visitors Centre.
 - Would reduce the cost of future grant applications for the MRT (because part of it is already constructed).
 - Is consistent with the direction and priorities in current strategies (see this section in this report).
-

Disadvantages:

- The constructed product (around 3.5 km of trail) will be too short to be a major tourist attraction.
- Would mean that both rail groups would have to change or abandon their aspirations for the rail corridor at Bombala.
- Until the remainder of the Bombala to Jincumbilly section of the MRT is constructed, council is encumbered with maintenance costs of a trail that would likely be returning only a local health benefit and a minor tourism benefit to Bombala.

Option 7:

Do not apply for this particular grant, instead wait for a grant opportunity to construct the Bombala to Jincumbilly section of the rail trail in its entirety.

Advantages:

- Council is not encumbered with maintenance costs of a trail until a significant tourism benefit is likely to be achieved.
- There is more time to thoroughly investigate alternative options and costings, and incorporate into council's long term planning.
- Because it can actually deliver a genuine rail trail, it is considered the option most consistent with the direction in relevant strategies.

Disadvantages:

- It would mean refusing an opportunity for \$1 million now, which would have to be 'made up' for in a future larger grant application.
- There is no clear timing on when a future grant opportunity may arise.
- A future grant application will be more laborious because it will involve having to set up all the arrangements for a new rail trail from scratch, whereas if there was already a short section of rail trail in operation, a number of issues would already have been addressed and could serve as a 'template' for further extensions to the trail.
- It would prolong the lack of clarity around council's preference for use of the rail corridor at Bombala, which is not considered in the interests of any of the community groups.

The options considered above, and their corresponding lists of advantages and disadvantages for each, are not intended to be exhaustive lists. There may be other options or other factors of advantage/disadvantage that could be added. However, among the options listed above, option 6 (being to proceed with the grant and construction of the rail trail within the track alignment, removing the rails) is considered the recommended option to pursue because:

- It makes the most of the current opportunity (there is no guarantee of when further opportunities may arise)
 - It is affordable
-

- It provides clarity of council's direction for all community groups moving forward (although it is recognised that the rail groups will need to change or abandon their aspirations within the rail corridor at Bombala as a result)
- It is consistent with the direction in various applicable strategies
- It will provide a benefit to the local community
- It will provide a foundation for diversifying Bombala's local economy further in the future

IMPLEMENTATION PLANS

If council chooses to apply for the grant, the application must be lodged by 30 November 2023. Once the funding is awarded and a grant agreement signed, council must negotiate and sign the lease with TfNSW, which would include conducting the survey of the corridor, and completing planning approvals and other reports, as well as the master plan for the station precinct. Once completed, a construction tender process would need to be conducted and the project would proceed from there. The grant terms require the project to be completed by the end of 2026.

EXISTING POLICY/DECISIONS

At its meeting on 19 October 2017, the previous council resolved to allocate money to investigate the feasibility of a rail trail in the following resolution:

MINUTES OF THE ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 19 OCTOBER 2017

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6.1 NOTICE OF MOTION FOR RAIL TRAIL FEASIBILITY STUDY

Record No:

Responsible Officer: General Manager
Author: Councillor Bob Stewart
Attachments: Nil

Councillor Bob Stewart has given notice that at the Ordinary Meeting of Council on 19 October 2017, he will move the following motion.

COUNCIL RESOLUTION

227/17

That Council fund a feasibility study for the opening of a Monaro Rail Trail from Queanbeyan to Bombala during the 2019 Financial year;

A. Either by obtaining Grant Funding from the NSW Government; or

B. Allocate \$75 000 in the 2019 Financial Year Council Budget in the event grant funding is unavailable.

Moved Councillor Stewart

Seconded Councillor Maslin

CARRIED

The current council has also made the following two motions in support of the rail trail:

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

FORESHADOWED MOTION

COUNCIL RESOLUTION

259/22

That Council

- A. Continue to provide in principle support to Monaro Rail Trail Inc;
- B. Request a comprehensive briefing from Cooma Monaro Rail Group to Council;
- C. Continue to work on the development of Queanbeyan to Cooma segment of the proposed rail trail and;
- D. That a report come back to Council to the next meeting.

Moved Councillor Stewart

Seconded Councillor Frolich

CARRIED

Record of Voting

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

Councillors Against: Councillor Williamson.

9.4.3 FUTURE USE OF THE COOMA TO BOMBALA RAIL CORRIDOR

Record No: I22/728

COUNCIL RESOLUTION

294/22

That Council

- A. Support the continued planning for the Monaro Rail Trail from Queanbeyan to Cooma, and Bombala to Jincumbilly, including finalising the business case and potential lease discussions with TfNSW for those sections (noting this is not a resolution to apply for funding to construct the rail trail or enter a lease, but to commence discussion);
- B. Provide a written undertaking to Cooma Monaro Railway (CMR) that Council will agree to vary any future rail trail lease between Bombala and Jincumbilly (at no cost to CMR) to enable reinstatement of the rail line (at no cost to Council) should Stage 4 funding of the CMR Operational Business Plan (Version 2.3.2 August 2022) be received, and subject to Stages 2 and 3 of that Plan (ie Cooma to Nimmitabel) having been constructed prior to this;
- C. Not undertake to fund the cost of relocating the MRT if point B (above) eventuates;
- D. Resolve to continue to work with all parties on continuing investigations of potential shared use arrangements, costings, feasibility evaluations, etc along the rail corridor between Cooma and Bombala;
- E. Inform state agencies (TfNSW, DRNSW) and federal and state members of Council's adopted

position on this matter.

Moved Councillor Stewart

Seconded Councillor Hanna

CARRIED

Record of Voting

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

Councillors Against: Councillor Frolich, Councillor Hanna and Councillor Hopkins.

Cr Williamson's motion to amend the wording of point 'A' in the original motion lapsed due to lack of seconder.

BACKGROUND

Strategic Justification

The strategic justification for the Monaro Rail Trail, and particularly beginning its construction at the Bombala end, has two key driving factors:

1. The need to diversify and provide stimulus to Bombala's local economy given its present heavy reliance on the timber industry, which is forecast to face difficulties during the 2030s and;
2. A need to add genuine tourism products to Snowy Monaro that will encourage non-winter tourism given the long term forecasts for the ski season are that it will be significantly impacted by climate change.

The 'Bombala Region Softwoods Industry Bushfire Recovery Study' was commissioned by council in 2020, to understand better the implications for Bombala's local timber industry following the Black Summer bushfires. The fires burnt around 10,000 hectares of softwood plantation in the Bega Valley and Bombala regions, resulting in a loss of future log value estimated to be at least \$100 to \$120 million. It is further estimated, it will take 26 years for Bombala plantations to return to their pre-bushfire harvest potential.

Figure 4 highlights that during the 2030s the Dongwha timber mill in Bombala is facing a sawlog shortfall, which if it eventuates, is likely to impact the entire timber industry in Bombala. As a consequence, the study recommends constructing the rail trail in the short term (1-5 years) as a means of improving the resilience of Bombala's local economy.

Predicted Sawlog Supply Post-fire and Dongwha Sawlog Needs

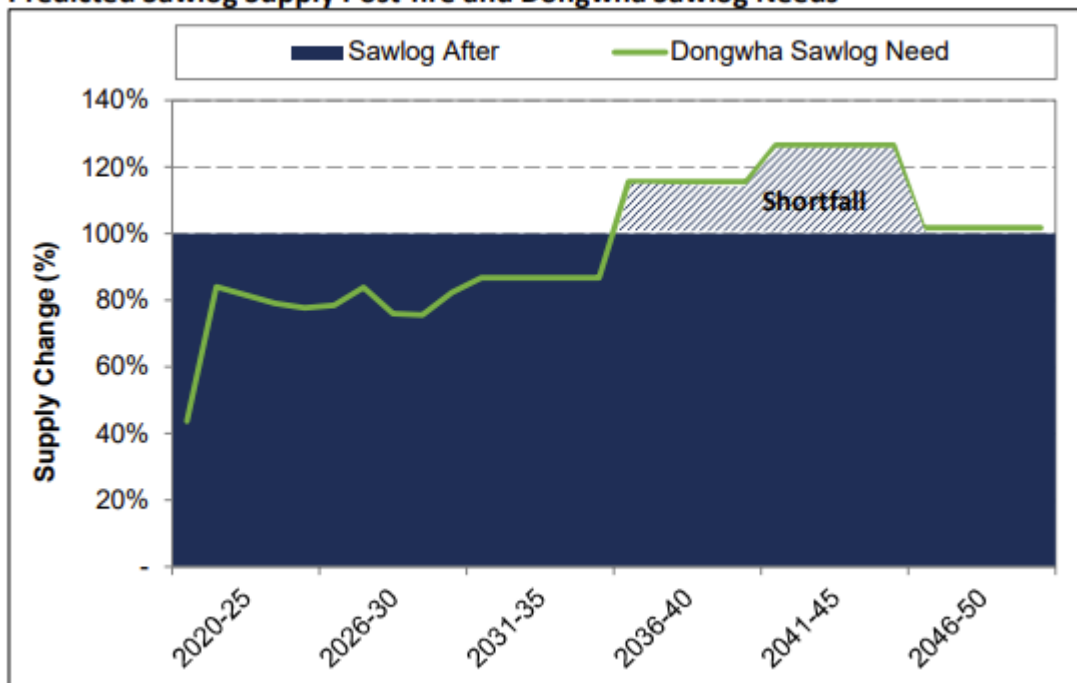


Figure 4: Extract from the Bombala Softwoods Study showing the difficulties for the local industry likely to be faced in the 2030s.

The MRT also provides an opportunity to add a genuine tourism product to Snowy Monaro that will encourage visitation to the region outside of the winter season. The forecast implications of

9.4.1 GRANT INVITATION TO BEGIN CONSTRUCTION OF THE MONARO RAIL TRAIL AT BOMBALA

climate change for the ski season as we know it, have been examined in detail as part of the Snowy Mountains SAP project. In short, post 2040 the ski season is forecast to shorten with likely significant impacts upon winter visitation to the region. In the last 12 months, visitor spending in Snowy Monaro contributed about 44% of the total local spend. The significance of this spend from winter visitors can be seen in Figure 5.

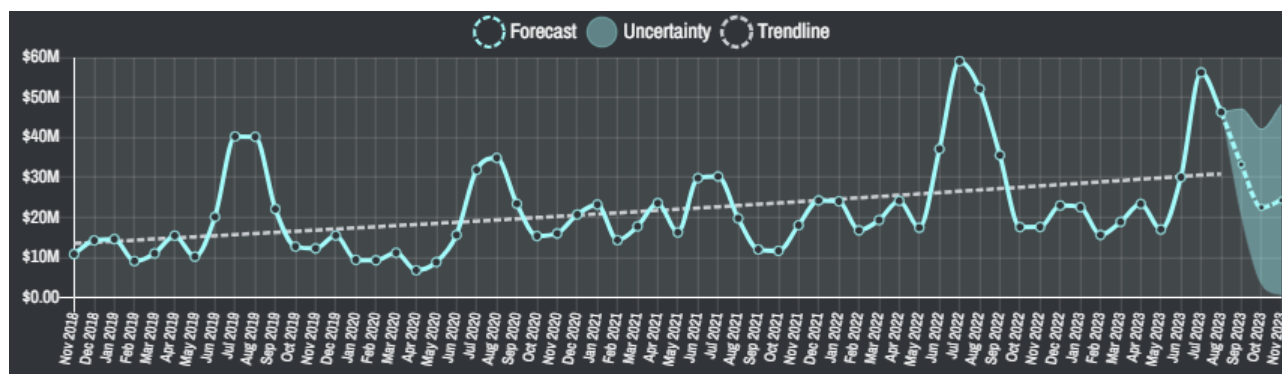


Figure 5: Chart tracking visitor spending in Snowy Monaro since November 2018. The main peaks all occur during winter (Spendmapp by Geografia).

The MRT is an opportunity to offset some of the visitation losses the region is likely to receive as a result of climate change.

Further to the above, the MRT and its further development, is identified as a strategic action in a number of strategies which currently apply in Snowy Monaro, including:

- Snowy Monaro Regional Economic Development Strategy (p7, 32)
- Snowy Monaro Destination Management Plan (p49)
- Southern NSW Destination Management Plan (p42-43)
- Snowy Monaro Regional Trails Masterplan (p66)

The NSW Government has also published the 'NSW Rail Trails Framework' to provide guidance and direction regarding the further development of rail trails in NSW.

ATTACHMENTS

1. Response to proposal from Friends of Bombala Railway Inc.
2. Response to proposal from MRT Inc
3. Response to proposal from Cooma Monaro Railway
4. Trail Development Plan (*Under Separate Cover*)

(Received via email 12/9/23)

Mark Adams
Coordinator Economic Development
Snowy Monaro Regional Council

Dear Mark,

We are sending this email to you on behalf of Friends of the Bombala Railway Inc. We have heard that Snowy Monaro Regional Council in conjunction with the Monaro RailTrail are seeking \$1million in a funding Grant.

Our Group is horrified that Council will allow Monaro RailTrail to use this money to remove Railway line north from Bombala as far as \$1million will take them. In their estimation that would be 3 to 5 kilometres. The money they will make from the sale of the Railway Line and Sleepers will then be used to form the actual RailTrail in the 3 to 5 kilometres. If this is as far as their money will allow them to progress then who will drive all this way to ride 3 -5 kilometres. Our next question would be how long would they then need to wait before they could continue with the next section. To use their timeline it will take 18 years to complete the RailTrail from Bombala to Queanbeyan. 2021 we had a meeting with Monaro RailTrail and were informed that \$75million would be needed to complete this RailTrail. At this point in time they do not have any funding and are hoping to start with the \$1million. Where and when is the rest of the money likely to appear. Otherwise is Bombala only going to have a RailTrail of 3-5 kilometres for 18 years. We can't see that bringing much wealth to the town. Friends of Bombala Railway Inc is a group which for the last 12 years has maintained and improved the Bombala Railway Precinct with no assistance from either Snowy Monaro Regional Council or the Government. This group has always had plans to run Pedal Carts on the Railway Line as a Tourist Attraction. The Projected timeline for this is 2 to 3 years from now.

Whilst we have no objections to a RailTrail we do OBJECT to them removing Railway Line. We can visualise 3 Tourist Attractions utilising the Railway Corridor,; Friends of Bombala Railway Inc running Pedal Carts on the Line; Cooma Monaro Railway Inc running a Train on the Railway Line (timeline for this is 2030 or sooner) and Monaro RailTrail cycling down the Track Maintenance Road.

Both Cooma Monaro Railway Inc and Friends of Bombala Railway Inc have sat down with Monaro RailTrail and outlined all 3 proposals going ahead BUT the RailTrail Group wants the money the Railway Line will give on top of what you are requesting in the Grant. Using the Monaro RailTrail proposal close to \$75million(2020 figure) will be required to complete their project and in a timeline of 18 years.

Therefore we implore you to make your decision regarding this grant application to include all 3 projects that could utilise this Corridor together. By

all means apply for the Grant but stipulate that they must not remove any Railway Line in their endeavours.

Snowy Monaro Regional Council is meant to represent all sections of the Community not favouring one group over another. As there are 3 Groups interested in the Railway Corridor and ALL 3 Groups can function efficiently in the one area, we implore Council to support all Groups ensuring that the Monaro RailTrail put their Cycle Track on the Railway Maintenance Road and do not remove ANY Railway Line or Sleepers.

Thankyou

Allen Simpson
President
Friends of Bombala Railway I



President Carlo Botto

Monaro Rail Trail Inc
1149 Old Bega Road
Steeple Flat NSW 2631

Our mission is to create Australia's greatest rail trail where people of all ages and abilities can cycle, walk and run. It will see the wellbeing of local economies flourish through tourism that brings new business opportunities and preserves the Monaro's rich rail heritage.

13 September 2023

Mr Mark Adams
Coordinator Economic Development

By email:

council@snowymonaro.nsw.gov.au

mark.adams@snowymonaro.nsw.gov.au

Dear Mr Adams

Re: \$1m grant to begin construction of the Monaro Rail Trail

In response to your letter of 1 September, MRT Inc appreciates the opportunity to respond and offers the following.

MRT Inc strongly supports SMRC applying for a \$1M grant from "Investing In Our Communities" program as described. As you indicated in your letter, in the lead up to the last Federal election the member for Eden-Monaro Kristy McBain MP pledged \$1 million to begin construction of the Monaro Rail Trail in Bombala if re-elected. She did so on the basis that Bombala desperately needed economic stimulus and employment growth.

We have met with our federal representative on a number of occasions and have provided her office with a copy of MRT Inc's draft business case showing the benefits the MRT would bring to Bombala. Subsequently, MRT in conjunction with SMRC, has successfully completed building a precinct trail in the town. Recently, members of the Bombala community have formed a committee, which has sought and received strong community support for the MRT via a petition and are now working on active development of the MRT in co-ordination with MRT Inc.

We agree that creating a rail trail will boost the local economy in Bombala. We believe the combination of a rail trail combined with the local precinct trail and potentially, development of the railway station precinct, would create a significant boost in tourism to the town. Once funding has been approved, the work can proceed to do this relatively quickly and be operating much sooner than less developed projects. Our business case shows a return on investment of at least four times the cost to develop the MRT and we believe the economic returns to Bombala will be significant, as evidenced by the Tumbarumba Rail Trail – a similar project in length and proximity to a similar town.

We also firmly believe that the rail trail is by far the most viable option currently proposed. It will achieve tourist revenue to local businesses from new and longer visitor stays. The MRT is by far the most advanced, resourced and credible project being offered. Other projects, involving tourist

www.monarorailtrail.com.au

contact: monarorailtrail@gmail.com



President Carlo Botto

Monaro Rail Trail Inc
1149 Old Bega Road
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Our mission is to create Australia's greatest rail trail where people of all ages and abilities can cycle, walk and run. It will see the wellbeing of local economies flourish through tourism that brings new business opportunities and preserves the Monaro's rich rail heritage.

trains or trolley cars do not enjoy the same level of community support, do not have credible business cases, engineering or environmental studies. In short, they are ideas which need to be tested for viability. That said, MRT Inc and the recently formed local committee believe there is merit in exploring development of the railway station area (including trolley cars) for visitors, to encourage overnight and multi-day stays.

