



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

Ordinary Council Meeting
20 February 2025

STATEMENT OF ETHICAL OBLIGATIONS

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

CONFLICTS OF INTEREST

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

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

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

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

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

COUNCIL CODE OF CONDUCT

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

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

COUNCIL CODE OF MEETING PRACTICE

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

Acknowledgement of Country

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

Webcasting

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

**ORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW
2630**

**ON THURSDAY 20 FEBRUARY 2025
COMMENCING AT 1:00 PM**

BUSINESS PAPER

- 1. OPENING MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL**
- 4. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
- 5. DISCLOSURE OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 6. MATTERS DEALT WITH BY EXCEPTION**
- 7. CONFIRMATION OF MINUTES**
 - 7.1 Ordinary Council Meeting held on 12 December 2024
 - 7.2 Closed Session of the Ordinary Council Meeting held on 12 December 2024
 - 7.3 Extraordinary Council Meeting held on 23 December 2024
 - 7.4 Extraordinary Council Meeting held on 10 January 2025
 - 7.5 Extraordinary Council Meeting held on 24 January 2025
- 8. PLANNING AND DEVELOPMENT APPLICATION MATTERS**
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	<i>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.</i>	

8.1 DEVELOPMENT APPLICATION 10.2023.392.1 - CONSTRUCTION OF SHARED TRAILS WITH CARPARK AND AMENITIES

Record No: I24/148

Applicant Number:	10.2023.392.1
Applicant:	Snowy Monaro Regional Council
Owner:	Snowy Monaro Regional Council
DA Registered:	29/01/2024
Property Description:	Public Reserve Rainbow Drive EAST JINDABYNE Lot 33 DP 1250345, Lot 1 DP 857067, Lot 71 DP 830752, Lot 2 DP 816051, Lot 2, 3, 4 DP 237197, Lot 1 DP 232814 & Lot 9 DP 1216028
Zone:	Public Reserve
Current Use:	RE2 - Private Recreation, RU1 - Primary Production and SP1 - Special Activities
Proposed Use:	Community Facility/Environmental facilities – Shared Trail
Permitted in Zone:	Yes
Recommendation:	Approval

RECOMMENDATION

That pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* Council grants consent to 10.2023.392.1 for the Construction of Shared Trails with Carpark and Amenities on Lot 33 DP 1250345, Lot 1 DP 857067, Lot 71 DP 830752, Lot 2 DP 816051, Lot 2, 3, 4 DP 237197, Lot 1 DP 232814 & Lot 9 DP 1216028, Public Reserve Rainbow Drive EAST JINDABYNE with conditions of consent attached to this report.

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the consolidation and formalisation of approximately 29 km of mountain bike trails, comprising the existing Tyrolean/Mill Creek trail network surrounding Lake Jindabyne in Tyrolean Village along with the construction of a car park off Rainbow Drive and associated amenities and infrastructure.

The application was referred to state agencies for comment. The referral response from Heritage NSW due to potential impacts on Aboriginal Cultural Heritage caused considerable delays in the processing of the development application. Final resolution of the issues surrounding the application was received 30/10/2024 with Heritage NSW providing recommended conditions of consent which have been included in the draft conditions attached to this report.

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

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

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

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

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

It is recommended that the application be approved with conditions.

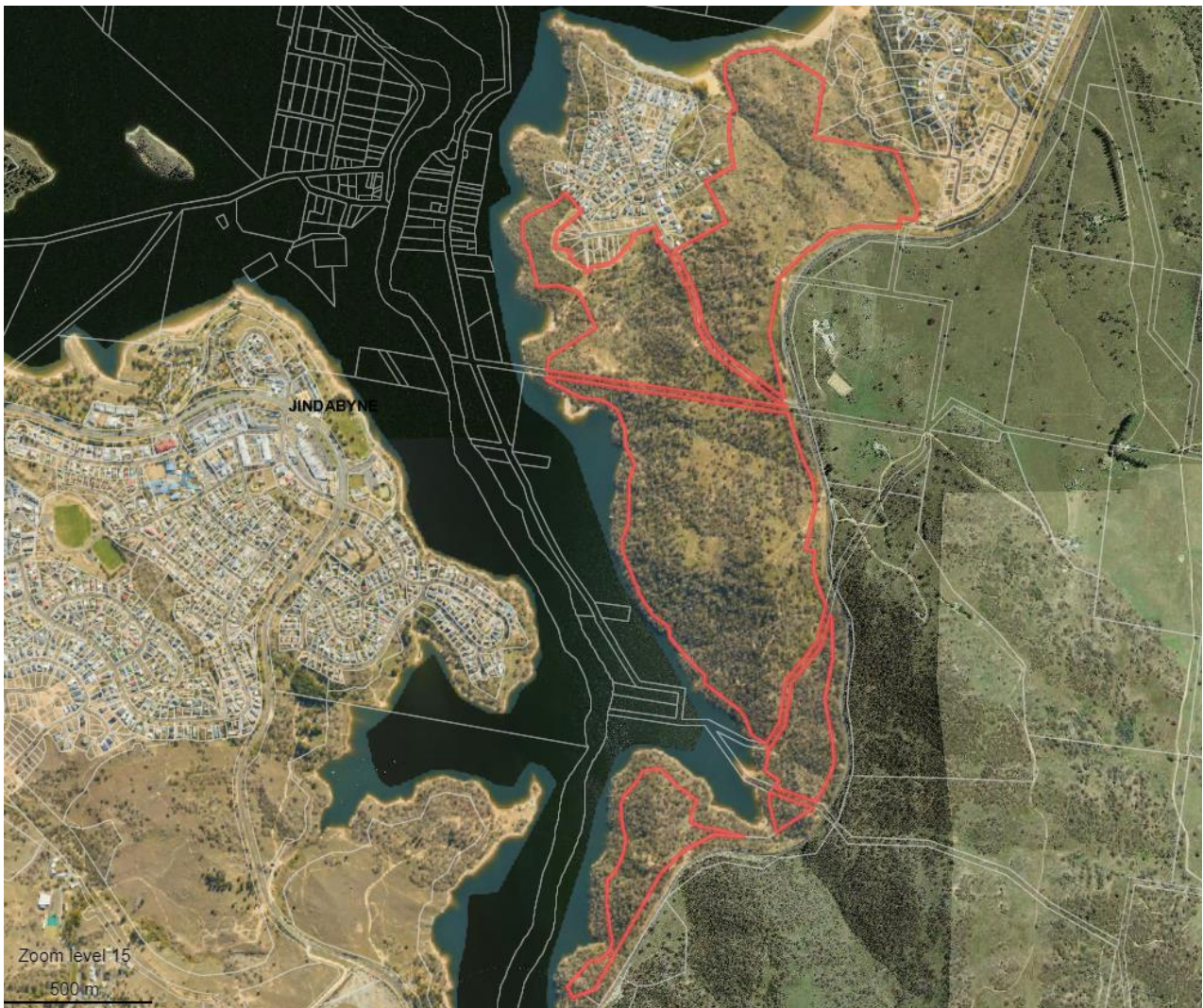
BACKGROUND

Subject Site Details

The subject land is approximately 178.97 hectare in East Jindabyne accessed principally via Rainbow Drive at Tyrolean Village. The development also extends onto the foreshore of Lake Jindabyne for a short distance in the vicinity of Rainbow Beach



8.1 DEVELOPMENT APPLICATION 10.2023.392.1 - CONSTRUCTION OF SHARED TRAILS WITH CARPARK AND AMENITIES



Site Photos





Figure 1: Rainbow Drive trail Head and Kosciuszko Road Trail Head



Figure 2: Pink Trail/Sri Chimnoy Intersection and Echidna Drive network entry.

PROPOSAL IN DETAIL

The proposal is for the consolidation and formalisation of approximately 29 km of mountain bike trail, comprising the existing Tyrolean/mill creek trail network surrounding Lake Jindabyne, in Tyrolean NSW. The construction of a carpark off rainbow drive with associated amenities and infrastructure is also included as part of the proposal. The proposal would involve the construction/refreshment of 29.46 km of single-track trail network across twenty-eight (28) separate, interlinking trails.

The focus of the proposal is the refreshment and upgrade of the Tyrolean/Mill creek trail network, specifically the following developments:

- Construction/refreshment of proposed 24.58 km of single-track trail network across Twenty-eight (28) separate, interlinking trails – reduction of operational footprint of approximately 0.9 m across all trails, including:
 - Construction of up to 7.64 km of new trail, including realigned sections and entirely new sections, comprising 1.83 km at 2m wide construction and 5.81 km at 1.1m construction footprint
 - Retention and refreshment 16.94 km of existing trail

8.1 DEVELOPMENT APPLICATION 10.2023.392.1 - CONSTRUCTION OF SHARED TRAILS WITH CARPARK AND AMENITIES

- Rehabilitation (closure) of 3.2 km of existing trail
- Construction of a carpark, amenities and associated infrastructure, for a construction footprint measuring a total area of 0.55 ha

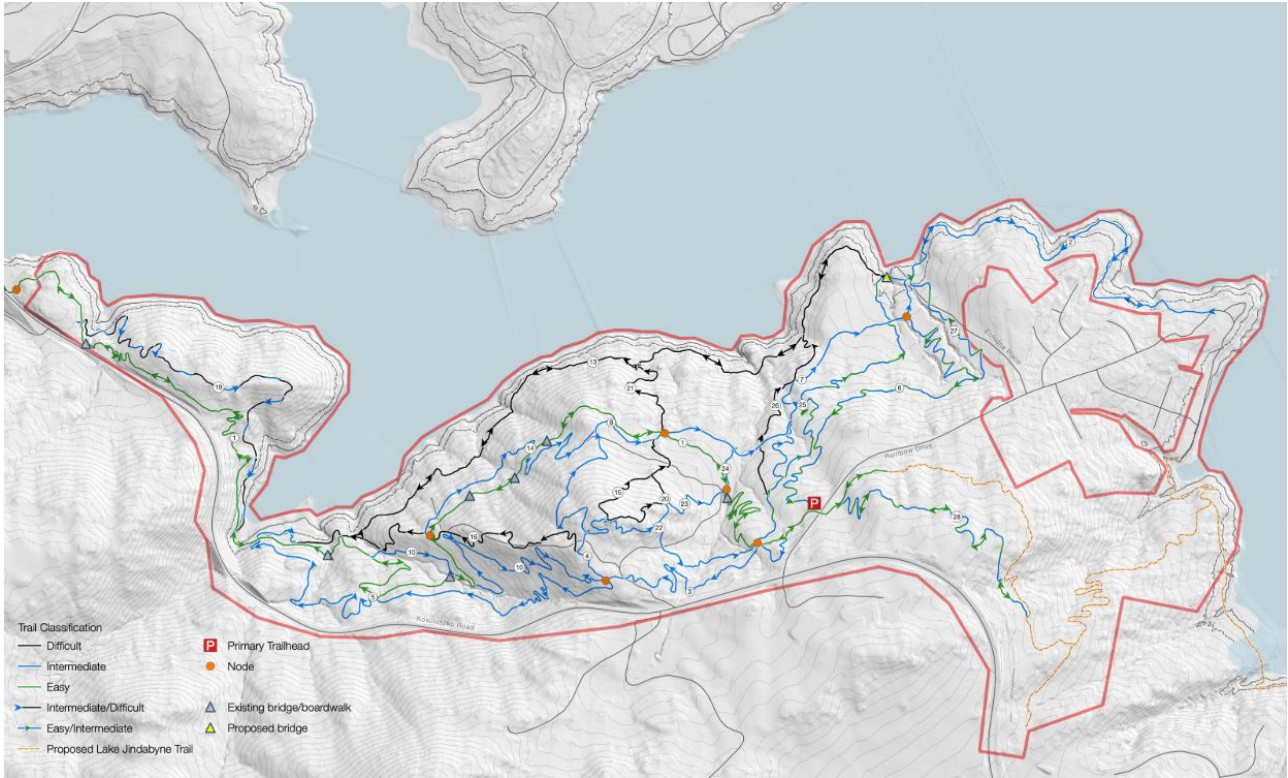


Figure 3: Trail maps (base map)



Figure 4: Trail maps (imagery)

8.1 DEVELOPMENT APPLICATION 10.2023.392.1 - CONSTRUCTION OF SHARED TRAILS WITH CARPARK AND AMENITIES

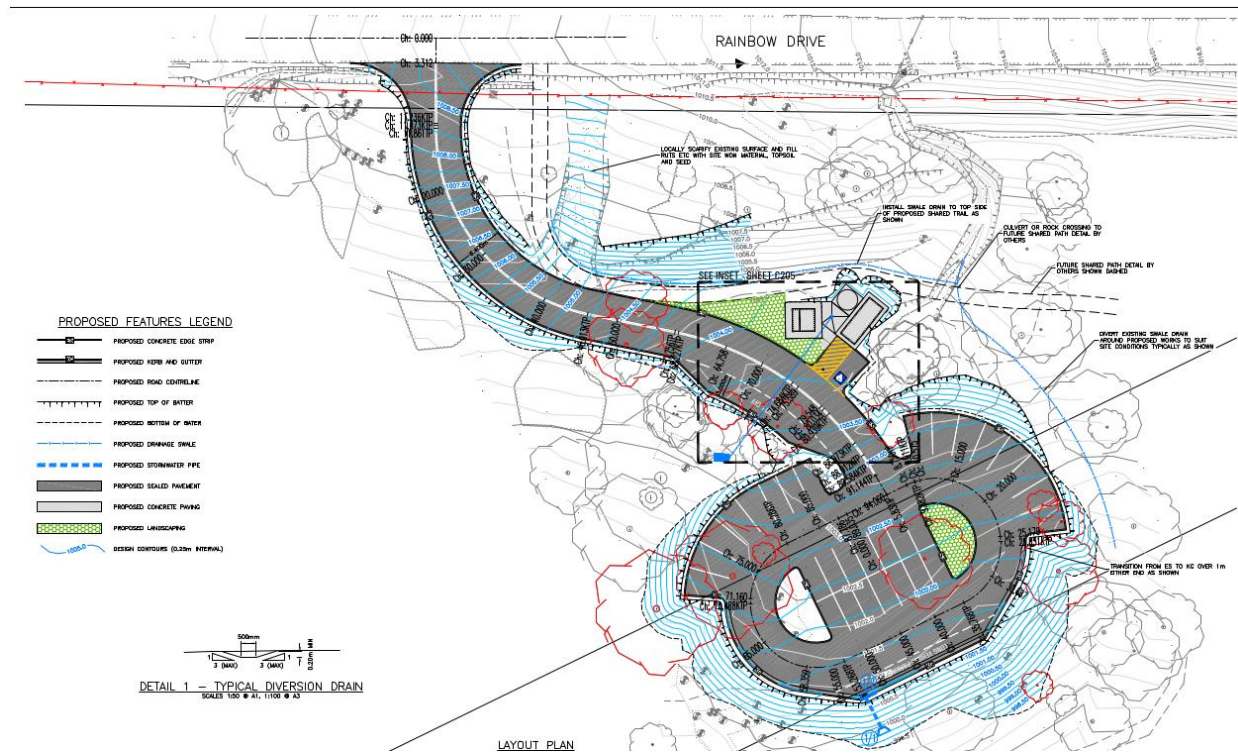


Figure 5: Proposed Carpark Layout

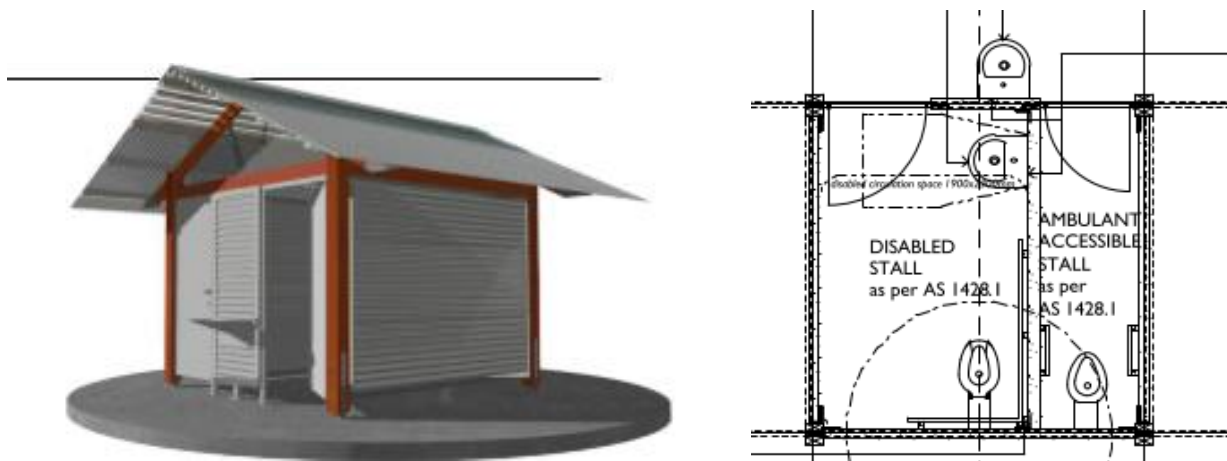


Figure 6: Proposed Amenities Building plans

- Renewal of existing signage of trail network, use policies, and safety precautions.

Identified Challenges and Deficiencies of Present Trail Design.

As outlined in the Statement of Environmental Effects, Council has recognised the value of the trail network, and the short comings of the current design and issues, including:

- Access: There is currently no formal parking area at Rainbow Drive-Tyrolean Village. This has become problematic following recent trail upgrades with an increase in riders wanting to start their ride from this location.
 - Gravity focused riding: There has been an increase in riders with a desire to ride downhill flow tracks, rather than uphill cross-country style trails. Shuttling riders from the ends of downhill sections back up to trail heads using vehicles has increased traffic flow on Rainbow Drive which is a narrow road with poor visibility in some places. The road access into Tyrolean Village was never designed for a large volume of vehicle or pedestrian traffic and local residents are now expressing concerns regarding increased traffic and antisocial behavior.
 - Dual direction trails: Some tracks are multi-direction. This adds to user conflict and rider safety issues. Having trails designed to flow one direction is the preferable option where achievable.
 - Rider safety: steel platforms and bridges on the Mill Creek Trail (this trail serves as the shared use link which is multi direction) are narrow and do not cater for riders travelling both directions. This is problematic around areas which have poor line of site.
 - Navigation: The network loops around a core track- Mill Creek. The current structure is confusing for riders not already familiar with the area. Quality not quantity would be the preferred approach.
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Table 3 Proposed Trails, length and status

Trail Name	Length (m)*	Difficulty	Status	Comments
Bunty's North	2049	Blue	Existing with new sections	Includes 239m of rehabilitated trail, and 1,555m of new trail
Bunty's South	1659	Blue/Black	Existing with new sections	Includes 31m of rehabilitated trail, and 208m of new trail
Centerlink		Blue	Rehabilitated	96m of rehabilitated trail
Felicity's		Black	Rehabilitated	32m of rehabilitated trail
Huff N Puff	754	Blue	Existing with new sections	Includes 667m of rehabilitated trail, and 139m of new trail
Huff N Puff 3 Lions Link	166	Blue	Existing	
Julios	158	Blue	Existing	
Knight in Shining Armour		Blue	Rehabilitated	338m of rehabilitated trail
Mill Creek Trail	4720	Green	Existing with new sections	Includes 897m of rehabilitated trail, and 1148m of new trail
Missing Link Trail	656	Blue	Existing with new sections	Includes 25m of rehabilitated trail, and 121m of new trail
Orbital	2481	Black	Existing with new sections	Includes 163m of rehabilitated trail, and 739m of new trail
Pink Trail	1030	Blue	Existing	
She'll Be Apples		Black	Rehabilitated	59m of rehabilitated trail
Sri Chimnoy	1681	Green/Blue	Existing with new sections	Includes 293m of rehabilitated trail, and 1,271m of new trail
Three Lions	863	Black	Existing	
Trail 19	998	Green/Blue	Existing and new	715m of new trail
Trail 20	326	Blue	New	
Trail 21	739	Blue	Existing and new	584m of new trail
Trail 22	219	Black	New	
Trail 23	872	Green/Blue	New	

Trail Name	Length (m)*	Difficulty	Status	Comments
Trail 24	747	Black	New	
Two Hips	481	Black	Existing with new sections	Includes 318m of rehabilitated trail, and 282m of new trail
Whoop D Doo	1743	Blue	Existing and new	
Wrap a Go GO	1340	Blue	Existing with new sections	Includes 183m of rehabilitated trail, and 152m of new trail

*Does not include rehabilitated sections

REFERRALS

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It was deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

External Referrals

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

State or Federal Agency	Comments
Department of Planning Industry and Environment (Biodiversity and Conservation)	The department provided comments only and does not have an integrated approval role in the assessment of the application. The comments were considered, and the

	information provided by the applicant was considered appropriate to determine the application as submitted. No recommended conditions of consent were provided by Biodiversity and Conservation however conditions recommended by the department in previous development applications were included in the draft conditions of consent to ensure mitigation and protections measures be employed during construction to protect the environmental values of the site.
Department of Climate Change, Energy, the Environment and Water - Heritage	General Terms of Approval were provided by the department and included in the draft conditions of consent.
Department of Planning and Environment-Water	The Department of Planning and Environment-Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.

Internal Referrals

Internal referrals raised no objections regarding the proposal, subject to suitable conditions of consent being imposed.

LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

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

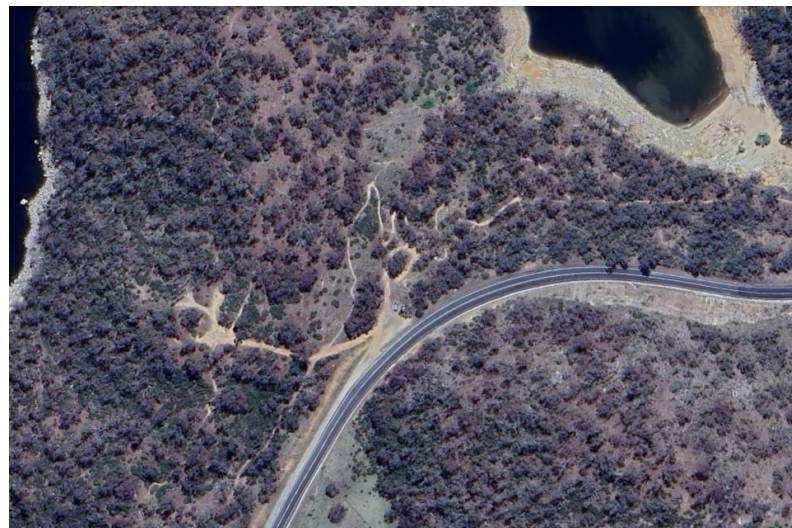
- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Proposed planning instruments;
- Development control plans;
- Likely Impacts of the Development - environmental (natural and built), social and economic;
- Any Planning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

The suitability of the site for the development

Slope	The land slopes towards lake Jindabyne allowing for the use of the site for downhill mountain bike trails. It is therefore suitable for the development proposed.
Significant vegetation	The Biodiversity Values Map (BVM) identifies land that contains high biodiversity value that is particularly sensitive to impacts from development and clearing. Land mapped on the BVM automatically triggers the Biodiversity Offset Scheme (BOS). The southwest portion of the development area contains land mapped on the BVM, together with Mills Creek and associated riparian vegetation.
Adjoining development	Mixed residential and open space.
Suitability of proposed works / building	The site is an area set aside for passive and active recreation; it is therefore an appropriate site for the proposed development.
Streetscape	No impact
Stormwater disposal	No specific stormwater disposal is required however the rainwater runoff from the site will be managed both during construction with appropriate erosion and sediment controls and in use with trail formation at grade which shed water appropriately so as not cause erosion and trail degradation.
Services	None required.
Views	The development will not hinder the views from adjoining properties.
Contamination	Nil identified.
Bushfire	The site is considered bushfire prone however this does not impact the use of the land for the purpose of the active recreational use and the development itself does not require a referral to the NSW Rural Fire Service.
Flooding	Nil impact.
Vehicular access	The proposed MTB trail network has several access points, Rainbow Drive and Echidna Place occurring to the north of the subject land. It was noted that parking at the trail heads is limited, with many vehicles having to park along the roadside in residential areas. A formalised car parking area and amenities which are proposed to come off Rainbow Drive, aims to reduce the requirements for on street parking.




Rainbow Drive bisects the site, leading into the village of East Jindabyne, with Echidna Place leading westwards off Rainbow Drive. Kosciuszko Road forms the eastern boundary of the site. Parking areas (formal and informal) are also present within the subject Land.