MRT Inc believe the \$1M can be deployed relatively quickly to construct a trail head and 3-5km of trail and better leverage the new precinct trail - thus, enjoying the economics benefits sooner. In addition, the trail head will be directly adjacent to Bombala Tourist Information Centre where operation of the trail will be simplified and add significant utility – as this will be where almost all users of this section of the trail will start from and finish.

As for the cost to operate and maintain the rail trail more generally, we have previously identified several income streams that will reduce the maintenance cost burden to SMRC.

As you are aware, the MRT has been identified in strategic plans at Council, State and Federal levels. For example, it is referred to in the Bombala Region Softwoods Industry Bushfire Recovery Study, prepared for SMRC in 2020.

The \$1M grant would be a very important start to one of the best economic development projects for our LGA, starting in Bombala – with arguably has the greatest need of all our towns and villages. This was clearly recognised by our Federal Member, Kristy McBain when she made the financial commitment. We trust SMRC will do the same.

Regards

Carlo Botto
President
MRT Inc

www.monarorailtrail.com.au

contact: monarorailtrail@gmail.com



Friday 15th September 2023

Dear Mark,

Thank you for your letter regarding the funding opportunity for the development of the Monaro Rail Trail.

Cooma Monaro Railway have always maintained our position that we support the development of the Monaro Rail Trail constructed to the side of the existing track alignment, allowing for the railway and trail to exist together. We do not support development of a trail that will result in the removal of the railway.

We believe that the collaborative development of a shared arrangement where the trail is developed to the side of the existing railway formation, in conjunction with an active tourist railway, will provide Bombala and the Monaro region with a tourist attraction that has the potential to bring greater economic development than either project alone.

There are a number of examples of this type of trail development around the country, including the very successful Eastern Dandenong Ranges Rail Trail in Victoria which follows the Puffing Billy Tourist Railway between Clematis and Gembrook. (<https://www.cmrailway.org.au/2023/07/27/rails-and-trails-sharing-the-corridor/>)

The Cooma Monaro Railway Museum is opened in December 2022 and has been attracting visitors to the region to explore the last remaining example of a complete operational railway yard in the state. In May this year, we were honoured to win the award for Outstanding Visitor Experience at the 2023 Snowy Monaro Business Awards which highlights the success of the museum and the potential for the future. (<https://www.cmrailway.org.au/2023/05/05/winner-outstanding-visitor-experience/>)

In July this year, the Office of the National Railway Safety Regulator (ONRSR) approved our accreditation as a Rail Infrastructure Manager (RIM) which allows us to inspect, manage and repair railway infrastructure, and a Rolling Stock Operator (RSO) which allows us to operate trains.

We currently have an active Heritage Operating License (HOL) on the 20km section of the railway corridor between Cooma and Chakola with a 15km extension from Cooma south to Rock Flat currently being processed by UGL Regional Linx.

Work has commenced on repairs to the track between Cooma and Snowy Junction (3.5km north of Cooma) which forms Stage 1 of our four (4) stage plan for tourist train operations. We expect tourist trains to return to this section in Q1 2024. On completion of Stage 1, we will continue south towards Rock Flat with Stage 2 of our tourist train operations.

Based on conversations with various stakeholders, we understand the desire to develop tourism opportunities in Bombala and the surrounding region. With this in mind, and in conjunction with our colleagues, the Friends of Bombala Railway, we are conducting an economic assessment to determine the feasibility of commencing tourist train operations from Bombala, in parallel with our operations out of Cooma.



This would mean that track repairs would commence at both the Cooma and Bombala ends of the line, with the current Stage 3 section being implemented last, connecting the two sections. To support this, items from our operational train fleet, such as one of our 1920s CPH railmotors would be transported to Bombala by truck to service the area.

Some of the benefits of an active tourist railway include:

- Tourist trains are not seasonal or dependant on weather. They are capable of attracting an extremely diverse range of visitors that will expand the existing tourism market.
- The ongoing maintenance of the railway related infrastructure is fully funded through revenue generated by tourist train operations and does not require funding from rate payers.
- Revenue generated by the operation is directed back into the local community.
- Future infrastructure development can be funded through the railway's own revenue generation in periods where capital investment opportunities are not available. This will allow us to continue development without government investment.
- As tourist train operations expand, additional local employment opportunities will be created, both directly through railway operations and indirectly through external services required to support the railway.
- The railway has the ability to transport large quantities of visitors to towns along the line which allows us to directly channel tourism to economic growth areas.

While we understand that the trail design plan has already been completed for this section, representatives from both the Monaro Rail Trail group and Snowy Monaro Regional Council were aware of our plans to operate trains on this section prior to the commencement of the trail design. Concepts for a shared development were also discussed but were not considered in the development of the trail design.

While we sympathise with the fact that pursuing a shared arrangement at this stage will require the development of a new trail design, Cooma Monaro Railway was not involved in the decision to pursue trail only design.

We look forward to supporting Snowy Monaro Regional Council in their pursuit of this grant opportunity, but not at the expense of the railway.

Regards,

Craig Moore
Acting President
Cooma Monaro Railway

9.4.2 AMENDMENTS TO POLICY - SPONSORSHIP OF COUNCIL PROJECTS, EVENTS, SERVICES OR ACTIVITIES

Record No: 123/626

OFFICER'S RECOMMENDATION

That Council adopt the amended and updated Policy – Sponsorship of Council Projects, Events, Services or Activities.

ISSUES

Council has an existing policy, inherited from Snowy River Shire Council, regarding sponsorship of council projects, events, services or activities. The policy is based on an independent commission against corruption document 'Sponsorship in the Public Sector', published in 2006. This document remains relevant and is a definitive guideline on this subject for NSW state and local government.

There are two main amendments to the policy that are proposed:

- An update to correspond to the merged council and updated department and position names and,
- Some additions to the policy specifically applying to the new Cooma Indoor Sports Centre and the unique situation there concerning Council's licence and relationship with the Department of Education.

The amendments to the policy are based on these two themes. The most significant amendment is a new clause (2.9), which incorporates provisions in council's licence to operate the Cooma Indoor Sports Centre on land owned by the Department of Education.

RISK ASSESSMENT

| Risk Type | Current Risk | Expected Risk | Within Accepted |
|---------------------------------------|--------------|---------------|-----------------|
| Legislative Governance and Compliance | Medium | Low | Yes |
| Reputation and Image | Medium | Low | Yes |

Amendments to the policy are aimed at minimising and/or reducing risk from sponsorship decisions where council is the party receiving the sponsorship. This is particularly important in relation to the Cooma Indoor Sports Centre where council has certain obligations in relation to sponsorship through its licence with the Department of Education.

FINANCIAL IMPACTS

There are no direct financial implications from amendment of the policy however, it is an important foundation for future sponsorship agreements which have the potential to offset council operating costs in a range of areas.

RESPONSIBLE OFFICER: Coordinator Economic Development.

OPTIONS CONSIDERED

The policy is being updated and amended to ensure council has a suitable framework for making sponsorship agreements with private individuals and/or business. There are no other options to consider.

IMPLEMENTATION PLANS

This policy will continue to be applicable to any situation where council is making an agreement to receive sponsorship from a private individual and/or business interest. A procedure and templates for sponsorship and advertising agreements are also being developed to accompany the policy. These can be approved by council's management.

ATTACHMENTS

1. Policy - Sponsorship of Council Projects Events Services or Activites



Policy

Sponsorship of Council Projects, Events, Services or Activities

| | | | |
|--|---------------------------|-----------------------------|----------------|
| Responsible portfolio | Governance | Document Register ID | 250.2023.xxx.1 |
| Policy owner | Governance | Review date | 2027 |
| Adoption Date | | Resolution Number | |
| Legislation, Australian Standards, Code of Practice | Local Government Act 1993 | | |

Version History

| Revision No. | Date | Modified By Position title | Details / Comments Include reason for, details of changes (additions and omissions), date and reference if approved or amended by Council or other resolution. Has the policy been affected by decisions of council since it was last reviewed? |
|--------------|------------|--|---|
| 3.0 | 20/09/2024 | Coordinator Economic Development | |
| 2.0 | 09/12/2014 | Director Governance Executive Services | Adopted by Council, resolution DOC284/17 |
| 1.0 | 16/10/2014 | Governance | Draft |

1 Introduction

This policy aims to ensure that any sponsorship agreement is developed in a professional and coordinated manner that will withstand scrutiny and complies with Council's Code of Conduct standards.

2 Purpose

This document establishes the principles for sponsorship agreements between the Snowy Monaro Regional Council and other parties. It provides guidelines for seeking sponsorship and

outlines the procedures to be met by both Council and the sponsorship partner. The policy has been developed to provide a transparent process in the interests of public accountability.

This policy does not apply to events seeking funding support under the 'Funding Support for Events' Policy.

2.1 Definitions

Sponsorship is a commercial arrangement in which a sponsor provides a contribution in money or in kind to support part of a program or project in return for certain specified and definable benefits. Sponsorship can be provided:

- By the corporate sector or private individuals, in support of a public sector activity
- By the public sector in support of related and worthwhile private or public activities

Sponsorship does not include the selling of advertising space, joint ventures, partnerships, grant programs, consultancies, grants (in regard to received sponsorship) and unconditional gifts, donations, bequests or endowments. The provision of donations and gifts to or from Council are not covered by this Policy¹.

2.2 Principles

Snowy Monaro Regional Council invites and seeks sponsorship for selected Council projects, events, services or activities to maximise financial and in-kind assistance for the benefit of the Snowy Monaro community. Council is also committed to supporting through partnership agreements various projects, events, services and activities which provide benefit to the Snowy Monaro community.

All sponsorships will be undertaken in accordance with Council's policies and legislative requirements and to the mutual benefit of both parties.

When Council and its officers seek and obtain sponsorship, it will do so in a professional and coordinated manner that will withstand scrutiny and complies with Council's Code of Conduct standards. Conversely, when Council agrees to sponsor a project, event, service or activity it will do so in a professional and coordinated manner that will withstand scrutiny and complies with Council's Code of Conduct standards.

Council will consider engaging in sponsorship agreements in circumstances including where:

- Connection with a reputable sponsor could enhance the Council's image and reputation
- Sponsorship could make it possible for Council or a company/organisation to undertake beneficial non-core activities that could not otherwise be funded or undertaken to the same extent
- Sponsorship could either reduce the cost of a particular event or activity or enable it, in the public interest, to be expanded or enhanced
- Sponsorship could achieve greater community awareness or public profile for Council, a particular service, program or product, than may otherwise have been possible

2.3 Risk Management

A risk assessment of each potential sponsorship arrangement will be undertaken to determine if any risks are posed by the arrangement and assess whether these risks are acceptable or can be managed. When companies/organisations express an interest in sponsoring a Council initiative or invite Council to sponsor a project or undertaking, they will be required to complete a

checklist as part of the EOI process. This will enable Council to proceed with a risk assessment of the sponsorship arrangement prior to confirming the sponsorship agreement.

* Company/organisation may include individuals who may wish to sponsor a Council initiative.

2.4 Roles, Responsibilities and Resources

Any Council officer wishing to engage in a sponsorship arrangement with an external company/organisation should do so in liaison with the Governance unit to ensure consistency, good administration, recording of sponsorships and to guarantee Council's Sponsorship Policy and guidelines are followed.

The final approval for all sponsorship agreements rest with the Council's Chief Executive Officer. Other Council officers involved in the sponsorship negotiations may include relevant members of the Executive Leadership Team and/or Senior Management Team.

2.5 Suitable Activities for Sponsorship

Sponsors are sought for a range of Council activities including community events and festivals, community and sporting facilities, educational facilities, and equipment. Council will consider sponsoring a range of community activities including community events and festivals, community cultural facilities, educational facilities and equipment.

2.6 Acceptable Sponsorship Partners

Attributes of suitable sponsorship partners include:

- Reputable companies/organisations whose objectives and products do not conflict with Council's values and objectives
- Companies/organisations whose parent companies and subsidiaries' objectives and products do not conflict with those of Council
- Companies/organisations who have an acceptable sponsorship record with Council and with other government bodies
- Companies/organisations that provide goods and services which are required by and benefit Council and the community of Snowy Monaro

2.7 Guidelines for Seeking Sponsorship

When Council is seeking sponsorship support, a sponsorship proposal should be developed which clearly outlines the nature of the project, why it is being proposed, benefits to potential sponsors and to Snowy Monaro Regional Council as well as the type or value of sponsorship sought.

The public interest is best served by Council making sponsorship opportunities widely known and using broad based, open processes that are not limited solely to invited sponsors. Council will place advertisements in a local newspaper calling for Expressions of Interest when it is seeking a sponsor, at a time which suits Council. Sponsorship opportunities may also be communicated through Council's website, social media pages and through advertisements in suitable media outlets. The Vendorpanel platform may also be used.

In some instances, broad advertising may not be appropriate. In these instances letters may be distributed directly to suitable potential sponsors inviting them to respond to sponsorship

proposals. Council will ensure all information provided is consistent for all organisations and there is no advantage or disadvantage for one organisation over another. Reasons for not advertising should be documented to dispel any possible suggestions of impropriety.

Council's Governance unit is available to assist Council officers with preparation of promotional material, and the development of sponsorship proposals and agreements.

The particular department within Council seeking sponsorship should ensure that sufficient resources are available to enable the promised sponsor benefits to be delivered and the project implemented.

When companies/organisations seek sponsorship support from Council, they will be required to provide a sponsorship proposal which clearly outlines the nature of the project, why it is being proposed, the benefits to Council and the local community, and the type or value of sponsorship sought.

2.8 Assessment of Sponsorship Proposals

When considering whether to enter a sponsorship agreement with a potential sponsor, Council will consider the following factors:

- The general public reputation of the potential sponsor and whether this is compatible with Council's vision of being a 'trusted community partner'
- The nature of any objectives, products and marketing strategies of the potential sponsor including any of its parent or subsidiary companies
- Whether the products, services, policies and conduct of the potential sponsor generally demonstrate integrity, regard for the health of people and the environment, and respect for the law
- The goods, services and/or benefits Council receive from the arrangement being positive for the community
- The quality of any previous dealings the Council may have had with the potential sponsor
- Any current commercial arrangements or connections of the potential sponsor with Council
- Whether the potential sponsor will be subject to regulation and/or inspection by the Council in relation to its normal business activities during the course of the sponsorship term

Potential sponsors of particular Council initiatives may be assessed against additional specific criteria which are made available to all interested parties at the time of seeking sponsorship.

Invitations to Council to sponsor external initiatives will be assessed against a criterion which includes any past or present business conducted with Council, the company or organisation's statement of principal activities, as well as parent or subsidiary company information. Consideration must also be given to budget available to undertake the agreement, the resources required to service the agreement and an assessment of these against the benefits provided to Council or the community.

When a risk assessment of a potential sponsorship agreement is undertaken and none or minimal/manageable risk is identified, the sponsorship agreement can be established and arrangements commence. When the risk assessment identifies a potential risk of concern to Council, the matter will be referred to Council's Chief Executive Officer who will determine whether the sponsorship agreement should proceed.

2.9 Involvement of the Department of Education in sponsorship arrangements specifically concerning the Cooma Indoor Sports Centre

Council has obligations in relation to business sponsorship that form part of its licence agreement with the Minister for Education and Early Learning in relation to the Cooma Indoor Sports Centre (CISC) at Monaro High School. In summary, arrangements for business sponsorship and advertising at the site must consider and be consistent with any Departmental guidelines and/or policies on this subject.

The Department has a policy regarding sponsorships and commercial arrangements which the Council cannot contravene. The policy is available at: <https://education.nsw.gov.au/policy-library/policies/pd-2009-0399>

Council cannot and will not accept a sponsorship arrangement from a sponsor in relation to the CISC who is considered unacceptable under the Department's policy. In general, this includes an organisation that sells or promotes:

- Unhealthy food
- Tobacco
- Alcohol products
- Gambling products
- Weapons manufacturing
- Anything illegal

By contrast, potentially acceptable sponsors will:

- Be reputable organisations, individuals or bodies
- Have objectives, products and marketing strategies that do not conflict with the Department's values and objectives
- Have parent companies or subsidiaries whose objectives and missions do not conflict with those of the Department
- Provide goods or services that will benefit student outcomes and be of the required type and quality

Before entering a sponsorship agreement, Council will liaise with the Department of Education to ensure there are no concerns from their perspective with any particular potential business sponsor.

2.10 Conflicts of Interest

There should be no real or perceived conflict between the objectives and mission of Council and those of the sponsor or the company/organisation seeking sponsorship. When assessing potential sponsorship arrangements, Council should review the values and objectives of the potential sponsor or recipient company/organisation (or its parent company) ensuring they do not conflict with Council's values and objectives.

The proposed project/sponsorship arrangement must not interfere with Council's ability to carry out its functions fully, impartially and ethically. Sponsorships arrangements that impose or imply conditions that limit the Council's ability to carry out its functions fully and impartially will not be agreed to.

Given the nature of local government, sponsorship should not be sought from political parties. Sponsors should not be sought from organisations involved in the business of pornography, alcohol, gambling or tobacco. Council officers assessing, administering or approving the proposed sponsorships should declare any personal relationships or financial arrangements pertaining to the agreement.

If any such conflict is declared and Council decides to proceed with the sponsorship agreement, the decision-making process and management strategies to manage the conflict should be documented.

Council will not implement a sponsorship agreement with any party engaged in current or pending legal proceedings involving the Council or where the proposed agreement would contravene any section of the *Local Government Act 1993* or where the proposed arrangement may expose Councillors, the Council or its staff to conflicts of interest.

A sponsorship agreement may be reviewed in any case where, during the life of the sponsorship, the sponsor has a current application or matter before Council, or Council is aware of the possibility of an application or matter coming before the Council in the near future. Similarly, any attempted influence of Council's functions will result in an automatic review and/or termination of the sponsorship arrangement.

Sponsor benefits or sponsorships do not include implied endorsement by Council of the sponsors goods or services. Sponsorship agreements do not permit the use of Council's logo to promote their products.

2.11 Personal Benefits

No Council officer or Councillor or their relatives or partners should seek or receive a personal benefit or be perceived to receive a personal benefit from a sponsorship agreement. Any benefits arising as a result of a sponsorship arrangement must be seen to be to the advantage of Council rather than an individual.

2.12 Benefits to Sponsors from Sponsorship Agreements

Council may offer a range of benefits to sponsors which include naming rights, branding on signage, complimentary tickets, corporate profile raising, or increased brand recognition.

If the sponsorship agreement involves the supply of a product, that product should be evaluated for its fitness for purpose against objective criteria relevant to Council's needs.

The sponsorship agreement should not involve explicit endorsement of the sponsor or the sponsor's products.

Council will acknowledge sponsor or supporter status in publicity regarding the project as negotiated in the sponsorship agreement. These benefits will be detailed in a sponsorship agreement prior to commencement of the sponsorship relationship.

2.13 Granting Sponsorship

A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties. This agreement will include approval for Council to list the sponsorship arrangement in Council's Annual Report.

The final sponsorship agreement must be recorded in writing and signed by both parties.

This should include:

- The term or purpose of the sponsorship and any conditions regarding renewal
- Specific services, products or funds to be provided by the sponsor and the reciprocal benefits
- The form or forms of sponsorship acknowledgement, which will be available

- Council's request for information on any association or parent company directly or indirectly involved in the sponsorship
- Any limitations to the sponsorship such as restrictions on seeking additional sponsors
- The responsibilities and expectations of each party for the budget
- Any guidelines for the use of corporate logos or conditions for advertising, media and other publicity
- A statement to the effect that any attempted influence of Council regulatory functions will result in an automatic review and/or termination of the sponsorship agreement
- Cancellation and termination conditions
- Any special conditions, which may apply

Where Council is the party seeking sponsorship, the final sponsorship agreement should be based on any sponsorship agreement template that has been developed prior by the Council under this Policy.

2.14 Administering Sponsorship Agreements

All information including incoming sponsorship expressions of interest, evaluation documents, and agreements should be kept on an official Council file. Details should be included in a database of all sponsorships and copies of the proposal, agreements and other documents should be forwarded to Council's Governance unit to facilitate consistency and co-ordination of sponsorship throughout the organisation. The Governance unit will maintain a file of this documentation for reference.

A six monthly report providing details of all sponsorship agreements entered into will be provided to Council. All sponsorship agreements will be detailed in Council's Annual Report.

2.15 The Role of Councillors

Councillors interested in assisting with sponsorship arrangements should liaise with Council's Chief Executive Officer and not seek to negotiate sponsorship independently on behalf of Council.

2.16 References

1. Based on a report considering this topic entitled 'Sponsorship in the public sector' prepared the NSW Independent Commission Against Corruption (ICAC) in 2006.

Related Documents

This policy should be read in conjunction with the following documents:

Documentation

Code of Conduct

Procedures for the Administration of the Code of Conduct for Local Councils

'Sponsorship in the public sector' NSW Independent Commission Against Corruption (ICAC) 2006

Variation

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

9.4.3 EVENT SUPPORT GRANT APPLICATIONS

Record No: I23/674

OFFICER'S RECOMMENDATION

That Council approve the following event support applications, in line with the funding support for Events Policy:

- A. Cooma Canine Carnival - \$1,500
- B. Australian National Busking Championship – Grand final - \$3,345

ISSUES

Council's Snowy Monaro Funding Support for Events Policy provides funding support for local and regional economically significant events.

In accordance with the Policy, the following two applications have been received and assessed for Council determination:

Cooma Canine Carnival and Australian National Busking Championship Grand Final.

To be eligible for funding support the event must meet certain criteria and be assessed as per the Funding Support for Events Policy.

The tables below outline the assessment against this Policy for each event:

| Event Application 1 - Cooma Canine Carnival Funding amount sought = \$1,500 (Local) Location: Cooma Showground Date: 1-3 December 2023 | | |
|---|---|--------|
| Estimated 'value add' to local economy | Eligible event | |
| From \$66,864 based on estimated attendance of 250 persons across the three day event. | Yes | |
| (a) Funding amount required to cover Councils normal fees and charges. | Facility hire \$560 Judges camping \$812 Waste services \$575 | \$1947 |
| (b) Alignment with relevant Council strategies or plans. | Brings visitors from outside the region including interstate. Provides opportunity for sports and participation and encourages responsible dog ownership. | |
| (c) Commercial or not for profit. | Not for profit. The event usually breaks event with support from grants and donations. Without these, the club would be non-financial. | |

9.4.3 EVENT SUPPORT GRANT APPLICATIONS

| | |
|---|---|
| (d) Capacity to attract visitors from outside the LGA. | A multi-day event that encourages out of area participants and exhibitors to stay for the event duration. The event is also open for interested spectators with 300 dogs on show. |
| (e) Marketing Strategies. | Social media and relevant websites. Community notice through Council's event calendar and Visit NSW. |
| (f) The significance of the event for the local community. | This is the only event of its type in the Snowy Monaro region. |
| (g) The proportion of the total funding required for the event. | If successful, Council funding (\$1,947) will form approximately 15% of the total event budget (\$13,500). |
| (h) The amount of funding remaining in the funding pool for that year at the time of determination of the application. | There is sufficient funding available for this application. |
| (i) Number of event applicants who have applied for funding. | Three events have received funding under this application with another two included in this report and several other applications provided to interested parties for submittal to Council in the coming months. |
| (j) The reason the funding is being sought from Council for the event. | The event is run by a small local club that relies on donations to remain financial. Council funding would support fees incurred for venue and waste. |
| (k) The particular circumstances of the event. | None extra |
| Other funding applications: Cooma Ex-Services Club annual grant | |
| <p>Staff review: This event meets eligibility criteria of the Event Support Policy and is classed as a 'Local' event in the Policy as the value added calculation to the economy is less than \$100,000.</p> <p>Council will still generate income through the onsite camping fees from event attendees. There are currently forty (40) bookings totalling just over \$3,000 in powered and unpowered site fees. The service fees proposed to be supported by this funding application relate to direct event charges incurred by the organisers.</p> <p>Attachment 1: Event application</p> | |

Event Impact Calculator

Event name (optional)

Cooma Canine Carnival

Event Type:

Sports and Recreation Activities

Event Range:

Local

Event start date:

12/01/2023

Event duration (days)

3

Attendance per day

250

Average daily spend (\$)

150

Event total spend (\$)

\$112,500

submit

The proposed Cooma Canine Carnival event is planned to start on December 1st, 2023 and to run for 3 days. It is an event of Local significance and is estimated to attract 250 visitors per day over the 3 days, with an average spend per person per day of \$150. This equals a total visitor spend of \$112,500 attributed to this event. Assuming the event will be held in Snowy Monaro Regional Council area, it is calculated to have the following potential impact:

| Event Impact Summary | | | | export |
|---|-------------|------------------|--------------------------|--------|
| Snowy Monaro Regional Council area - Modelling the effect of \$112,500 from a Sports and Recreation Activities event with Local significance | | | | |
| | Output (\$) | Value-added (\$) | Local Jobs (annual jobs) | |
| Direct impact | 102,353 | 43,313 | 0.7 | |
| Industrial impact | 45,974 | 18,738 | 0.3 | |
| Consumption impact | 9,833 | 4,813 | 0.1 | |
| Total impact on Snowy Monaro Regional Council area economy | 158,159 | 66,864 | 1 | |
| Source: National Institute of Economic and Industry Research (NIEIR) ©2022. Compiled and presented in economy.id by .id (informed decisions). | | | | |

| Event Application 2 - Australian National Busking Championships (ANBC) Funding amount sought = \$5,000 (Major) Location: Centennial Park & Cooma CBD Date: 25 November 2023 | | |
|--|---|------------|
| Estimated 'value add' to local economy | Eligible event | |
| From \$113,950 based on a minimum estimated number of overnight, weekend and day rate visitation. | Yes | |
| (a) Funding amount required to cover Councils normal fees and charges. | Facility & banner \$113 Road closure \$2922 Waste services \$210 S68 application \$100 | \$3,345.00 |
| (b) Alignment with relevant Council strategies or plans. | The Snowy Monaro REDS 2023 indicates the importance of enabling a diversity of tourism products and experiences. The ANBC is a well known event that adds to the human capital of the region in important ways. The National finals promotes Cooma as the ongoing home to a community building event that brings people to visit Cooma for the weekend and provides children and adults from the region with a sense of community, celebration and learning. | |
| (c) Commercial or not for profit. | Not for profit. Spectators buy 'busking tokens' to show their support for buskers located outside participating businesses and venues, with half of the proceeds donated to Cooma Community Chest and the other half attributed to cover event expenses. | |
| (d) Capacity to attract visitors from outside the LGA. | The National Finals bring together qualifiers from 8 regional events across Australia. Many of the 30 finalists, judges and ANBC supporters come from other regions in Australia and typically attend with friends and family staying in Cooma and surrounds for 2 nights. The main event attracts around 1000 spectators from across the region and beyond with some staying in local accommodation. The 20 local businesses directly participating report enhanced vibrancy and business in town as a result. | |
| (e) Marketing Strategies. | Radio advertising and local print media Press release and posters Various social media strategies and local | |

9.4.3 EVENT SUPPORT GRANT APPLICATIONS

| | |
|--|---|
| | <p>organizational promotions eg to schools, are being also employed to make sure the event is well advertised.</p> <p>Community notice through Council's event calendar and Visit NSW event listing.</p> |
| (f) The significance of the event for the local community. | <p>The main objective of the National Busking Finals is for it to be a well attended and vibrant regional community event of national and regional significance.</p> <p>The Australian National Busking Championships has become an important tourism drawcard for our region because of the increase in visitor numbers. This event not only generates economic activity for the town but also an important cultural experience for locals and visitors alike.</p> <p>The inclusive nature of this event generates a wide range of musical genres and street performances carried out by artists of all ages, abilities, and cultural backgrounds.</p> |
| (g) The proportion of the total funding required for the event. | If successful, Council funding (\$5,000) will form approximately 12.5% of the total event budget (\$40,000). |
| (h) The amount of funding remaining in the funding pool for that year at the time of determination of the application. | There is sufficient funding available for this application. |
| (i) Number of event applicants who have applied for funding. | Three events have received funding under this application with another two included in this report and several other applications provided to interested parties for submittal in the coming months the November Council meeting. |
| (j) The reason the funding is being sought from Council for the event. | To cover Council service fees with road closures, facility hire and waste, in addition to supporting event costs in marketing and event services. |
| (k) The particular circumstances of the event. | The ANBC celebrates the rich diversity of Australian Music & Street Performance Culture and is held in various locations around the country, culminating in the national grand final in Cooma in November with buskers performing outside 20 businesses during the day with performances and announcements of the winners in Centennial Park in the afternoon. The event is accessible providing free entertainment to community and encourage local business activations with busking stations across the CBD. |

9.4.3 EVENT SUPPORT GRANT APPLICATIONS


| | |
|---|---|
| | The winner will receive the title of Australian National Busking Champion along with substantial prize monies and a chance to perform at Gympie Muster. |
| Other funding applications: \$15K Snowy Hydro sponsorship and \$4,600 from Boco Rock | |
| <p>Staff review: This event meets eligibility criteria of the Event Support Policy and is classed as a 'Major' event in the Policy as the value added to the economy is greater than \$100,000.</p> <p>The ANBC is recognised as a key annual music event for Cooma, providing accessible free community entertainment, business engagement, supporting local charity, increasing interstate visitation for the weekend and a platform for local talent to be developed. Event growth has steady increased, with the introduction of a second event for Cooma in April 2022 to offer a regional round for Snowy Monaro competitors and continued cross promotion through partnerships with other towns hosting regional events. As Cooma is the grand final destination, the committee aims to increase event delivery by incorporating a street closure providing a greater festival atmosphere, activating the town centre and local business exposure along the main street, inviting well known guest music judges and a partnering with major NSW event organiser of the Gympie Muster. All of which benefit with increasing interest in the event and promotion of the Snowy Monaro region.</p> <p>Attachment 2: Event application</p> | |

9.4.3 EVENT SUPPORT GRANT APPLICATIONS

ESTIMATED DAY VISITATION

| | | | |
|---|---|---|---|
| Event name (optional) | Event Type: | Event Range: | Event start date: |
| <input type="text" value="Australian National Busking"/> | <input style="background-color: #e8f5e9;" type="text" value="Arts and Heritage"/> | <input style="background-color: #e8f5e9;" type="text" value="Local"/> | <input type="text" value="11/25/2023"/> |
| Event duration (days) | Attendance per day | Average daily spend (\$) | Event total spend (\$) |
| <input style="background-color: #e8f5e9;" type="text" value="1"/> | <input style="background-color: #e8f5e9;" type="text" value="1000"/> | <input style="background-color: #e8f5e9;" type="text" value="150"/> | <input style="background-color: #e8f5e9;" type="text" value="\$150,000"/> |
| <input type="button" value="submit"/> | | | |


The proposed Australian National Busking Championships event is planned to start on November 25th, 2023 and to run for 1 day. It is an event of Local significance and is estimated to attract 1000 visitors during the day, with an average spend per person per day of \$150. This equals a total visitor spend of \$150,000 attributed to this event. Assuming the event will be held in Snowy Monaro Regional Council area, it is calculated to have the following potential impact:

| Event Impact Summary | | | | export  |
|---|-------------|------------------|--------------------------|--|
| Snowy Monaro Regional Council area - Modelling the effect of \$150,000 from an Arts and Heritage event with Local significance | | | | |
| | Output (\$) | Value-added (\$) | Local Jobs (annual jobs) | |
| Direct impact | 136,500 | 66,101 | 1.2 | |
| Industrial impact | 53,751 | 25,967 | 0.5 | |
| Consumption impact | 16,116 | 7,889 | 0.1 | |
| Total impact on Snowy Monaro Regional Council area economy | 206,367 | 99,956 | 2 | |
| Source: National Institute of Economic and Industry Research (NIEIR) ©2022. Compiled and presented in economy.id by .id (informed decisions). | | | | |

ESTIMATED OVERNIGHT VISITATION

| | | | |
|---|---|---|--|
| Event name (optional) | Event Type: | Event Range: | Event start date: |
| <input type="text" value="Australian National Busking"/> | <input style="background-color: #e8f5e9;" type="text" value="Arts and Heritage"/> | <input style="background-color: #e8f5e9;" type="text" value="Local"/> | <input type="text" value="11/25/2023"/> |
| Event duration (days) | Attendance per day | Average daily spend (\$) | Event total spend (\$) |
| <input style="background-color: #e8f5e9;" type="text" value="1"/> | <input style="background-color: #e8f5e9;" type="text" value="60"/> | <input style="background-color: #e8f5e9;" type="text" value="350"/> | <input style="background-color: #e8f5e9;" type="text" value="\$21,000"/> |
| <input type="button" value="submit"/> | | | |

The proposed Australian National Busking Championships event is planned to start on November 25th, 2023 and to run for 1 day. It is an event of Local significance and is estimated to attract 60 visitors during the day, with an average spend per person per day of \$350. This equals a total visitor spend of \$21,000 attributed to this event. Assuming the event will be held in Snowy Monaro Regional Council area, it is calculated to have the following potential impact:

| Event Impact Summary | | | | export  |
|---|-------------|------------------|--------------------------|--|
| Snowy Monaro Regional Council area - Modelling the effect of \$21,000 from an Arts and Heritage event with Local significance | | | | |
| | Output (\$) | Value-added (\$) | Local Jobs (annual jobs) | |
| Direct impact | 19,110 | 9,254 | 0.2 | |
| Industrial impact | 7,525 | 3,635 | 0.1 | |
| Consumption impact | 2,256 | 1,104 | 0.0 | |
| Total impact on Snowy Monaro Regional Council area economy | 28,891 | 13,994 | 0 | |
| Source: National Institute of Economic and Industry Research (NIEIR) ©2022. Compiled and presented in economy.id by .id (informed decisions). | | | | |

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 |

There is a low risk to Council from the recommendation of this report.

FINANCIAL IMPACTS

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

At the beginning of the 2023-24 financial year this fund has \$50,000 available for event support allocation with \$20,000 local and \$30,000 towards major event applications.

Council allocated \$9,000 of the funding to three events at the September meeting Resolution 234/23 with \$41,000 remaining.

Should Council approve the attached local and major application, a total of \$34,053 will be remaining in the events funding pool.

RESPONSIBLE OFFICER: Tourism and Events Officer.

OPTIONS CONSIDERED

The alternative options available to Council are to not support some or all of the events or support them for less than the requested amount. Ultimately this is a decision for Councillors. The information required to inform this decision and the reasons for the staff recommendations are provided in the table for each event.

IMPLEMENTATION PLANS

If an event is successful there is a standard procedure by which the grant agreement is created and the grant ultimately acquitted.

EXISTING POLICY/DECISIONS

The event applications were reviewed in accordance with the Council's Funding Support for Events Policy.

ATTACHMENTS

1. Cooma Canine Carnival event application
2. Australian National Busking Championships event application



Form | 250.2022.000.1

Event Sponsorship Request Economic Development

Snowy Monaro Regional Council's event sponsorship support funding recognises the valuable social, economic and community benefits of events in our region. There are two categories of sponsorship available including community/local significance (up to \$2000) and regional economic significance (up to \$5,000).

Applications for event sponsorship should be submitted a minimum of three (3) months from the event to allow time for a report to a Council meeting for determination.

Applications will not be considered unless all supporting documentation is attached. Applications can be returned to any of the four Council offices, mailed to PO Box 714 COOMA NSW 2630 or emailed to council@snowymonaro.nsw.gov.au

Eligibility

To be eligible to receive sponsorship from Council, the applicant must (tick boxes below if criteria is met):

- ☒ Be an Australian legal entity or an individual with an Australian Business Number (ABN)
- ☒ Have submitted a Snowy Monaro Notice of Intention to Organise an Event form to the events team and applied for all required legislative approvals in accordance with the event
- ☒ Apply for an event in line with the eligibility criteria 2 (a) of Council's Event Support Policy:
 - ☒ Open for general public attendance
 - ☒ Event location within the Snowy Monaro Regional Council local government area
 - ☒ Event will be held within the current financial year
 - ☒ Will not actively promote or support excessive consumption of alcohol, gambling or tobacco products
 - ☒ Not for the primary purpose of making a political or religious statement or for vilifying sections of the community
 - ☒ Undertaken in a child safe manner and in accordance with relevant NSW Health guidelines. Online resource https://ocg.nsw.gov.au/sites/default/files/2022-01/B_CSS_ChildSafeStandardsFlyer.pdf

Part A - Applicant

| | | | |
|--|------------------|----------------------|------------------|
| Name <u>N Y.</u> | | | |
| Organisation <u>COOMA + DISTRICT KENNEL + OBEDIENCE CLUB</u> | | Phone (AH) <u>—</u> | |
| Position <u>SECRETARY</u> | | Phone (BH) <u>04</u> | |
| Postal Address <u>PO BOX 1062</u> | | | |
| Town <u>COOMA</u> | State <u>NSW</u> | Postcode <u>2630</u> | Mobile <u>04</u> |
| Email <u>coomadistrictkennelclub@gmail.com</u> | | | |

or



| | |
|--|--|
| Organisation Type: <input checked="" type="checkbox"/> Not for profit <input type="checkbox"/> Commercial <input type="checkbox"/> Other _____ | |
| ABN (if applicable) <u>54 671 277 194</u> | Eligible for GST (if applicable) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Applicant Signature _____ | Date <u>27/9/23</u> |
| Applicant Sign _____ | Date _____ |

Part B – Event Details

| |
|------------------------------------|
| Name <u>COOMA CANINE CARNIVAL</u> |
| Location/s <u>cooma showground</u> |

| | |
|------------------------------|----------------------------|
| Date/s <u>1-3rd December</u> | Time/s <u>8am - 8 10pm</u> |
|------------------------------|----------------------------|

Confirmation of venue availability:

- ☐ Private Property – Please provide confirmation of land owner's consent
☒ Council Facility – Booking reference number: 2023 - BHNE - 2SQQ - DS1
☐ Other (please specify) _____

Event Type

- ☐ Community ☐ Commercial ☒ Sporting ☐ Arts & Cultural
☐ Markets ☐ Music Festival ☐ Other (please specify) _____

| |
|--|
| Frequency of Event <input checked="" type="checkbox"/> Annual <input type="checkbox"/> One off <input type="checkbox"/> Other (please specify) _____ |
|--|

Event Funding

Recurring events: Does the event generate profit? ☐ Yes ☒ No

Please outline how profit from the event will be used.