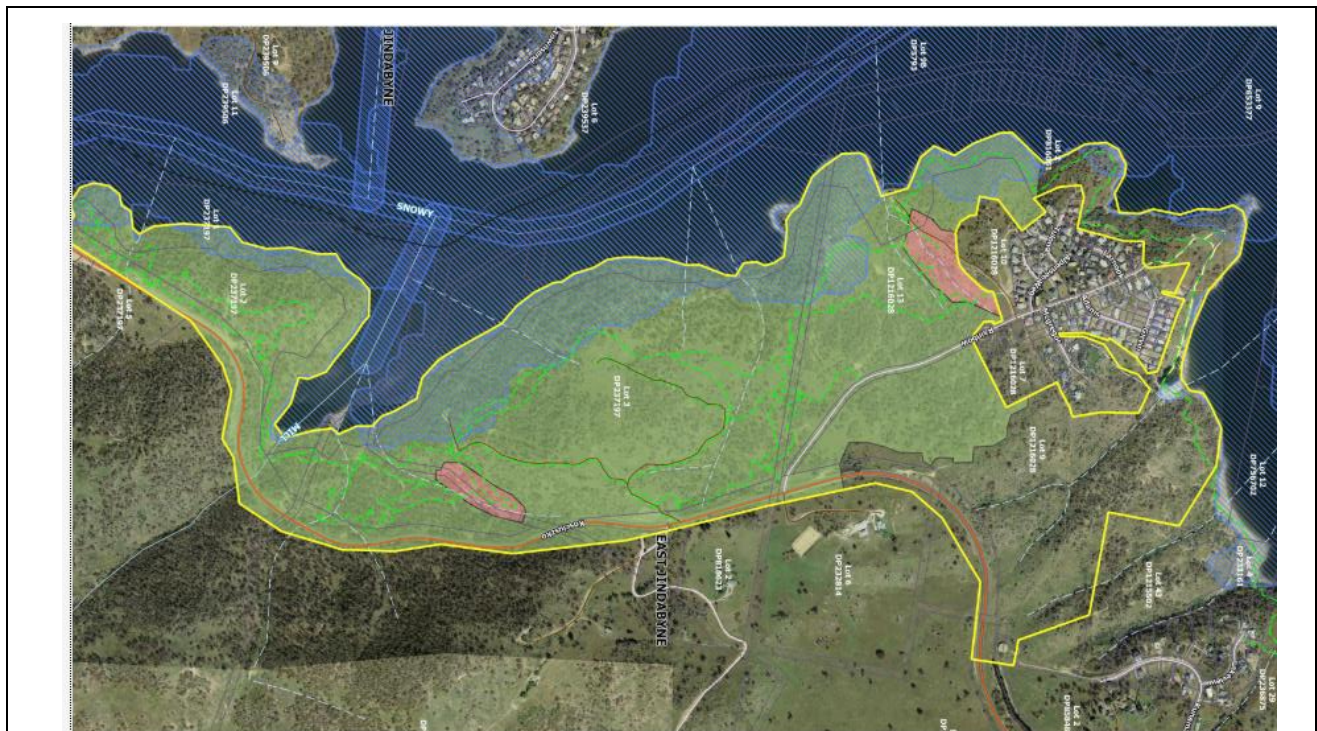


The site is also accessed via the existing trails which forms a link to the existing Mill Creek Trail to both Tyrolean Village and Jindabyne.

Easements and restriction on use	There are no easements that restrict development on the site.
Aboriginal sites	<p>A number have been identified on site through an Aboriginal Cultural Heritage Assessment Report (ACHAR) including eight new sites. The ACHAR has identified that it is likely that there will be impacts to several sites during construction and are considered unavoidable. The ACHAR included nine (9) recommendations including the requirement for an Aboriginal Heritage Impact Permit (AHIP) to be issued by Heritage NSW under the provisions of the National Parks and Wildlife Act.</p> <p>The ACHAR was submitted to Heritage NSW for review and General Terms of Approval (GTAs) have been issued by the department. These recommendations and GTAs have been</p>

<p>Threatened species & Grasslands</p>	<p>included in the draft conditions of consent.</p> <p>A total of one-hundred and fifty-four (154) species from forty-six (46) families were identified within the vegetation plots completed and incidental species observed on site, consisting of one-hundred and one (101) native species and fifty-three (53) exotic species, including fourteen (14) High-Threat Exotics (HTE).</p> <p>The analysis of floristic data collected during this survey assigned two (2) PCTs to the Subject Land:</p> <ul style="list-style-type: none"> - PCT 1191: Snow Gum - Candle Bark woodland on broad valley flats - PCT 679: Black Sallee - Snow Gum grassy open forest <p>Six (6) species of threatened fauna were recorded within the Subject Land during the targeted surveys:</p> <ul style="list-style-type: none"> - Dusky Woodswallow, <i>Artamus cyanopterus</i> - Gang-gang Cockatoo, <i>Callocephalon jimbriatum</i> - White-bellied Sea-Eagle, <i>Haliaeetus leucogaster</i> - - Little Eagle, <i>Hieraaetus morphnoides</i> - Scarlet Robin, <i>Petroica boodang</i> - Flame Robin, <i>Petroica phoenicea</i>
<p>Rivers/streams</p> <p>Waterways</p> <ul style="list-style-type: none"> — River — Creek — 1st & 2nd order unnamed waterways  Key Fish Habitat 	<p>The study area is bisected by one named waterway, Mill Creek, and several unnamed waterways. The Snowy River occurs to the south of the subject site, forming the southernmost tip of the study area. Key Fish Habitat is mapped along the edge of Lake Jindabyne which forms the western boundary of the study area.</p>

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Effluent disposal	An On-Site Sewage Management System will be required and is subject to separate assessment and approval.
Prevailing winds	Nil impact.
Easements	Nil affected by this proposal.

ENVIRONMENTAL PLANNING INSTRUMENTS - SECTION 4.15 ASSESSMENT

State Environment Planning Policies (SEPPs)

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

State Environmental Planning Policy (Resilience and Hazards) 2021

The development satisfies the provisions of the subject clause as the land has been remediated and is not considered to be contaminated.

State Environmental Planning Policy (Koala Habitat Protection) 2021

The proposal occurs in the SMRC LGA which is listed under Schedule 1. The SEPP requires that before granting consent for development on land over 1 hectare in area, a consent authority must be satisfied as to whether or not the land contains "Potential Koala habitat" or 'Core Koala habitat'.

Species	BC Act	EPBC Act	BAM habitat requirements	Maintained as candidate species?	Presence	Justification
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8.1 DEVELOPMENT APPLICATION 10.2023.392.1 - CONSTRUCTION OF SHARED TRAILS WITH CARPARK AND AMENITIES

<i>Phascolarctos cinereus</i> Koala:	V	V	Presence of Koala use trees	Yes	Yes - Assumed	Potential Koala feed trees present within the Subject Land.
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Assessment

The proposed development may require the removal of koala feed trees and the trails and associated car park will encourage human activity on the site and may have an impact on koalas using the site. It is also noted that this area is already readily used for the recreational purposes as many of the trails are established and that today no Koala sightings have been lodged.

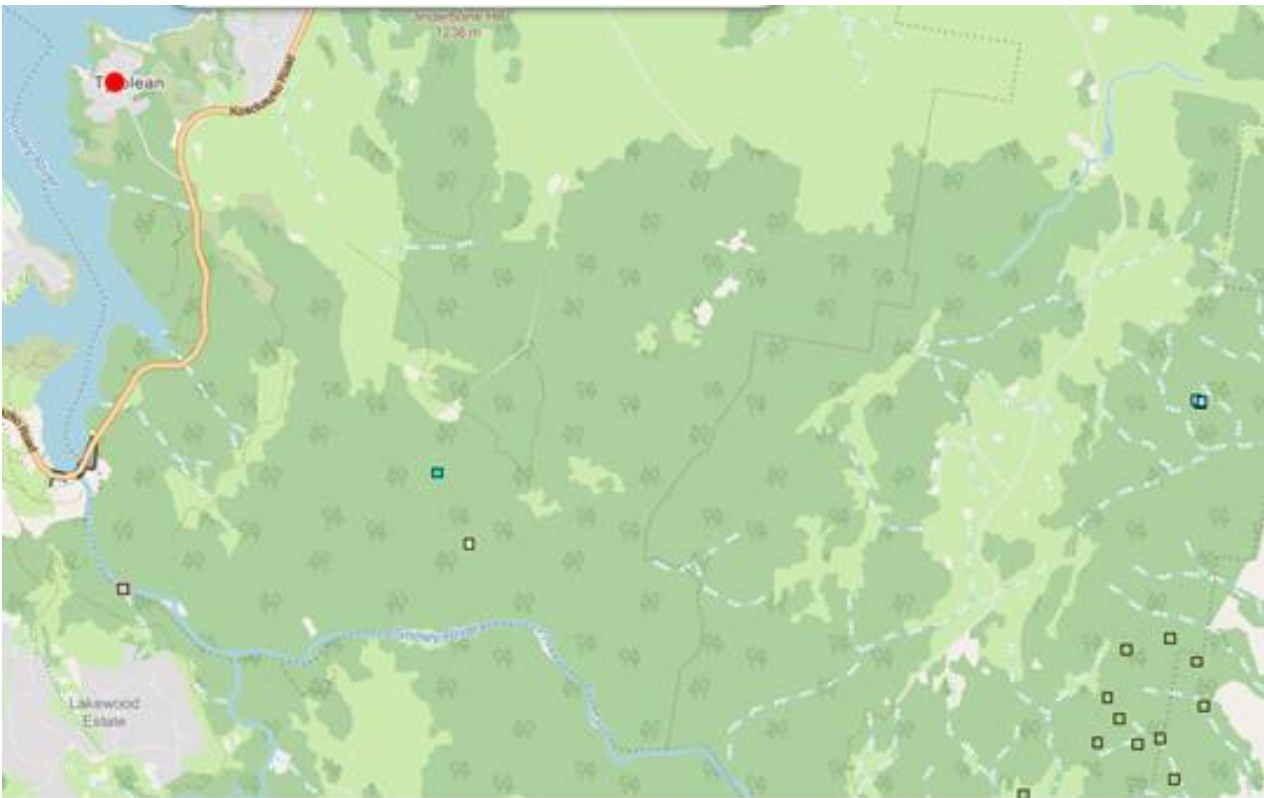


Figure 7: Koala sightings map

The proposed application is confined to narrow corridors, resulting in minimal overall impact on vegetation. While there have been koala sightings to the east of the site, the development is not expected to disrupt any feeding corridors. The existing woodland areas will remain untouched, and would allowing the koalas living to the east to continue using these corridors if required.

In this instance it is considered that the development satisfies the requirement to have low or no impact on koalas or koala habitat, and as such consent to the development application may be granted.

Other Legislation

Biodiversity Conservation Act 2016 (BC Act)

The Biodiversity Values Map shows two (2) patches of vegetation mapped as containing High Biodiversity Values bisected by the Subject Land along two (2) trails, 'Bunty's South' and the 'Mill Creek' trails. As the Proposal will impact on areas mapped as containing Biodiversity Values, participation in the BOS is required.

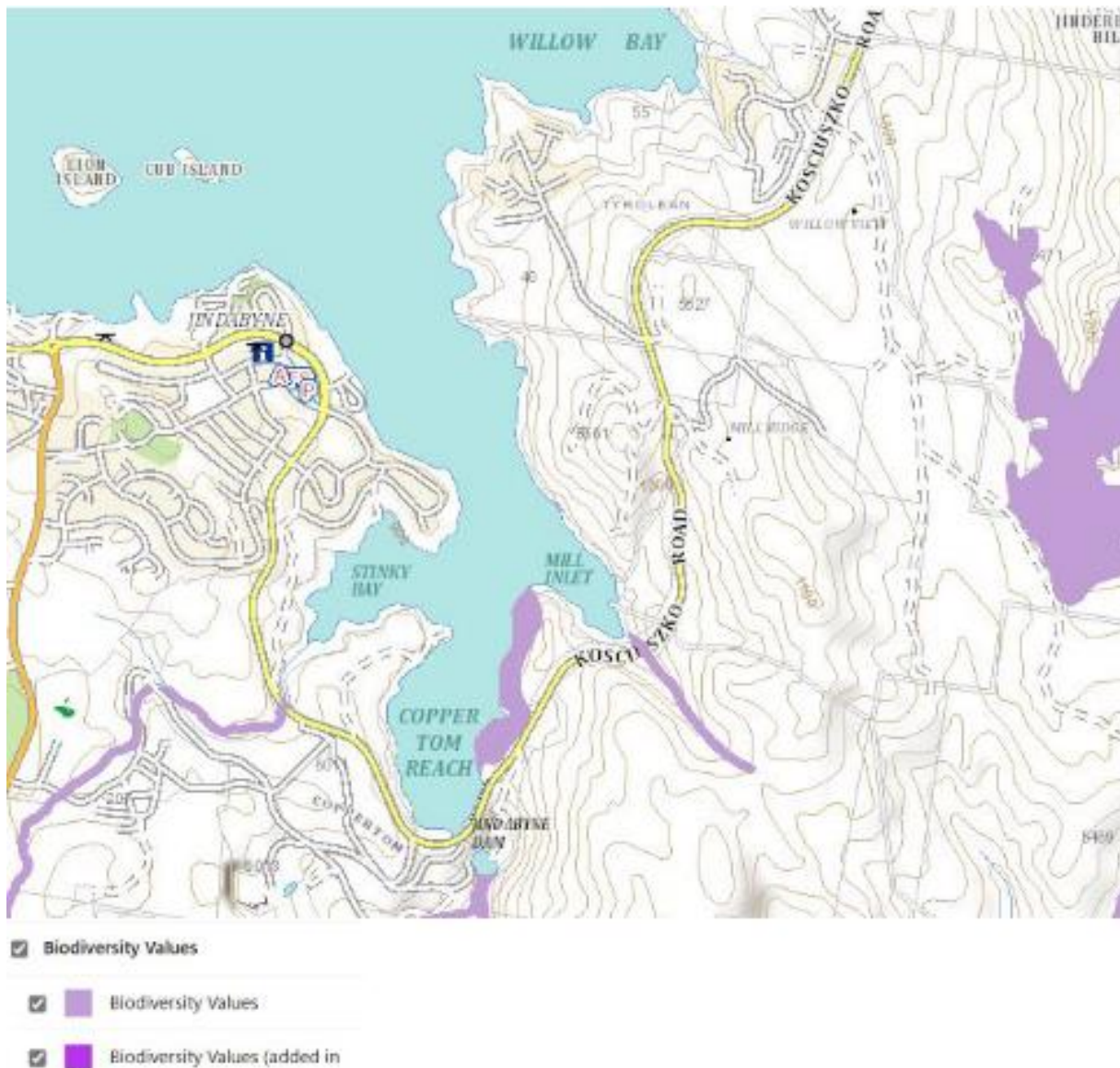


Figure 8: Biodiversity Values Map

Native vegetation clearing thresholds as outlined in Part 7 of the Biodiversity Conservation Regulation 2017 (Table 4) also indicate when a project would need to enter the BOS according to the minimum lot sizes and the corresponding native clearing threshold.

The proposal will directly impact 1.82 ha of native vegetation. Therefore, the clearing threshold for native vegetation will be exceeded by this proposal, and participation in the BOS is required.

Table 4 Area criteria – Biodiversity Offset Scheme threshold

Minimum lot size	Threshold for clearing (ha) to enter BOS
<1 ha	>0.25
1 ha < 40 ha	>0.5
40 ha – 1000 ha	>1
>1000 ha	>2

As the proposal exceeds the threshold for clearing, as well as impacts to mapped area of Biodiversity Values, participation in the BOS is triggered. Consequently, this proposal has resulted in a Biodiversity Credit calculation of 54 ecosystem credits and 142 species credits currently being

required to offset the proposal. The cost of securing these credits is not part of the DA assessment.

Serious and Irreversible Impacts

The BDAR states that the proposal may lead to one serious and irreversible impact on the Monaro Tablelands Cool Temperate Grassy Woodland TEC, however the areas primarily affecting are already disturbed due to existing trail infrastructure and urban development. Four prescribed impacts include habitat disturbance, connectivity disruption, water quality alteration, and vehicle strikes on threatened species, are also with anticipated minor impacts which are to be mitigated by specific measures.

Avoidance & Minimisation of Impacts

A key part of management for biodiversity is that an application must 'avoid, minimise, mitigate and offset' any impacts on Biodiversity.

It is considered that the planning and design phase methodically assessed ecological constraints through data collation, field surveys, and threat evaluations which has informed a proposal strategically located to minimise impacts on sensitive habitats and species, and incorporated best practices to mitigate runoff, preserve habitats, and minimise disturbances to wildlife and ecosystems.

These design considerations include:

- Constraints being identified and provided to the track designers to ensure the areas where the lowest possible ecological and cultural where utilized.
- No mature trees are expected to be removed for the trail network, carpark or associated amenities construction,
- Direct impact to native vegetation and habitat features has been restricted to a maximum width of 2 m along trails.

All proposed mitigation measures can be found in Table 21 of the BDAR (attachment 6).

These measures and the comments from the Office of Biodiversity and Conservation have been incorporated into conditions of consent.

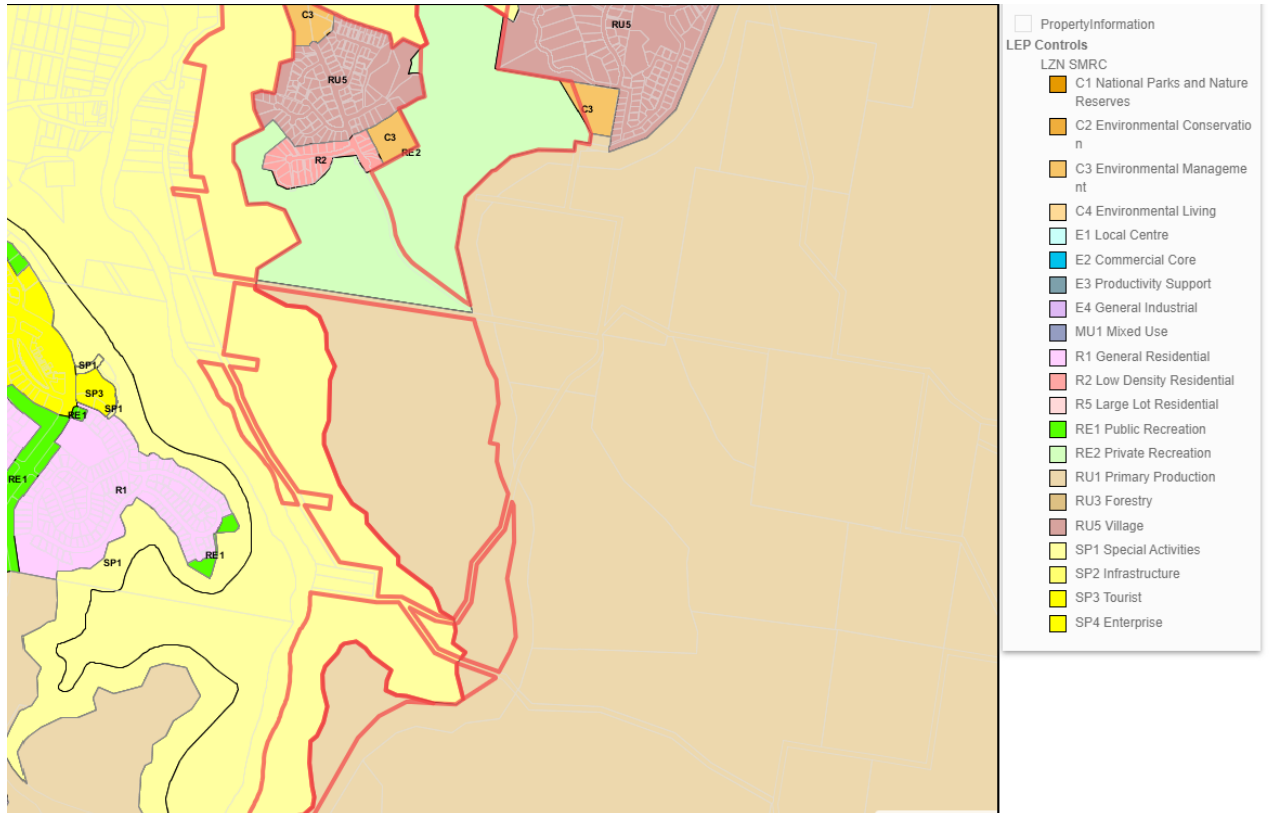
Assessment of the Development under the Snowy River Local Environmental Plan 2013.

- The subject land is zoned:
 - RU1- Primary Production
 - RE2 - Private Recreation
 - SP1- Special Activities
 - C3 - Environmental Management
 - Definition of land usage under SR LEP 2013: Environmental Facility
 - The proposal is permissible with development consent from Council pursuant to the SRLEP 2013.
 - The proposal is considered to be consistent with the aims and objectives of the plan.
-

Permissibility

The majority of the Subject Land is within land zones as RU1 and RE2, with a relatively small area zoned SP1 along the lake edge, and C3 surrounding the village.

Land Use Table



Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

In zones RU1, RE1, SP1 and C3, the related land use table permits either Community Facilities or Environmental facilities with consent.

Definition of land use

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

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

Principal development standards.

Clause 1.2 Aims of Plan

The development is consistent with the aims of the plan, by providing a development that will aid in strengthening a year-round economy by encouraging a land use that will attract tourists outside of the winter months. This development is proposed to be constructed and managed in an environmentally responsible manner. It seeks through thoughtful placement of the trail to value, protect and promote the natural, cultural, and archaeological heritage of Snowy River. It will ensure good management of public assets and to promote opportunities for social, cultural and community activities and retains and enhances public access to the Lake Jindabyne foreshore at Tyrolean Village and links existing open space areas and trail networks for environmental benefits, health benefits and public enjoyment.

PART 5 Miscellaneous provisions.

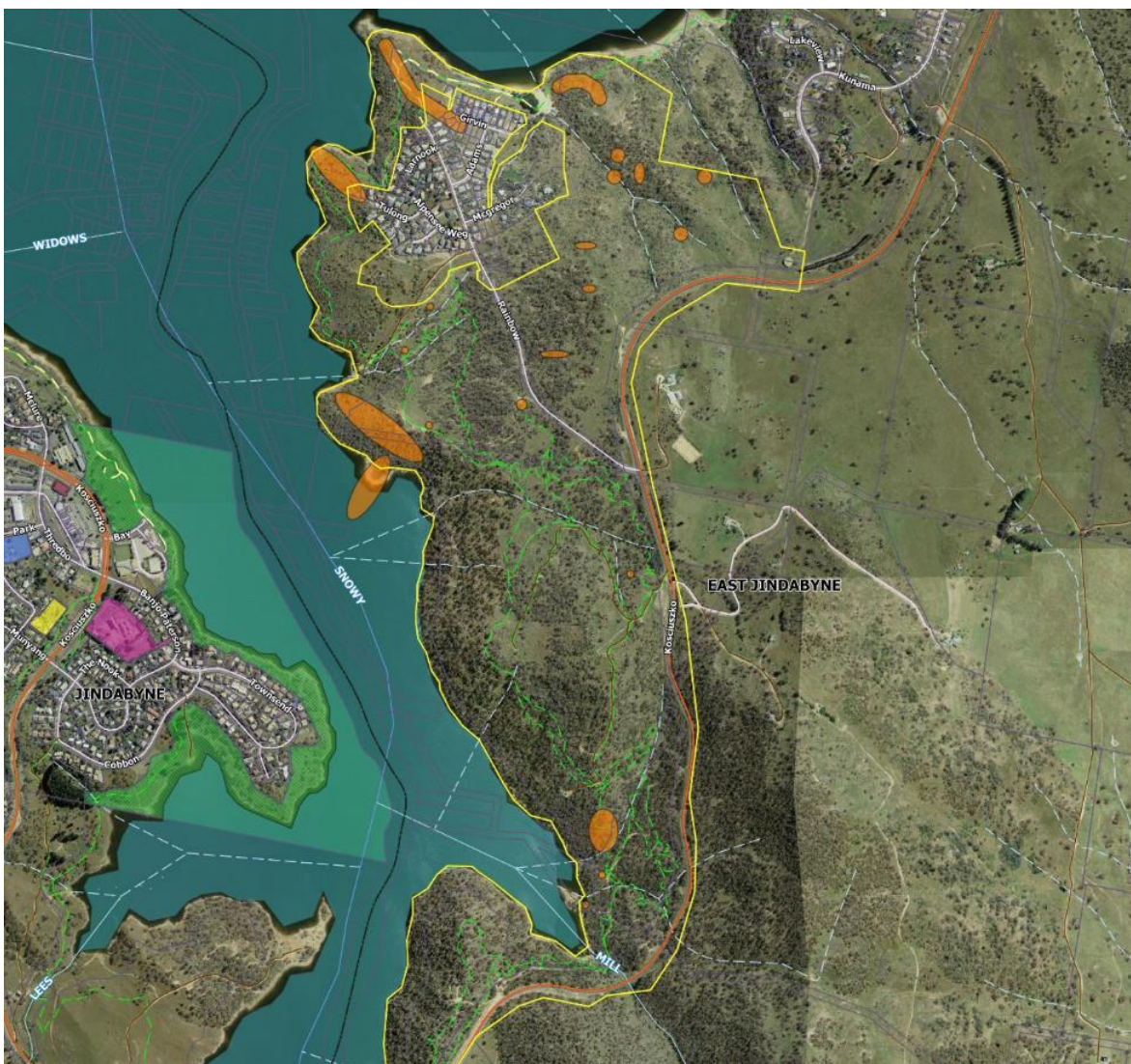
Clause 5.10 Heritage Conservation

Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was completed to fully assess the potential for impact on Aboriginal sites (Attachment 5).

The study identified twenty registered Aboriginal sites within the area, with inspections revealing various surface artefacts located along existing trails and several areas of potential archaeological deposits (PAD). These artefacts are currently being affected by trail use, necessitating proper management. Notably, the proposed works can entirely avoid several of these sites, while areas of PAD outside the existing trails will remain unaffected by the planned upgrades or the creation of new trails. Appropriate mitigation measures have been suggested, with eight of the sites to be entirely avoided, ten facing partial impact, and two experiencing total impact due to the proposed activities. Consequently, several recommendations have been made to address these findings.

8.1 DEVELOPMENT APPLICATION 10.2023.392.1 - CONSTRUCTION OF SHARED TRAILS WITH CARPARK AND AMENITIES



Potential Aboriginal Heritage Impacts - Construction

Of the twenty sites in the study area, eight will be avoided by the proposed works; ten would be partially impacted, and two would be subject to total impact.

If works were to proceed without first moving registered objects, it is very likely they would be disturbed by any excavation works and potentially buried and lost. The ACHAR report provides nine (9) recommended actions that must be taken before any works can commence on the site (page 99 of attachment 5)

1. AHIP Application Required
2. Conservation Of Sites
3. Surface Collection
4. Long Term Management of Collected Artefacts
5. Preparation Of Management Plan
6. Maintain Aboriginal Community Consultation
7. Study Area Boundaries
8. Stop Work Provision
9. Reporting

In addition, there is still the possibility of encountering unexpected archaeological items during construction, particularly during construction of new sections of trail. The proposed mitigation measures, where a suspected Aboriginal heritage item/s is encountered during construction work, have been outlined in the ACHAR and are as follows:

1. Site induction - all staff and visitors are to undertake a site induction to ensure awareness of potential Aboriginal heritage items and necessary protective measures during works.
2. An unexpected archaeological material is found - work halts, an archaeologist assesses, and further consultation may be needed before resuming, with Aboriginal-origin items reported to Heritage NSW.
3. Uncovering sub-surface Aboriginal heritage items - mandated work cessation, immediate contact with designated authorities or archaeologists, and clearance before resuming, possibly involving additional assessments and consultations.
4. Adhere to all nine recommendations in the ACHA report - prevent impact on AHIMS sites, relocating known sites according to cultural protocols if avoidance is impossible.

Potential Aboriginal Heritage Impacts - Operation

Once constructed, the trail network is not considered likely to impact on any tangible expressions of Aboriginal cultural heritage.

General Terms of Approval were provided by the Department of Climate Change, Energy, the Environment and Water - Heritage and have been included in the draft conditions of consent.

PART 7 Additional local provisions

Clause 7.2 Terrestrial Biodiversity

The subject site is on land that is identified as “Biodiversity” on the Terrestrial Biodiversity Map. Map.

The subject site is also identified on the Biodiversity Values Map. As the Proposal will impact on areas mapped as containing Biodiversity Values, participation in the BOS is required.

Native vegetation clearing thresholds as outlined in Part 7 of the Biodiversity Conservation Regulation 2017 (Table 4) also indicate when a project would need to enter the BOS according to the minimum lot sizes and the corresponding native clearing threshold.

The proposal will directly impact 1.82 ha of native vegetation which exceeds the Native vegetation clearing thresholds as outlined in Part 7 of the Biodiversity Conservation Regulation 2017 (Table 4). Therefore, the clearing threshold for native vegetation will be exceeded by this proposal, and participation in the BOS is required.

As the proposal exceeds the threshold for clearing, as well as impacts to mapped area of Biodiversity Values, participation in the BOS is triggered.

The department for Biodiversity Conservation and Science has provided comments and recommended conditions of approval, as a non-integrated assessment body. The comments were considered, and the information provided by the applicant was considered appropriate to determine the application as submitted. The conditions recommended by the department have been included in the draft conditions of consent to ensure mitigation and protections measures be employed during construction to protect the environmental values of the site.

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

The subject site is on land that is identified as “Lake Jindabyne” on the Scenic Protection Area Map.

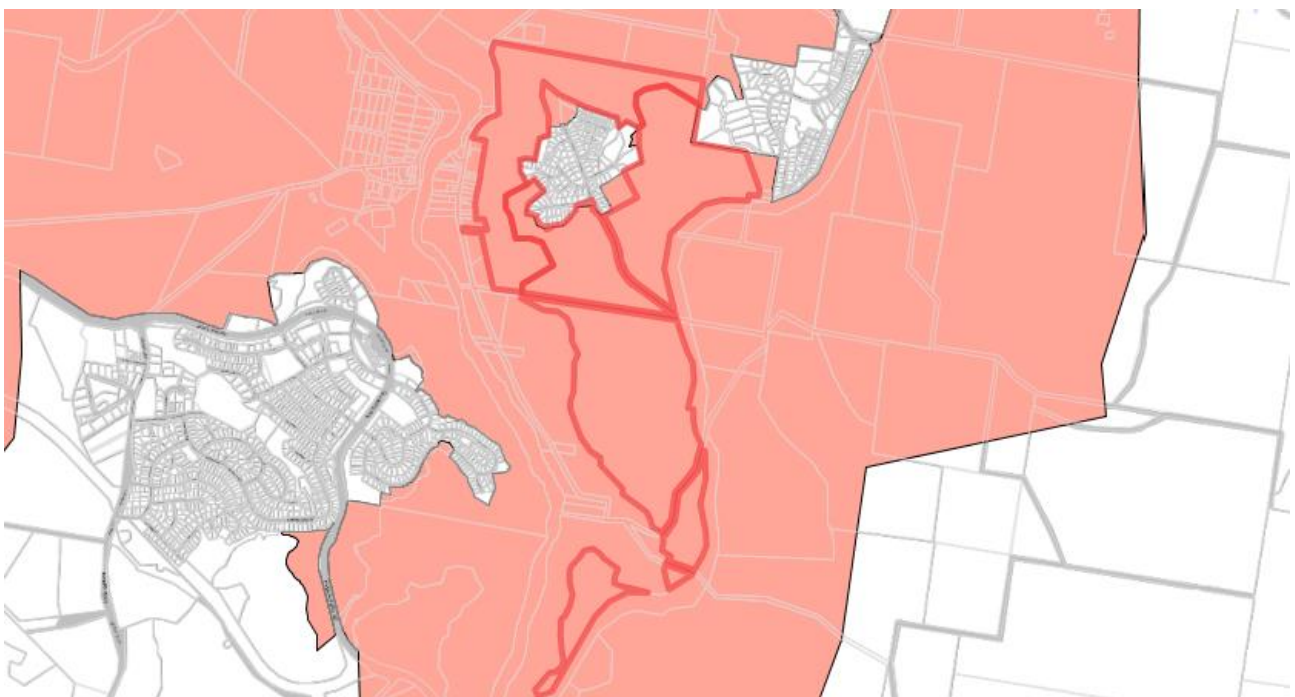


Figure 9: Scenic Protection map

The objective of clause 7.6 is to protect the following attributes within the catchment of and Lake Jindabyne—

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

The development as proposed will meet the objectives above as it is of low scale with no structures visible when viewed from the lake. The trail network will be visible however it is not considered to detract from the scenic quality of the area and is in keeping with adjoining landuses and the broader trail network.

It is considered that the development will not have an unacceptable visual impact on the scenic quality of the area when viewed from Lake Jindabyne at its full supply level or from a public place. The development has been designed to prevent any intrusion into the view from the lake at its full supply level due to its low scale nature and the minimal disturbance required for its construction.

Clause 7.9 Essential services

Access: The proposed MTB trail network has a number of access points, with Rainbow drive and Echidna Place. Parking areas (formal and informal) are also present within the subject land. It was noted during the site assessment that parking at the trail heads is limited, with many vehicles having to park along the roadside in residential areas.

The proposal of the carpark will provide a safe and formalise access to the trails.

Sewer: The proposed amenities building will be supported by an on-site sewer management system.

Water: The proposed amenities building and bike wash will be supported by a 10Kl rainwater tank.

Electricity: Solar panels will service the proposed amenities.

Clause 8.2 Development control plan for Jindabyne growth area.

The subject lands are not located within a growth area and as such this clause does not apply.

Jindabyne DCP

On the date the subject application was lodged, the Jindabyne Development Control Plan (DCP) was in draft form. While the Jindabyne DCP has since been adopted, it does not apply to this application, as it had not been adopted by Council at the time of lodgement.

Consequently, the provisions of the Snowy River Development Control Plan 2013 are applicable to the proposed development.

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

The application has been assessed against the following provisions from SR DCP 2013:

Provision	Response/Acceptable Solution
C General planning considerations	

<p>C3 Car-parking, Traffic & Access</p>	<p>The proposal includes an off-road car parking. This is considered appropriate due to the increased accessibility to the track. Conditions of consent apply regarding compliance with car park specifications.</p>
<p>C4 Heritage</p>	<p>Lake Jindabyne Conservation Area is in close proximity to the proposal which is an item listed for its heritage significance in the Snowy River LEP (item C4). This has triggered the requirement for completion of a Heritage Impact Statement report in order to assess the potential impact of the proposed development on the heritage values of this item (attachment 8). The archaeological assessment and heritage report conclude that the Study Area is not considered to have heritage value with specific regard to historical heritage, and the proposed works are considered unlikely to impact on the heritage values of the Lake Jindabyne item.</p>
<p>C5 Tree preservation & Landscaping</p>	<p>Consideration of the impact of the development on threatened species has been undertaken and assessed in the report above with no significant impact identified.</p>
<p>C6 Signage & Advertising C6.1-5 Signage in Rural, Environmental and Recreation Zones (a) The location, number and size of signs and the use of shapes, colours and construction materials should ensure that signage and advertising is low key in appearance.</p>	<p>Signage will be consistent with the existing signage and is considered low key and appropriate for the proposed use.</p>
<p>C7 Natural Hazard Management</p>	<p>The development is for groundworks only and therefore does not trigger any further assessment or requirements other than those usually associated with the management of public land. This however falls outside of the development assessment process.</p>
<p>C8 Environmental Management</p>	<p>The development is designed to have minimal environmental impact and will be managed in the same way as the existing trail network. The runoff from the trail is managed through its design and requires minimal maintenance. Any disturbed areas are to be rehabilitated and revegetated at</p>

	the conclusion of construction.
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	The proposed amenities will be serviced by an on-site sewer management system. A condition of consent will require a S68 application for installation.
C10 Waste management & Recycling	Waste collection will be provided at the site.

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

IMPACTS OF THE DEVELOPMENT – ENVIRONMENTAL, SOCIAL & ECONOMIC

Access, transport and traffic	Access to the site is via public roads.
Easements/88B Restrictions on Use	None that would impact development of the type proposed
Bushfire Assessment s4.14	The development is for groundworks only and therefore does not trigger any further assessment or requirements other than those usually associated with the management of public land. This however falls outside of the development assessment process.
Impacts on supply of utilities	No impact due to the scale and type of the development.
Heritage	The development is on land with identified Aboriginal Cultural Heritage. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted and the impacts of the development on heritage are discussed above. No European cultural heritage was identified on site.
Natural and other land resources	No impact due to the scale and type of the development.
Water supply and potential impacts on surface and ground water	No impact due to the scale and type of the development.
Soils	Appropriate sediment and erosion control measures will be in place during construction of the trails and the trails are constructed to manage stormwater runoff in their design.
Air quality, pollution and microclimate impacts (eg odour)	No impact.

Flora and fauna & Consideration of Threatened Species	Consideration of the impact of the development on threatened species has been undertaken and no significant impact is expected.
Waste facilities and controls	No impact.
Noise and vibration	Some noise and vibration will be expected during the construction phase however this can be managed through the conditions of consent for hours of construction. The ongoing impacts of noise for the development will be minimal due to the open nature of the area and is not considered to be over that which would be reasonably expected in an area set aside for outside public recreation.
Safety, security and crime prevention	No impact as the development is in an open recreation area with minimal infrastructure that could be damaged through antisocial behaviour.
Social impact in locality	Positive social impacts are expected as the development will encourage healthy outdoor recreation pursuits
Economic impact in locality	Positive economic impacts by providing an addition to the existing trail networks which are a tourist draw for the area.
Site and internal design issues	No impact, the development has been designed keeping in mind the topography and vegetation of the site.
Impacts during construction	Minimal due to the low scale nature of the development and can be managed through appropriate conditions of consent.
Cumulative impacts	Minimal adverse cumulative impacts are expected from the development.
Impact on pedestrian movements and safety	The development will lead to improved pedestrian linkages and safely allowing for a shared trail link between Jindabyne and East Jindabyne that will not require the use of the Kosciuszko Road.
Mineral resources and/or deposits in the vicinity	None known on site.
Impacts on aboriginal heritage	The development is on land with identified Aboriginal Cultural Heritage. An ACHAR was submitted and the impacts of the development on heritage are discussed above.
Health Impacts of High Voltage Power Lines	N/A.

SUBMISSIONS

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

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

Below is a summary of the submissions received. Copies of all submissions can be read in attachment 12.

Submission 1

- **Surface Water and Drainage:** The proposed carpark on Rainbow Drive and nearby trails suffer from erosion due to unregulated surface water, causing trail damage. Seeks confirmation that the DA will properly manage surface water drainage.

Applicant’s response: When the project design is developed for construction tender (following DA approval) the stormwater drainage will be designed in more detail. This design, provided by suitably experienced engineers, will address the issues listed above (among other things).

Assessing Officer Response: A condition of consent has been included.
- **Trail Closure and Rehabilitation:** Suggests retaining small trail sections for emergency access and convenience. They seek clarification on whether these trail linkages will remain open.

Assessing Officer response: The construction contractor will be responsible for determining their own works plans. Access and links of trails will be discussed with the contractor prior to works commencing.
- **Removal of Existing Assets:** Requests that valuable trail assets like rock ARM and geomesh be removed carefully and returned for future use.

Applicant’s response: Removal of these items and storage for reuse can be included in the tender/construction.

Officer Response: This is not a development related item.
- **Complying Development:** Seeks clarification on whether the development qualifies as Complying Development under the SEPP.

Assessing Officer Response: The application is not a development under the Provisions of the State Environmental Planning Policy (Exempt &

Complying Codes), known as Complying Development (CDC's). The application is considered to have complied with all the relevant planning instruments.

- **Construction Footprint:** Concerned the proposed trail disturbance widths are too narrow for optimal trail construction and user experience. They seek confirmation that trail widths will be adequate.

Assessing Officer Response: A condition of consent has been included.

- **Controlled Activity:** The SEE mentions the need for Controlled Activity Approval for works near a watercourse, though public authorities (Council) are exempt.

Assessing Officer Response: As noted in the body of this report.

- **Construction Timing:** Construction timing restrictions based on bird species impact are unnecessary, as trail works have limited impact on trees.

Assessing Officer Response: There are no conditions of consent restricting construction timing.

- **Cycling Standards:** Seeks confirmation that the trails will be designed and constructed according to IMBA/Aus Cycling standards for best practice trail construction.

Applicant response: These issues will be considered for detailed design, they are generally not issues that are considered for DA phase.

Assessing Officer Response: A condition of consent has been included.

Submission 2

Initially the submitter had issues accessing the application content. This was rectified and the submitter provided an addendum to this submission.

The items raised as part of this submission are primarily outside the scope of the consideration of the DA process. However the applicant (Council) has provided the below responses.

The submitter is concerned that the DA primarily focuses on MTB trails, neglecting the needs of walkers, families, and adaptive riders, despite the area being valuable for the entire community.

Applicant response: As the project name demonstrates (Lake Jindabyne Shared Trails), this is a shared trail project, not just MTBiking. In order to create a shared trail through the existing MTB trail network a realignment of MTB trails is required, which has flow on effects to the greater MTB trails network that the project will need to address. As a result there is a lot of MTB trail works included in the project scope, much of which is outside the shared trail sections. Stemming from this there are a lot 'best practice' or similar standards for MTB trails, which the project intends to comply with, hence the overt references to MTB trails throughout the project documentation.

Concern that the trails are not designed for easy access, and existing walking trails lack proper standards, with no mention of trail widths or classifications for shared use.

Applicant response: The project will deliver a range of trails with a focus

on ease of access for beginners, while also providing advanced trail options for more experienced users.

Concerned that the community feels excluded from the planning process, with consultations focused mainly on bikers, and many local associations requesting a more inclusive approach.

Applicant response: Community consultation has taken place throughout the long history of this project, with some of it going back as far as three to four years. The community's expectations for the project were determined by project engagement groups and then throughout the DA exhibition process, all comments are considered and reviewed for inclusion, however given that there are many people who have commented Council are bound by the expectations of the majority, meaning that there will inevitably be some members of the community who may not be happy with aspects of any given project.

The DA does not clearly address the environmental impact, such as tree removal, degradation of open spaces, or how biodiversity offsets will be achieved.

Assessing Officers response: The application has provided the required reports and documentation including a BDAR. This has been reviewed by the Department of Biodiversity and Conservation, who have provided a letter of concurrence and recommendation for conditions of consent.

Improved signage and a code of conduct are needed to resolve conflicts between bikers and walkers, and better maps should be provided to show shared trails clearly.

Applicant response: New signage and maps will be installed as part of this project.

Is concerned about the adequacy of trail maintenance and funding, with a call for dedicated maintenance crews to care for main trails year-round.

Applicant response: Trail maintenance has in the past been carried out primarily by the Jindabyne Trail Stewards, who have graciously indicated they intend to continue to provide such a service to the community into the future. Maintenance funding has been discussed at Council meetings throughout 2024 and funding sources have been identified.

Second submission after accessing the documentation:

Environmental and Heritage Value: The area is of high environmental and heritage value, and council has a responsibility to preserve it for the entire community, not just a minority. The Heritage Study lacks sufficient oversight and has missed key features like the Stone Wall in Mill Creek, which should be considered.

Applicants response: Council understands the environmental value of the site and will be purchasing ecosystems and species credits as required by the Dept. of Biodiversity, Climate, and Science. The works proposed by this project will, overall, comprise a minor expansion of the trails that already exist. This project will legitimize the existing trail network and address and offset the environmental impacts of the trails that are existing as well as the new trails.

Assessing officer's response: The heritage report has been assessed by Heritage NSW and included consultation with key groups, such as the LALC. Heritage NSW has provided General Terms of Approval, which have been included in the draft Conditions of Consent.

The application has provided the required reports and documentation including a BDAR. This has been reviewed by the Department of Biodiversity and Conservation, who have provided a letter of concurrence and recommendation for conditions of consent.

Consultation and Oversight Issues: The Heritage Study appears to be based on minimal fieldwork, and important local historical features, including Ryrie's Mill and the remnants of the SMA Dam, have been overlooked.

Assessing officer's response: The heritage report has been assessed by Heritage NSW and included consultation with key groups, such as the LALC. Heritage NSW have provided General Terms of Approval, which have been included in the draft Conditions of Consent.

Cultural Heritage: The Aboriginal cultural heritage should include both physical relics and intangible connections to the land. Historical evidence, both from recent habitation and earlier periods, should be preserved and managed.

Assessing officer's response: The heritage report has been assessed by Heritage NSW and included consultation with key groups, such as the LALC. Heritage NSW have provided General Terms of Approval, which have been included in the draft Conditions of Consent.

Trail Design Concerns: The proposed trail plans lack rehabilitation for the main trail, and the current design is poorly planned with disjointed or unconnected trails. There is insufficient focus on easy trails for a broad range of users, including families and seniors, contrary to the vision of providing a healthy, accessible mobility option for all community members.

Applicants Response: As the project name demonstrates (Lake Jindabyne Shared Trails), this is a shared trail project, not just MTBiking. The creation of a dedicated shared trail will enable users of all skill levels to access the trail network. Rehabilitation of the existing trail network comprises a very large portion of the overall project.

Lack of Trail Diversity: The trails mainly cater to intermediate and advanced riders, neglecting those who seek easy or leisure rides. Existing trails like the Mill Creek and Hatchery Bay trails are not easy, with erosion and maintenance issues, which affects the experience for visitors.

Applicants Response: The trails at Hatchery Bay have, as part of this project, already been rehabilitated for all user skill levels. These works were due for completion in late-Nov/early-Dec 2024. Around the Mill Creek trails the project will create a dedicated shared trail will enable users of all skill levels to access the trail network.

Inclusive Community Vision: The concept plan's objectives mentioned inclusivity and mobility for a wider range of community members, including those without cars. The current trail design and maintenance do not align with these goals.

Need for Accessible Trails: The trails need to offer options for a variety of abilities, including

easier trails for leisurely use. The increased usage of volunteer-built paths, such as the lakeside concrete path, highlights the need for better maintenance and accessible options.

Applicants Response: The project will create a dedicated shared trail that will enable users of all skill levels to access the trail network.

Council's Commitment: There is a question of whether council will prioritize the needs of the broader community, especially in upcoming plans like the Disability Action Plan and the Strategic Plan.

Applicants Response: The project will create a dedicated shared trail that will enable users of all skill levels to access the trail network.

Submission 3

Support for the Project: The writer supports the construction of the shared trail, parking, and amenities.

Dust and Health Concerns: The frequent use of the fire trail at the northern end, particularly at the interface with Tyrolean Village, by vehicles—especially during the summer months—results in considerable dust production. This not only impacts the nearby residences but may also pose a potential health risk.

Assessing officer's response: Dust generated by mountain bike wheels on the trails is not expected to produce unreasonable dust emissions at nearby neighbouring residences, for several reasons:

1. **Low Dust Generation:** Mountain bikes produce minimal dust compared to motorized vehicles. The trails are typically designed to provide a smooth, stable surface, which further reduces the likelihood of significant dust creation. The amount of dust generated by the wheels is generally low and localised around the trail itself.
2. **Localised Dispersion:** Any dust that may be generated remains confined to the immediate vicinity of the trail. Given that mountain biking involves relatively slow speeds and the natural terrain (such as trees, shrubs, and soil) acts as a buffer, it helps prevent dust from traveling long distances.
3. **Environmental Factors:** Wind patterns and natural vegetation along the trails can effectively trap or filter out dust particles, preventing them from drifting into nearby residential areas. Additionally, any dust that does become airborne is unlikely to accumulate in concentrations that would be noticeable or problematic at neighbouring homes.

As such it is considered that dust from mountain bike activity on the trails is unlikely to reach neighbouring residences in harmful quantities.

Mitigation measures to address dust control during construction have been included.

Fire Trail Damage: Overuse of the fire trail by vehicles, combined with recent heavy rain, has caused significant damage to the trail, raising concerns about potential access issues for emergency vehicles.

Assessing officer's response: The "trail" referred to in this submission is not a formal "Fire trail". Fire trails are managed by RFS.

The area shown below is managed by Council as an asset protection zone, which was established as part of the subdivision. This includes the clearing of vegetation, but does not include maintenance of a trail.

An existing locked gate has been previously installed by Council to stop vehicle access.

Therefore, the physical condition of this area is not associated with the proposed development.

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.

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

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

ATTACHMENTS

1. DRAFT Conditions of Consent (*Under Separate Cover*)
 2. Plans - Car Parking And Vehicle Access (*Under Separate Cover*)
 3. Plans - Amenities Building (*Under Separate Cover*)
 4. Statement Of Environmental Effects (*Under Separate Cover*)
 5. Aboriginal Cultural Heritage Or Assessment Report (*Under Separate Cover*)
 6. Biodiversity Assessment Report (*Under Separate Cover*)
 7. Network Concept Plan - Constraints Summary Report (*Under Separate Cover*)
 8. Heritage Impact Statement (*Under Separate Cover*)
 9. Tyrolean Trail Network - Concept Plan (*Under Separate Cover*)
 10. Biodiversity, Conservation & Science - Letter of Review and Recommended Conditions (*Under Separate Cover*)
 11. Heritage NSW NPWAct - General Terms of Approval (*Under Separate Cover*)
 12. Submissions (*Under Separate Cover*)
-

8.2 DEVELOPMENT APPLICATION 10.2024.270.1 - 2 LOT TORRENTS TITLE SUBDIVISION

Record No: I25/41

Applicant Number:	10.2024.270.1
Applicant:	Jack Atkinson Surveying Pty Ltd
Owner:	B L Murray & T R Murray
DA Lodged:	30/10/2024
Property Description:	Lot: 25 DP: 701757
Area:	1.815 HA
Zone:	RU5 Village
Current Use:	Residential Dwelling House
Proposed Use:	Two (2) Lot Torrens Title Subdivision
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)* Council grants consent to DA 10.2024.270.1 for Two (2) Lot Torrens Title Subdivision on Lot: 25 DP: 701757, 25 O'Brien Avenue BERRIDALE with conditions of consent attached to this report.

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the development consent for Two (2) Lot Torrens Title Subdivision at 25 O'Brien Avenue BERRIDALE (Lot 25 DP 701757). The property is located within the eastern portion of the Berridale Village and is zoned as RU5 Village. The proposed subdivision involves the creation of one additional allotment, proposed Lot 1 is vacant land being suitable for future residential development and proposed Lot 2 retaining the existing dwelling house on the site and associated structures.

The application was open for submissions for 28 day period, during which zero (0) submissions were received.

In accordance with Council's policy "Referral of Development Applications to Council" the application is referred to Council for determination as the application is by or on behalf of a Senior Staff member.

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

It is recommended that the application be approved with conditions.

BACKGROUND

The proposed subdivision of land is located on the eastern side of the Berridale Village and is zoned as RU5 Village. The subject land is 1.815 HA in size and is currently developed with a single dwelling on the allotment approved under a Complying Development Certificate (18.2017.3005009.1) with an associated garage and shed building existing on the site. The existing development within the vicinity of O'Brien Avenue comprises large lots ranging from approximately 7500m² to 9000m² containing dwelling houses for residential purposes. The landscape of this area is considered to be rural residential style allotments.

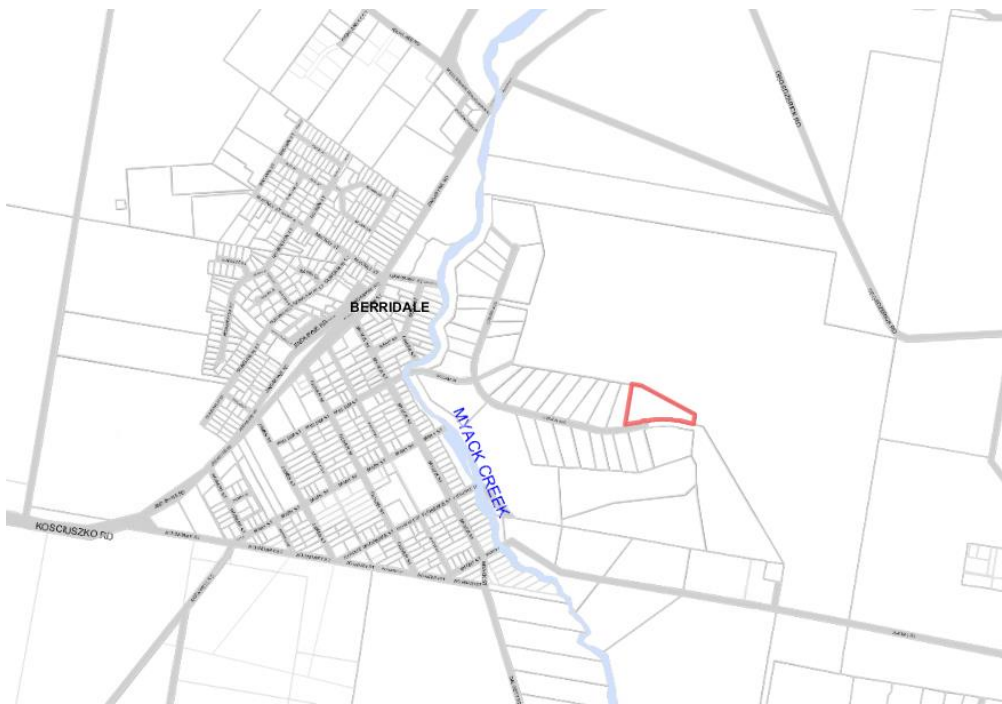


Figure 1: Location Map – Base Map

8.2 DEVELOPMENT APPLICATION 10.2024.270.1 - 2 LOT TORRENTS TITLE SUBDIVISION



Figure 2: Location Plan – Satellite Imagery



Figure 3: Site Photos

PROPOSAL IN DETAIL

The proposed development is for 2 Lot Torrens Title Subdivision at 25 O'Brien Avenue BERRIDALE (Lot 25 DP 701757). The proposed development will create one (1) additional allotment suitable for residential development. The subject allotment is 1.815 HA in area with the minimum lot size applicable to the land being 700m².