CDKCC is not for profit. The event usually breaks even with support from grants + donations. With grants + donations the club would be non-financial.

Have you applied for other funding sources? ☒ Yes ☐ No

Please provide details

Ex - Services Club annual grant.



Event purpose and target market

Dogs NSW members + interested to
Dog showing, obedience agility + trick trials.

Have you considered ways to ensure the event is inclusive and accessible to the community?
Please describe.

Online resource for accessible and inclusive events: <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/Events/9bf6c6ac1e/Toolkit-for-Accessible-and-Inclusive-Events-2018.pdf>

Yes - open to general public to
spectate.

Event description

3 day dog show + sports event.

Event significance to the community

As this is the only event of its type in
the Snowy-Monaro region.

Part C - Event Sponsorship

Level of funding:

☒ Community/Local event ☐ Regional Economic Significant event

Sponsorship amount requested \$1500 - 00

Total cost of the event (please include a copy of the event budget) \$13,500 per annum.

Why are you seeking funding from Council for the event?

We are a small club reliant on this event
+ donations/grants to remain financial.

Is the event financially sustainable without Council sponsorship?

No.

Please list any other particular circumstances of the event to take into consideration

Funding amount required to cover Council's normal Fees and Charges for the event.

Include quoted costs of facility hire, waste, event services etc.

Contribution towards

☒ Facility Hire ☒ Waste & Recycling Services Application

Human Resources (staff time) Parks & Gardens

Application fees Other



How does your event align with Council's relevant tourism and events and/or economic development strategies?

Brings visitors from outside the region including interstate who stay in accommodation etc.
Provides sports participation plus responsible dog ownership.

Will the event attract visitors from outside the Snowy Monaro LGA and generate potential for overnight stay? If yes, detail how.

Yes - interstate + out of region exhibitors who will stay 2 or 3 nights approx 250 people

Estimated number of attendees (participants, volunteers, spectators etc)

250 people 300 plus dogs

Estimated daily spend (including entry fees, food purchases, accommodation etc)

\$200.

Marketing strategies for the event (include a marketing schedule if available)

Please detail marketing to be undertaken and list event website and social media URLs.

Schedule attached.
Event promoted on social media + relevant websites.

How will Council support be acknowledged?

We can add logo + donation plus acknowledge on social media

Do you acknowledge the use of Council's logo and agree for all logo use to be approved by Council's communications team prior to the event via communications@snowymonaro.nsw.gov.au

☒ Yes ☐ No

Supporting documents attached:

☐ Event budget to be supplied.

☐ Marketing Plan (if available)

☒ Event Plan

☐ Owners Consent

☒ Other schedule.

Successful applicants are required to obtain all relevant event regulatory approvals.

☒ Agree ☐ Disagree

If successful, how would you like to receive your funding support?

☐ 50% before event, 50% on acquittal after event, OR ☒ 100% on acquittal after event



Part D - Declaration

I/we the undersigned hereby apply for event support in Snowy Monaro Regional Council sponsorship process and agreed to the conditions:

- ☒ Confirm that the information contained in the application form and within the documents are true and correct;
- ☒ Declare that should this application be successful the funding will be expended as outlined in the above documentation;
- ☒ Acknowledge the event organiser requirements to obtain all regulatory event approvals
- ☒ Acknowledge the Sponsorship acquittal requirements within 30 days of the event date, including presentation of a post event evaluation, attendance statics and local economic contribution.
- ☒ Understand surplus funds may be required to be returned to Council, and;
- ☒ I am aware this application will be reproduced in the Council Business Paper, and authorise for the publication of information required.

For further information or assistance on completing this form please contact Council.

Mail: PO Box 714 COOMA NSW 2630

Phone: 1300 345 345

Email: council@snowymonaro.nsw.gov.au

Web: snowymonaro.nsw.gov.au



Form | 250.2022.000.1

Event Sponsorship Request

Economic Development

Snowy Monaro Regional Council's event sponsorship support funding recognises the valuable social, economic and community benefits of events in our region. There are two categories of sponsorship available including community/local significance (up to \$2000) and regional economic significance (up to \$5,000).

Applications for event sponsorship should be submitted a minimum of three (3) months from the event to allow time for a report to a Council meeting for determination.

Applications will not be considered unless all supporting documentation is attached. Applications can be returned to any of the four Council offices, mailed to PO Box 714 COOMA NSW 2630 or emailed to council@snowymonaro.nsw.gov.au

Eligibility

To be eligible to receive sponsorship from Council, the applicant must (tick boxes below if criteria is met):

- ☒ Be an Australian legal entity or an individual with an Australian Business Number (ABN)
- ☒ Have submitted a Snowy Monaro Notice of Intention to Organise an Event form to the events team and applied for all required legislative approvals in accordance with the event
- ☒ Apply for an event in line with the eligibility criteria 2 (a) of Council's Event Support Policy:
 - ☒ Open for general public attendance
 - ☒ Event location within the Snowy Monaro Regional Council local government area
 - ☒ Event will be held within the current financial year
 - ☒ Will not actively promote or support excessive consumption of alcohol, gambling or tobacco products
 - ☒ Not for the primary purpose of making a political or religious statement or for vilifying sections of the community
 - ☒ Undertaken in a child safe manner and in accordance with relevant NSW Health guidelines. Online resource https://ocg.nsw.gov.au/sites/default/files/2022-01/B_CSS_ChildSafeStandardsFlyer.pdf

Part A - Applicant

Name A

Organisation Australian National Busking Championships

Phone (AH) 046

Position President

Phone (BH) 04

Postal Address Shop 2 Parkview Arcade, 123 Sharp Street

Town Cooma

State
NSW

Postcode 2630

Mobile



Email allan@coomamusic.com.au

Organisation Type: ☒ Not for profit ☐ Commercial ☐ Other _____

ABN (if applicable) 56 173 260 027

Eligible for GST (if applicable) ☐ Yes ☒ No

Applicant Signature _____

Date 29/09/2023

Applicant Signature _____

Date _____

Part B – Event Details

Name National Finals, Australian National Busking Championships

Location/s _____

Cooma, NSW

Date/s 25 November, 2023

Time/s 10am-4pm

Confirmation of venue availability:

☐ Private Property – Please provide confirmation of land owner's consent

☒ Council Facility – Booking reference number: 2023-BHNV-N653-ISV

☐ Other (please specify) _____

Event Type

☐ Community ☐ Commercial ☐ Sporting ☒ Arts & Cultural

☐ Markets ☐ Music Festival ☐ Other (please specify) _____

Frequency of Event ☐ Annual ☐ One off ☐ Other (please specify) _____

Event Funding

Recurring events: Does the event generate profit? ☐ Yes ☒ No

Please outline how profit from the event will be used.

Spectators buy 'busking tokens' to show their support for buskers located outside participating businesses and venues, with half of the proceeds donated to Cooma Community Chest.

Have you applied for other funding sources? ☒ Yes ☐ No

Please provide details

\$15K in funding secured from Snowy Hydro and \$4.6K from Boco Rock.



Event purpose and target market

The Australian National Busking Championships Finals is an annual music and street performance festival which is now in its ninth year. Cooma, NSW has hosted this event since its inception in 2012.

The main objective of the National Busking Finals is for it to be a well attended and vibrant regional community event of national and regional significance.

The target market is people of all ages for both performers and attendees. In 2023 the Finals event will take place on Saturday 25 November and include category winners from 8 regional heats conducted throughout eastern Australia. It has a proven track record as a popular, well supported and well run event of national significance. The Finals will commence at 10am on Saturday 25th with 30 finalists performing around the town of Cooma. Local businesses participate by hosting a performance space outside their premises during the street performance component of the finals. Spectators buy 'busking tokens' to show their support for buskers located outside participating businesses and venues, with half of the proceeds donated to Cooma Community Chest. Visitors go into the draw for free tickets to the Gympie Muster 2023. A series of free educational workshops will be held in a marquee in Centennial Park, Cooma, and at the Snowy Hydro Discovery Centre. These will be marketed in particular to young people, especially students. The street component of the Finals, which will involve road closure to facilitate the event vibrancy, is followed by the Grand Final judging declarations at 3pm on stage in Centennial Park, Cooma.

To celebrate this wonderful festival of music this year it will feature special guest judges Ian 'Dicko' Dickson, Oz Bayldon and rapidly rising country star Taylor Moss who will also performing a free show in the evening. The festival will commence at 10am to 4pm with finalists performing around the town and winners will be announced on stage in Cooma Centennial Park at 3pm. The talent on show in this year's festival are from around Australia ensuring the festival will be the best yet with thousands of spectators expected.

This event will be open to the public and provide an opportunity for sponsors, organisers, fellow buskers and their supporters/ families to celebrate the performers.

Have you considered ways to ensure the event is inclusive and accessible to the community?
Please describe.

Online resource for accessible and inclusive events: <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/Events/9bf6c6ac1e/Toolkit-for-Accessible-and-Inclusive-Events-2018.pdf>

Yes the event is very inclusive. It is free for those watching, held in accessible venues (the streets of Cooma and Centennial Park), is alcohol free and has attracted performers from diverse backgrounds.

Event description

The ANBC celebrates the rich diversity of Australian Music & Street Performance Culture and is held in various locations around the country, culminating in the national grand final in Cooma in November with buskers performing outside 20 businesses during the day with performances and announcements of the winners in Centennial Park in the afternoon.. The winner will receive the title of Australian National Busking Champion along with substantial prize monies and a chance to perform at Gympie Muster.

Event significance to the community

The community of Cooma is a small yet vibrant regional country town in the Snowy Mountains. Cooma relies heavily on seasonal tourism and the Australian National Busking Championships has become an important tourism drawcard for our region because of the increase in visitor numbers. This event not only generates economic activity for the town but also an important cultural experience for locals and visitors alike. The inclusive nature of this event generates a wide range of musical genres and street performances carried out by artists of all ages, abilities, and cultural backgrounds.

Part C – Event Sponsorship



Level of funding:

☐ Community/Local event ☒ Regional Economic Significant event

Sponsorship amount requested \$5000

Total cost of the event (please include a copy of the event budget) \$40K

Why are you seeking funding from Council for the event?

Funds are being sought for the following:

1 Newspaper coverage and advertising for the event: \$1200 (see Nationals component of attached quote from Monaro Post. The Monaro Post newspaper distributes approximately 2,500 copies throughout the Snowy Mountains and Monaro regions, in a weekly tabloid format. The Monaro Post has a mostly local target market with an average age of 24-70 years, and estimated readership of approximately 6,000 weekly exposures.

2 Cost of MC for the event and associated performance: \$1800:

3 Audio equipment hire for the event: \$2,000.

Is the event financially sustainable without Council sponsorship?

Yes but will be very much enhanced with it.

Please list any other particular circumstances of the event to take into consideration

Funding amount required to cover Council's normal Fees and Charges for the event.

Include quoted costs of facility hire, waste, event services etc.

Facility Hire: \$49 Banner for community event

Waste & Recycling Services Application: \$210 (same as 2022) for 2 bins and 2 bins recycling

Human Resources (staff time): Pre and post road closure activities required have been indicated as a staff cost to Council of up to \$2,922.

Parks & Gardens: \$64 electricity

Application fees _____

Other: Section 68 costs \$100.

How does your event align with Council's relevant tourism and events and/or economic development strategies?

The Snowy Monaro REDS 2023 indicates the importance of enabling a diversity of tourism products and experiences. The ANBC is a well known event that adds to the human capital of the region in important ways. The National finals promotes Cooma as the ongoing home to a community building events that brings people to visit Cooma for the weekend and provides children and adults from the region with a sense of community, celebration and learning.



Will the event attract visitors from outside the Snowy Monaro LGA and generate potential for overnight stay? If yes, detail how.

Yes the National Finals bring together qualifiers from 8 regional events across Australia. Many of the 30 finalists, judges and ANBC supporters come from other regions in Australia and typically attend with friends and family staying in Cooma and surrounds for 2 nights. The main event attracts around 1000 spectators from across the region and beyond with some staying in local accommodation. The 20 local businesses directly participating report enhanced vibrancy and business in town as a result.

| | |
|--|---|
| Estimated number of attendees (participants, volunteers, spectators etc) | Estimated daily spend (including entry fees, food purchases, accommodation etc) |
| 1000 | \$70 |

Marketing strategies for the event (include a marketing schedule if available)

Please detail marketing to be undertaken and list event website and social media URLs.

ANBC has secured funding for radio advertising, and this application seeks funds to cover newspaper advertising in the Monaro Post.

A draft press release and poster have been produced (attached).

Various social media strategies and local organizational promotions eg to schools, are being also employed to make sure the event is well advertised.

How will Council support be acknowledged?

Council will be acknowledged on all ANBC materials, via a banner in the Park, and live on the day as an official 'Supporter' of the ANBC. Do you acknowledge the use of Council's logo and agree for all logo use to be approved by Council's communications team prior to the event via communications@snowymonaro.nsw.gov.au

X Yes ☐ No

Supporting documents attached:

X Event budget

☐ Marketing Plan (if available)

☐ Event Plan

☐ Owners Consent

☐ Other _____

Successful applicants are required to obtain all relevant event regulatory approvals.

X Agree ☐ Disagree

If successful, how would you like to receive your funding support?

X 50% before event, 50% on acquittal after event, OR ☐ 100% on acquittal after event

Part D - Declaration



I/we the undersigned hereby apply for event support in Snowy Monaro Regional Council sponsorship process and agreed to the conditions:

- X Confirm that the information contained in the application form and within the documents are true and correct;
- X Declare that should this application be successful the funding will be expended as outlined in the above documentation;
- X Acknowledge the event organiser requirements to obtain all regulatory event approvals
- X Acknowledge the Sponsorship acquittal requirements within 30 days of the event date, including presentation of a post event evaluation, attendance statics and local economic contribution.
- X Understand surplus funds may be required to be returned to Council, and;
- X I am aware this application will be reproduced in the Council Business Paper, and authorise for the publication of information required.

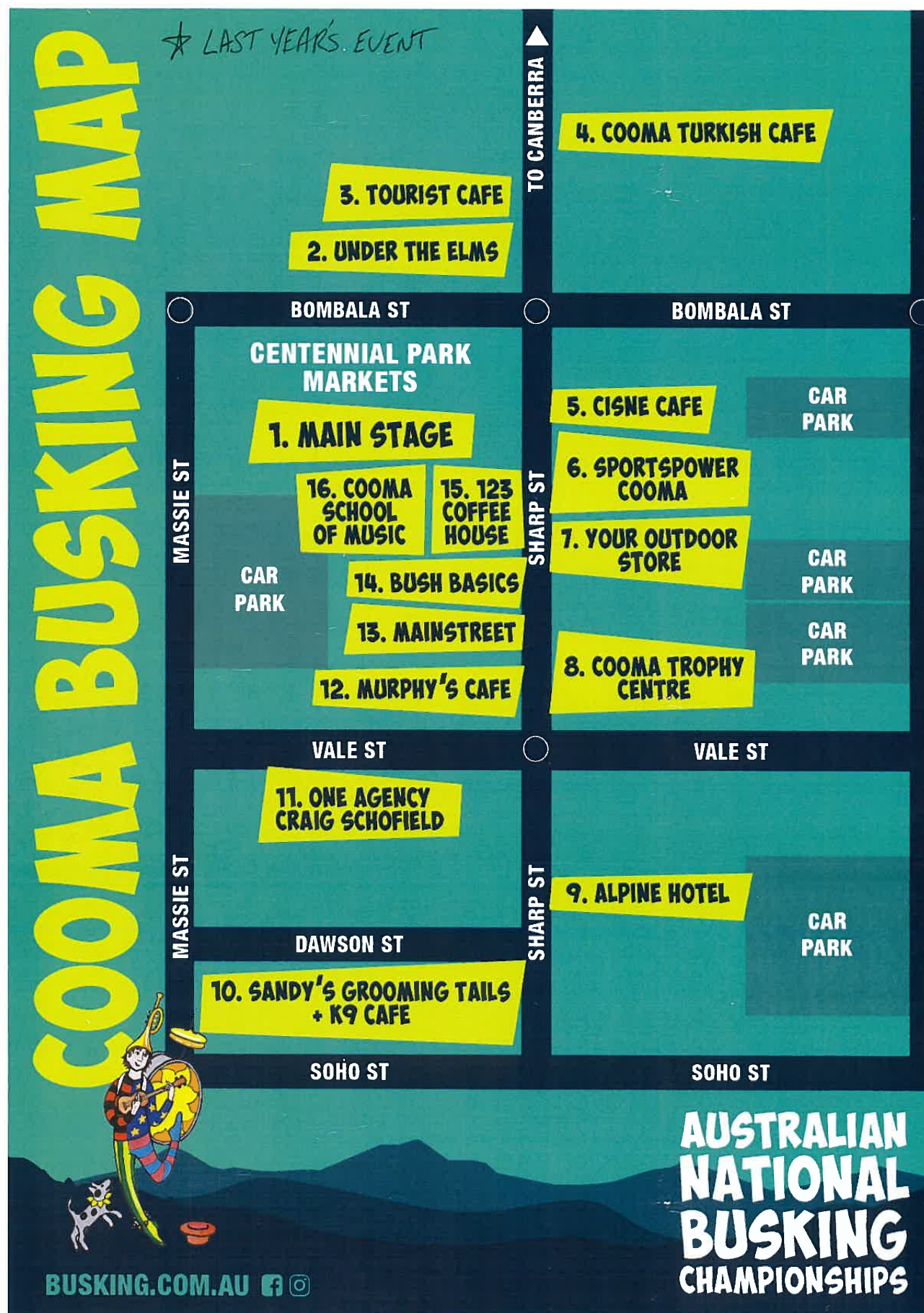
For further information or assistance on completing this form please contact Council.