The proposed subdivision of the land is as follows;

Proposed Lot 1 – 8100m²

Proposed Lot 2 – 1.015 HA

The proposed Lot 1 will be vacant land suitable for the erection of a dwelling house, while proposed Lot 2 will contain the existing dwelling house and associated garage and shed buildings.



Figure 4: Proposed Subdivision Plan

LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

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

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

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

SECTION 4.15 ASSESSMENT

SUITABILITY OF THE SITE

Slope	
Significant vegetation	
Adjoining development	
Suitability of proposed works / building	
Streetscape	The proposed development is considered to be generally compatible with adjoining development
Stormwater disposal	Stormwater will be diverted into council system
Services	electricity / telephone/water/sewer
Views	nil impact to and from site
Contamination	nil identified
Bushfire	
Flooding	nil impact
Vehicular access	The site has coinciding legal and practical access via O'Brien Avenue.
Easements and restriction on use	There is an easement to drain water 3 metres wide wholly across the subject allotment. No further easements or restrictions on use applicable to the proposed development.
Aboriginal sites	nil identified on-site
Threatened species	nil identified on-site
Grasslands	nil identified on-site
Rivers/streams	not applicable
Effluent disposal	Council sewer system
Prevailing winds	nil impact

Other matters	nil
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REFERRALS

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is deemed to be integrated Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

Integrated Development

State or Federal Agency	Comments
NSW RFS	The proposed development application is within the mapped bushfire prone land and due to the nature of the proposed development was required to be referred and seek concurrence from NSW Rural Fire Service. NSW RFS have provided their General Conditions and approval; see attachment 6.

Internal Referrals

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

ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policies (Resilience and Hazards) 2021
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environmental Plan 2013 (SRLEP 2013)
Development Control Plans	Snowy River Development Control Plan 2013 (SRDCP 2013)

State Environment Planning Policies (SEPPs)

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

State Environmental Planning Policy (Resilience and Hazards) 2021

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

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

- The subject land is zoned: RU5 Village
- Definition of land usage under SRLEP 2013: Subdivision
- The proposal is permissible with development consent from Council pursuant to clause 2.6 (Subdivision—consent requirements) of the SRLEP 2013.
- The proposal is considered to be consistent with the aims and objectives of the plan.

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

Council Officer Response:

The proposed subdivision is considered to be consistent with the objectives of the zone by providing a large residential allotment consistent with the neighbouring allotments within the vicinity of the proposed development. The proposed subdivision will allow the opportunity for future population growth of Berridale.

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

Principal development standards.

Clause 2.6 Subdivision—consent requirements

The proposed subdivision complies with clause 2.6 as the proposed development application does not include the subdivision of land on which a secondary dwelling is constructed to the proposed additional allotment. The existing dwelling house is situated on proposed Lot 2 while proposed Lot 1 will be vacant land.

Clause 4.1 Minimum subdivision lot size

Minimum lot size applicable to the land is 700m²

Proposed Lot 1 – 8100m²

Proposed Lot 2 – 1.015 HA

Both of the proposed lots exceed the minimum lot size for subdivision and therefore comply.

Clause 7.9 Essential services

The essential services are proposed as the following;

- (a) Water supply to the proposed lot 1 will be via Council reticulated water supply. The existing dwelling house on proposed lot 2 has an existing water connection to Council water supply.
- (b) Electricity supply has been proposed will be via electricity mains existing within the vicinity of the development. Proposed Lot 1 will require a new electricity mains connection while Lot 2 has an existing connection to electricity mains.
- (c) The disposal and management of sewer to the proposed lot 1 will be via Council sewer infrastructure. The existing dwelling house on proposed lot 2 has an existing Council sewer infrastructure connection.
- (d) Management of stormwater for the proposed subdivision will be diverted into Council stormwater management system along O'Brien Avenue street frontage.
- (e) Access to proposed Lot 2 will remain the same servicing the existing dwelling house. Access to proposed Lot 1 will require a new access crossover via O'Brien Avenue. A condition of approval has been included.

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

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

Provision	Response/Acceptable Solution
A3 Public Notification	Neighbour Notification - 14 days
B2 Town & Village Plans	
2. Berridale Village	
<i>The rural setting of the town and its connection to the mountains.</i>	The proposed development maintains the physical connection to the mountains and the gateways to the village as the proposal is consistent with the neighbouring allotments being of a rural residential nature.
<i>The town as a clean, healthy and safe place to live with good opportunities to grow.</i>	The proposed development provides an opportunity for residential growth of the town without compromising the clean, healthy and safe environment of Berridale.

<p><i>The village as the administrative centre of the Shire.</i></p>	<p>The creation of the additional allotment and future residential development will increase the necessity of the Council offices within Berridale.</p>
<p><i>Tourism as a major economic driver within Berridale and the need to provide a range of accommodation types.</i></p>	<p>The proposed development will have no foreseeable impacts to the growth of Tourism within the town.</p>
<p><i>The village atmosphere and attractiveness of Berridale and the surrounding landscape.</i></p>	<p>The additional allotment will create the opportunity for future growth of Berridale, increasing new residential development and therefore improving village atmosphere, landscape and attractiveness of Berridale.</p>
<p><i>A network of natural and built heritage walking trails through the village.</i></p>	<p>The proposed subdivision will complement the community values of the Berridale Village.</p>
<p>C General planning considerations</p>	
<p>C1 Subdivision - General Subdivision Requirements</p>	
<p>2.2 Controls</p>	
<p>C1.2-1 Minimum Subdivision Lot Sizes The minimum subdivision lot sizes are identified in the Snowy River LEP 2013 and the accompanying Lot Size Maps.</p>	<p>The proposed subdivision is for 2 Torrens Title allotments, minimum lot size as per the Snowy River LEP applicable to the land is 700m². The two proposed lots comply with the minimum lot size for the land. Lot sizes of the proposed 2 lots are the following: Proposed Lot 1 – 8100m² Proposed Lot 2 – 1.015 HA As per the Snowy River DCP the proposed subdivision is considered to be a minor subdivision as the proposed development does not exceed 5 allotments, no new road is opening, is not a staged subdivision, and it not proposing a variation to SRLEP or lots under the minimum lot size applicable to the land.</p>
<p>C1.2-2 Subdivision Design (a) The subdivision design must consider the physical characteristics of the land including bushfire hazard and ensure the protection of key environmental features including significant vegetation, natural landforms including rocky outcrops, topographic features and watercourses.</p>	<p>The proposed subdivision has considered the bushfire hazard applicable to the land, proposing a building envelope that is outside the mapped bushfire prone land. The land is not considered to be of environmental significance and does not have any natural landforms on the site such as rocky outcrops or watercourses. The proposed subdivision will not create adverse impacts to bushfire hazard risk, significant vegetation or natural landforms.</p>

<p>(b) Subdivision design must consider the orientation of future dwellings on the site to encourage north facing dwellings.</p> <p>(c) Council may consent to the creation of a hatchet shaped allotment of land. Where this is proposed within Zone R1 General Residential, R2 Low Density Residential or RU5 Village the subdivision must not involve a lot being developed that is already a hatchet shaped allotment.</p> <p>(d) All hatchet-shaped allotments in Residential or Village zones must have a minimum access handle width of 6 metres.</p> <p>(e) The minimum area requirements for all hatchet-shaped allotments are to be measured excluding the access handle.</p> <p>(f) All allotments are to be of a regular shape.</p> <p>(g) The allotments to be created must be designed to minimise any bushfire hazard and are to be designed in accordance with Planning for Bushfire Protection 2006 (refer Chapter C7 – Natural Hazard Management). Perimeter roads should be used to assist in minimising fire risk rather</p>	<p>The street frontage to O'Brien Ave forms the southern boundary of the proposed Lot 1. The design of the allotment runs north to south rather than east to west and sufficient area is available for constructing future dwelling houses within the proposed lot to adequately achieve north facing dwelling houses.</p> <p>The subject allotment is not considered to be a hatchet shaped allotment and therefore this control is not applicable to the proposed development.</p> <p>N/A</p> <p>N/A</p> <p>The proposed allotment design of the subdivision is considered to be of regular shaped lots. The allotment design of the subdivision is consistent with the allotment shape of the neighbour allotments within the vicinity of the subdivision.</p> <p>The subdivision has been designed in accordance with Planning for Bushfire 2019 and has been deemed to comply with these provisions. NSW RFS have provided conditions to be imposed for the proposed subdivision.</p>
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than clearing the site.	
<u>C1.2-3 Agricultural Land</u>	The proposed subdivision is not on Agricultural Land
<u>C1.2-4 Flora and Fauna Protection</u>	There is no significant Flora or Fauna on the subject site of the subdivision.
<u>C1.2-5 Visual Protection</u> (a) A visual impact assessment is to be undertaken for all proposed subdivision in the Lake Eucumbene or Lake Jindabyne Scenic Protection Area and Eastern Approaches to Kosciuszko National Park Scenic Protection Area.	The proposed subdivision is not within the Lake Eucumbene or Lake Jindabyne Scenic Protection Area and Eastern Approaches to Kosciuszko National Park Scenic Protection Area.
<u>C1.2-6 Building Exclusion Areas</u> The location of building exclusion areas is to be shown on the development application plans to identify areas that have development constraints (i.e. bushfire prone land, slope, significant vegetation, areas of heritage significance) and would not be suitable to subdivide for future building and development. Consequently areas not included in the building exclusion areas would be investigated as being suitable for future building and development.	No building exclusion areas have been proposed as part of the subdivision plan but a building envelope has been included. As there are no site constraints in regards to bushfire hazard, significant vegetation and natural landscapes it is not considered necessary to impose building exclusion areas on the proposed subdivision.
<u>C1.2-7 Provision of Services</u> (a) An electricity supply must be provided to each allotment in accordance with the requirements of the relevant electricity authority. (b) The applicant must demonstrate that telecommunications (whether fixed line or mobile) can be provided to the site.	Electricity supply is existing within the vicinity of the proposed subdivision. It will be conditioned that the developer will have to present to council a notice of arrangement to satisfy the electricity component of the development. The provision of telecommunications has been included as a condition.
<u>C1.2-8 Access</u> (a) The subdivision must not create additional riparian access rights to streams, creeks, rivers or other waterways. (b) All allotments created by subdivision (including boundary	The subdivision is not creating additional access rights to riparian land including streams, creeks, rivers or other waterways All proposed lots are considered to have legal and practical access. Construction of the access

<p>adjustments) must have coinciding legal and practical (properly constructed) access in accordance with Councils development design and construction specifications.</p>	<p>ways are proposed in the draft conditions in accordance with Council’s development engineers design and construction specifications.</p>
<p>C2 Design</p>	<p>Not applicable</p>
<p>C3 Car-parking, Traffic & Access</p>	
<p><u>C3.1-1 Permanent and Practical Legal Access</u></p> <p>(a) All development, including all allotments created by subdivision (including boundary adjustments) must have coinciding legal and practical (properly constructed) access in accordance with Councils development design and construction specifications.</p> <p>(b) Access roads are to be designed to minimise road infrastructure by utilising the most direct, and where possible the existing, legal routes.</p> <p>(c) An applicant wishing to construct a Crown public road is required to obtain Council’s concurrence to the ownership of the road being transferred to Council. Where the applicant cannot obtain the concurrence of Council to the transfer of ownership, the application for road construction will not be accepted.</p> <p>(d) Access by undedicated roads (including undedicated Crown reserve roads, Forestry roads and Livestock Health and Pest Authority reserves) requires the consent of the public authority (eg. Roads and Maritime Services) and will only be permitted in similar circumstances to those for rights of carriageway and subject to the same conditions applicable to rights of carriageway.</p> <p>(e) Where the development requires a second bushfire access/egress route, this is to be a permanent legal and practical access.</p>	<p>The proposed subdivision is considered to have coinciding legal and practical access via O’Brien Avenue.</p> <p>Proposed Lot 1 will have direct street frontage to O’Brien Avenue.</p> <p>Proposed Lot 2 has existing direct street access to O’Brien Avenue.</p> <p>There are no proposed roads.</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>

<p>(f) Where the existing road alignment does not match the dedicated or legally recognised road alignment, the road alignment should be rectified through realignment, closure, road construction or dedication.</p> <p>(g) Any additional length of public road created as part of the development and proposed to be transferred to the control of Council is to be minimised.</p> <p>(h) Direct access from either the Alpine Way or Kosciuszko Road is not to be provided to a development unless the site has no other practical alternatives that exist or can be created.</p> <p>(i) Consideration must be given to whether traffic associated with the proposed development will cause the condition of the roads to deteriorate and whether funds are or will be available for road maintenance and whether any financial contributions from the proposed development are sufficient to upgrade the roads likely to be affected.</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>The primary access to the proposed subdivision is via O'Brien Avenue. The proposed subdivision is unlikely to have determinately impacts to the conditions of the road. There no associated 7.12 road contributions applicable to be applied under the 7.12 contributions plan to contribute to the upgrade of the potentially affected roads.</p>
<p>C3.1-3 Public Roads</p>	<p>Not applicable</p>
<p>C3.1-4 Development Fronting Main or Arterial Roads</p>	<p>Not applicable</p>
<p><u>C3.1-5 Adequacy of Access</u></p> <p>(a) The standard of all-weather access roads to the development is to adequately cater for existing and potential traffic.</p> <p>(b) The road reserve width is to be sufficient to cater for all functions that the road is expected to fulfil, including the safe and efficient movement of all users and acting as a buffer from traffic nuisance for residents.</p> <p>(c) The carriageway width is to allow vehicles to proceed safely at the</p>	<p>The existing condition of O'Brien Avenue road is all-weather access.</p> <p>The existing condition of O'Brien Avenue road will be sufficient to cater to the proposed subdivision and functions that the road is expected to fulfil.</p> <p>The existing condition of O'Brien Avenue road is sufficient to allow vehicles to proceed safely at the operating speed intended for that road.</p>

<p>operating speed intended for that road.</p> <p>(d) The design of intersections is to allow all movement to occur safely and projected traffic volumes are to be used in designing all intersections.</p> <p>(e) All intersections and vehicular entrances are to satisfy the relevant design standards published by the Roads and Maritime Authority.</p> <p>(f) Access is designed in accordance with the design criteria set out in the Aust Roads Guide to Road Design and the Council’s Development Design and Construction Specifications.</p>	<p>Not applicable</p> <p>Conditions of consent have been included in the draft condition set as recommended by Council’s Development Engineer and are in accordance with Council’s engineering standards.</p> <p>Conditions of consent have been included in the draft condition set as recommended by Council’s Development Engineer and are in accordance with Council’s engineering standards.</p>
<p>C3.1-6 Minimising Impacts</p> <p>(a) Consideration is to be given to the impact the traffic associated with the proposed development will have on existing roads, road safety and other road users.</p> <p>(b) Physical impact on the environment and on the visual landscape are to be minimised through site planning and design.</p> <p>(c) Car parking areas and access roads to be designed, surfaced and sloped to facilitate stormwater infiltration on-site.</p> <p>(d) Access roads are not to exceed 12% slope and are to be designed to work with the contours of the land (minimising cut and fill).</p>	<p>No foreseeable traffic impacts resulting from the proposed development on O’Brien Avenue. It is considered that the existing road network is adequate to service the proposed development and additional traffic generated by the development.</p> <p>No physical impact on the environment and visual landscape due to the proposed development. Impacts will occur once the future development occurs on the site. The area surrounding the proposed development is residential dwellings, any appropriately designed dwelling house built in the future will be considered to be consistent with surrounding development and will not create any adverse impacts.</p> <p>Not applicable</p> <p>Not applicable</p>

<p>(e) Access roads are not to proceed through rock outcrops, natural features or existing vegetation stands and are not to be located on prominent hill faces or ridgelines. Note: Refer to Planning for Bush Fire Protection 2006 (PBP) at www.rfs.nsw.gov.au for any special access requirements related to developments within Bush Fire Prone Land (Refer Chapter C7 – Natural Hazard Management).</p>	<p>Not applicable</p>
<p><u>Controls C3.2-1 Pedestrian and Cycle Access</u></p> <p>(a) All development is to provide high quality accessible routes to public and semipublic areas, including major entries, communal open space, site facilities, parking areas and pedestrian pathways.</p> <p>(b) All pedestrian links are to have appropriate levels of illumination.</p> <p>(c) All entrances to buildings.</p> <p>(d) commercial premises</p> <p>(e) Potential pedestrian and vehicle conflict is to be minimised by ensuring clear sight lines at pedestrian and vehicle crossings, utilising traffic calming devices and separating and clearly distinguishing pedestrian and vehicular accessways (eg using bollards or changes in pavement treatment).</p> <p>(f) All vehicle access points to a development are to provide a minimum 1.5 metres landscaped setback to neighbouring properties.</p>	<p>The proposed development is considered to be within a large rural residential setting of Berridale. There are no existing communal open spaces or community facilities within the vicinity of the proposed development that warrant the necessity of pedestrian or cycle access therefore it is considered unreasonable to impose conditions of consent that would require the developer of the subdivision to construct pedestrian and cycle access infrastructure to O'Brien Avenue. Existing street lighting is evident within the vicinity of the proposed development.</p>
<p>C4 Heritage</p>	<p>Not applicable</p>
<p>C5 Tree preservation & Landscaping</p>	<p>There are no trees of significance within the subject land and the removal of trees within the lot has no foreseen unreasonable impact.</p>
<p>C6 Signage & Advertising</p>	<p>Not applicable</p>
<p>C7 Natural Hazard Management - Bushfire</p>	<p>The subject property is identified as being bushfire prone land.</p>

	The RFS has issued a Bushfire Safety Authority and conditions of consent.
C8 Environmental Management Minimising Conflicts (h) In assessing development adjoining the existing residential uses, the Council must consider whether or not the development is likely to have a significant impact on the residential uses including increased vehicle movement and noise.	The subdivision will increase traffic movements, however the noise generated by the additional dwellings are considered to be reasonable as both the subject land and the area through which the traffic will pass are both urban and will be used for residential development.
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	The development will be connected reticulated water and sewer to council's standards.
C10 Waste management & Recycling	Councils waste and recycling collection service is available to the site.

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

SUBMISSIONS

The proposed development was assessed against the requirements of the Snowy Monaro Planning and Development Community Participation Plan 2023 (SMPDCPP) and the following notification advertising took place:

Type of Development	Notification carried out as per minimum SMPDCPP
Subdivision less than 20 lots	Neighbour notification 14 days Zero (0) submissions received

CONCLUSION

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

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

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

ATTACHMENTS

1. DRAFT Conditions (*Under Separate Cover*)
2. Statement Of Environmental Effects (*Under Separate Cover*)
3. Preliminary Engineering Drawings (*Under Separate Cover*)

8.2 DEVELOPMENT APPLICATION 10.2024.270.1 - 2 LOT TORRENTS TITLE SUBDIVISION

4. Bushfire Assessment Report (*Under Separate Cover*)
 5. Aboriginal Cultural Heritage Report (*Under Separate Cover*)
 6. NSW RFS General Terms Of Approval (*Under Separate Cover*)
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**9.1.1 WATER AND WASTEWATER LAND ACQUISITIONS - ADAMINABY SEWER TREATMENT
PLANT AND ADAMINABY WATER SUPPLY FACILITY**

Record No: I24/673

OFFICER'S RECOMMENDATION

That Council

- A. Proceed with acquisition of the following land, and interests in land, from the Crown, by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) by authority contained in the Local Government Act 1993 (NSW) for the purposes of the Adaminaby Sewer Treatment Plant and Adaminaby Water Supply:
- i) proposed Lot 1 in Deposited Plan 1282211 (being part of folio 292/-/729876);
 - ii) proposed Lot 3 in Deposited Plan 1282211 (being part of folio 291/-/729876);
 - iii) proposed easement for right of access, marked A on Deposited Plan 1282211 (affecting folios 287/-/729870, 291/-/729876 and 292/-/729876);
 - iv) proposed easement for water supply, marked B on Deposited Plan 1282211 (affecting folios 287/-/729870, 291/-/729876 and 292/-/729876);
 - v) proposed easement for drainage of sewage, marked C on Deposited Plan 1282211 (affecting folios 287/-/729870, and 292/-/729876);
 - vi) proposed easement for water supply over existing line of pipes (approximate position), marked D on Deposited Plan 1282211 (affecting folios 287/-/729870);
- B. Acknowledge that minerals are to be excluded from the acquisition;
- C. Acknowledge that the acquisition is not for the purpose of resale;
- D. Classify the acquired freehold land (proposed Lots 1 & 3 in DP 1282211) as operational land in accordance with section 31 of the Local Government Act 1993 (NSW);
- E. Make the necessary applications to the NSW Minister for Local Government and the NSW Governor to obtain consent for the stated land acquisition and interests;
- F. Authorise the CEO to sign any documentation required for the acquisition processes.

ISSUES

This report seeks to deliver a consolidated resolution which encompasses all identified elements of the Water & Wastewater (W&WW) acquisition needs. The acquisitions for the infrastructure needs related to the Adaminaby Reservoir and the Adaminaby Sewer Treatment Plant are already well underway, via mandate of prior resolutions of Council.

The proposed Plan of Acquisition (DP 1282211) has been registered. The updated consolidated resolution, when passed by Council, will be submitted to the Minister for Local Government for consent to issue the Proposed Acquisition Notice (PAN) to acquire the land & easement interests from the Crown. The registered Plan of Acquisition DP 1282211 is attached, coloured to indicate

9.1. WATER AND WASTEWATER LAND ACQUISITIONS - ADAMINABY SEWER TREATMENT PLANT AND ADAMINABY WATER SUPPLY
1 FACILITY

the sections of Land (yellow outline) and Easements (black dotted lines) to be acquired from Crown Lands.

The Adaminaby Town water supply reservoir and equipment are located on Crown land, Lot 291 DP 729876 (Reserve 86151 - Reservoir). It is proposed to acquire the parcel of land on which the reservoir and water supply facility is located, from the Crown. The Adaminaby Sewer Treatment Plant (STP) is located on Council owned land, Lot 1 DP 539221 with some encroachment onto Crown land, Lot 292 DP 729876 (Reserve 85901 - Adaminaby Common). It is proposed to acquire the land on which the encroaching infrastructure is located, from the Crown. Both sites gain access by traversing through the adjoining Crown land.

The Adaminaby Town water supply reservoir and Sewage Treatment Plant (STP) are land locked, with no legal easements for access to Council infrastructure in place. Currently there are tracks in use to access these essential services but these tracks have no legal easements to support their ongoing use. It is necessary for the acquisition of these easements and the corresponding parcels of land to take place.

Easements will also be required over the network of water and sewer pipes running underground across Crown land, through Lots 291 and 292 DP 729876 and Lot 287 DP 729870. This acquisition includes these easements.

RISK ASSESSMENT

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

Delivery of the acquisitions supports the ongoing critical infrastructure needs of the Adaminaby W&WW assets which is vital to Council's aim of delivering efficient, sustainable and high quality infrastructure and services for the community of Adaminaby.

FINANCIAL IMPACTS

	Amount	Details
Current Annualised Net Cost	-	NA
Estimated Annualised Net Cost	-	NA
Capital Investment	-	W&WW restricted
Capital Funding Source	TBC*	W&WW restricted: WO278 Water

9.1. WATER AND WASTEWATER LAND ACQUISITIONS - ADAMINABY SEWER TREATMENT PLANT AND ADAMINABY WATER SUPPLY
1 FACILITY

	Amount	Details
Current Annualised Net Cost	-	NA
		Supply Reservoirs; WO333 Adaminaby STP

*The amount of compensation shall be assessed by the Valuer General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. The full cost impact of the required acquisitions will not be known until the process is further progressed.

RESPONSIBLE OFFICER: Chief of Infrastructure and Projects

OPTIONS CONSIDERED

In light of the existing Council resolutions and the acquisition process being well underway, it is not a practical option to halt or hinder progression at this stage.

The Department of Planning, Industry & Environment, Crown Lands (the department) is responsible for the state’s interest in land administered under the Crown Land Management Act 2016. It is the department’s preference for any acquisition of Crown land should be undertaken by compulsory process, that is, by the issue of a Proposed Acquisition Notice (PAN) in accordance with Section 11 of Just Terms to all potential interest holders. *Reference: Guideline—compulsory acquisition of Crown land / NSW State Government DOC19/226818*

IMPLEMENTATION PLANS

In NSW, all levels of government can acquire privately owned land and some Crown land for public purposes. They may acquire the whole property, part of a property or an interest in the property including easements for power lines, sewer or water. The acquisition of land will be undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Just Terms is a statutory process for empowered authorities to acquire any interest in land for a public purpose.

Section 186 of the Local Government Act 1993 provides that council may acquire land (including an interest in land) for the purpose of exercising any of its functions. Section 187 of the Local Government Act 1993 states that if a council is using its powers under that Act to acquire land, the acquisition must occur in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms). This Act is a statutory process for empowered authorities to acquire any interest in land for a public purpose.

This report seeks to update the wording detail to provide a consolidated mandate for all identified elements of the Water & Wastewater (W&WW) related acquisitions. The acquisitions for Council’s infrastructure needs related to the Adaminaby Reservoir and the Adaminaby Sewer Treatment Plant are underway, via mandate of prior resolutions of Council.

The Registered Plan of Proposed Acquisition DP 1282211 is attached, coloured to indicate the sections of Land (yellow outline) and Easements (black dotted lines) to be acquired from Crown Lands.

EXISTING POLICY/DECISIONS

The forthcoming resolution will supersede two prior Council resolutions which sought to cover the land access requirements, as then known. The resolution recommended in this report, when adopted, will supersede resolution 167/20 and parts A & B of resolution 254/20:

9.1. WATER AND WASTEWATER LAND ACQUISITIONS - ADAMINABY SEWER TREATMENT PLANT AND ADAMINABY WATER SUPPLY
1 FACILITY

COUNCIL RESOLUTION	167/20
That Council:	
A. Proceed with the compulsory acquisition of the interest in the land described as part Lot 287 DP 729870 Land fronting Snowy Mountains Highway, Adaminaby and having an area of approximately 22m for the purpose of easement for access to essential services being the Sewage Treatment Plant in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ;	
B. Proceed with the compulsory acquisition of the interest in the land described as part Lot 292 DP 729876 having an area of approximately 200m and part Lot 292 DP 729876 Land fronting <u>Chalker Street</u> , Adaminaby and having an area of approximately 344m for the purpose of easement for access to essential services being Town Water Supply in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ;	
C. Make an application to the Minister and the Governor for approval to acquire part Lot 287 DP 729870 Land fronting Snowy Mountains Highway, Adaminaby and having an area of approximately 22m and Part Lot 292 DP 729876 having an area of approximately 200m and part Lot 292 DP 729876 Land fronting <u>Chalker Street</u> , Adaminaby and having an area of approximately 344m for the purpose of easement for access to essential services by compulsory process under section 187(1) of the <i>Local Government Act 1993</i> ;	
D. Classify the land as easement for access in accordance with the <i>Local Government Act 1993</i> ;	
E. Authorise the CEO to sign any documentation required for this Acquisition process.	

COUNCIL RESOLUTION	254/20
That Council:	
A. Application be made to the Minister for Local Government and the Governor to acquire easements for water supply purposes being 3 metres wide within (or over) Lot 287 DP 729870 and Lot 292 DP 729876 at Adaminaby by compulsory process in accordance with Council's power under Section 187(1) of the <i>Local Government Act 1993</i> and in accordance with the provisions of the <i>Land Acquisition (Just Terms Compensation) Act</i> ;	
B. Application be made to the Minister for Local Government and the Governor to acquire easements for purpose of sewer services being 3 metres wide within (or over) Lot 287 DP 729870 and Lot 292 DP 729876 at Adaminaby by compulsory process in accordance with Council's power under Section 187(1) of the <i>Local Government Act 1993</i> and in accordance with the provisions of the <i>Land Acquisition (Just Terms Compensation) Act</i> ;	
C. Application be made for a Licence from Department of Planning, Industry & Environment, Crown lands for purpose of town water supply infrastructure on Lot 291 DP 729876 at Adaminaby;	
D. Application be made to the Minister for Local Government and the Governor to acquire easements for purpose of sewer pump station on Lot 5 DP 758129 and sewer line being 3 metres wide within (or over) Lot 5 DP 758129 at Bombala by compulsory process in accordance with Council's power under Section 187(1) of the <i>Local Government Act 1993</i> and in accordance with the provisions of the <i>Land Acquisition (Just Terms Compensation) Act</i> ; and	
E. Authorise the CEO to sign any documentation required for the acquisition processes.	

BACKGROUND

Additional to the acquisition of the easements referenced in the initial resolutions of 2020, it has become evident and necessary to include the outright acquisition (in fee simple) of two small parcels of Crown Land surrounding the essential infrastructure; these are portions of Lots 292 & 291 in DP 729876, and are YELLOW outlined on the plan attached to this report - described as Lot 1 in DP 1282211 and Lot 3 in DP 1282211.

- The Sewer Treatment Plant (STP) is located on Lot 1 DP 539221 in Adaminaby with some infrastructure extending over into Lot 292 DP 729876 (Crown Land). The acquisition of part of Lot 292 DP 729876 (proposed lot 1 DP 1282211) and consolidation into lot 1 DP 539221 will encapsulate all the STP infrastructure within land under Council's ownership.
- The Adaminaby water reservoir and treatment plant are currently located wholly within lot 291 DP 729876 (Crown Land). The acquisition of proposed Lot 3 in Acquisition Plan DP 1282211 will see the Water reservoir and allied infrastructure, secured on Council owned land.

9.1. WATER AND WASTEWATER LAND ACQUISITIONS - ADAMINABY SEWER TREATMENT PLANT AND ADAMINABY WATER SUPPLY
1 FACILITY

The consolidated resolution recommended in this report, incorporates all identified elements of the required easement and land acquisitions, in a single mandate. The acquisition process is lengthy, and involves concurrent planning, research, due diligence and implementation activities under prescribed timelines. It has been confirmed, by means of a letter of 'No objection', that the Department of Planning, Housing & Infrastructure is agreeable to the issuing of a Proposed Acquisition Notice (PAN) for Council's acquisition of the land and easements. The consolidated resolution will, when passed by Council, will be submitted to the Minister for Local Government in order to gain consent to issue the PAN, a crucial next step in formally acquiring the land and easements from the Crown.

Local councils have broad roles and responsibilities in their communities, including the provision of facilities and the supply of public services. It is recognised that a council will sometimes need to get or 'acquire' land to achieve its role and responsibilities.

ATTACHMENTS

1. Plan of Acquisition DP 1282211 - Land & Easements Adaminaby W&WW related
-

9.1.2 DIVESTMENT OF COUNCIL OWNED OFFICE BUILDING - LOT 1 SP 19973 - BERRIDALE COMMUNITY SERVICES SITE

Record No: 125/37

OFFICER’S RECOMMENDATION

That Council:

- A. In line with Council’s 2024/25 Budget program and delivery of financial sustainability recommendations, authorise the Chief Executive Officer (CEO) to offer the vacant former Community Services Office in Berridale, being Unit 1 at 74 Jindabyne Road BERRIDALE (Lot 1 SP 19973) for sale on the open market, through a real estate agent;
- B. Authorise the CEO, in consultation with the Mayor and Deputy Mayor to establish the market related sale price for Lot 1 SP 19973, and negotiate through the appointed sales agent to secure a sale.
- C. Authorise the CEO to execute any documents required to complete the sale.

ISSUES

While Council’s financial position is improving, the continuing financial sustainability challenges require Council to be disciplined in managing resources efficiently. To support Council’s reform programs and the delivery of financial sustainability recommendations, opportunities to consolidate operations are encouraged. As part of Council’s 2024/25 budget discussions a decision was made to relocate Community Services staff from the Jindabyne Road office site in Berridale to the main Berridale Administration/Council Chambers building. The occupying Community Services staff relocated in December 2024, and are now settled in the Berridale main office building.

During the 2024/25 Budget deliberations, an initial desktop review was undertaken of Council owned land which identified several assets surplus to Council needs. The sale of this particular building asset is confirmed by the Chief Financial Officer (CFO) as forming part of the budget saving initiatives for 2024/25; with the resulting funds to be retained in the unrestricted General Fund. To guide the divestment process, as market conditions have altered since the desktop assessment, a contemporary sale price appraisal from a local real estate agency has been sought.

Lot 1 DP 19973 is classified as Operational (Resolution OSS 119/01) for the purposes of the Local Government Act 1993. Lot 1 SP 19973 has an area of 133m². It is zoned RU5 Village under the Snowy River LEP 2013.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Medium	Low	Yes
Economic Activity	Medium	Low	Yes
Financial Sustainability	High	Low	Yes
Service Delivery	Medium	Low	Yes

Decommission of the office site along with the subsequent sale of this asset forms part of the budget considerations applied for the 2024/25 financial year.

FINANCIAL IMPACTS

Asset Management

Maintaining assets that are not providing significant organisational or community benefit is not financially sustainable. Conscious decision making on assets that are not used or provide a high level of community or operational benefit should be considered for disposal.

Financial Sustainability

The AEC - Financial Sustainability Review (2022) recommended that Council *Explore opportunities to rationalise the land and facility assets*. Council needs to identify and balance the effective cost of maintaining assets and providing services to the community.

Sale reserve pricing assumptions are considered to be commercial-in-confidence.

Service Delivery

Review of Council's operational needs and the divestment of unused or surplus property assets will support progress towards Council's financial sustainability goals.

RESPONSIBLE OFFICER: Chief of Infrastructure & Projects; in collaboration with Chief Financial Officer

OPTIONS CONSIDERED

The revenue from the sale of this property holding has been included as part of the 2024/25 budget saving assumptions, so if not sold other funds may need to be identified.

The option to retain the former Community Services office building, and rent it out commercially, was not considered due to the relatively low rental income currently derived from commercial properties in Berridale. Noting that untenanted sites have a slight disadvantage in terms of sale, in that generally commercial value is linked to the demonstrable rental yield.

IMPLEMENTATION PLANS

The building located at Jindabyne Road in Berridale requires clearance, deep cleaning and minor renovations to prepare it for sale. These improvements are necessary to maximise the property's return upon sale. This practical work is expected to take approximately 6 weeks to complete, and any costs will be offset by the sale income generated. The estimated cost of the site preparation works and fees directly associated with the sale process is \$20,000-\$30,000.

Given the current economic climate, it is recommended that a sale by negotiation through a public process, rather than an auction format, be actioned. Since the property in question does not currently have a lease in place, this will influence the sale price. However, the property's Village zoning could be a strong selling point, particularly for small businesses looking for a flexible space that combines residential, office or retail uses.

To facilitate the sale, the Land & Property team will engage a local real estate agent to market and sell the property on behalf of the Council.

EXISTING POLICY/DECISIONS

Nil

BACKGROUND

During the 2024/25 Budget deliberations, an initial desktop review of Council owned operational land identified several assets surplus to Council needs, and able to be sold on the open market. The CFO advises that the sale of this asset forms part of the budget considerations for the 2024/25 financial year, and the resulting funds are to be retained in the unrestricted General Fund.

ATTACHMENTS

Nil

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - DECEMBER 2024

Record No: I24/711

OFFICER'S RECOMMENDATION

That Council:

- A. Receive the report indicating Council's cash and investments position as at 31 December 2024; and
- B. Receive the certification of the Responsible Accounting Officer.

ISSUES

The effective management of Council funds in accordance with Council's Investment Policy and regulatory requirements. To assist financial sustainability and the intangible expectations of the community. As no Council Meeting was held in January 2025, the December 2024 report is presented at the Council Meeting in February 2025.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	Low	Low	Yes

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

FINANCIAL IMPACTS

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

RESPONSIBLE OFFICER: Chief Financial Officer.

CERTIFICATION:

I, Simon Rennie, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2021, that the existing investments as detailed in this report have been invested in accordance with Section 625 of the *Local Government Act 1993*, the Regulations and Council's Investment Policy. In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, a report setting out details of money invested must be presented to Council in the following month.

OPTIONS CONSIDERED

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

IMPLEMENTATION PLANS

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

EXISTING POLICY/DECISIONS

Council's Investment Policy (SMRC 258).

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

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

With multiple rate cuts and a global economic downturn being priced in coming years, Council will begin to allocate a proportion of longer-term funds and undertake an insurance policy against any potential future rate cuts by investing across 1-5 year fixed deposits, locking in and targeting yields above 4¾% p.a. Should inflation be within the RBA's target band of 2-3% over the longer-term, returns around 4¾% p.a. or higher should outperform benchmark.

Council plans to stagger a mix of fixed term deposits between 12 months to 3 years as a more optimal strategy to maximise returns over a longer-term cycle.

TERM TO MATURITY Currently, the portfolio remains highly liquid with ~50% of assets maturing within 90 days and an additional ~45% maturing within 12 months.

COUNTERPARTY

As at the end of December, applying long-term ratings only, all individual banks were within the Policy limits. We note Council's total exposure to ING Bank (A) is just below the Policy limit of 30%. We note that limits are also dependent on capital inflows/outflows which will affect the exposures as at the reporting period.

Overall, the portfolio remains fairly concentrated, with 7 ADIs being utilised. Council may open other opening deposit accounts with further investment grade ADIs, not only to diversify, but increase the overall returns of the portfolio in the long-run within the Policy limits.

9.2.1 MONTHLY FUNDS MANAGEMENT REPORT - DECEMBER 2024

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	ANZ	AA-	\$11,000,000	12.45%	100%	\$77,335,037
✓	NAB	AA-	\$37,835,037	42.83%	100%	\$50,500,000
✓	ING Bank Aus.	A	\$24,500,000	27.74%	30%	\$2,000,511
✓	BoQ	A-	\$4,000,000	4.53%	20%	\$13,667,007
✓	AMP Bank	BBB+	\$3,000,000	3.40%	10%	\$5,833,504
✓	BankVIC	BBB+	\$5,000,000	5.66%	10%	\$3,833,504
✓	Judo Bank	BBB	\$3,000,000	3.40%	5%	\$1,416,752
			\$88,335,037	100.00%		

On 31st July 2024, ANZ’s takeover of Suncorp Bank was formalised, and ratings agency S&P upgraded Suncorp’s long-term credit rating to that of its parent company immediately (now rated AA-). Our exposure to Suncorp is now reflected under the parent company being ANZ.

CREDIT QUALITY

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

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$0	0.0%	100%	\$88,335,037
✓	AA Category	\$48,835,037	55.3%	100%	\$39,500,000
✓	A Category	\$28,500,000	32.3%	100%	\$59,835,037
✓	BBB Category	\$11,000,000	12.5%	30%	\$15,500,511
✓	Unrated ADIs	\$0	0.0%	30%	\$26,500,511
		\$88,335,037	100.0%		

PERFORMANCE

Council's performance (excluding cash holdings) for the month ending December 2024:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.36%	1.08%	2.17%	2.17%	4.36%
AusBond Bank Bill Index	0.38%	1.12%	2.24%	2.24%	4.47%
Council's T/D Portfolio [^]	0.44%	1.28%	2.58%	2.58%	5.16%
Outperformance	0.06%	0.17%	0.33%	0.33%	0.69%

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

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.35%	4.35%	4.35%	4.35%	4.36%
AusBond Bank Bill Index	4.53%	4.50%	4.50%	4.50%	4.47%
Council's T/D Portfolio [^]	5.29%	5.19%	5.18%	5.18%	5.16%
Outperformance	0.77%	0.69%	0.68%	0.68%	0.69%

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

STRATEGY FOR COUNCIL

Going forward, the longer-term strategy would ideally be placing across 12-24 months terms as it is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. There is growing belief that interest rate cuts and a global economic downturn next year is imminent and so locking in rates close above 4¾% p.a. across 1-3 year tenors may provide some income protection against a lower rate environment.

ATTACHMENTS

Nil

9.2.2 MONTHLY FUNDS MANAGEMENT REPORT - JANUARY 2025

Record No: I25/49

OFFICER'S RECOMMENDATION

That Council:

- A. Receive the report indicating Council's cash and investments position as at 31 January 2025; and
- B. Receive the certification of the Responsible Accounting Officer.

ISSUES

The effective management of Council funds in accordance with Council's Investment Policy and regulatory requirements. To assist financial sustainability and the intangible expectations of the community.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	Low	Low	Yes

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

FINANCIAL IMPACTS

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

RESPONSIBLE OFFICER: Chief Financial Officer.

CERTIFICATION:

I, Simon Rennie, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2021, that the existing investments as detailed in this report have been invested in accordance with Section 625 of the *Local Government Act 1993*, the Regulations and Council's Investment Policy. In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, a report setting out details of money invested must be presented to Council in the following month.

OPTIONS CONSIDERED

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

IMPLEMENTATION PLANS

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

EXISTING POLICY/DECISIONS

Council's Investment Policy (SMRC 258).

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

BACKGROUND The portfolio is directed to fixed term deposits (85%). The remainder of the portfolio is held in cash (15%).

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

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

Over January, at the very short-end of the curve (less than 6 months), the average deposit rates offered by the major banks fell up to 16bp compared to where they were last month (December). The major banks were quick to adjust their short-term rates in response to the lower than expected inflation print, with most bringing forward their rate cut expectations to potentially as early as February, if not March.

TERM TO MATURITY Currently, the portfolio remains highly liquid with 36% of assets maturing within 90 days and an additional 41% maturing within 12 months.

COUNTERPARTY

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

Overall, the portfolio is lightly diversified with 8 ADIs being utilised. Council opened an account with Hume Bank (BBB+) during the month. Council will consider opening other deposit accounts with further investment grade ADIs, not only to diversify, but increase the overall returns of the portfolio in the long-run.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	ANZ	AA-	\$16,000,000	18.66%	100%	\$69,741,657
✓	NAB	AA-	\$25,241,657	29.44%	100%	\$60,500,000
✓	ING Bank Aus.	A	\$19,500,000	22.74%	30%	\$6,222,497
✓	BoQ	A-	\$9,000,000	10.50%	20%	\$8,148,331
✓	AMP Bank	BBB+	\$3,000,000	3.50%	10%	\$5,574,166
✓	BankVIC	BBB+	\$7,000,000	8.16%	10%	\$1,574,166
✓	Hume Bank	BBB+	\$3,000,000	3.50%	10%	\$5,574,166
✓	Judo Bank	BBB	\$3,000,000	3.50%	5%	\$1,287,083
			\$85,741,657	100.00%		

On 31st July 2024, ANZ's takeover of Suncorp Bank was formalised, and ratings agency S&P upgraded Suncorp's long-term credit rating to that of its parent company immediately (now rated AA-). Any investor's exposure to Suncorp is now reflected under the parent company being ANZ.

CREDIT QUALITY

9.2.2 MONTHLY FUNDS MANAGEMENT REPORT - JANUARY 2025

The portfolio remains diversified across the investment grade credit spectrum. All aggregate ratings categories are within the Policy limits.

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$0	0.0%	100%	\$85,741,657
✓	AA Category	\$41,241,657	48.1%	100%	\$44,500,000
✓	A Category	\$28,500,000	33.2%	100%	\$57,241,657
✓	BBB Category	\$16,000,000	18.7%	30%	\$9,722,497
✓	Unrated ADIs	\$0	0.0%	30%	\$25,722,497
		\$85,741,657	100.0%		

PERFORMANCE

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

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.36%	1.08%	2.17%	2.54%	4.36%
AusBond Bank Bill Index	0.38%	1.12%	2.25%	2.63%	4.48%
Council's T/D Portfolio [^]	0.43%	1.27%	2.57%	3.01%	5.15%
Outperformance	0.05%	0.15%	0.32%	0.37%	0.67%

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

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.35%	4.35%	4.35%	4.35%	4.36%
AusBond Bank Bill Index	4.59%	4.53%	4.52%	4.51%	4.48%
Council's T/D Portfolio [^]	5.21%	5.15%	5.16%	5.16%	5.15%
Outperformance	0.61%	0.62%	0.64%	0.65%	0.67%

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

STRATEGY FOR COUNCIL

Going forward, the longer-term strategy remains ideally placing across 12-24 months terms as it is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. There is growing belief that interest rate cuts and a global economic downturn is imminent and so locking in rates close above 4½% p.a. across 1-3 year tenors should provide some income protection against a lower rate environment.

TERM DEPOSIT MARKET REVIEW

Current Term Deposits Rates

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

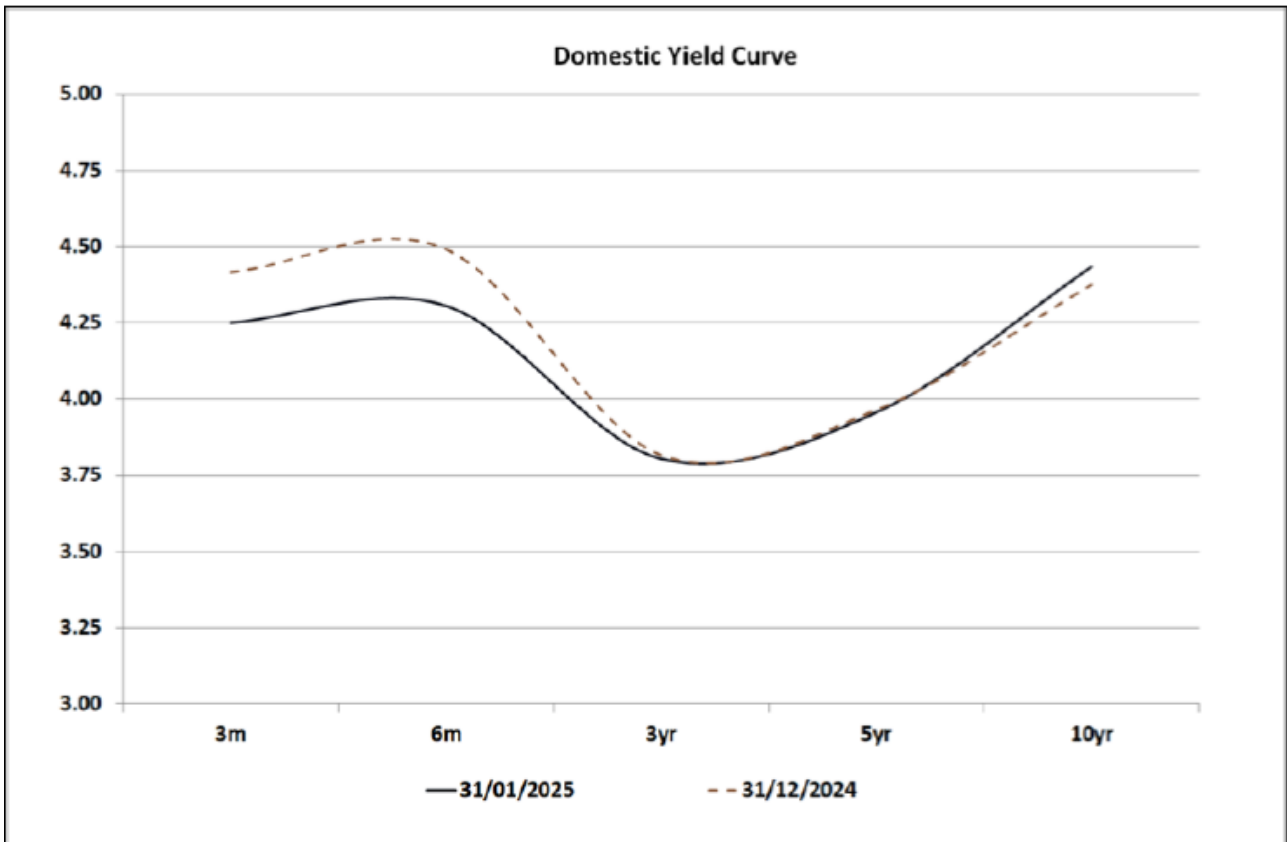
ADI	LT Credit Rating	Term	Rate % p.a.
Westpac	AA-	5 years	4.75%
BoQ	A-	5 years	4.75%
Hume Bank	BBB+	5 years	4.50%
Westpac	AA-	4 years	4.70%
BoQ	A-	4 years	4.70%
Hume Bank	BBB+	4 years	4.50%
Australian Military	BBB+	3 years	4.76%
Westpac	AA-	3 years	4.60%
BoQ	A-	3 years	4.50%
Australian Military	BBB+	2 years	4.80%
NAB	AA-	2 years	4.60%
Hume Bank	BBB+	2 years	4.60%
Westpac	AA-	2 years	4.55%
BoQ	A-	2 years	4.50%

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

FIXED INTEREST OUTLOOK

The RBA's dovish pivot in December has been validated by the inflation outlook, with forecasts for Q4-24 trimmed mean CPI combining around +0.5% q/q, which was two-tenths below the November SMP forecasts. Inflation is not a barrier to rate cuts, especially as recent prints continue to show signs of easing. However, conditions in the labour market does not create much urgency to cut whilst the RBA's forecasts for an acceleration in activity growth remain intact.

Yields remained relatively flat at the long-end of the curve, whilst falling at the short-end, with markets anticipating an imminent rate cut.



Source: ASX, RBA

Financial markets have moved up their expectations of when the RBA will deliver their first rate cut over the next two months (inflation is not a barrier to a cut in February and the meeting is live.). Markets are pricing up to three rate cuts by the end of 2025.

ATTACHMENTS

Nil

9.2.3 QUARTERLY BUDGET REVIEW STATEMENT (QBR) 31 DECEMBER 2024

Record No: I25/77

OFFICER'S RECOMMENDATION

That Council receive the quarterly budget review statement for the quarter ended 31 December 2024 and approve the variations noted therein.

ISSUES

A Quarterly budget review statement is presented quarterly for the September, December and March quarter of every year. As can be expected, some factors are unknown at that time and therefore it is important that routine budget reviews are undertaken and presented to Council for adoption, is as is common practice across all Councils in NSW. As required by the Local Government (General) Regulation 2021, officers request budget adjustments through the QBR process.

The format of this report is designed to comply with the Office of Local Government requirements and is presented for the quarter ended 31 December 2024.

The QBR can be found in the attachment.

Variations

Variations of note include the increase in overtime within Resource and Recovery (Waste) primarily due to staff shortages across several business units. Additionally, there is an anticipated rise in legal fees.

Funds were received for Local Roads and Infrastructure Funding Round 4 for the following projects totalling \$400,000:

They include: Bredbo Centennial Park Toilets Upgrade, John Connors Jindabyne Lighting Upgrade Halogen to LED, Cooma Showground - Tree assessment, removal and replacement, Peak View Road Reseal, and the Ryrie St Michelago Reseal.

After noting these variations in the report, the 2024/25 budget is still on track to achieve the unrestricted cash balance moving from \$723,000 to \$1,723,000 in the current financial year being a \$1 million increase and in line with the AEC Financial Sustainability improvements.