Mail: PO Box 714 COOMA NSW 2630

Phone: 1300 345 345

Email: council@snowymonaro.nsw.gov.au

Web: snowymonaro.nsw.gov.au



MEDIA RELEASE -

Release Date: 25 September 2023

Australian National Busking Championships Grand Final & special guests

The ANBC in its 12th year is excited to announce the national final will be held in Cooma on Saturday 25 November 2023. The festival is expecting 30 finalists to perform combined with an array of activities for to all to enjoy throughout the day. To celebrate this wonderful festival of music this year it will feature special guest judges Ian 'Dicko' Dickson, Oz Bayldon and rapidly rising country star Taylor Moss who will also performing a free show in the evening.

The ANBC celebrates the rich diversity of Australian Music & Street Performance Culture and is held in various locations around the country, culminating in the national grand final in Cooma. The winner will receive the title of Australian National Busking Champion along with substantial prize monies and a chance to perform at Gympie Muster.

The festival will commence at 10am to 4pm with finalists performing around the town and winners will be announced on stage in Cooma Centennial Park at 3pm. The talent on show in this year's festival are from around Australia ensuring the festival will be the best yet with thousands of spectators expected.

Founder Allan Spencer said *"We are proud to hold the final in Cooma and I'm appreciative of how the town and businesses have come together to support this growing festival. We are fortunate this year to host legendary Ian 'Dicko' Dickson, Oz Bayldon (Operations Manager of Gympie Muster) and rising star Taylor Moss. The three share a connection with Dicko managing Taylor (for the past 4 years) and Oz providing a platform for Taylor recently taking to the iconic Gympie Muster stage for the 2nd year with a knockout performance!*

The Gympie Muster played a major part in launching the career of 'Tones and I' after she was discovered in 2018 ANBC Noosa busking championships with Oz as judge playing a key support role. Dicko and Oz are a genuine supporter of discovering and supporting emerging artists and are looking forward to their roles at ANBC.

Dicko shared *"I'm so looking forward to stepping back into the judge's seat for the Busking championship finals. Street performers are a crucial element of Australia's Musical eco system and busking is a fantastic method of honing the performance chops of any wannabe recording star. Any organisation that values music and the arts is providing a hugely valuable service for Australia. I'm really looking forward to seeing the quality and diversity of the talent".*

Markets, street entertainers, free workshops and a Snow FM outdoor broadcast will add to the festive spirit with spectators having the opportunity to buy tokens and show their support for buskers; and go into a draw for 2 X 4 day passes to fantastic Gympie Muster 2023. The tokens will contribute towards the people's choice awards and proceeds will be donated to Cooma Community chest. A free show will be held at the Alpine Hotel commencing at 6pm with performances by the winning buskers and headlined by Country pop singer sensation Taylor Moss to celebrate.

ANBC has added some exciting new features to the program including closing Sharp Street (between Vale and Bombala St.) to add to the festival atmosphere and create space for artists and audiences alike, to soak up the music and move around freely. A free shuttle will be running between the town centre and Snowy Hydro discovery centre with buskers performing at this location and six entertaining interactive educational workshops. Plus, the festival will kick off with a Latin Fiesta welcome party at the Alpine Hotel complete with Latin band, percussion and Samba dancers starting at 6pm

Taylor Moss has hit over 10 livestreams and she's now one of the most streamed Artists in Australian Country Music and has just notched up her second number 1 single. [Click here](#) for more info and images.

Ian "Dicko" Dickson or simply "Dicko" is an [English Australian](#) television and radio presenter, television producer, music journalist and former record company executive and talent scout. He has been a talent judge on [Australian Idol](#), [The Next Great American Band](#), the 2012 reboot of [Young Talent Time](#) and [Australia's Got Talent](#) for more info [click here](#)

ANBC looks forward to welcoming everyone to this exciting festival with an aim to encourage, promote and develop pathways for emerging artists of all ages.

For more information or interviews contact:

Allan Spencer
 Founder and Organiser ANBC
 Email: allan@coomamusic.com.au
 Mob: 0407 384 590

SUPPORTERS



CHARITY PARTNER



9.5.1 RESOLUTION ACTION SHEET UPDATES

Record No: I23/630

OFFICER'S RECOMMENDATION

That Council note the resolution action updates.

This is an information only report.

BACKGROUND

In order to provide Councillors with updates on resolutions of Council, a report has been generated with a summary of actions that are current and actions that have recently been completed.

RESPONSIBLE OFFICER: Chief Strategy Officer

ATTACHMENTS

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

9.5.2 PROPOSAL FOR A SOCIAL ENTERPRISE NURSERY

Record No: 123/679

OFFICER'S RECOMMENDATION

That Council support the development of a social enterprise nursery as ancillary to the Adaminaby sewage treatment plant, subject to there being no nett cost to Council and obtaining the relevant approvals, by:

- A. Providing owner's consent for SHL to lodge a development application for the land;
- B. Entering into a long-term lease for the balance of lot 1 DP539221 at an annual rent that covers Council's costs including depreciation;
- C. Providing treated effluent to the nursery for irrigation purposes, rather than simply discharging the treated effluent to the creek.

ISSUES

Snowy Hydro Limited (SHL) has an obligation to rehabilitate the construction sites associated with Snowy 2. This obligation extends for decades and requires approximately 60,000 plants per year.

SHL has proposed that social enterprise nursery be established at Adaminaby to provide these plants. The proposal is attached.

The available land at the Adaminaby STP is preferred and has the added benefit of being able to access treated effluent. Using treated effluent for irrigation as an added treatment is a common practice and is well supported by the wastewater regulator.

This in effect makes the proposed nursery ancillary to the STP.

The proposed nursery would require development consent under the Snowy River Local Environmental Plan 2013 Zone SP2 Infrastructure and that development consent could be issued for the use of the treated effluent which would be used for the watering of trees for Snowy Hydro or Council as ancillary to the existing sewerage treatment plant.

Some key points:

- SHL has chosen Adaminaby because of the Snowy 2 project's impact on the town;
- A social enterprise operation not only provides direct employment it also offers opportunity for the engagement with, and development of, those in our community that are currently facing difficulties entering the mainstream workforce.
- The social enterprise would enable the not-for-profit organization to further develop its services to the community.
- The constructed assets would become council assets and therefore would increase council's reported depreciation, impacting council's operating result.

To date discussions have been held with two NFPs interested in participating in the project. One of the NFPs is operating a social enterprise nursery ancillary to a council STP utilizing the treated effluent for irrigation. Their final operational management structure is yet to be determined through further consultation.

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 |
| 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 risk assessment is based on consideration of the impact of the recommendation if implemented. While there is a possibility that the nursery operator may fail, the obligation to rehabilitate the construction sites will remain and hence the demand for plants will remain.

The assets to be constructed to enable the service are minimal and easily decommissioned if the nursery should cease to function.

FINANCIAL IMPACTS

At this early stage, it is not possible to determine costs. SHL will provide the capital funds to construct the facility. The infrastructure, though relatively minimal, would become Council assets.

SHL's initial proposal was that Council would provide the land at a peppercorn rental but this is not recommended given Council's financial position. It is recommended that Council establish a rental that covers its costs including depreciation.

All other costs, such as maintenance and repairs, would be the responsibility of the operator of the nursery.

RESPONSIBLE OFFICER: Chief Executive Officer.

OPTIONS CONSIDERED

Given the impact of the Snowy 2 project on Adaminaby, SHL's strong preference is for the enterprise to be located in Adaminaby.

Representatives of one potential operator and SHL inspected alternative sites in Adaminaby with Council staff. It was view of those present that the site adjacent to the STP was preferable because of:

- Availability of treated effluent;
 - Visibility from the highway;
 - Absence of nearby dwellings.
-

IMPLEMENTATION PLANS

Discussions would continue with SHL to further develop the plan and to identify an appropriate not-for-profit organisation(s) to operate the nursery while SHL develops and lodges a development application.

If the proposal does proceed, council will need to bring forward the filling of the now unused settling ponds and landscaping of the site but SHL representatives have indicated that SHL may be able to assist with clean fill.

This was always a requirement of the project, but the work was going to be undertaken as fill became available.

ATTACHMENTS

1. Proposal from Snowy Hydro Limited



27 September 2023

Peter Bascomb
Chief Executive Officer
Snowy Monaro Regional Council
81 Commissioner Street
Cooma NSW 2630

Via email: Peter.Bascomb@snowymonaro.nsw.gov.au

Dear Peter,

**Proposed establishment of a Social Enterprise Nursery Project
utilising recycled water from the Adaminaby Sewage Treatment Plant**

I am writing to propose an exciting and mutually beneficial community project that aligns with Snowy Hydro's commitment to the sustainable development of the Snowy Monaro region.

Project Overview

Snowy Hydro, being a longstanding and responsible corporate citizen in the region, is eager to contribute further to the well-being and economic prosperity of our community. In line with this vision, we propose the establishment of a Social Enterprise Nursery (the **Project**) at the vacant land adjacent to the Adaminaby Sewage Treatment Plant (**STP**) that is currently being built by the Snowy Monaro Regional Council (**SMRC**).

Project Goals

1. **Environmental Restoration:** The primary objective of the Project is to restore and enhance the local environment by utilising recycled water from the Adaminaby STP for nursery activities. The nursery will specialise in native plants, and one of its initial objectives will be to produce and supply native plants to Snowy Hydro to rehabilitate and restore areas impacted by the construction of Snowy 2.0.
2. **Social and Economic Benefits:** The Project will be managed by a not-for-profit organisation supported by Snowy Hydro and other stakeholders, with the long-term goal of providing employment and skill development opportunities to local residents. This will contribute to the socio-economic development of the Snowy Monaro region.

3. Community Legacy: The Project will serve as a lasting legacy derived from Snowy 2.0, reflecting our commitment to leave a positive and sustainable impact on the region.

Project Details

- Location: Vacant land adjacent to the Adaminaby STP owned by SMRC.
- Water Source: The Project will utilise recycled water from the Adaminaby STP which is ancillary to the STP operation, contributing to water conservation efforts and reducing the environmental impact of the STP.
- Native Plants for Rehabilitation: The Project will specialise in native plants. One of its initial objectives will be to produce and supply up to one million native plants to Snowy Hydro for the rehabilitation and restoration of areas impacted by the Snowy 2.0 construction activities, thereby ensuring the long-term ecological health of these areas.

Snowy Hydro Support

Snowy Hydro is willing to provide initial funding for the establishment of this Project including startup capital for the not-for-profit organisation to develop and manage the nursery. The intent is for the nursery to be self-governing and self-sustaining with the support of stakeholders including Snowy Hydro, SMRC and the National Parks and Wildlife Service.

SMRC Endorsement

Snowy Hydro seeks the SMRC's endorsement and partnership on this initiative. We would be keen to discuss this project further with the SMRC as required.

I thank you for your consideration in this matter and look forward to the opportunity of working together to bring this community-focused initiative, utilising recycled water and native plants, to life.

Yours sincerely

Dennis Barnes
Chief Executive Officer

10.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: I23/621

OFFICER'S RECOMMENDATION

That Council receive the minutes of the:

- i. Bredbo Hall Management Committee meeting held 7 June 2023
- ii. Cemetery Advisory Committee meeting held Monday, 7 August 2023
- iii. Bombala Exhibition Ground Management Committee meeting held 9 August 2023

BACKGROUND

The minutes of committees are attached for Council's information.

ATTACHMENTS

1. Minutes of the Bredbo Hall Management Committee meeting held 7 June 2023
 2. Minutes of Cemetery Advisory Committee meeting held Monday, 7 August 2023
 3. Minutes from the Bombala Exhibition Ground Management Committee meeting held 9 August 2023
-

Bredbo Hall Section 355
Management Committee



General Meeting

Held at the Bredbo Hall, Monaro Highway, Bredbo

On Wednesday, 7 June 2023

Commenced at 7.00 pm

Present:

| Position | Member (Name) | Present/Apology |
|--------------------|------------------|-----------------|
| Chair | Louise Bowerman | Present |
| Deputy Chairperson | Muriel Stockheim | Apologies |
| Secretary | Debra Menzies | Present |
| Treasurer | Michelle Henkel | Present |
| Bookings Officer | Louise Barron | Apologies |

1 Opening of the Meeting

The Chair, Louise Bowerman opened the meeting at 7.00 pm

2 Apologies

Louise Barron and Muriel Stockheim

3 Adoption of Previous Minutes

Minutes of the meeting held on 26 April 2023 are confirmed as a true and accurate record of proceedings.

Moved: Louise Bowerman

Seconded: Michelle Henkel

4 Reading Reports

4.1 Chairperson

Nil

4.2 Secretary

Nil

4.3 Treasurer

Hall Meeting 7 June 2023 Treasure report:

1. We have \$4544.49 in the bank.
2. Our operating expenses for May 2023 - \$189. Xero \$29 Maintenance & Repairs \$160 Halls heaters had all new elements replaced and installed. Invoice for work has been paid.
3. There are some outstanding invoices, I have sent reminders for them. We have another \$905 in accounts receivable from invoices that aren't due yet and overdue invoices.
4. We still haven't received hall yearly maintenance money of \$1000 per year, from the last and current financial year from council. We are currently owed \$2000 from the Council. I was speaking to Muriel Stockheim and she offered to follow up with Erin about the maintenance money, which I appreciated. Everyone would have seen the emails and Muriel's Stockheim message about it, the issue is still not resolved. At the start of the next financial year we will be due for another maintenance payment, so then it will be \$3000. Muriel Stockheim will continue to try and resolve this issue with council.
5. Bookings are going well. Will add halls heaters switch location on to the hall usage form.

5 Other Business

Emma Smith from council on the Black Summer Bushfire Recovery Program can attended, to give us an update on progress of the scope for the hall:

1. Replace doors at front entry.
2. Remove existing concrete.
3. New ramp to front entry 2.00x1200 landing and 2mx5m 1:20 ramp with 1200x2m landing at bottom.
4. Door to Cosgrove Street including hardware (Emma is checking with the certifier if doors need to be bigger on one side).
5. Double door to Cosgrove Street 2140x1200 Including hardware
6. Fix kitchen door
7. New ramp and tactiles

6 Business Arising from Previous Minutes

1. Council maintenance monies still owing – now 2 years - \$2000. – [Ongoing and Muriel Stockheim will try to continue to try and resolve](#)
2. Stronger Communities Program Round 8 Grants - ABN has been applied for and now waiting to see if we are successful in this grant. Unsuccessful – Debra Menzies to follow up with an email to find out specific feedback to assist with next grants. [Nothing heard, closed.](#)

7 Items for Council action

The s355 Committee has rated the items requiring action and is referring the items for Council attention as below. The S355 recommend that Council staff place the urgent items onto the next Council agenda or their attention:

7.1 High Priorities:

7.1.1 Downpipes need connection to a water tank or a better place to drain

28 Sep 22 Now for the Bushfire Recovery Program to be completed

22 Feb 23 - Ongoing

7.1.2 Kitchen Waste

Opened as a separate item as per 7.1.1

11 May 22 Waiting on email from on suggestion to fix issue

22 Feb 23 - Ongoing

7.1.3 Back door to supper room on Cosgrove Street needs to be looked at.

28 Sep 22 Now for the Bushfire Recovery Program to be completed

22 Feb 23 - Ongoing

7.1.4 Internal Walls need repairing and gap filling between boards

28 Sep 22 Now for the Bushfire Recovery Program to be completed

22 Feb 23 - Ongoing

7.2 Low Priorities:

7.2.1 The Hall needs to be painted inside and out. The weatherboards paint is starting to chip off.

28 Sep 22 Ongoing – weather has taken its toll on the paint.

7.2.2 Concertina doors need replacing

On going

7.2.3 The heat lamps have been replaced.

26 Apr 23 – Electrician installed new lamps awaiting invoice.

07 Jun 23 - Invoice Pay and closed issue

8 New Business

Boco Rock Grants are open and is due to close 10 Jul 2023. Louise Bowerman is placing in a bid for the following:

1. Entertainment pack, consisting of a projector and speakers
2. A Reverse cycle air-conditioner

Steve Whan said that he would give \$20,000 to the hall to fix drainage and greywater, as part of his election promise. [Debra Menzies to follow this up.](#)

9 Date of next Meeting

The next meeting will be held at 7:00pm on 31 Aug 23 at Bredbo Hall.

10 Close of Meeting

There being no further business the meeting concluded at 8:45 pm

CHAIRPERSON

31/8/2023
DATE

(The minutes are to be signed and dated here by the Chairperson at the next meeting, certifying the above as a correct record.)



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Cemetery Advisory Committee Meeting

7 August 2023

CEMETERY ADVISORY COMMITTEE MEETING

HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET COOMA

ON MONDAY 7 AUGUST 2023

MINUTES

Notes:

| | | |
|-----|---|---|
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| 2. | APOLOGIES..... | 2 |
| 3. | DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST..... | 2 |
| 4. | ADOPTION OF MINUTES OF PREVIOUS MEETING | 2 |
| 4.1 | Cemetery Advisory Committee Meeting 1 May 2023..... | 2 |
| 5. | BUSINESS ARISING..... | 2 |
| 5.1 | JINDABYNE CEMETERY | 2 |
| 6. | ACTION SHEET | 3 |
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| 8. | GENERAL BUSINESS | 3 |
| 0.0 | Staff and Project update | 3 |
| | REPORTS FROM MEMBERS | 4 |
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MINUTES OF THE CEMETERY ADVISORY COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON MONDAY 7 AUGUST 2023 Page 2

**MINUTES OF THE CEMETERY ADVISORY COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET COOMA**

**ON MONDAY, 7 AUGUST 2023
COMMENCING AT 10.00 AM**

PRESENT: Councillor Louise Frolich – via zoom – left 10.50 am
Michele Rogers
Christine Parkes
Vickie Pollard
Debbie Schubert
Sue Haslingden – via zoom
Greta Jones – via zoom
Noelene Whiting

1. OPENING OF THE MEETING

The Chair opened the meeting at 10.03 AM

2. APOLOGIES

An apology for the meeting was received from Cllr Hanna, John Gargett, Peter Smith

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 CEMETERY ADVISORY COMMITTEE MEETING 1 MAY 2023

COMMITTEE RECOMMENDATION

THAT the minutes of the Cemetery Advisory Committee Meeting held on 01 May 2023 are confirmed as a true and accurate record of proceedings.

Moved Ms Parkes

Seconded Ms Rogers

5. BUSINESS ARISING

5.1 JINDABYNE CEMETERY

At the May meeting the recommendation was to request that works on the Barry Way extended to the Jindabyne Cemetery. Following discussions with Zach Crombie-Brown it was found that the work had already been undertaken and they were up at the Station Resort not down near the Leesville Estate.

MINUTES OF THE CEMETERY ADVISORY COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON MONDAY 7 AUGUST 2023

Page 3

Further follow-up will be undertaken with Matthew Gibbs and Zach Crombie-Brown to see if we can have regular maintenance at this section of the Barry Way.

5.2 ASTON CEMETERY

Councils bridge crew undertook maintenance work at the Aston Cemetery and removed overgrown wattle bushes.

Inmates from the Cooma Corrections to be requested to add this cemetery for periodic mowing.

A letter to be forwarded to Mr K Brownlie to acknowledge his continued works at this cemetery.

6. ACTION SHEET

| ACTION | STATUS | OPENED | RESPONSIBLE OFFICER | UPDATE |
|-----------------|--------|--------|---------------------|---|
| Jindabyne Gates | Open | 2020 | Greta | Some works appear to have been undertaken |
| Moonbah | Open | 2021 | Noelene Whiting | Completed |
| Round Plain MOU | Open | 2020 | Michele Rogers | Forwarded for approval |

7. CORRESPONDENCE

7.1 EPA Warning Letter – Gegedzerick Cemetery

- Letter tabled for Committee to read
- Due diligence is being undertaken prior to development of site for future graves.

8. GENERAL BUSINESS

0.0 STAFF AND PROJECT UPDATE

Staffing Matters:

Following the resignation of Ria Hrasky earlier this year Council has been without the services of an Environmental Management Administration Officer.

Fortunately the team was given great assistance from Grace Wearn. However, Grace has now moved to a permanent position with the Executive Assistant team.

In the last few months Belinda Cuzner has also moved to a new position as the Environmental Officer - OSSM. Belinda will assist in the Bombala area where possible but is often on the road. Interviews for the vacant Environmental Management Administration Officer were conducted on 28 July 2023 and we are hopeful of finding a suitable candidate.

Until a person is on-boarded Noelene will be covering the duties of the region.

Issues:

Damage at Bombala

Over the weekend of 22 – 23 July the gates of the Bombala Cemetery were damaged when a person(s) drove a vehicle through the closed gates. Three gates were damaged, thankfully the cemetery and its monuments was unharmed. The gates have been taken to a local business for them to be straightened.

Aston Cemetery

Council's bridge crew have undertaken works to clean up Aston Cemetery. Problem shrubs have been removed and the site improved.

MINUTES OF THE CEMETERY ADVISORY COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON MONDAY 7 AUGUST 2023 Page 4

REPORTS FROM MEMBERS

Greta – would like the plaque removed from front gate at Jindabyne Cemetery and returned to the RSL

- How it came to be to be looked into.

Vicky – Mr Pure has relinquished plot but has damaged wall.

- Should further damage occur Council will need to undertake formal contact.

Michele – to inspect grave where kangaroo was found deceased.

Christine – has approached Adaminaby School about undertaking beautification of Adaminaby Cemetery. Transport an issue.

Debbie – suggestion of funding through community funds from Future Generation.

- Gungharlin Crematorium undertake tours of the crematorium

Sue – Aston Cemetery is looking very good.

Noelene

- Rabbit program is continuing in cemeteries as time and season allows
- Dead kangaroo found in Jindabyne Cemetery
- Notification from Mapping Programmers that a new function is available to contact people at special time to forward flowers to graves.
- Collating information for business case for Council to create new position for dedicated cemetery maintenance staff member – dig and maintain.

8.2 CEMETERY MAINTENANCE

COMMITTEE RECOMMENDATION

That Council undertake cost comparison to determine viability of creating a new position within Cemetery Services to have a dedicated staff member available to maintain cemeteries and dig graves throughout the region.

Moved Ms Schubert

Seconded Ms Pollard

9. MATTERS OF URGENCY

NIL

10. NEXT MEETING

Monday November 6 2023 - Cooma

There being no further business the Chair declared the meeting closed at 11.40

on behalf of the chair

CHAIRPERSON

The above minutes of the Cemetery Advisory Committee Meeting of Snowy Monaro Regional Council held on 7 August 2023 were confirmed by Committee at a duly convened meeting on 28 February 2025 at which meeting the signature hereon was subscribed.

Minutes Bombala Exhibition Ground Section 355 Management Committee Meeting**Address:** CWA Room, Wellington Street, Bombala NSW 2632**Date** 9th August, 2023**Time:** 8.15pm**Present:**

| Position | User Group | Member (Name) | Present/Apology |
|--------------------|---|----------------------|------------------------|
| Chairman President | Community | Neil Hennessy | Present |
| Secretary | Bombala District Netball Club / Community | Anne Caldwell | Present |
| Treasurer | Bombala Exhibition Society | Graham Hillyer | Present |
| Vice President | Bombala Exhibition Society | Richard Peadon | Absent |
| | Bombala Exhibition Society / Lions Club | Clare Trevanion | Present |
| | Bombala Senior Rugby League Club | Hugh Platts | Present |
| | Bombala Exhibition Society | Bronwyn Podger | Present |
| | Bombala & District Cricket Club | George Power | Absent |
| | Bombala District Netball Club | Calli Kidman | Absent |
| | Bombala Exhibition Society | Anita Walder | Absent |
| | Bombala Exhibition Society | Sophie Campbell | Present |
| | Bombala Exhibition Society | Nadean White | Absent |
| | Public Officer of the Bombala Exhibition Society Inc. | Peter Gough | Absent |

1 Opening of the Meeting

The Chair, Neil Hennessy opened the meeting at 8.15pm.

2 Apologies

Anne Caldwell received apologies for the meeting from Peter Gough, George Power and Richard Peadon and Sophie Campbell received Anita Walder's apology.

Adoption of Previous MinutesMinutes from the meeting held on 12th July, 2023 are confirmed as a true and accurate record of proceedings.**Moved:** Clare Trevanion**Seconded:** Graham Hillyer**Carried****3. Business Arising from Previous Minutes**

1. Discussion on the placement of the stock yards. Neil will speak with the president's of the football clubs.
2. Clare Trevanion is still researching marquees. Some very expensive, some require seven people to erect, some fold up.
3. Neil still looking into keys options.
4. Boco Rock Grant is in.
5. Cottage nearly ready for handover to council. Still requires bathroom to be completed, painting and an air conditioner.

4. Correspondence

In:

1. email from Erin Donnelly requesting user group representative names.
2. email apologies from Peter Gough, George Power and Richard Peadon.

Moved: Bronwyn Podger that the correspondence be accepted as read. **Seconded:** Clare Trevanion **Carried****5. Business Arising from Correspondence**

1. Nil.

6. Treasurer's Report (Management Committee Bombala Exhibition Ground) 01/07/23 – 31/07/23

| Income | | | Expenditure | | |
|------------------------|---|----------|---|------------------------------------|------------|
| 12/7/23 | Denise Stone (Hire CWA)) | \$46.10 | 4/7/ | T&J Murphy (Reflective Tape) | \$15.35 |
| 13/7/ | Bombala Youth Booth (Hire Kitchen) | \$149.95 | 19/7 | IGA Bombala (Rat Bait) | \$22.92 |
| 28/7 | Destination South (Hire Supper Room) | \$37.27 | 20/7 | Origin Energy (Electricity) | \$1,966.06 |
| 31/7 | Forest Corp (Hire Tables) | \$50.20 | 23/7 | Bombala Newsagency (Stationary) | \$48.45 |
| | | | + unpresented cheques previous month | | |
| | Total | \$283.52 | | Bombala High School | \$55.00 |
| | | | | Milestone Chemicals | \$171.60 |
| | | | Total | | \$2,279.38 |
| Balance at at 30/6/23 | | | \$63,760.09 | | |
| Income | | | \$283.52 | | |
| Expenditure | | | \$2,279.38 | | |
| Balance as at 31/07/23 | | | \$61,764.23 | | |
| | | | Term Deposit \$14,526.15 (Matures 10/6/24 4.20% interest) | | |

Moved: Graham Hillyer that the Treasurer's Report be accepted as a true and correct record.

Seconded: Hugh Platts

Carried

7. Business Arising Treasurer's Report

1. Nil

8. General Business

1. Cricket and Show Committees to look into placement of practise pitch.
 2. Looking to purchase additional tables and a trolley with funds from the Laura Kennedy Trust. Quote to show committee.
 3. Permanent marquee??? Very expensive. Restricts access for parking.
 4. Lions Club marquee has been damaged and getting too old.
 5. Still waiting on the development application on grandstand, waiting on fire report.
 6. Window sashes are being repaired.
 7. Motion detector lights, toilet lights, security lights.
- Clare Trevanion **moved** a motion that up to \$7000 be allocated for lighting while the electrician is on site.

Seconded Hugh Platts

Carried

9. Date of next Meeting

The next monthly committee meeting will be held at 7.00pm on Wednesday, 13th September, 2023 at the CWA Rooms.

10. Close of Meeting

There being no further business the meeting concluded at 9.10pm.

CHAIRPERSON__

DATE 13th September, 2023

10.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING ON 19 SEPTEMBER 2023

Record No: I23/670

COMMITTEE RECOMMENDATION

That Council note the minutes of the September Local Traffic Committee Meeting held on 19 September 2023.

EXECUTIVE SUMMARY

The Local Traffic Committee met on 19 September 2023 in Berridale and online. The Committee's minutes are presented for Council's consideration.

RESPONSIBLE OFFICER: Manager Infrastructure.

RECOMMENDATION OF THE ORDINARY COUNCIL – 19 OCTOBER 2023

ATTACHMENTS

1. Local Traffic Committee Meeting Minutes
 2. National Busking Championships Traffic Control Plan
 3. 2024 Proposed Local Traffic Committee Meeting Dates
 4. Willo's Walk
-



Minutes

Local Traffic Committee Meeting

19 September 2023

LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628
ON TUESDAY 19 SEPTEMBER 2023

MINUTES

Notes:

| | | |
|-----|---|------------------------------|
| 1. | OPENING OF THE MEETING..... | 2 |
| 2. | APOLOGIES..... | 2 |
| 3. | DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST..... | 2 |
| 3.1 | <FIRSTNAME Surname> | Error! Bookmark not defined. |
| 4. | ADOPTION OF MINUTES OF PREVIOUS MEETING | 2 |
| 4.1 | Local Traffic Committee Meeting 14 August 2023..... | 2 |
| 5. | BUSINESS ARISING..... | 2 |
| 6. | ACTION SHEET | 3 |
| 6.1 | Proposed 2024 Local Traffic Committee Meeting Dates | 3 |
| 6.2 | ULTRA-TRAIL KOSCIUSZKO by UTMB (UTK) 2023..... | 3 |
| 7. | CORRESPONDENCE..... | 4 |
| 7.1 | National Busking Championships - Sharp Street, Cooma - 25 November 2023 . | 4 |
| 8. | GENERAL BUSINESS | 4 |
| 8.1 | Willo's Walk - Kozi to Cronulla | 4 |
| 8.2 | Jindabyne Spring Gravity Enduro Event - 21 October & 11 November 2023 | 4 |
| 9. | MATTERS OF URGENCY..... | 5 |
| 10. | NEXT MEETING | 5 |

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 19 SEPTEMBER 2023

Page 2

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628**

**ON TUESDAY, 19 SEPTEMBER 2023
COMMENCING AT 9.30AM**

PRESENT: Zachary Crombie-Brown, SMRC Manager Infrastructure
Gary Shakespeare, Acting SMRC Road Safety Officer (Chair)
Chris Hanna, SMRC Councillor
Adam Kite, NSW Police
Sharon Horner, Transport for NSW
Ankit Bhangale – Transport for NSW
Paula Bosch – SMRC Infrastructure Administration Officer (Secretariat)

1. OPENING OF THE MEETING

The Chair opened the meeting at 9.40AM

2. APOLOGIES

An apology for the meeting was received from Stephen Banner, NSW Police.

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 LOCAL TRAFFIC COMMITTEE MEETING 14 AUGUST 2023

RECOMMENDATION

THAT the minutes of the Local Traffic Committee Meeting held on 14 August 2023 are confirmed as a true and accurate record of proceedings.

Moved Sharon Horner, seconded Zachary Crombie-Brown

5. BUSINESS ARISING

2024 LTC meeting dates have been set.

6. ACTION SHEET

6.1 PROPOSED 2024 LOCAL TRAFFIC COMMITTEE MEETING DATES

Record No: I23/606

OFFICER'S RECOMMENDATION

That Local Traffic Committee consider the Proposed 2024 Local Traffic Committee Meeting Dates.

This is an information only report.

6.2 ULTRA-TRAIL KOSCIUSZKO BY UTMB (UTK) 2023

Record No: I23/627

OFFICER'S RECOMMENDATION

That Local Traffic Committee consider the event application from Ultra-Trail Kosciuszko, however a recommendation can not be provided until an RoL has been submitted.

LTC members did comment on the following within the Ultra-Trail Kosciuszko application

1. UTK23- Traffic Guidance Scheme, plan number UTK-4 Kosciuszko Road / Guthega Road intersection. Traffic Committee members commented on the proposed multi-message screens suggested for VMS boards. Committee members suggest traffic will not have sufficient time to read all the messages before passing the VMS board.
2. Committee members questioned the necessity for suggested display "Guthega Road Friday 8 to Saturday 9 December". However committee members did concede that a message reading "Guthega Road Friday 8 and Saturday 9 December" being displayed prior to the event and "Guthega Road – Caution – Event in Progress" during the event would be acceptable.
3. Committee members also questioned the proximity of the VMS boards to the intersection with Guthega Road and suggested these could be extended from the intersection subject to site constraints.
4. UTK-8 VMS board Kosciuszko road
 - Message 1: The message "slower speeds advised" should be removed as slower speeds are mandated.
 - Message 2: Question the need for "Proceed with Caution".

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 19 SEPTEMBER 2023

Page 4

5. Parking overview document - Charlotte Pass – parking should be restricted to Northern side of the road opposite from the direction of travel for participants. Parking on both sides of the road is not recommended and presents an unnecessary risk to competitors.

7. CORRESPONDENCE

7.1 NATIONAL BUSKING CHAMPIONSHIPS - SHARP STREET, COOMA - 25 NOVEMBER 2023

Record No: I23/640

OFFICER'S RECOMMENDATION

That Local Traffic Committee support the event application for National Busking Championships on 25 November 2023 and road closure of Sharp Street, Cooma between Bombala/Sharp Street roundabout and Vale/Sharp Street roundabout from 10am to 2pm.

1. Traffic committee members noted the RoL timings were 8.00am to 4.00pm but the event timings were 10.00am to 2.00pm. Committee members understand the additional times are for site establishment and site disestablishment.

8. GENERAL BUSINESS

8.1 WILLO'S WALK - KOZI TO CRONULLA

Record No: I23/625

OFFICER'S RECOMMENDATION

That Local Traffic Committee note Willo's Walk - Kozi to Cronulla.

This is an information only report.

8.2 JINDABYNE SPRING GRAVITY ENDURO EVENT - 21 OCTOBER & 11 NOVEMBER 2023

Record No: I23/641

OFFICER'S RECOMMENDATION

That Local Traffic Committee note the Jindabyne Spring Gravity Enduro Event - 21 October & 11 November 2023.

This is an information only report.

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON TUESDAY 19 SEPTEMBER 2023

Page 5

9. MATTERS OF URGENCY

Nil

10. NEXT MEETING

Tuesday, 24 October 2023

There being no further business the Chair declared the meeting closed at 10.38AM

CHAIRPERSON

The above minutes of the Local Traffic Committee Meeting of Snowy Monaro Regional Council held on 19 September 2023 were confirmed by Committee at a duly convened meeting on 24 October 2023 at which meeting the signature hereon was subscribed.

NSW
SafeWork NSW

WORK HEALTH & SAFETY
TRAFFIC CONTROL WORKER

Shane
EGAN

Card No:
TCT0067149

D.O.B.:
05/07/1972

Date of issue:
16/05/2016

Type of traffic control work:
TCR IMP PWZ

NEW SOUTH WALES

Proposed 2024 LTC Planning & Meeting Schedule:

| Submissions to the LTC close - <u>Fridays</u> | LTC Meetings - <u>Tuesdays</u> | Minutes to Council Meeting |
|--|-----------------------------------|-------------------------------|
| 12 January | 23 January | 15 February |
| 09 February | 20 February | 14 march |
| 08 March | 19 March | 18 April |
| 12 April | 23 April | 16 May |
| 10 May | 21 May | 13 June |
| 07 June | 18 June | 18 July |
| 12 July | 23 July | 15 August |
| 09 August | 20 August | 19 September |
| 06 September | 17 September | 17 October |
| 11 October | 22 October | 14 November |
| 08 November | 19 November | 19 December |

2024 Public Holidays:



10 - 17 November

Wandering with Willo Kozi to Cronulla

#Liveoutsideyourcomfortzone
#type2fun

WILLO'S WHY?

There are many great initiatives and programs addressing mental health concerns for adults. I want to complete this walk and use it to raise awareness and funds for youth mental health initiatives. My dream is to help teach our kids how to identify their own mental health decline, understand their feelings and equip them with the tools to address and manage these issues early. Most importantly, how to live life with a healthy focus on body and mind wellness.