The current financial year includes budgeted asset sales that are projected to contribute to achieving the final result. These assets consist of the Leesville industrial subdivisions, vacant residential land in Cooma, and the sale of a Council office in Berridale. These sales have been either specifically developed for sale or are surplus to the Council's requirements, and they have already been incorporated into the current financial year's budget.

The Council is currently developing its 2025/26 Budget, encompassing both capital works and operating expenses. Throughout this process, Council are identifying projects that will be carried over into the next financial year. The March QBR will reflect the carryovers of these projects.

RISK ASSESSMENT

9.2.3 QUARTERLY BUDGET REVIEW STATEMENT (QBR) 31 DECEMBER 2024

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	High	High	No
Financial Sustainability	High	Medium	Yes
Legislative Governance and Compliance	Low	Low	Yes
Reputation and Image	High	High	No
Service Delivery	Low	Low	Yes

FINANCIAL IMPACTS

The financial impacts are identified in the attached statement.

A performance improvement order has been issued to Council in January requiring Council to maintain a minimum unrestricted cash balance of at least \$500,000. This amount has been separately identified in the QBR as a contingency within the unrestricted balance. Council is compliant with this undertaking as at December 2024 with \$4.406M in unrestricted funds.

RESPONSIBLE OFFICER: Chief Financial Officer.

OPTIONS CONSIDERED

N/A

IMPLEMENTATION PLANS

The 2024/25 original budget and operational plan was adopted in June 2024.

ATTACHMENTS

1. QBR Dec 2024

Snowy Monaro Regional Council
Quarterly Budget Review Statement

For the period 1 October 2024 To 31 December 2024

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Snowy Monaro Regional Council for the quarter ended 31 December 2024 indicates that Council's projected financial position at 30 June 2025 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:

A black rectangular redaction box covering the signature of Simon Rennie.

Date: 6 February 2024

Simon Rennie
Responsible accounting officer

Snowy Monaro Regional Council

**Income & Expenses Budget Review Statement
Budget Review For the Quarter Ended 31 December 2024**

Income & Expenses - Council Consolidated

(\$000's)	Original budget 2024/25	C/Forward Revotes	Approved Changes			Revised budget	Recommended Changes for This Quarter	Note	Projected year end result	Actual YTD figures
			Sep QBRS	Dec QBRS	March QBRS					
Income										
Rates and annual charges	(42,492)	-				(42,492)		(42,492)	(33,675)	
User charges and fees	(17,211)	-				(17,211)	(222) 1	(17,433)	(5,521)	
Other revenues	(315)	-				(315)		(315)	(512)	
Grants and contributions - operating	(38,899)	(306)				(39,204)	(403) 2	(39,608)	(5,885)	
Grants and contributions - capital	(28,106)	(13,377)				(41,483)		(41,483)	(6,941)	
Interest and investment revenue	(4,475)	-				(4,475)	(292) 3	(4,767)	(2,500)	
Net gain from disposal of assets	(1,048)	(1,971)				(3,019)		(3,019)	(1,335)	
Rental income	(1,325)	-				(1,325)		(1,325)	(632)	
Total income from continuing operations	(133,871)	(15,654)	-	-	-	(149,525)	(917)	(150,442)	(57,002)	
Expenses										
Employee benefits and on-costs	36,916	-	(271)			36,645	388 4	37,033	16,450	
Borrowing costs	-	-				-		-	-	
Materials and services	43,307	279	348			43,933	(127) 5	43,806	13,464	
Depreciation and amortisation	28,302	-				28,302		28,302	12,532	
Other expenses	2,219	-				2,219	(10) 6	2,209	1,314	
Net Loss from disposal of assets	-	-				-		-	-	
Total expenses from continuing operations	110,744	279	77	-	-	111,100	251	111,351	43,761	
Net operating result from all operations	(23,126)	(15,375)	77	-	-	(38,425)	(667)	(39,091)	(13,241)	
Net Operating Result before Capital Items	4,980 (Deficit)		77	-	-	3,058 (Deficit)	(667)	2,392 (Deficit)	(6,300)	

Snowy Monaro Regional Council
Variations
Budget Review For the Quarter Ended 31 December 2024
Material Variances

Note	Department	Resource Group	\$,000	Commentary
1	Built and Natural	User Fees	(220)	Movement from Exec Office to Built and Natural
1	Infrastructure	User Fees	(2)	Minor Adjustment
	Total		(222)	
2	Built and Natural	Operating Grants	(89)	Recognise Biosecurity Grants
2	Civic Maintenance	Operating Grants	(792)	LRCIP Funding Round 4 and movement of income From Infrastructure
2	Infrastructure	Operating Grants	477	Movement of Income and work orders to Infrastructure
	Total		(403)	
3	Finance	Interest and Investment	(292)	Adjustment to Interest
	Total		(292)	
4	Executive Office	Employee Costs	195	Movement from Material and contractors to Employees
4	Resource and Waste	Employee Costs	110	Increased employee overtime
4	Community	Employee Costs	83	Increased Employee Costs - Swimming Pools
	Total		388	
5	Finance	Materials and Contracts	100	Movement of Finance Contractor Expense from employee expense
5	Built and Natural	Materials and Contracts	102	Grant Expenditure and minor adjustment from reserves
5	Governance	Materials and Contracts	60	Increased Legal Expenses
5	Community	Materials and Contracts	(16)	Favourable adjustment to Contracts
5	Strategic Development	Materials and Contracts	100	Condition Assessment allocation of expense from Exec Office
5	Infrastructure	Materials and Contracts	(1,145)	Movement and reallocation of work orders
5	Civic Maintenance	Materials and Contracts	672	Movement and reallocation of work orders
	Total		(127)	
6	Community	Other expenses	(10)	Favourable adjustment to Expenses
	Total		(10)	

Snowy Monaro Regional Council
Income and Expenses- by Business Unit
Budget Review For the Quarter Ended 30 September 2024
Income & expenses - Council Consolidated

(\$000's)	Original budget 2024/25	Carry forwards	Approved Changes			Revised Budget	Recommended Changes for This Quarter	Projected year end result	Actual YTD figures
			Sep QBR	Dec QBR	March QBR				
Business Unit									
Built & Natural Environment	4,189	-	60			4,249	(207)	4,042	1,312
Civic Maintenance	(4,835)	(588)	-			(5,423)	(120)	(5,543)	2,617
Communications & Engagement	-	193	-			193	-	193	51
Community Services	2,733	752	-			3,486	57	3,543	2,475
Executive Office	(2,935)	-	285			(2,650)	195	(2,455)	(516)
Finance	583	-	20			603	100	703	(1,186)
Fleet & Plant	(133)	(37)	-			(170)	-	(170)	232
Governance	2,506	-	15			2,521	60	2,581	1,551
ICT	0	-	-			0	-	0	(421)
Infrastructure	6,311	(15,162)	-			(8,851)	(670)	(9,521)	6,915
Organisational Development	(2,700)	-	-			(2,700)	(292)	(2,992)	(2,295)
Project Management	271	-	-			271	-	271	(204)
Resource & Waste	1,447	-	77			1,524	110	1,634	(4,236)
Revenue	(31,328)	-	-			(31,328)	-	(31,328)	(23,078)
Strategic Development	(282)	-	-			(282)	100	(182)	(339)
Tourism	1,302	(620)	(380)			302	-	302	543
Water & Waste Water	(480)	86	-			(394)	-	(394)	2,647
Workforce	223	-	-			223	-	223	689
Net operating result from all operations	(23,126)	(15,375)	77	-	-	(38,425)	(667)	(39,091)	(13,241)
Net operating result before capital items	4,980		77	-	-	3,058	(667)	2,392	(6,300)
	(deficit)					(deficit)		(deficit)	

**Snowy Monaro Regional Council
Capital Budget Review Consolidated
Budget Review For the Quarter Ended 31 December 2024**

(\$000's)	Original budget 2024/25	Carry forwards	Approved changes			Revised Budget	Recommended Changes for This Quarter	Projected year end result	Actual YTD figures
			Sep QBR	Dec QBR	March QBR				
Capital expenditure									
New assets									
- Plant & equipment						-		-	
- Land & buildings	143	38				181		181	77
- Roads, Bridges, footpaths	1,500	8,206				9,706		9,706	2,964
- Stormwater	300					300		300	-
- Water	-	205				205		205	4
- Wastewater	-	292				292		292	445
- Waste	-					-		-	-
- Other	12,560	1,826				14,385		14,385	669
Renewal assets (Replacement)									
- Plant & equipment	2,634	150				2,783		2,783	1,157
- Land & buildings	2,060	160				2,220	30	2,250	187
- Roads, bridges, footpaths	17,904	12,418				30,322	670	30,992	6,068
- Stormwater	-	66				66		66	11
- Water	6,024	478				6,503		6,503	5,424
- Wastewater	1,768	3,294	350			5,412		5,412	1,540
- Waste	8,260	1,247				9,507		9,507	479
- Other	5,566	249				5,815	90	5,905	52
Total capital expenditure	58,719	28,627	350	-	-	87,697	790	88,487	19,077
Capital funding									
Rates & other untied funding	(19,185)	(1,018)				(20,203)		(20,203)	(8,373)
Capital grants & contributions	(28,106)	(14,358)				(42,464)	(790)	(43,254)	(7,140)
Reserves:									
- External restrictions/reserves	(1,783)	(13,278)	(350)			(15,411)		(15,411)	(2,229)
- Internal restrictions/reserves	(961)	26				(935)		(935)	-
New loans	(7,637)					(7,637)		(7,637)	-
Receipts from sale of assets									
- Plant & equipment	(1,048)					(1,048)		(1,048)	(1,335)
- Land & buildings									
Proposed internal loan									
Total capital funding	(58,720)	(28,628)	(350)	-	-	(87,697)	(790)	(88,487)	(19,077)

Snowy Monaro Regional Council			
Capital Budget Variations			
Department	Resource	\$	Commentary
1	Infrastructure Materials and Contracts	30	LRCIP Projects Round 4
2	Infrastructure Materials and Contracts	670	LRCIP Projects Road 4 and DRFA funded projects LRCIP Round 4 Funded Projects(\$400,000) include: - Bredbo Centennial Park Toilets Upgrade - John Connors Jindabyne Lighting Upgrade Halogen to LED - Dalgety Showground Irrigation - Cooma Showground - Tree assessment, removal and replacement - Peak View Road Reseal - Ryrie St Michelago Reseal
3	Infrastructure Materials and Contracts	90	Mainly LRCIP funded projects
5	Infrastructure Grants and Contributions	(790)	Mainly LRCIP Project Funding Round 4 and DRFA income transferred between Budget work orders

Snowy Monaro Regional Council
Cash & investments budget review statement
Budget Review For the Quarter Ended 31 December 2024

(\$000's)	Original budget 2024/25	Approved changes		Revised budget 2023/24	Variations For this Quarter	Projected year end result	Actual YTD figures
		Sep QBRs	Dec QBRs				
Externally restricted ⁽¹⁾							
Specific purpose unexpended grants - General Fund	3,990			3,990	3,020	7,010	14,576
Specific purpose unexpended grants - Water Fund	2,980			2,980	(1,985)	995	26
Specific purpose unexpended grants - Sewer Fund	1,052	(350)		702		702	633
External Restrictions Total - included in Liabilities	8,022	(350)	-	7,672	1,035	8,707	15,235
Developer Contributions - General Fund	4,500			4,500	350	4,850	4,677
Developer Contributions - Water Fund	6,480			6,480	400	6,880	6,550
Developer Contributions - Sewer Fund	6,850			6,850		6,850	6,530
Specific Purpose Unexpended Grants recognised as Revenue	2,650			2,650	2,075	4,725	11,170
Water Fund	23,200			23,200	(985)	22,215	16,293
Sewer Fund	2,600			2,600		2,600	3,747
Domestic waste management	1,020			1,020		1,020	3,334
Crown land reserves	723			723	(98)	625	625
Boco Rock Community Reserve	22			22	(2)	20	-
Kamoto-Cooma friendship scholarship fund	48			48		48	48
SRV	-			-		-	617
Other	-			-		-	-
Total externally restricted other	48,093	-	-	48,093	1,740	49,833	53,592
Total externally restricted	56,115	-	(350)	55,765	2,775	58,540	68,827
(1) Funds that must be spent for a specific purpose							
Internally restricted ⁽²⁾							
Plant and vehicle replacement	233			233	750	983	983
Employees leave entitlements	1,800			1,800	633	2,433	2,433
Deposits, bonds & retentions	250			250	1,750	2,000	2,192
Uncompleted works	1,500			1,500		1,500	2,220
Waste management	6,353			6,353	(1,090)	5,263	5,484
Former Snowy LGA	315			315	236	551	551
Former Bombala LGA	1,240			1,240		1,240	1,239
Stronger communities fund interest	-			-		-	-
Prepayment Financial Assistance Grants	-			-		-	-
Total internally restricted	11,691	-	-	11,691	2,279	13,970	15,102
(2) Funds that Council has earmarked for a specific purpose							
Total Internal and External restrictions	67,806	(350)	-	67,456	5,054	72,510	83,929
Total Cash & investments	69,256			69,179		74,233	88,335
Financial Sustainability Contingency (Unrestricted)				500		500	500
Balance of Unrestricted Funds				1,223		1,223	3,906
Total Unrestricted (i.e. Available after Restrictions)	1,450	350	-	1,723		1,723	4,406

Snowy Monaro Regional Council
 Contracts budget review statement

Budget Review For the Quarter Ended 31 December 2024
 Contracts listing

Contract, Tender No. or Quotation No.	Contract Title/Description	Contractor	Effective Start Date of Contract	Expiry Date of Contract	Estimated Total Contract Value (Incl of Contract GST)
SMRC2024-CON12	Engineer Recruitment- Project Lead and Project Engineer	Damage Control Project Management	27/11/2024	1/06/2025	\$295,295
SMRC2024-SERVICE13	Snowy Monaro Regional Council 2024-27 Spot and Boom Spraying - State Highways and selected roads	Wolfcon Pty Ltd	6/11/2024	30/06/2027	\$627,000
SMRC2024-GOODS4	Supply and Delivery of one new Heavy Rigid 6x4 Water Cartage Truck	Daimler Truck Australia Pacific Pty Ltd	5/11/2024	30/06/2025	\$337,530
SMRC2024-CON10	Condition Assessment of Bridges	Smeac Australia Pty. Limited	4/11/2024	3/02/2025	\$164,250
SMRC2024-SERVICE17	2024-2027 Weed Control Services - Central region	Ripper Rural Services	1/11/2024	30/06/2027	\$363,000
SMRC2024-SERVICE16	2024-2027 Weed Control Services - Eastern region	Ripper Rural Services	1/11/2024	30/06/2027	\$264,000
SMRC2024-SERVICE15	2024-2027 Weed Control Services - Western region	Buckleys Rural Services	1/11/2024	30/06/2027	\$363,000
SMRC2024-WORKS2	2024-2027 Weed Control Services - Southern region	Stone Forestry contracting	1/11/2024	30/06/2027	\$363,000
SMRC2024-GOODS5	Gunninggrah Rd/Cambalong Creek Modular Bridge Formwork	Inquik Pty Ltd	28/10/2024	27/10/2026	\$604,670
SMRC2024-GOODS3	Supply and Delivery of one New Motor Grader PSA CLASS 15	Komatsu Australia Pty Ltd	25/10/2024	24/03/2025	\$476,227
SMRC2024-CONSTRUCT48	Delegate School of Arts Facilities Upgrade – Stage 2 & 3	M Bennett Constructions Pty Ltd	23/10/2024	31/03/2025	\$624,789
SMRC2024-DC7	Cowbed Bridge (Rocky Plain Rd) - Design and Construction.	Tambo Constructions Proprietary Limited	22/10/2024	21/04/2027	\$1,315,490
SMRC2024-CONSTRUCT47	Jindabyne Shared Trails – Stage 1 – Upgrade of Sections 1.2 & 1.3	TRC Trails Pty Ltd	21/10/2024	22/12/2024	\$332,241
SMRC2024-CON8	Condition Assessment and Strategic Analysis of Road Network	Damage Control Project Management Pty Ltd	18/10/2024	13/12/2024	\$180,166
SMRC2024-GOODS2	Supply and Delivery of one new PSA Class 12.5 Self Propelled Smooth Drum Roller	Westrac Pty Ltd	17/09/2024	16/11/2024	\$209,000
SMRC2024-GOODS2		Westrac Pty Ltd	17/09/2024	16/11/2024	\$209,000
SMRC2024-CON4	Snowy Monaro Regional Council Community Satisfaction Survey 2024-2028 (five (5) surveys)	Taverner Research Group	3/09/2024	2/09/2029	\$170,280
SMRC2024-CONSTRUCT40		J & M Johnston Pty Ltd	14/08/2024	13/12/2024	\$144,148
SMRC2024-CONSTRUCT36	Shamons Flat Upgrade	McMahon's Earthmoving Pty Ltd	30/07/2024	29/07/2025	\$1,582,627
SMRC2024-CONSTRUCT44	Myack creek Sewer Support Structure - Reference Contract 042/2023	Leed Engineering and Construction Pty Ltd	12/07/2024	30/09/2024	\$434,504
002/2024	Snowy Monaro Regional Council Waste Services Contract	Ramondis	1/07/2024	30/06/2027	\$5,934,575
SMRC2024-WORKS3		Play Dirt PTY LTD trading Burkes Plant Hire	1/07/2024	30/06/2025	\$74,470
SMRC2024-SERVICE3	Cooma General Cemetery Maintenance	Lincoln Litchfield	1/07/2024	30/06/2025	\$30,000

Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
 Contracts for employment are not included.

Consultancy & legal expenses budget review

Expense		Budgeted (Y/N)
Consultancies	\$560,478	Y
Legal Fees	\$99,875	Y
Debt Collection Legal Fees	\$50,577	Y

Definition of a consultant:
 A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management.

Snowy Monaro Regional Council
Key performance indicators budget review statement - Industry KPI's (OLG)
 Budget Review For the Quarter Ended 31 December 2024

(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts 24/25	Indicator 24/25		23/24	22/23
NSW local government industry key performance indicators (OLG):					
1. Operating performance					
Operating revenue (excl. capital) - operating expenses	2,392	0.03	0	-	0.10 - 3.21
Operating revenue (excl. capital grants & contributions)	- 69,351				
This ratio measures Council's achievement of containing operating expenditure within operating revenue.					
2. Own source operating revenue					
Operating revenue (excl. ALL grants & contributions)	- 69,351	46.10%	50.00 %	47.58 %	40.96 %
Total Operating revenue (incl. capital grants & cont)	- 150,442				
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.					
4. Debt service cover ratio					
Operating result before interest & dep. exp (EBIDA)		0	0.00	0%	23%
Principal repayments + borrowing interest costs					
Council currently has no debt. Council is intending to borrow \$7.6M on June 30 2025, but interest costs and repayments are calculated to start in the 2025/26 year.					

9.3.1 DELIVERY PROGRAM PROGRESS REPORT

Record No: 125/28

OFFICER’S RECOMMENDATION

That Council note the delivery program progress report.

PROJECT DELIVERY

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

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

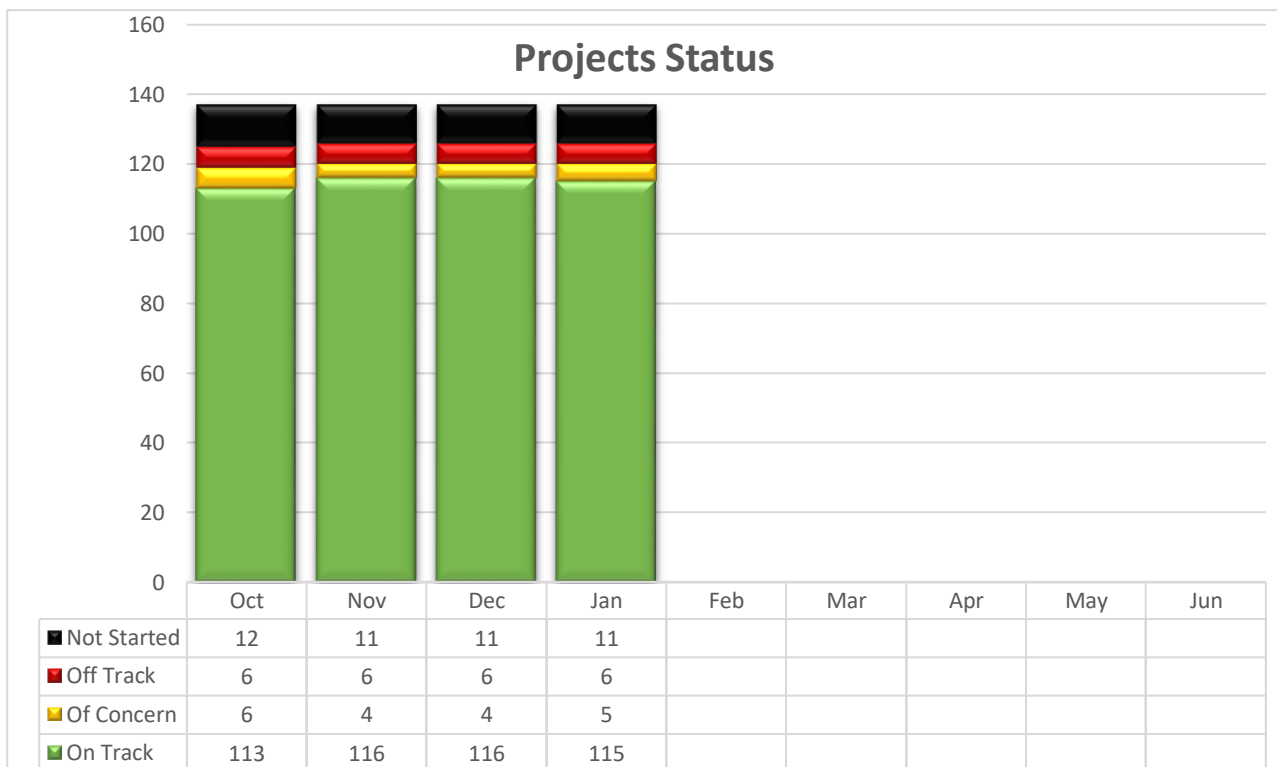


Table 1: Listing of projects identified as off track

Summary of projects currently considered off track to original plans

Jindabyne Town Centre improvements	This project is on hold subject to integration with Special Activation Precinct (SAP) town centre projects commencing. Council will continue to work with the SAP team to ensure project designs meet Council's original scope of works and needs for the community within the Jindabyne Town Centre. This project
------------------------------------	--

Summary of projects currently considered off track to original plans	
	includes the upgrade of the 'Old Town Centre' toilets.
Bombala Arts & Innovation Centre Building Upgrade	<p>The grant office has deemed the project non-viable due to a lack of interest from any commercial organization or community group. The grant funding has been rescinded and the project will no longer proceed.</p> <p>Council has approached the local state member seeking a review of the determination.</p>
Consolidated Development Control Plan (DCP)	<p>The Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan developed by Council</p> <p>The DCP provides vital design and character guidance for development along with controls to protect and enhance the environment</p> <p>Information is being collated to assist with the preparation of a consolidated draft Development Control Plan (DCP); however, until the new Local Environmental Plan (LEP) is finalised, this project will remain off track, as the LEP will precede this work, which is best practice.</p>
Housekeeping Amendments Bombala LEP, Snowy River LEP, Cooma-Monaro LEP	<p>This project was to undertake minor amendments to permissible uses within land use tables and specific clauses within the LEP's; however, after consultation with NSW Department Housing and Industry (DPHI), they have advised that their preference is to wait until the full consolidated Snowy Monaro LEP is re-drafted. The impact of this delay is that some permissible uses which cause regular land use issues will have to wait until the new LEP is gazetted.</p>
Development of the new Local Environmental Plan (LEP)	<p>The new LEP will bring three different planning schemes into one, providing increased simplicity for all users of the system. This will make it easier for developers to work within the region, through a clearer and simpler set of rules and clearer direction on what is and is not permissible.</p> <p>Overall, it is expected that the outcome will be that future development will meet the community's expectations as to where and how it should be occurring and reduce conflict over development.</p> <p>Through the development of the 2025-2029 Delivery Program, this project will be pushed out to the 2025-</p>

Summary of projects currently considered off track to original plans	
	2026 and 2026-2027 Operational Plan year's, once land use strategies are finalised.
Jindabyne Landfill rehabilitation and capping	<p>This project is part of Snowy Monaro Regional Council's program of rehabilitation and waste consolidation of former and existing landfill sites, this project will see the closure and capping of the Jindabyne Landfill.</p> <p>While the NSW EPA have not directed a closure date, this project is currently on hold until the new Resource Recovery Centre (RRC) is built. The RRC while required and scaled back, is still beyond Council's ability to fund. A grant funding source is currently being sought.</p>

SERVICE DELIVERY

Project: Towards Excellence Program

Status: Of Concern

Work continues on refining the annual works and services plans, looking at determining the activities needed to be carried out to provide infrastructure and services to the community and the costs of undertaking those activities. These plans will inform the development of the next delivery program and operational plan. Provision of information is delayed and other demands on resources is meaning that the project cannot move through to implementing improvements to how the Council operates. The main risk relates to the timing of project delivery. There is also risk around the cost of tools being offered from the market to fill the gaps in Council's current systems that impact on efficiency.

The tender for the software tools to support the planning and scheduling of activities and tasks to allow the most efficient delivery of maintenance and service has closed with 13 responses being submitted. Evaluations will be undertaken to identify the tools that will best support the organisation.

Project: Berridale Beautification Drainage Works

Status: On Track

These works are included as part of the overall Berridale Masterplan 2014. The project is funded under the Stronger Communities funding round 5, which will see improved drainage and landscape works between Bolton and Park Streets, Berridale. Works completed so far include:

- Project Engagement Group (PEG) developed with community members – regular meetings held
- Tender for works undertaken with Stantec awarded the project for delivery
- Concept designs developed by Stantec
- Broader community feedback sought on the concept designs and feedback considered by Council and the PEG
- Final design is now underway

Overall, the project is on track and will see much needed upgrades to reduce flooding in the main street in Berridale.