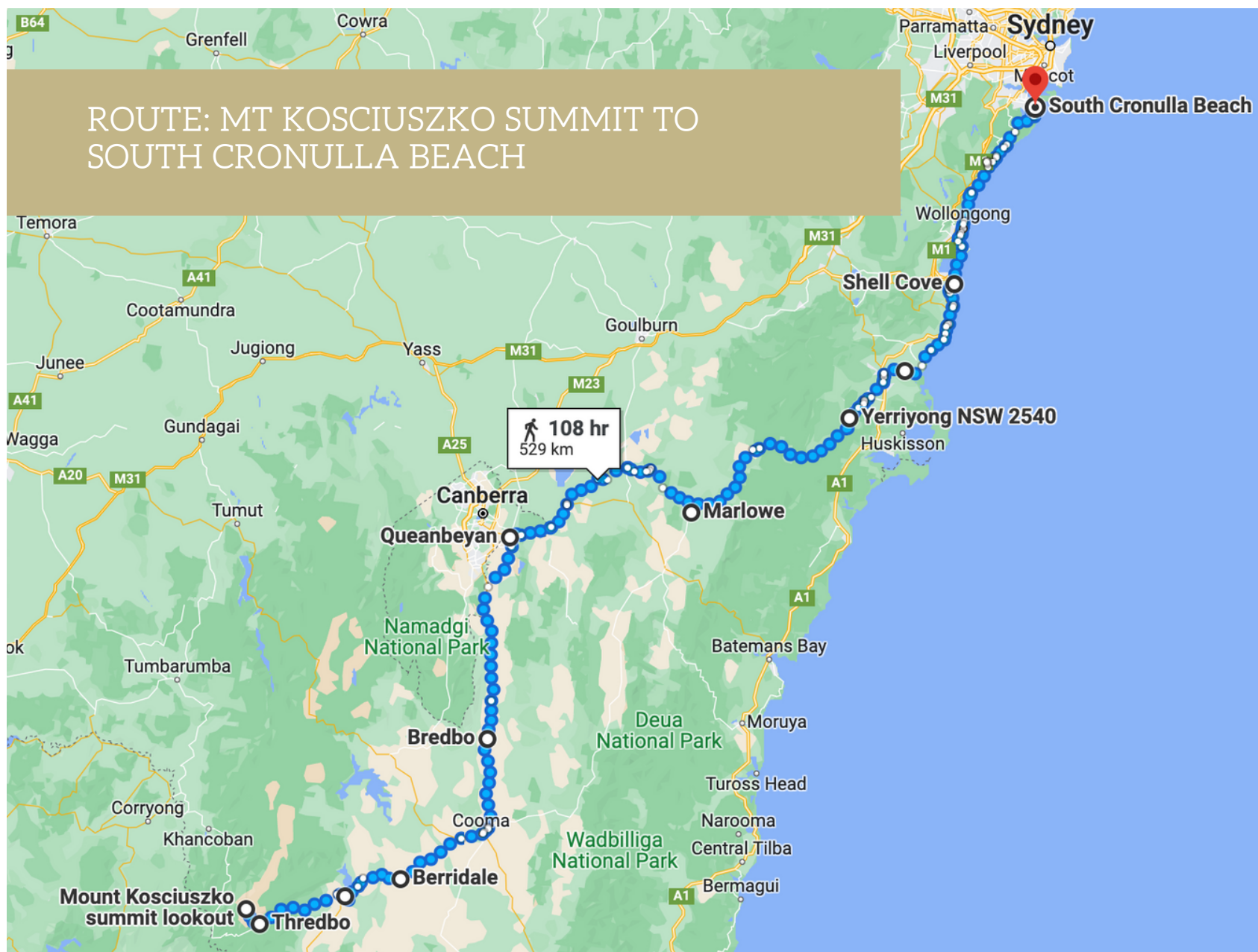
I am an average person. As I faced my own mental health issues and looked to improve my physical health which would in turn, would support my mental wellbeing. I pushed myself outside my comfort zone. I looked to adventure challenges in nature and found myself more positive, grounded and balanced. I began to rebuild my self-confidence and worth.

MY MESSAGE

IF YOU GET OUTSIDE YOUR COMFORT ZONE, YOU CAN ACHIEVE
SOME COOL SHIT!

START WITH ONE SMALL THING OUTSIDE OF YOUR COMFORT
ZONE AND IF IT MAKES YOU FEEL GOOD - KEEP DOING IT!

- WAKE UP WITH THE SUN.
 - GO FOR A SWIM IN WINTER.
 - GET OUT IN NATURE - GO FOR A HIKE.
-



ROUTE: PLOT DETAILS AND DISTANCES

Day 1 - Nov 10: Mt Kosciuszko to Berridale

Day 2 - Nov 11: Berridale to Bredbo

Day 3 - Nov 12: Bredbo to Queanbeyan

Day 4 - Nov 13: Queanbeyan to Marlowe

Day 5 - Nov 14: Marlowe to Yerriyong

Day 6 - Nov 15: Yerriyong to Shell Cove

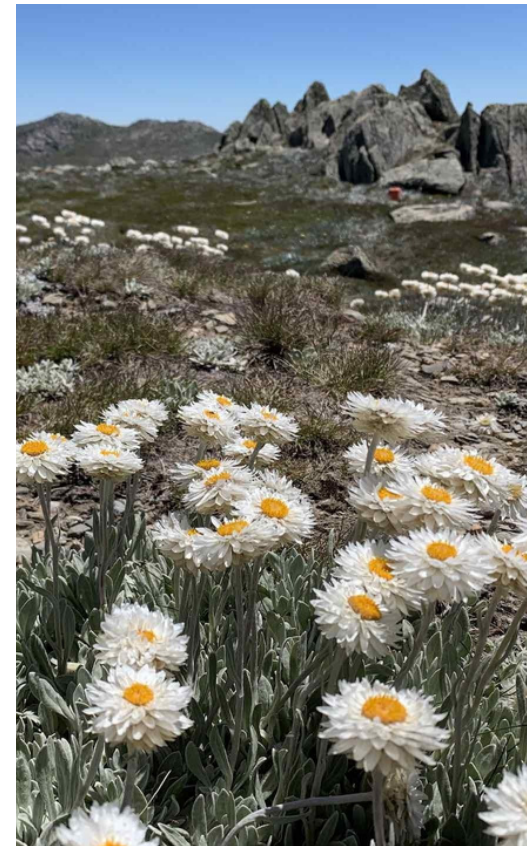
Day 7 - Nov 16: Shell Cove to Otford

Day 8 - Nov 17: Otford to Cronulla



DISTANCES + HOURS + TIMING PER DAY

Day 1 - Nov 10: 73km - 14.5 hrs
Day 2 - Nov 11: 67.3km - 13.5 hrs
Day 3 - Nov 12: 72km - 14.5 hrs
Day 4 - Nov 13: 84km - 17 hrs
Day 5 - Nov 14: 80km - 16 hrs
Day 6 - Nov 15: 76.4 km - 15.5 hrs
Day 7 - Nov 16: 54km - 11 hrs
Day 8 - Nov 17: 30km - 6 hrs



CHARITY PARTNER



The Chumpy Pullin Foundation was the obvious choice for this event which looks to connect the Mountains to the Ocean.

The initiative will focus on 4 key pillars which mirror those of the Chumpy Pullin Foundation:

- Youth development
- Mental health
- Education
- Equality

I grew up in Western Sydney. I hope to make an impact on the lives of the kids growing up in the area today, as well as those around the country.

Together we can afford them the same opportunities and access to programs and initiatives developed and accessible to all families.

CONNECTING WITH COMMUNITY

- Invite people to walk a section of the route with me. Request that in return they can create an activation and raise monies.
 - Encourage local schools along the route to involve students and families to walk, spectate or be involved
 - On the last day invite and call on as many people as possible to join in on the final leg of the walk (the Royal Coastal Track)
 - Hosts a small 'Finish Line' event the night that I finish to say thank you to everyone that has followed the journey, joined the hike, or contributed in some way
 - Host an 'End of Walk' event once the walk is completely over, distance, timing and donations have been finalised.
-

KEY STAKEHOLDERS TO ENGAGE

- Chumpy Pullin Foundation.
- Thredbo
- Snowy Mountains Council
- Sutherland Shire Council
- SHAPE
- National Park and Wildlife
- Cronulla Gropers



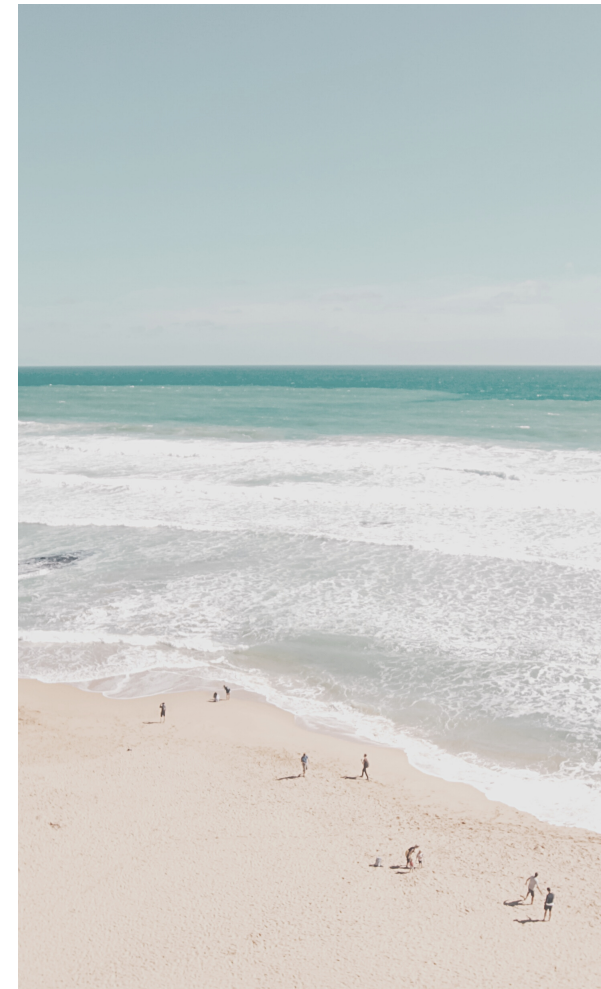
POTENTIAL SPONSORSHIPS

- Clothing
- Sunglasses
- Sunscreen and SPF protection
- GPS – Garmin or Strava
- Campervan – (Vince Bova)
- Hydration – Suntory (Darren Fullerton)
- Nutrition – Youfoods (Nathan Willos)
- Balter Beer / Fizz
- As many Corporates as possible



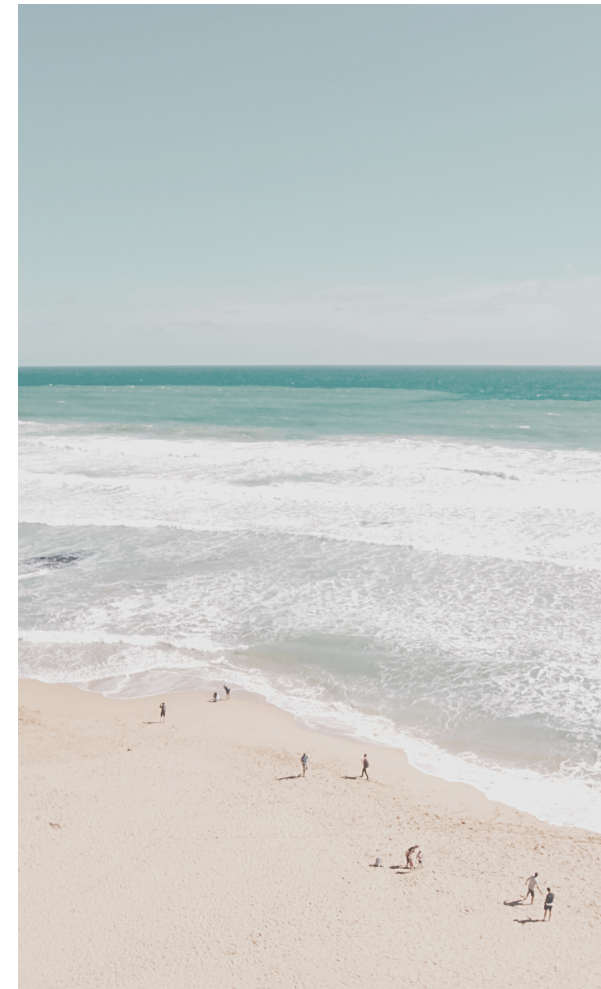
ACTION ITEMS

1. Confirm official name for hike
2. Logo and collateral design
3. Website
4. Confirm route, distances and times
5. Confirm Support Team
6. Confirm Support Vehicles (Vince Campervans)
7. On-road media team (photographer and videographer)
8. Confirm nightly accommodation sites
9. Locking a doctor and medical team
10. Lock in a nutritionist
11. Continue with physio



ACTION ITEMS

12. Diaries medical and physical journey
13. Social media and public speaking training
14. Confirm and engage council areas along route
16. Secure relevant permits from councils
17. Secure permits from National Parks
(can a support crew access Mt Kosciuszko)
18. Create a safety procedure plan for road hikes
19. Marketing and PR strategy (Nina and Chumpy Pullin Foundation)
20. Engage sponsors



THANK YOU

Mailing address

Bonnie View Street, Burraneer, NSW

Email address

willotroy@gmail.com

Phone number

04



10.3 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING 14 AUGUST 2023

Record No: I23/639

OFFICER'S RECOMMENDATION

That Council note the items considered by Local Traffic Committee at the meeting of 14 August 2023.

ISSUES

Council note the following items discussed at the Local Traffic Committee meeting of 14 August 2023;

- 8.1 TRAFFIC ISSUES IN BERRIDALE (ITEM 7.1 REFERS).
- 8.2 REQUEST FOR SPEED LIMIT EXTENSION – THE SNOWY RIVER WAY – DALGETY (ITEM 7.2 REFERS).
- 8.3 SNOWY CLASSIC BIKE RACE 2024 – INCLUSION OF BELOKA REST STOP (ITEM 7.3 REFERS).
- 8.4 WALL TO WALL 2023 MOTORCYCLE EVENT.
- 8.5 SAFETY CONCERNS – MONARO HIGHWAY – FOURMILE.
- 8.6 VIETNAM VETERANS DAY.
- 8.7 NATIONAL BUSKING CHAMPIONSHIPS.
- 8.8 NIMMITABEL BUS STOP – CDC AUSTRALIA.

No action items were presented at the August Local Traffic Committee meeting.

RESPONSIBLE OFFICER: Manager Infrastructure

ATTACHMENTS

- 1. Local Traffic Committee Meeting Minutes - 14 August 2023



Minutes

Local Traffic Committee Meeting

14 August 2023

LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628
ON MONDAY 14 AUGUST 2023

MINUTES

Notes:

| | | |
|-----|---|------------------------------|
| 1. | OPENING OF THE MEETING | 2 |
| 2. | APOLOGIES | 2 |
| 3. | DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST | 2 |
| 3.1 | Nil..... | Error! Bookmark not defined. |
| 4. | ADOPTION OF MINUTES OF PREVIOUS MEETING | 2 |
| 4.1 | Local Traffic Committee Meeting 25 July 2023 | 2 |
| 5. | BUSINESS ARISING..... | 2 |
| 6. | ACTION SHEET | 3 |
| 7. | CORRESPONDENCE..... | 3 |
| 7.1 | Traffic Issues in Berridale | 3 |
| 7.2 | Request for Speed Limit Extension - The Snowy River Way - Dalgety | 3 |
| 7.3 | Snowy Classic Bike Race 2024 - Inclusion of Beloka Rest Stop | 3 |
| 8. | GENERAL BUSINESS | 3 |
| 9. | MATTERS OF URGENCY | 4 |
| 10. | NEXT MEETING | 4 |

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON MONDAY 14 AUGUST 2023

Page 2

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628**

**ON MONDAY, 14 AUGUST 2023
COMMENCING AT 9.30AM**

PRESENT: Zachary Crombie-Brown, SMRC Manager Infrastructure
Gary Shakespeare, Acting SMRC Road Safety Officer (Chair)
Chris Hanna, SMRC Councillor
Stephen Banner, NSW Police
Brad Hughes, NSW Police
Adam Kite, NSW Police
Sharon Horner, Transport for NSW
Duncan McRae, Transport for NSW
Ankit Bhangale – Transport for NSW
Paula Bosch – SMRC Infrastructure Administration Officer (Secretariat)

1. OPENING OF THE MEETING

The Chair opened the meeting at 9.50AM

2. APOLOGIES

An apology for the meeting was received from Zachary Crombie-Brown (Manager Infrastructure).

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 LOCAL TRAFFIC COMMITTEE MEETING 25 JULY 2023

Minutes of the July Local Traffic Committee (LTC) meeting were unavailable for adoption by committee members. This will be rectified at the September LTC meeting.

5. BUSINESS ARISING

Nil

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON MONDAY 14 AUGUST 2023

Page 3

6. ACTION SHEET

Nil

7. CORRESPONDENCE

7.1 TRAFFIC ISSUES IN BERRIDALE

Record No: I23/528

OFFICER'S RECOMMENDATION

That Local Traffic Committee discuss concerns raised in relation to access and movement within the Berridale Town Parking Area.

Note: This issue was deferred to General Business.

7.2 REQUEST FOR SPEED LIMIT EXTENSION - THE SNOWY RIVER WAY - DALGETY

Record No: I23/529

OFFICER'S RECOMMENDATION

That Local Traffic Committee consider the request for extending speed limit zone on The Snowy River Way approaching Dalgety.

Note: This issue was deferred to General Business.

7.3 SNOWY CLASSIC BIKE RACE 2024 - INCLUSION OF BELOKA REST STOP

Record No: I23/530

OFFICER'S RECOMMENDATION

That Local Traffic Committee note Snowy Classic Bike Race 2024 - Inclusion of Beloka Rest Stop.

Note: This issue was deferred to General Business.

8. GENERAL BUSINESS

The following items were moved into General Business as they were not considered matters for Local Traffic Committee action:

8.1 TRAFFIC ISSUES IN BERRIDALE (ITEM 7.1 REFERS).

8.2 REQUEST FOR SPEED LIMIT EXTENSION – THE SNOWY RIVER WAY – DALGETY (ITEM 7.2 REFERS).

8.3 SNOWY CLASSIC BIKE RACE 2024 – INCLUSION OF BELOKA REST STOP (ITEM 7.3 REFERS).

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON MONDAY 14 AUGUST 2023

Page 4

8.4 WALL TO WALL 2023 MOTORCYCLE EVENT. NSW Police have informed LTC of the intention to conduct the 2023 Wall-to-Wall Motorcycle Event on 16 September 2023, which will require the closure of Bombala Street between the Sharp/Bombala Street roundabout and Massie/Bombala Street roundabout from 10.30am to 11.45am. NSW Police have spoken with local business owners and requested support from council for erection of road closure signage. Transport for NSW will confirm if a Road Occupancy Licence (RoL) is required.

8.5 SAFETY CONCERNS – MONARO HIGHWAY – FOURMILE. An approach was made to Local Traffic Committee in relation to traffic safety concerns on the Monaro Highway near the 'Fourmile'. Concerns expressed were:

- The increase in speed limit from 80kph to 100kph at the end of Fourmile heading towards Cooma.
- Overtaking lane near Mt Gladstone Hile heading towards Fourmile.
- Recently constructed guardrail at the bottom of the hill between Mount Gladstone and Fourmile.
- Requirement for a substantial reduction in speed, from Fourmile through to the 50kph speed limit in Cooma, following recent traffic accidents.

Transport for NSW confirmed this area of Monaro Highway was under investigation.

8.6 VIETNAM VETRANS DAY. Local Traffic Committee have been notified of the intention for Cooma Monaro RSL Sub Branch to conduct a Vietnam Vetrans Day service at the Cooma Cenotaph on Friday 18 August. This service is to commemorate the 50th anniversary and will commence at 10.30am, completing at 11.10am. Sub branch members of Adaminaby, Bombala and Delegate will be in attendance but there is no impact to traffic and no road closure requirement.

8.7 NATIONAL BUSKING CHAMPIONSHIPS. Local Traffic Committee have been made aware of the National Busking Championships intention to seek closure of Sharp Street, between Bombala Street and Vale Street, Cooma on Saturday 25 November for 4 hours. Transport for NSW suggested a Road Occupancy Licence (RoL) would be required.

8.8 NIMMITABEL BUS STOP – CDC AUSTRALIA. A request was received from CDC Australia to understand if any action had arisen from a report considered by LTC in May 2023. Committee members confirmed no actions were identified and it was agreed to communicate that to CDC Australia.

9. MATTERS OF URGENCY

Nil

10. NEXT MEETING

Tuesday, 19 September 2023

There being no further business the Chair declared the meeting closed at 10.58AM

11.1 NOTICE OF MOTION - SMITH ROAD

Record No: I23/683

Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 19 October 2023, he will move the following motion.

MOTION

That Council:

- A. Develop and submit the planning proposal to the Minister of Planning for a gateway determination to rezone the (a) rezone northern Smiths Road from C3 Environmental Management to C4 Environmental Living (or alternately RU2 Rural Landscape), and (b) reduce the minimum lot size from 80 hectares to 15 hectares.
- B. Advise the Department of Planning and Environment that Council wishes to be issued with an authorisation to use its delegation for the planning proposal.
- C. Take all reasonable action, including writing to the Minister, to encourage the expeditious reaching of the determination.

RESPONSIBLE COUNCILLOR: Luke Williamson

BACKGROUND

The sustainability of the Smiths Road community has been a topic of discussion across the current and the previous council term. Councillors have been provided with presentations by the community and also received a written request from the Smiths Road Community Association (11 July 2023) to progress with changes to rezone the area and reduce the Minimum Lot Size for dwelling approval.

In both drafts of the RLUS, the SMRC recommended that the Smiths Road Community's repeated requests to rezone of the northern portion of Smiths Road and reduction in minimum lot size.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Council will need to commission a range of reports and engage contractors to fill staff vacancies to ensure that the resolution can be implemented as expeditiously as possible. This will cost an undetermined amount, but will likely be hundreds of thousands.

In the absence of an identified funding source, Council will not be able to undertake the work implied in the motion.

For the Department to review the planning proposal it would need to be satisfied that the proposal had sufficient strategic and site specific merit to issue a Gateway determination. It is the view of staff, based on conversations with department officers, that it may be difficult to satisfy the department's criteria outlined within the LEP making guidelines. The commissioned

biodiversity study undertaken by 'Ecology Consulting' has identified significant biodiversity constraints across the area identified for proposed rezoning. Further assessment of the full impact and potential lot yield limitations still needs to be undertaken, along with further communication with the community to advise of the impacts of the studies.

It is anticipated that the rezoning would be best considered as part of the overall LEP, but that process has been set back months, possibly years depending on the outcomes of the additional community consultation and the September 2024 general election, by Council's resolution 242/23 at its 21 September meeting. There is no guarantee that this proposed rezoning, even if it is considered as part of the overall process of a consolidated LEP, would still achieve the outcome the community is seeking. The extent of development will be dependent on supporting consultant reports to the planning proposal process in identifying any environmental, social and economic impacts of the proposal.

ATTACHMENTS

1. Notice of Motion - Smith Road



Form |

Notice of Motion

Executive Office

Submitted for the Meeting of
(Council or name of Committee) Meeting of the Council

Date of Meeting 19 October 2023

Submitted by (Councillor Name) Luke Williamson

Signature

Date
5-10-23

Motion

That Council:

A. Develop and submit the planning proposal to the Minister of Planning for a gateway determination to rezone the (a) rezone northern Smiths Road from C3 Environmental Management to C4 Environmental Living (or alternately RU2 Rural Landscape), and (b) reduce the minimum lot size from 80 hectares to 15 hectares.

B. Advise the Department of Planning and Environment that Council wishes to be issued

Background

The sustainability of the Smiths Road community has been a topic of discussion across the the current and the previous council term. Councillors have been provided with presentations by the community and also received a written request from the Smiths Road Community Association (11 July 2023) to progress with changes to rezone the area and reduce the Minimum Lot Size for dwelling approval.

In both drafts of the RLUS, the SMRC recommended that the Smiths Road Community's repeated requests to rezone of the northern portion of Smiths Road and reduction in minimum lot size.

Council's Code of Meeting Practice provides as follows:

- 3.9 A Councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ten (10) full business days before the meeting is to be held.
- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Full details of the Code of Meeting Practice can be found on Council's website:
<https://www.snowymonaro.nsw.gov.au/Council/Meetings>

11.2 NOTICE OF MOTION - WASTE MANAGEMENT STRATEGY

Record No: I23/687

Councillor Tanya Higgins has given notice that at the Ordinary Meeting of Council on 19 October 2023, she will move the following motion.

MOTION

That Council:

a) Undertake a 'midterm review' of the Waste Management Strategy to assess whether it has met the following benchmarks:

- that it is meeting the cost benefit expectations that were presented to Council in 2019
- that the Banks of Bins in locations where they replaced a weekend truck pickup are costing less than the previous arrangement
- that Banks of Bins are meeting community expectations of accessibility, safety and situational appropriateness; and

b) Assess whether progress has been made and SMRC is on track to meet the aspirational targets adopted at the 21 October 2021 Council meeting;

c) Consider reconstituting the Waste Management Committee; and

d) Make amendments to the strategy as appropriate as presented to Council.

RESPONSIBLE COUNCILLOR: Tanya Higgins

BACKGROUND

At the October 2021 meeting the previous council adopted the Waste Management Strategy

It included a motion to also adopt the following targets from the NSW Waste and Sustainable Materials Strategy 2041 Stage 1: 2021-2027 as aspirational targets for Council:

- (a) reduce total waste generated by 10% per person by 2030
- (b) 80% average recovery rate from all waste streams by 2030
- (c) increase the use of recycled content by Council
- (d) halve the amount of organic waste sent to landfill by 2030
- (e) net zero emissions from organic waste by 2030

At the time there was community concerns regarding the use of Banks of Bins in rural locations, with the removal of local truck pickups and reduction in hours of operation for Transfer Stations.

The cost savings associated with reduced staff costs including overtime for garbage and recycle truck drivers were a driving reason for replacing previous arrangements with Banks of Bins.

In Michelago for example, Council was seeking to reduce costs of a weekly truck pick up on Saturday mornings with a charge for use, and replace with a static Bank of Bins in the old Michelago Fire Shed with a standard yearly rate and a security door code.

This has had the following impacts in Michelago:

- increased use by residents of the BoB, leading to twice or three times a week pick up by the trucks
- many residents like the 24/7 element of the BoB, being able to go any time that suits them
- nearby residents do not like the 24/7 element, and dislike being disturbed by noise of the BoB use
- residents that are elderly or infirm cannot use the facility very well, as it involves having to lift bins or refuse into very big/tall bins
- the Michelago General Store has lost business associated with a 'Community Saturday Rubbish Run', and this has also impacted the socialisation of the community
- users have complained about the use of plastic bin liners, chemical pest control (and its secondary poisoning effect), the smell, having to be exposed to the community's collective rubbish, lack of health and safety for users including lack of hand washing facilities
- the fact that the village of Michelago has a waste facility right in the middle, next to the RFS, opposite residences.

I am interested to know whether Michelgao BoB, and other similar facilities are actually saving money ie. increased number of people paying to use the BoB, is that covering the cost of increased pickups , bin liners and pest control?

I am also interested in whether the BoB can be made safer and more accessible for those with physical constraints.

I am interested to know what performance benchmarks the Waste Management Strategy is being tracked against and how well it is tracking well against those performance benchmarks.

CHIEF EXECUTIVE OFFICER'S RESPONSE

No resources are currently allocated for undertaking a review of the strategy. Without the available staff resources this task will need to be contracted out. A broad estimate of the cost of undertaking the review as set out is considered to be \$20,000 to \$30,000. This would need to be market tested. Limited implementation of banks of bins has occurred as the current focus of available time has been on the development of a transfer station at Jindabyne (due to the limited life of the landfill at that location) and the upgrading of Cooma facility to handle FODMAP, based on the upcoming requirement for Council to be able to provide this service to all customers under the NSW Government's requirements.

An update on the performance of the Michelago bank of bins can be provided.

ATTACHMENTS

1. Notice of Motion - Waste Management Strategy
-



Form | 250.2022.82.1

Notice of Motion

Executive Office

Details of Council Meeting

Date of Meeting 19 October 2023

Submitted by Councillor Tanya Higgins

Signature

Date

6 October

Motion

That Council

a) undertaken a 'mid term review' of the Waste Management Strategy to assess whether it has met the following benchmarks:

- that it is meeting the cost benefit expectations that were presented to Council in 2019
- that the Banks of Bins in locations where they replaced a weekend truck pickup are costing less than the previous arrangement
- that Banks of Bins are meeting community expectations of accessibility, safety and situational appropriateness; and

b) assess whether progress has been made and SMRC is on track to meet the aspirational targets

Background

At the October 2021 meeting the previous council adopted the Waste Management Strategy

It included a motion to also adopt the following targets from the NSW Waste and Sustainable Materials Strategy 2041 Stage 1: 2021-2027 as aspirational targets for Council:

- (a) reduce total waste generated by 10% per person by 2030
- (b) 80% average recovery rate from all waste streams by 2030
- (c) increase the use of recycled content by Council
- (d) halve the amount of organic waste sent to landfill by 2030
- (e) net zero emissions from organic waste by 2030

At the time there was community concerns regarding the use of Banks of Bins in rural locations, with the removal of local truck pickups and reduction in hours of operation for Transfer Stations.

The cost savings associated with reduced staff costs including overtime for garbage and recycle truck drivers were a driving reason for replacing previous arrangements with Banks of Bins.

In Michelago for example, Council was seeking to reduce costs of a weekly struck pick up on Saturday mornings with a charge for use, and replace with a static Bank of Bins in the old Michelago Fire Shed with a standard yearly rate and a security door code.

This has had the following impacts in Michelago:



Council's Code of Meeting Practice provides as follows

- 3.9 A Councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ten (10) full business days before the meeting is to be held.
- 10.2 A Councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Full details of the Code of Meeting Practice can be found on Council's website:
<https://www.snowymonaro.nsw.gov.au/Council/Meetings>

For further information or assistance on completing this form please contact the Executive Office at SMRCExecOffice@snowymonaro.nsw.gov.au

13.1 QUESTIONS WITH NOTICE

Record No: 123/686

OFFICER'S RECOMMENDATION

That the response to the questions be noted.

QUESTIONS BY: Councillor Davis

QUESTION

1. Footpaths

- a) Is there a plan to repair footpaths in each of our towns this financial year?
- b) Are footpaths included in the SRV funding parameters? If so can there be an allocation to footpath repair from the 2024/2025 financial year?

2. Street cleaning.

- a) Does council have a mechanical cleaner for cleaning the streets in the business areas in Cooma, Bombala and Jindabyne?
- b) How often are the main shopping centre areas, washed down and is this done by a mechanical cleaner? If once a year can this clean be done more often each year?

3. Cleaning of Public Toilets

- a) The public toilets in our council area are often the first experience for visitors to area to use council facilities.
- b) The public toilets at Bredbo and Nimmitabel are high use toilets.
- c) How often are all the public toilets cleaned in our region?
- d) What quality control process is in place to ensure the toilets are cleaned satisfactorily each day?

4. Snowy River Hostel Staffing

- a) What is the cost of the requirement of 24hr registered nursing coverage for Snowy River Hostel (SRH)?
- b) What will be the rebate (if eligible) for registered nurse cost for SRH?
- c) Does council have a probity issue in regard to the proposal to undertake expressions of interest for future use of Snowy River Hostel by only consulting with the Snowy River Hostel Community Group, when other Not for Profit groups have indicated an interest in repurposing the facility?

RESPONSIBLE OFFICER: Chief Executive Officer

RESPONSE

1. Footpaths

- a. A plan is currently being developed for footpath repairs across the region to ensure that money is being spent efficiently and effectively. Footpath maintenance work has already been undertaken on Bombala Street, Cooma in September 2023.
- b. Footpaths were not included in the SRV program. Funds were specifically for road renewals. Any additional allocation towards footpath repairs/renewals would need to be done by diverting other service funding.

In the current Financial Year, Council has budgets for footpaths as per the following:

- i) Footpath Maintenance = \$100,000
- ii) Footpath Capital Renewal = \$144,877

2. Street Cleaning

- a. Council does not currently own a mechanical cleaner for street cleaning operations. Quotes are currently being received for the short term hire of a mechanical street cleaner. Once received a cost analysis will be undertaken on both options of owning versus rental and a decision on purchase will be made at this time. Council does utilise a Street Sweeper, which clears debris from the roads (such as litter, leaves and other items). The Street Sweeper attends each town based on demand, with Cooma being swept 2-3x per week, Jindabyne being swept 1-2x per week and Bombala being swept 1-2x per week.
- b. The existing process has been a clean is undertaken twice per year, which was done by hand with handheld equipment, such as pressure washers and brooms. Over the past 2 years, road condition due to natural disasters, tight budgets & staff movements have unfortunately diverted resources away from street cleaning operations, however the next scheduled town cleaning is scheduled for late October/early November.

3. Cleaning of Public Toilets

- a. The toilets across the region are cleaned on a varying basis, which has been developed based on the seasonal demand and use of each facility. This means that toilet cleaning schedules increase during peak periods, such as through winter, Easter, and school holiday periods. These schedules generally range from once per week to twice a day.

Specifically, Bredbo amenities are attended every Monday, Wednesday, Friday and once per weekend (specific day depending on community events). During peak periods, the amenities are attended to on both days of the weekend. The toilets are generally attended to around mid-morning.

Nimmitabel toilets are typically attended on a similar schedule to Bredbo, with schedule increasing to daily attendance during busy periods.

- b. The current quality control measure is in line with Council's general cleaning procedure, which includes washing and disinfecting of all facilities. At this stage, there is no checklist of completion filled out or submitted on each clean.

Staff are currently looking into digital completion form to improve Quality Control measures, which is expected to be adopted through the Towards Excellence Program.

4. Snowy River Hostel Staffing

- a. Estimate of \$68,000 per month

NB: this depends on where staff are sourced (i.e. agency fees); years the RN is registered as this impacts the salary; accommodation and travel requirements and whether the RN nursing hours increase beyond 20 hours. This does not include the cost for compulsory education.

- b. If 20 hours on average per day per month can be sustained, Council will receive a rebate/supplement equal to:

- i. 1 – 5 residents = \$77,083

- ii. 6 – 10 residents = \$69,000

- iii. 11 – 15 residents = \$63,500

NB: The above will not be afforded if this cannot be fulfilled.

- c. Yes. Council should ensure that any interested groups are given the opportunity to be involved in the future use of the facility. If the opportunity is not available to all interested parties this may lead to a perception that certain groups or people are being provided with an advantage which is not available to others

ATTACHMENTS

- 1. Questions with Notice submission form
-



Form | 250.2022.85.1

Question Form

Executive Office

Details of Council Meeting

Date of Meeting October 19, 2023

Submitted by Councillor Cr Davis

Signature

Date October 6, 2023

Subject Footpaths, Street Cleaning, Cleaning of public toilets, Snowy River Hostel Staffing

Question

1. Footpaths

Is there a plan to repair footpaths in each of our towns this financial year?

Are footpaths included in the SRV funding parameters? If so can there be an allocation to footpath repair from the 2024/2025 financial year?

2. Street cleaning.

Does council have a mechanical cleaner for cleaning the streets in the business areas in Cooma, Bombala and Jindabyne?

How often are the main shopping centre areas washed down and is this done by a mechanical cleaner? If once a year can this clean be done more often each year?

3. Cleaning of Public Toilets

The public toilets in our council area are often the first experience for visitors to area to use council facilities.

The public toilets at Bredbo and Nimmitabel are high use toilets.

How often are all the public toilets cleaned in our region.

What quality control process is in place to ensure the toilets are cleaned satisfactorily each day.

4. Snowy River Hostel Staffing

What is the cost of the requirement of 24hr registered nursing coverage for Snowy River Hostel(SRH)?

What will be the rebate (if eligible) for registered nurse cost for SRH?

Does council have a probity issue in regard to the proposal to undertake expressions of interest for future use of Snowy River Hostel by only consulting with the Snowy River Hostel Community Group when a other Not For Profit groups have indicated an interest in repurposing the facility?



Please email to Secretary Council and Committees: SMRCExecOffice@snowymonaro.nsw.gov.au

Council's Code of Meeting Practice provides as follows:

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- 3.13 A Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the council.
- 3.14 A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the Chief Executive Officer or a member of staff of the council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the council.
- 3.15 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Full details of the Code of Meeting Practice can be found on Council's website:

<https://www.snowymonaro.nsw.gov.au/Council/Meetings>

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.

RECOMMENDATION

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

14.1 Legal Actions and Potential Claims Against SMRC

Item 14.1 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.