Project: Delegate School of Arts

Status: On Track

Upgrade works to the Delegate School of Arts is funded by the Bushfire Local Economic Recovery Fund (BLERF). The initial funding amount did not cover for the full scope of works included in the tender. Successful lobbying for additional funds has been realised, and works commenced.

- Project Engagement Group (PEG) developed with community members – regular meetings held
- Additional funding sought to ensure original project scope could be delivered
- Work commenced 25 November 2024
- Drainage works have now been completed
- New cladding and window restoration is currently underway with an aim to keep the character of the original building
- There is continued communication through the PEG and hall committee
- A walkthrough with the contractor and the PEG was undertaken on Friday 31 January 2025

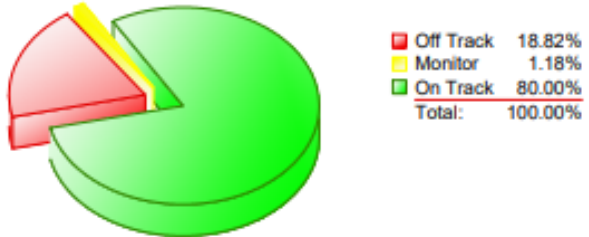
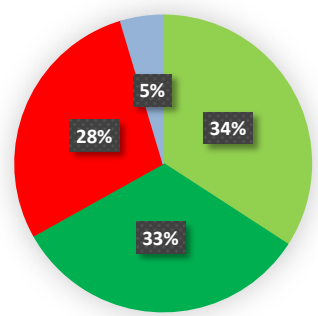
This project is on track and within budget and will see improvements to amenities, stormwater and drainage.



9.3.1 DELIVERY PROGRAM PROGRESS REPORT

Picture 1. Delegate School of Arts – External Drainage Works

KEY PERFORMANCE INDICATORS

KPI	Actual	Target	Commentary
<p>% KPI's on target</p>  <p> ■ Off Track 18.82% ■ Monitor 1.18% ■ On Track 80.00% Total: 100.00% </p>	80.59%	75%	<p>KPI's Needing work</p> <ul style="list-style-type: none"> <15 water main breaks per 100km of water main/year <20 repairs and chokes per 100km/year
<p>%</p> <div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">Activities and Projects 2022-2026 Delivery Program - Progress to Date</p>  <p> ■ At least 90% of target achieved ■ Between 64%-89% ■ Less than 64% of target achieved ■ Actions with no target set </p> </div>	77.00%	64.00%	<p>Council is 31 months into a 48 month delivery program. We are tracking ahead of the calculated progress target of 64.00% to this point with our principal activities and commenced projects. There are still some projects that are yet to commence.</p>

Performance Measures	Period	Unit	Target	Actual	Comment
<15 water main breaks per 100km of water main/year	Month	#	4.00	9.00	For the Month of January 9 water main breaks were attended to. It should be noted that 5 out of the nine breaks were due to NBN related works by contractors.
<20 repairs and chokes per 100km/year	Month	#	4.00	17.00	For the month of January 10 repairs or chokes were attended to. It should be noted that 90% of chokes were due to wet wipe usage. In response, Council sent

9.3.1 DELIVERY PROGRAM PROGRESS REPORT

a media release out to the public
advising of impact of the usage of
wet wipes within our sewer
network.

RESPONSIBLE OFFICER: Coordinator Strategy Development.

ATTACHMENTS

1. Delivery Program Progress Report - January 2025 (*Under Separate Cover*)
-

9.3.2 DRAFT SNOWY MONARO COMMUNITY STRATEGIC PLAN

Record No: I25/32

OFFICER'S RECOMMENDATION

That Council consent to the public exhibition of the Draft Snowy Monaro Community Strategic Plan (2025 Revision) for 28 days in accordance with Section 406 (1) of the *Local Government Act 1993*.

ISSUES

The CSP is the peak corporate plan within Council and is based on the aspirations and priorities of our community. Informed by community input, it sets out the vision for the region to 2042 and identifies key priorities and strategies for achieving this. The CSP must also consider the NSW Government state plans, regional plans and other strategies and plans that are in place.

The CSP is a requirement for every NSW Council under the Integrated Planning and Reporting Framework set out in the *Local Government Act 1993* and the *Local Government General Regulation 2021*.

This framework requires that council develop a series of plans, strategies and reports linked to the community vision and priorities set out in the CSP.

It is the community's plan for the future and Snowy Monaro Regional Council is the custodian of the CSP.

In accordance with the *Local Government Act 1993*, following local government elections, Council must review the Community Strategic Plan (CSP) before 30 June following the election. Council may endorse the existing plan, or endorse a new community strategic plan, as appropriate.

Through collaboration with the Canberra Region Joint Organisation (CRJO) and seven other participating councils, on 16 June 2022, council adopted the new Snowy Monaro Community Strategic Plan 2042 as part of an overall comprehensive regional approach, taking approximately 18 months to prepare.

Given, that the new CSP was adopted in June 2022, council resolved that post 2024 council elections, a review of the 'Snowy Monaro Community Strategic Plan 2042' was appropriate and once again, collaboration with the CRJO and partner councils took place to facilitate the review.

In early 2024, engagement activities to seek community feedback to inform the review process commenced. Total participation in the engagement was 699 people. The engagement methodology and analysis is contained in attachment 1. Snowy Monaro Regional Council Engagement Report, June 2024.

As part of the engagement, the community was asked what they felt were the main challenges facing our community. The top five challenges identified were:

- **Council** – Concerns about Council's rate rises and affordability, financial sustainability, use of ratepayer funds, and competence of leadership and vision.

- **Housing Availability and affordability** – Housing affordability was becoming worse with interest rate increases. Lack of rentals and social housing.
- **Infrastructure** – Condition and quality of the road network is poor, there is lack of footpaths and pedestrian links, and internet mobile phone service is poor in many areas.
- **Services** – Poor access to health and medical care, with main concerns being difficulty accessing doctors and specialists, having to travel for healthcare, poor access to aged care and no aged care facility.
- **Our Economy** – Council viability and financial management. Many see Snowy Hydro 2.0 as a significant burden on housing and road conditions. Many believe there aren't enough shops, and many shops and businesses are closing.

Another question the community was asked is what services or projects do you think Snowy Monaro Regional Council should be prioritising, or lobbying other levels of government for. The top 12 responses were:

1. Housing availability and affordability
2. Roads and parking
3. Aged and disability services
4. Infrastructure
5. Business and industry attraction
6. Financial Sustainability
7. Cycle, shared pathways and footpaths
8. Community Buildings and Facilities
9. Health Services
10. Land Use Planning
11. Aquatic Facilities
12. Communications – IT, Internet and Mobile coverage

The draft of the Snowy Monaro Community Strategic Plan 2042 (2025 Revision) (attachment.2) was presented at a briefing to Councillors on 5 December 2024 by 'Projectura', engaged by the CRJO through grant funding to assist in the facilitation of the review.

Council is now ready to seek further feedback from our community through the mandatory 28 day public exhibition period. Following consideration of community feedback, the CSP will be presented to Council to seek endorsement before 30 June 2025.

Risk Assessment

Risk Type	Current Risk	Expected Risk	Within Accepted
Asset Management	Low	Low	Yes
Economic Activity SJ	Low	Low	Yes
Environmental Security	Low	Low	Yes

9.3.2 DRAFT SNOWY MONARO COMMUNITY STRATEGIC PLAN

External Political Environment	Medium	Medium	Yes
Financial Sustainability	Medium	Medium	Yes
Health and Safety	Low	Low	Yes
Legislative Governance and Compliance	Medium	Medium	Yes
Reputation and Image	Medium	Medium	Yes
Service Delivery	Low	Low	Yes

FINANCIAL IMPACTS

	Amount	Details
Estimated Annualised Net Cost	\$478	Cost of photocopying 7 hardcopies for each office and library. Source of funding WO 1764.20.400
	\$60	Other engagement collateral (7 posters etc.)WO1764.20.400
	\$3,994	Attendance at 3 community shows (salaries and vehicle) WO 1764.20.300
	\$470	Setup and monitoring of Council's Yoursay Page WO1764.20.300

As part of the public exhibition period hardcopies of the CSP will be available as per Council's fees and charges, and copies for viewing will be available at Council offices and libraries.

RESPONSIBLE OFFICER: Coordinator Strategy Development

OPTIONS CONSIDERED

The Community Strategic Plan is a statutory requirement under the *Local Government Act 1993*; therefore, no additional options are required to be considered. The Office of Local Government has provided NSW Councils with a guidance document [Integrated Planning and Reporting Guidelines 2021](#) to ensure consistency across the state and guidance for Councils.

IMPLEMENTATION PLANS

The public exhibition period for the draft Snowy Monaro Community Strategic Plan is planned to commence on 24 February 2025 -24 March 2025.

The Community Engagement Plan utilised for the consultation and engagement phase for the CSP identified several key stakeholders, including the broader community, individual community groups and other key external parties/agencies, and internal stakeholders such as Councillors, management and employees. It is anticipated that the draft CSP will be circulated to all identified

groups and other external and internal stakeholders. Council will also utilise existing resources of Council's YourSay webpage, social media posts, and printed media to seek feedback from the broader community.

EXISTING POLICY/DECISIONS

At the Council meeting held on 21 December 2023, Council resolved to review the existing 'Snowy Monaro Community Strategic Plan 2042' and undertake engagement activities to support the review.

9.3.4 REVIEW - COMMUNITY STRATEGIC PLAN

Record No: 123/759

COUNCIL RESOLUTION

329/23

That Council note the:

- A. Review of the community strategic plan
- B. Engagement activities to seek feedback from the community

Moved Councillor Davis

Seconded Councillor Mitchell

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Davis, Councillor Frolich, Mayor Hanna, Councillor Hopkins, Councillor Johnson, Councillor Stewart, Councillor Summers, Councillor Williamson and Councillor Mitchell.

Councillors Against: Nil.

ATTACHMENTS

1. Community Engagement Report (*Under Separate Cover*)
2. Draft Community Strategic Plan - 2025 Revision (*Under Separate Cover*)

9.3.3 INVITATION TO COMMENT ON THE DRAFT MODEL CODE OF MEETING PRACTICE

Record No: I25/36

OFFICER'S RECOMMENDATION

That Council provide the following feedback to the OLG on the draft model code of meeting practice:

- A. That to enact the desired change that information relating to upcoming council decisions is not to be provided in briefings, that a clause establishing this needs to be added into the model code.
- B. That the requirement for the implications of proposed motions to be advised to the governing body before they determine a matter be retained as the governing body should be fully informed before it makes a decision.
- C. That the requirement for the public forum to be held before the start of the council meeting in clause 4.1 be removed.
- D. That flexibility continues to be available for councillors to attend meetings by audio-visual link so as to make being a councillors more accessible to employed people and those with other responsibilities that limit their ability to always physically attend meetings.
- E. That the change to how staff attendance is determined not be undertaken due to the logistical problems this will create in having staff attend meetings to assist in providing information to councillors.
- F. That the Office of Local Government needs to clearly establish that should the requirements under the local government legislation and regulations result in a breach of workplace safety requirements, that the liability and costs resulting from compliance by Council rests with the Office of Local Government.
- G. That if the governing body is to be given the power to compel staff to attend council meetings that this be limited to those staff authorised for councillors to contact in any staff interaction policy.
- H. That the process of standing when the mayor enters the room and when talking is not in keeping with modern standards and will portray councils as organisations out of touch with modern society.
- I. That the requirement to address the Mayor in a Council Meeting as Mr Mayor or Madam Mayor be extended to include 'Mayor' consistent with the proposal to address a Chair who is not the Mayor as Mr Chairperson, Madam Chairperson or Chair.
- J. That the powers of mayors to put forward mayoral minutes not be expanded due to the corruption risks that this creates.

ISSUES

The Office of Local Government (OLG) have reviewed the model code of meeting practice, and invited councils to provide feedback. OLG have published the [draft model code of meeting practice](#) and a [discussion paper](#) setting out the broad changes on the proposed amendments on its website. Quite a number of changes are being made in the draft where no reason for the change has been provided. This makes it difficult to consider the merits of the proposed changes in a number of instances. This also makes it difficult to propose changes that may resolve the issue that the change is being made to address.

It is difficult to determine the effect of some of the changes as there are other changes planned, but details of those changes have not been released. Commentary is based on the current legislation, regulation and documents, but the intended changes discussed in the September 2024 discussion paper may impact on how the changes will eventually impact on councils.

Once the reviewed model code of meeting practice has been gazetted, councils will no longer have the ability to amend provision now being made mandatory and will be required to adopt a code of meeting practice that includes the mandatory provision. For this reason, it is important that Council provide its feedback on anything it does not feel suits the Council's needs.

The main changes seen as impacting Council from the draft code are as follows:

1. *Set a requirement for councillors to apologise for misbehaviour:* The provisions strengthen the requirement for councillors to comply with the chairs directions by providing that councillors cannot avoid complying with a direction by leaving the meeting. Under the change the directive will have the effect of preventing the councillor from re-joining the meeting until they have undertaken the required action.
2. *Removing pre-briefing sessions:* While the discussion of the Minister indicates wider reform around provision of information to councillors, the only part shown as being enacted here is to remove the provisions setting out that the CEO may have a pre-meeting briefing session. Simply removing this from the code has no real effect. Council can still undertake any action not in contravention to the model code. It would be recommended that the Council does not follow that approach, as the intent of the Minister should guide the future practice. The intent of the Minister would be better served by having a clear statement in the meeting code that provision of information to councillors on matters to be decided at a council or committee meeting is only to be provided in the meeting.

When used properly the briefing session is a good tool to allow councillors to meet their statutory obligation to be fully informed before they come to the meeting. Under the current legislation the only questions that should be raised in a council meeting should be in response to issues raised in the debate.

The response provided does not fully align with the reason given for the change. Decisions and debate should already not be occurring in those briefing sessions. If this is occurring the appropriate response is for the Office to regulate and control that behaviour, not remove the tool for informing the councillors. That could be achieved by requiring the sessions to be recorded and the Office could then undertake audits and reviews as required.

3. *Removing conduct matters from the meeting code:* Remove sections from the meeting code about how councillors behave. The intent appears to be to only have conduct matters dealt with in the code of conduct. It is considered that dealing with matters only in one place makes it easier to manage the policy. It avoids the risk of inconsistencies between policy.
 4. *Requiring confidential information from meetings to be released once it no longer is required to be kept confidential:* At the moment information that is put to a confidential
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meeting remains confidential for all time. This change will allow people to gain access to the information that was considered in confidential session. While there is no philosophical objection to this approach, it aligns with the expectation of information being publicly available, it will increase the costs of operating Council as there will need to be processes put into place to classify when the information can be released. It is difficult to determine the cost of this new requirement. Other than the administrative concern, there is no objection to this proposed change.

5. *Clarifying that the Mayor can call an extraordinary meeting:* Some people interpret the clause that requires the Mayor to call a meeting at the request of two councillors as the only way that meetings can be called. A clause is proposed to be added to clarify that the Mayor can call an extraordinary meeting. It is not considered an unusual power for the chair of the governing body to be able to bring together the governing body as needed and in consultation with the General Manager so no objection is proposed.

 6. *Removing the ability of the CEO to provide advice to councillors on motions:* Currently if motions are proposed that have impacts that have not been identified or disclosed by the councillor moving the motion the CEO is expected to ensure that councillors are fully informed of the impacts of the decision they may be about to make. Councillors are not necessarily in positions filled by merit selection on technical knowledge about council services. Even if that was the case, it would be impossible for any person to have sufficient knowledge about all of the areas Council is involved in. Under this change unless councillors become (somehow) aware of the potential ramifications of the motion before them, they will potentially be making uninformed decisions. Such a situation does not appear to be in the best interests of the community, as it could lead to sub-standards decisions being made. It will also increase the chances of corrupt behaviour happening. For example, a councillor may be lobbied about a matter and the councillor can agree to put forward only partial information, to support the case for the outcome desired by the third party. The other councillors, who are not given availability to the same information are potentially at a significant disadvantage. The potential windfalls third parties could made from manipulating councillors this way provides an opportunity to incentivise councillors inappropriately.

 7. *Removing the requirement for activities not in the operational plan to identify funding:* This will create a more complex and costly process. Items in the operational plan can only be actions linked to the delivery program adopted by the governing body. The governing body can only place activities in the delivery program that it has provided funds for. If Council resolves to undertake a new activity without providing resourcing, some other activity will have to cease. Where under the current process that issues is expected to be resolved at the time, under the new process the decision will need to sit in waiting until the next council meeting, at which time a report will have to come back to determine how the Council will meet its obligation to be able to fully fund all activities in the delivery program.

 8. *Removing the statement that questions are not to be complaints:* Such behaviour would be considered under the code of conduct. Performance of the CEO must be managed in accordance with the contract, doing otherwise would be a breach of the code of conduct. Behaviour that is seen to be a personal attack would also breach the code of conduct. This
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change may also be impacted by the future changes being proposed to the conduct provisions.

9. *Public forum rules removed:* Each individual council will need to develop its own procedures for the running of public forums. It is assumed that other Councils are wanting to make their own rules. This will slightly increase costs of the Council as a new procedure will need to be developed and maintained instead of simply following the standard procedure. Costs will be minimal. The code retains the requirement that the forum be held prior to the meeting, a provision the Council currently does not comply with. Assuming that the current process is seen to have an advantage over having the public forum before the meeting commences Council should seek a change to this clause.
 10. *Attendance by audio-visual:* Ability to attend remotely has been significantly reduced. It will only be allowed due to medical issues and unexpected caring responsibilities. While there are advantages to having the councillors in the room, the flexibility that currently exists is seen to be something that is likely to widen the field of people that would be able to stand for Council. The claims that councillors attending the meetings remotely reduces the dignity of the meetings do not appear to be in keeping with current standards of practice in the community.
 11. *Staff attendance:* The change removes the power of the CEO to prevent staff attending a council meeting. While the intent is no doubt not malicious, junior staff being called before the governing body in a public forum will create a very stressful situation for some people. Inflicting such a situation is a clear breach of the work health and safety legislation. It should be clarified that the Office of Local Government will take on the liability for any costs or fine incurred by Council as a result of its breaching its duty of care to employees by enacting the code of meeting practice. If this is seen as a suitable role for the governing body, there should be clarification around how this works in conjunction with the staff interaction policy. The ability to seek staff to attend should only extend to the staff on the agreed interactions list. Another issue that this change will create is that the only way staff will be able to attend meetings would be by the governing body resolving to allow it. So unless it is known well-before that a staff member will be required, in which event a recommendation will need to come before the previous meeting, when the CEO considers staff are required to respond to matters, the CEO will need to bring a recommendation to the meeting. Staff will need to wait outside of the meeting until such time as the matter can be determined. This does not seem to be a very efficient process, and no justification is provided for why this change is required.
 12. *Councillors and staff standing:* This process is seen as obsolete and is more likely to portray Councils as organisations out of touch with modern society, thus making it a less attractive place for younger people, who are often underrepresented in local government. If the issue is councillors talking over each other, then that behaviour needs to be managed in a more appropriate way, by ensuring mayors are trained to enforce the requirements and the penalties for misbehaviour are strengthened.
 13. *Modes of Address:* The requirement to address the Mayor in a Council Meeting as Mr Mayor or Madam Mayor should be extended to include 'Mayor' consistent with the proposal to address a Chair who is not the Mayor as Mr Chairperson, Madam Chairperson or Chair.
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14. *Mayoral minutes*: Expands the matters that can be raised by mayoral minute. This is seen as a concern as mayoral minutes have no requirement to provide information in advance to the rest of the members of the governing body. This can lead to uninformed decision making. In addition, the ability to circumvent public notice that would otherwise be required for decision making reduces the ability of the community to be aware of proposed changes and comment on those proposed changes. Mayoral minutes present a corruption risk of a higher-level event than that mentioned above in relation to the notices of motions, as the mayor could spring matters onto the governing body, so that they have even less time to research potential issues before being required to decide a matter. The more appropriate approach in most instances is for the mayor to give notice of an extraordinary meeting if required, ensuring the required transparency and engagement around matters being considered.
15. *Foreshadowed motions*: These are removed from the code. This would appear to be indicating that it is only the original motion and amendment (that cannot be in contravention to the original motion) can be considered at the meeting. If an alternative view was wished to be carried this would require a new notice of motion at a future meeting. There are arguments in support of this approach, in that a new motion may be so dissimilar to the motion for which notice has been given that proper notice of that should be given to allow its consideration. The alternative view is that the information on the matter at hand has already come before Council, so it is more efficient to determine the matter while the business (more broadly viewed as the topic, rather than the motion) is before the Council. It will be left to the governing body to determine whether to make a submission on this matter.
16. *Point of order does not relate to conduct of the councillors*: It would seem at odds with the Minister’s stated intention to improve the behaviour at Council meetings that the ability to raise a point of order that a councillor is acting inappropriately is removed. This places a much higher emphasis on the mayor to manage the behaviour of councillors. The danger of removing this ground for points of order is that it would increase the risk that the mayor could play ‘favourites’. Those preferred by the mayor could be called to order by the mayor, but other councillors would not be able to call the mayor’s attention to behaviour the mayor chooses to ignore.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Financial Sustainability	Medium	High	No
Health and Safety	Low	Medium	No
Legislative Governance and Compliance	Low	Medium	No
Reputation and Image	Medium	High	No

The risk assessment has been undertaken to consider the current assessed risk compared to the risk if the draft model code was enacted as proposed.

Financial stability

The proposed model removes the requirement to identify the availability of funds in council's budget where a notice of motions proposes expenditure not already provided for in an adopted budget. This puts a high level of expectation on councillors to fully understand the financial implications of proposals. Considering that councillors are not necessarily elected based on their technical knowledge of Council's operations and the breadth and variety of matters dealt with by the Council, the likelihood that motions will be considered without the full financial implications being understood is high. When decisions are made that are later found to have significant impacts, financial or otherwise, this will lead to higher costs to the community.

If this modification is incorporated into the model code, it has the potential to expose councillors to the risk of making inadequately informed financial decisions, which may adversely affect the financial stability of the council.

Health and Safety

The proposed model removes the authority of the CEO to identify the most appropriate staff to attend meetings and moves this power to councillors. This amendment is considered contrary to the statutory role of the CEO in managing and directing staff.

Councillors may request staff to attend meetings and create an expectation that those staff will respond to questions put to them. It can also allow councillors to force staff into situations they are uncomfortable with. Not all staff are comfortable with being in a public forum situation. What is proposed puts no controls around this power to suitably mitigate the risks of misuse of the provision.

In addition, the removal of restrictions on raising complaints about the CEO and staff in questions with notice, creates a higher risk that councillors will consider such behaviour is now acceptable. Retaining this clause strengthens professional relationships among councillors, staff, and the community, while supporting the appropriate channels for reporting any wrongdoing.

Reputation and Image

The draft model suggests eliminating pre-meeting briefings. These briefings serve as a valuable opportunity for councillors to seek information and advice from staff. Removing this platform may restrict councillors' ability to gain insights and knowledge in a private setting. This could significantly affect the image and reputation of elected officials, as it may hinder open debate stemming from a lack of understanding and information among participants.

FINANCIAL IMPACTS

It is not possible to determine the cost impact of the changes. The regulatory impact costs are not considered likely to be high.

OPTIONS CONSIDERED

The Council may choose not to provide feedback on the model code of meeting practice. There are no distinct consequences should council not provide feedback.

IMPLEMENTATION PLANS

Based on the decision of council either a submission will be lodged or not.

EXISTING POLICY/DECISIONS

- Local Government [Act \(1993\)](#)
- Local Government [\(General\) Regulation 2021](#)
- 2013, Guidelines issued for the [Closure of Council Meetings to the Public](#)
- 2020, Guide to [webcasting council and committee meetings](#)
- [OLG consultation draft model code of meeting practice.](#)

BACKGROUND

Consultation on the draft model code of meeting practice commenced in December 2024, the closing date of submissions is COB Friday, 28 February 2025.

Summary of current model and changes to draft model documents

Items	2021 Model code of Meeting Practice	2024 Draft Model Code of Meeting Practice
<i>Giving notice of business to be considered at council meetings</i>	Cls. 3.12 to 3.13 are identified as non-mandatory	Cls. 3.12 to 3.13 have been removed (strikethrough) from the draft.
<i>Questions with notice</i>	Section is mandatory	Cls. 3.15 has been removed (strikethrough) from draft
<i>Agenda and business papers for ordinary meetings</i>	Sections is mandatory	Cls. 3.18 (3.21 in 2021 version) inclusion of 'consultation with mayor'
<i>Statement of business ethics</i>	Section is mandatory	Section has been removed (strikethrough) from draft.
<i>Availability of business papers</i>	Section is mandatory	Cls. 3.23 (3.27 in 2021 version) Minor amendments
<i>Agenda and business papers for extraordinary meetings</i>	Sections is mandatory	Updates to cls. 3.25 (2021 - 3.29) Cls 3.29 (a) and (b) removed Cls 3.26 2021 3.30 And 3.31 combined.
<i>Pre-meeting briefing</i>	Section is non-mandatory	Section has been removed from draft
<i>Public forum</i>	Section is non-mandatory	Cls. 4.1 Section is now

9.3.3 INVITATION TO COMMENT ON THE DRAFT MODEL CODE OF MEETING PRACTICE

Items	2021 Model code of Meeting Practice	2024 Draft Model Code of Meeting Practice
		mandatory Cls 4.2 new inclusion to draft Cls 4.2 onwards has been removed.
<i>Attendance by councillors at meetings</i>	Section is mandatory	Cls. 5.4 second sentence has been removed Cls 5.7 new addition Cls 5.8 removed from draft
<i>The meeting quorum</i>	Section is mandatory, cls 5.14 and 5.15 are optional	Minor amendments to formatting Cls 5.14 and 5.15 Section is now mandatory
<i>Meetings held by audio visual</i>	Section is non-mandatory	No edit. Section is now mandatory
<i>Attendance by councillors at meetings by audio-visual link</i>	Section is non-mandatory	Section is now mandatory. Minor additions.
<i>Entitlement of the public to attend council meetings</i>	Section is non-mandatory	No edits. Comment will be provided to change the 'note' to remove if recommended. The cls. Referred to in note are mandatory in the draft.
<i>Webcasting of meetings</i>	Section is mandatory	Minor addition to cls 5.37
<i>Attendance of general manager and staff at meetings</i>	Section is mandatory	Cls 5.4(3)4 amended Cls 5.44 removed
<i>The Chairperson</i>	Section is mandatory	No edits to cls 6.1-6.9
<i>Modes of address</i>	Section is non-mandatory	Section is now mandatory Cls 7.1 new addition
<i>Order of business for ordinary council meetings</i>	Cls 8.1 and 8.2 are non-mandatory Cls 8.3 and 8.4 are mandatory	Minor edits Cls 8.2 removed
<i>Business that can be dealt with at a council meeting</i>	Section is mandatory	Cls 9.3 edits Cls 9.4 edits

9.3.3 INVITATION TO COMMENT ON THE DRAFT MODEL CODE OF MEETING PRACTICE

Items	2021 Model code of Meeting Practice	2024 Draft Model Code of Meeting Practice
<i>Mayoral Minute</i>	Section is mandatory	Cls 9.9 removed Cls 9.10 (non-mandatory in 2021 V) removed from draft
<i>Staff reports</i>	Section is mandatory	No edits
<i>Reports of committees of council</i>	Section is mandatory	No edits
<i>Questions</i>	Section is mandatory	Edits to cls 9.13 and 9.15
<i>Motions to be seconded</i>	Section is mandatory	No edits
<i>Notices of motion</i>	Section is mandatory	Edits to cls 10.3
<i>Chairperson's duties with respect to motions</i>	Section is mandatory	No edits
<i>Motions requiring the expenditure of funds</i>	Section is non-mandatory	Removed
<i>Amendments to motions</i>	Section is mandatory	No edits
<i>Foreshadowed motions</i>	Section is mandatory	Cls. 10.17 removed Cls. 10.19 amended
<i>Limitations on the number and duration of speeches</i>	Section is mandatory	Cls. 10.24 removed
<i>Voting entitlements of councillors</i>	Section is mandatory	No edits
<i>Voting at council meetings</i>	Section is mandatory Cls. 11.11 is non-mandatory	No edits
<i>Voting on planning decisions</i>	Section is mandatory	Cls. 11.12 and 11.13 new additions
<i>Committee of the whole</i>	Section is mandatory	Cls. 12.2 edited Additional note added
<i>Dealing with items by exception</i>	Section is non-mandatory	Cls 13.7 Minor edit
<i>Grounds on which meetings can be closed to the public</i>	Section is mandatory	No edits
<i>Matters to be considered when closing meetings to the public</i>	Section is mandatory	No edits
<i>Notice of likelihood of closure not required in urgent cases</i>	Section is mandatory	No edits

9.3.3 INVITATION TO COMMENT ON THE DRAFT MODEL CODE OF MEETING PRACTICE

Items	2021 Model code of Meeting Practice	2024 Draft Model Code of Meeting Practice
<i>Representation by members of the public</i>	Section is mandatory	Cls. 14.11 new addition Cls. 14.12 to 14.17 removed
<i>Expulsion of non-councillors from meetings closed to the public</i>	Section is mandatory	Cls. 14.14 minor edit
<i>Obligation of councillors attending meetings by audio-visual link</i>	Section is non-mandatory	Section is now mandatory
<i>Information to be disclosed in resolutions closing meetings to the public</i>	Section is mandatory	No edits
<i>Resolutions passed at closed meetings to the public</i>	Section is mandatory	Cls. 14.19 and 14.20 new additions
<i>Points of order</i>	Section is mandatory	Cls. 15.2 removed
<i>Questions of order</i>	Section is mandatory	No edits
<i>Motions of dissent</i>	Section is mandatory	No edits
<i>Acts of disorder</i>	Section is mandatory	Cls. 15.10 edited Cls. 15.12 and 15.13 new additions
<i>How disorder at a meeting may be dealt with</i>	Section is mandatory	No edits
<i>Expulsion from meetings</i>	Cls. 15.14 to 15.16 are non-mandatory Cls. 15.17 to 15.20 are mandatory	No edits
<i>How disorder by councillors attending meetings by audio-visual link may be dealt with</i>	Section is non-mandatory	Section is mandatory
<i>Use of mobile phones and the unauthorised recording of meetings</i>	Section is mandatory	No edits
<i>Conflicts of interest</i>	Cls. 16.1 mandatory Cls. 16.2 non-mandatory	Both clauses are mandatory
<i>Council decisions</i>	Section is mandatory	No edits
<i>Rescinding or altering council decisions</i>	Cls. 17.3 to 17.9 & 17.11 mandatory	Edits to non-mandatory clauses

9.3.3 INVITATION TO COMMENT ON THE DRAFT MODEL CODE OF MEETING PRACTICE

Items	2021 Model code of Meeting Practice	2024 Draft Model Code of Meeting Practice
	Cls. 17.12 to 17.14 non-mandatory	
<i>Recommitting resolutions to correct an error</i>	Section is non-mandatory	Cls. 17.18 edited
<i>Time limits on council meetings</i>	Section is non-mandatory	Cls 18.2 (2021 version) removed Cls. 18.1 and 18.2 edited
<i>Minutes of meetings</i>	Section is mandatory Cls. 19.2(a) non-mandatory	Cls. 19.2 mandatory
<i>Access to correspondence and reports laid on the table at, or submitted to, a meeting</i>	Section is mandatory	No edits
<i>Implementation of decision of council</i>	Section is mandatory	No edits
<i>Application of this part (council committees)</i>	Section is mandatory	Not edits
<i>Council committees whose members are all councillors</i>	Section is mandatory	No edits
<i>Function of committees</i>	Section is mandatory	No edits
<i>Notice of committee meetings</i>	Section is mandatory	No edits
<i>Attendance at committee meetings</i>	Section is mandatory	Section removed
<i>Non-members entitled to attend committee meetings</i>	Section is mandatory	No edits
<i>Chairperson and deputy chairperson of council committees</i>	Section is mandatory	No edits
<i>Procedures in committee meetings</i>	Section is mandatory	No edits
<i>Closure of committee meetings to the public</i>	Section is mandatory	Cls. 20.20 and 20.21 new additions
<i>Disorder in committee meetings</i>	Section is mandatory	No edits
<i>Minutes of council committee meetings</i>	Section is mandatory Cls. 20.23(a) and 20.24 non-mandatory	Cls. 20.23(a) mandatory

9.3.3 INVITATION TO COMMENT ON THE DRAFT MODEL CODE OF MEETING PRACTICE

Items	2021 Model code of Meeting Practice	2024 Draft Model Code of Meeting Practice
<i>Irregularities</i>	Section is mandatory	No edits
<i>Definitions</i>	Section is mandatory	Foreshadowed motion removed

ATTACHMENTS

1. Consultation Draft Paper (*Under Separate Cover*)
 2. Proposed changes to code of meeting practice (*Under Separate Cover*)
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9.3.4 TABLING OF PECUNIARY INTEREST DISCLOSURES BY COUNCILLORS

Record No: I25/39

OFFICER'S RECOMMENDATION

That Council note the disclosures of pecuniary interest returns completed by councillors and staff.

ISSUES

Council's code of conduct requires councillors, and designated persons, complete a disclosure, and lodged with the Chief Executive Officer, three months after becoming a councillor.

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*.

Attached to this report are all returns lodged by councillors, and staff who have recently been employed in a position identified as a designated person, whose return dates have exceeded the three-month period (as at 03/02/2025).

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 councillor disclosures will be published on Council's website.

EXISTING POLICY/DECISIONS

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

BACKGROUND

Part 4 of the Council's code of conduct mandates that councillors and designated persons submit a return of their interests, within three months of becoming a councillor or designated person.

Clause 4.25, requires returns lodged with the CEO, under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required.

All 11 councillors are required to complete a return for the new term of council, which commenced on 1 October 2024. The due date for these returns was 1 January 2025.

These returns are classified as mandatory proactive releases under the GIPA Act and are required to be published on Council's website.

Disclosing the information contained in these returns promotes 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. Pecuniary Interests - Designated Persons Return - 2025 - Mayor Chris Hanna (*Under Separate Cover*)
 2. Pecuniary Interests - Designated Persons Return - 2025 - Deputy Mayor Tricia Hopkins (*Under Separate Cover*)
 3. Pecuniary Interests - Designated Persons Return - 2025 - Councillor Narelle Davis (*Under Separate Cover*)
 4. Pecuniary Interests - Designated Persons Return - 2025 - Councillor Tanya Higgins (*Under Separate Cover*)
 5. Pecuniary Interests - Designated Persons Returns - 2025 Councillor Reuben Rose (*Under Separate Cover*)
 6. Pecuniary Interests - Designated Persons Return - 2025 - Councillor Bob Stewart (*Under Separate Cover*)
-

9.3.4 TABLING OF PECUNIARY INTEREST DISCLOSURES BY COUNCILLORS

7. Pecuniary Interests - Designated Persons Return - 2025 - Councillor Lynda Summers (*Under Separate Cover*)
 8. Pecuniary Interests - Designated Persons Return - 2025 - Councillor Andrew Thaler (*Under Separate Cover*)
 9. Pecuniary Interests - Designated Persons Return - 2025 - Councillor Luke Williamson (*Under Separate Cover*)
 10. Pecuniary Interests - Designated Persons Return - 2025 - Angela Summerville, Chief People & Organisational Performance Officer (*Under Separate Cover*)
 11. Pecuniary Interests - Designated Person Return - 2025 - Tony Murray, Chief of Community Services (*Under Separate Cover*)
 12. Pecuniary Interest - Designated Persons Return - 2025 - Stephen Dunshea, CEO (*Under Separate Cover*)
-

9.5.1 ISSUANCE OF PERFORMANCE IMPROVEMENT ORDER

Record No: I25/73

OFFICER'S RECOMMENDATION

That Council table the performance order issued by the Minister for Local Government.

ISSUES

The Minister for Local Government (Minister) has issued a performance improvement order (PIO) on the Council that instructs the councillors to comply with a number of matters relating to how councillors are behaving, continuing with a program of business excellence improvement and continuing on a path towards the financial sustainability for the Council.

There is little in the PIO that is not already required under the various legislative requirements that the Council should already follow. The Minister has made it clear that in his view councillor's behaviour overall has not been in accordance with the required standards.

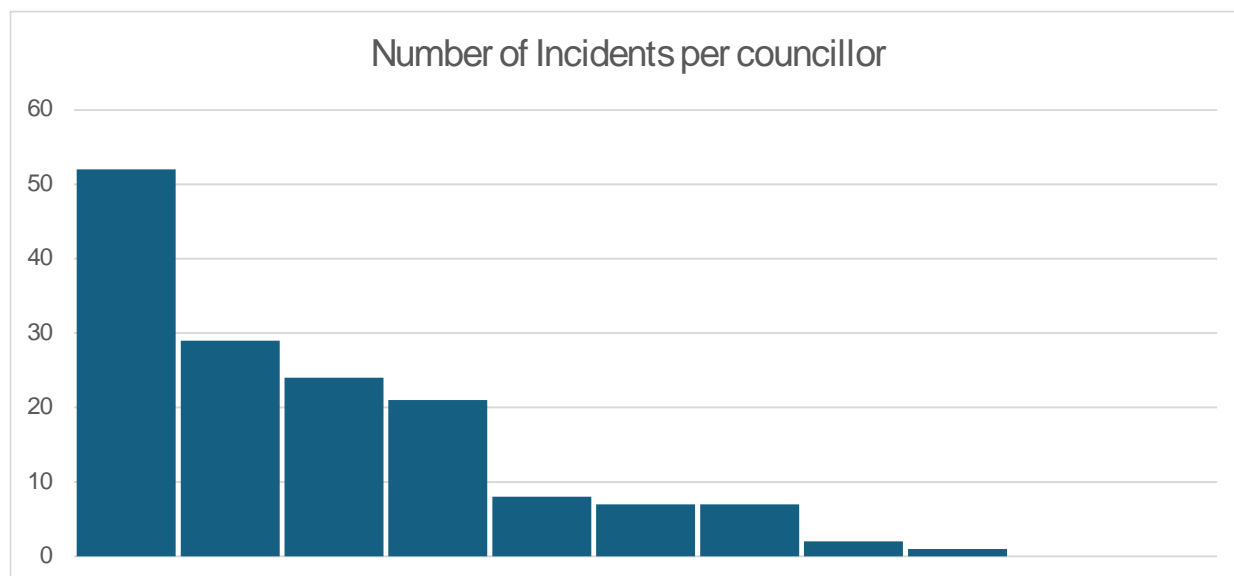
The most severe consequence in the Council's legislative compliance risk table is the dismissal of the Council. If the current non-compliance with legislation continues with a sufficient number of councillors, the current likelihood of such a dismissal occurring are likely. Under Council's risk management framework this equates to an extreme risk rating, which requires immediate actions to reduce the risk levels.

Council is now required to report to the Minister on breaches of the PIO. At the time this report was being finalised more than 10 actions had already been taken by councillors that are considered to breach the performance improvement.

The commentary in the Minister's letter indicates the performance of the governing body in the council meetings will be closely reviewed. Of concern is that fact that the councillors with the highest levels of alleged breaches have also made statements indicating that they consider their behaviour to be acceptable and reasonable and that the meetings are running well. If councillors do not see their behaviour as unacceptable, when it is breaching the requirements, the risk that further breaches will occur remains high. Those behaviours continuing make it very likely that the Minister will take further action. The actions that could be taken should be sought to be avoided.

While in the past many actions by councillors that were breaches of the code of conduct and code of meeting practice 'passed under the radar', now Council will be required to report on these as part of the PIO. To assist councillors in understanding what types of behaviours are occurring and what changes need to occur in behaviours a review of the meetings over December and January was undertaken to seek to identify the types of events that were occurring that would be considered breaches of the PIO. A total of 151 incidents were identified that would be considered breaches, spread across a number of councillors over the meeting times reviewed.

9.5.1 ISSUANCE OF PERFORMANCE IMPROVEMENT ORDER



The main types of activities occurring were as follows:

Activity	Total	12 Dec	23 Dec	10 Jan	24 Jan
Allegations of wrongdoing by Council officials	49	15	20	3	11
Inappropriate interjections	33	13	2	2	16
Disrespectful/unprofessional behaviour	32	20	5	4	3
Speaking over others	27	19	8	0	
Disrespect to the Chair	20	9	2	3	6
Indications of code of conduct breaches	6	5	1	0	
Misuse of meeting practice	9	2	0	2	5
Release of code of conduct information	4	0	4	0	
Issues per hour		21	42	14	20

Note: Only the first 2 hours of the meeting 24 Jan was reviewed due to a lack of time.

This indicates there is a need for a significant change in how councillors behave if the governing body is to comply with the performance order.

It is important to also focus on the good aspects of the governing body. At the meetings there were very also good debates on issues around what the community is looking for from the Council and how those needs can best be met. Continuing with those behaviours and will improve the chances of the PIO being removed. Success will come from dealing with the issues through respectful debate, focused on considering the impacts of the issues.

The following guidance is the assist councillors in preventing the Council from being suspended or dismissed. It is not an exhaustive list. Councillors will still need to make their own assessment in many instances.

Substantive improvements would be made if councillors:

1. Stopped interjecting: Councillors need to stop starting to talk while others are talking. You need to get the attention of the chair and be recognised before you speak.

9.5.1 ISSUANCE OF PERFORMANCE IMPROVEMENT ORDER

2. Stop making accusations against staff and other councillors. Debate the issues, not seek to affix blame. Allegations of wrongdoing of council officials: Raising allegations of wrongdoing in Council meetings breaches the PIO. Raising allegations on social media breaches the PIO. Reposting other articles or posts that make allegations breaches the PIO. Allowing people to make posts on your social media alleging wrongdoing breaches the PIO. You raising other people’s allegations as the reason for your notice of motion breaches the PIO.
 - Claiming in a council meeting that staff are not doing their job properly is an allegation of wrongdoing
 - Claiming that staff do not know the legislation is an allegation of wrongdoing.
 - Claiming that staff/the mayor/councillors have not followed policy or procedure is an allegation of wrongdoing.
3. Stop talking over the chair and arguing with the chair: If the chair is dealing with a point of order all other councillors remain silent until the chair has ruled on the point of order. When the chair has ruled you do not argue on the ruling. If you disagree follow the process in the code of meeting practice.
4. Only use points of order properly: Not agreeing with another person’s view is not a point of order. Councillors are often confusing their view on items with what is a fact and then raising points of orders when others do not agree with their views.

RISK ASSESSMENT

Risk Type	Current Risk	Expected Risk	Within Accepted
Legislative Governance and Compliance	Extreme	Extreme	No
Reputation and Image	High	High	No

The two relevant risk categories to the issue before Council are legislative compliance and reputation/image impacts. The above information shows the high level of non-compliance across the governing body in recent council meetings and that that behaviour is not changing subsequent to the Council being advised that this type of behaviour is a concern. The lack of change indicates a high likelihood that the behaviours will continue.

FINANCIAL IMPACTS

While direct calculations have not been made, the councillor behaviour is costing a significant amount of money in diversion of resources and stopping progress on the business excellence improvements that need to occur to improve the ability to provide services to the community.

RESPONSIBLE OFFICER: Chief Strategy Officer

OPTIONS CONSIDERED

No options are provided as this report is to provide information.

IMPLEMENTATION PLANS

N/a

ATTACHMENTS

1. Minister's Correspondence
2. Performance Improvement Order

The Hon. Ron Hoenig MP

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Our Ref: A940321

His Worship the Mayor
Cr Chris Hanna
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

Mr Stephen Dunshea
Acting General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

Via email:
chris.hanna@snowymonaro.nsw.gov.au

Via email:
stephen.dunshea@snowymonaro.nsw.gov.au

Dear Cr Hanna and Mr Dunshea,

I refer to previous correspondence concerning my intention to issue a Performance Improvement Order (PIO) to Snowy Monaro Regional Council (Council) under section 438A of the *Local Government Act 1993* (the Act).

I have carefully considered councillors' individual submissions and note that Council did not resolve to make a submission at its Council meeting on 23 December 2024.

Having considered all the information available to me, I have formed the view that action must be taken to address financial performance, councillor conduct, and Work, Health and Safety (WHS) risks at Council. I have decided to issue a PIO to establish clear expectations around councillor and Council performance over the next 12 months. The reasons for my decision to issue a PIO are set out in the body of the enclosed PIO.

It is important that the newly elected body works together with Council's General Manager and staff to ensure compliance with the terms of the PIO. I have also asked the Office of Local Government (OLG) to contact Council to provide an opportunity for the Deputy Secretary to discuss the PIO with councillors.

I expect that Council will table the PIO at an open Council meeting and place the PIO on Council's website, in accordance with section 438D(2) of the Act.

At my request, Mr Brad Wade, Director, Investigations and Interventions, at OLG is available on 02 9895 6430 or via investigations@olg.nsw.gov.au should you have any questions or wish to discuss the PIO.

Yours sincerely,



The Hon. Ron Hoenig MP
Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government

0 6 FEB 2025

Encl: Proposed PIO

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

02 7225 6150
nsw.gov.au/ministerhoenig

Local Government Act 1993

Section 438A

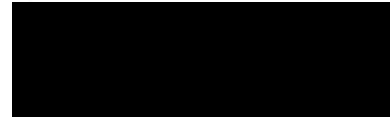
Performance Improvement Order

I, the Honourable Ron Hoenig MP, Minister for Local Government, do, by this Order pursuant to section 438A of the *Local Government Act 1993*, require Snowy Monaro Regional Council, for the reasons specified in Schedule 1 below, to undertake the actions described in Schedule 2 below within the period specified in Schedule 2.

I require all Councillors to enter into an undertaking in the form specified in Schedule 3, to be provided to me within 7 days of the service of the Order. I require all Councillors to comply with that undertaking.

This Order takes effect upon service on the Council.

Dated this 6thday of February 2025



The Hon. Ron Hoenig, MP.
Minister for Local Government

SCHEDULE 1

Reasons for Order – section 438A(3)(a)

(a) Whether the council has failed to comply with its legislative responsibilities, standards or guidelines

Work, Health and Safety Act 2011

Councils have statutory obligations under the *Work, Health and Safety Act 2011* (WHS Act) to ensure, so far as is reasonably practicable, the health and safety of Council's employees. This responsibility extends to councillors. WHS responsibilities are also stipulated in the Council code of conduct.

I am satisfied that actions of some councillors are having an impact on the welfare, health and safety of Council staff and as such, constitute a failure of the Council to comply with the WHS Act. In particular, I am aware that the Office of Local Government (OLG) has received 19 misconduct referrals/allegations against Cr Thaler during October and November 2024 which were reported by councillors, Council staff and the community. A number of these complaints deal with conduct that is alleged to constitute bullying, harassment and/or behaviour which would bring the Council into disrepute.

I understand there is evidence of councillors and council staff being exposed to psychosocial work health and safety risks. This includes causing councillors and Council staff to feel anxious, intimidated and concerned for their safety which is affecting work performance. I am informed that one staff member has been physically ill on two occasions as a direct result of an interaction with Cr Thaler.

Council has implemented several mitigation measures to comply with its work health and safety obligations. However, Council has limited further ability to eliminate or mitigate the psychosocial risks present and require urgent intervention. Council risk assessments are continuing to return an outcome risk of 'High.' As such, I am satisfied it is appropriate for this PIO to be issued to address Council's potential failures to comply with its WHS obligations.

(b) Whether there are significant risks facing the council that are not being addressed

Financial Risk

In late 2022, Council underwent a financial sustainability review conducted by AEC Group in response to poor financial performance, and recommendations were made as a result. I am aware that the OLG has been monitoring the progress of Council, who appear to be making steady improvements in conformance with the recommendations, however there has not been sufficient improvement, and the impact of the transition of the newly elected Council has slowed progress. I am of the view that action must be taken to ensure there is no loss to the improvement of Council's performance. I have taken into account factors which include that:

1. Council needs to retain its budget discipline to achieve financial sustainability,
2. Council needs to ensure it maintains access to appropriate staff expertise and engagement to provide secure advice to the councillors on financial, governance and regulatory matters,
3. Council should only be changing strategic priorities with a clear understanding of costs and funding sources and not at the detriment of achieving financial sustainability,
4. Council needs to continue to deliver and implement the changes required as part of the recommendations of the AEC Group financial sustainability review, and
5. Any initiatives in progress to assist Council with its objective of achieving financial sustainability must continue.

Reputational risk

The alleged conduct of councillors has been the subject of intermittent negative reporting in the media during this term of Council. The continued content posted on social media by Cr

Thaler, which includes offensive language, harassing content and allegations of Council, councillor and Council staff corruption and wrongdoing is likely to bring Council and/or Council officials into disrepute. This is already being evidenced by complaints received by OLG from members of the public which state:

"...his [Cr Thaler's] continuing tenure is absolutely outrageous to the vast majority of local residents," and

"I just wanted someone to know that so many of us feel uncomfortable.....How is this appropriate behaviour for a professional?"; and

"Yes our council is broken and needs fixing. His intimidation and the videos and hate he spews is plain wrong,"; and

"This disgusting highly offensive revolting behaviour clearly marks this person as unfit to hold public office of any sort. "; and

"He has posted on the Jindabyne Notice Board and SMRC Chit Chat groups effectively publicising the appointment of the acting CEO before council had a chance to do their press release. This information was obviously confidential until its formal release by council."

On 8 November 2024 Cr Thaler posted content on his social media page which indicates that he is pleased with being the subject of numerous code of conduct complaints. In this post, he stated *'totally smashing this councillor thing.. baby I was born for it. I've already got 9 code of conduct complaints. in what. 5 weeks.'* This publicly displayed attitude towards a policy intended to set expected standards of behaviour will inevitably negatively affect the Council's reputation within the community if allowed to continue.

Some of Cr Thaler's social media posts are to the effect that other councillors are attempting to working together against him. This is also a demonstration of dysfunction affecting the Council, which this PIO can address.

Performance risk

While complaints against councillors are now being directed to OLG, Council resources continue to be allocated to addressing matters related to Cr Thaler. This includes the time and efforts of the General Manager and other staff in assessing and mitigating risks to Councillors and staff, as well as managing processes necessary for making appropriate referrals to the OLG. The ongoing diversion of resources to these issues poses a risk of adversely impacting other aspects of Council's operations.

(c) Whether previous intervention attempts have failed

There have been no prior Performance Improvement Orders or Suspensions imposed upon Council. However, some councillors' apparent disregard for the Code of Conduct and

disciplinary action indicate that usual processes for taking action are not or will not be effective.

(d) Whether council business is being disrupted and the council is failing to exercise its functions

Certain councillors have repeatedly disrupted council meetings with repeated allegations of council misconduct, which have been reviewed by council staff and rejected, and then raised again. Council has been able to conduct its business, however the delays created by some councillors' conduct are not sustainable for the council to exercise its functions longer term. Some councillors are using what appear to be deliberate delay tactics including at the following instances:

1. Prior to the first meeting of the Council, Cr Thaler made the affirmation of office before a JP outside of the Council building while being filmed and then posted it on social media. OLG has viewed the video and is satisfied that Cr Thaler made the affirmation of office in accordance with the requirements of section 233A of the Act. Cr Thaler and two other councillors subsequently alleged that all other councillors had failed to take/make an oath/affirmation of office as required under section 233A of the Act because the then Acting General Manager had not been correctly appointed and was therefore not authorised to administer their oaths and affirmations of office.
2. Council held its first meeting on 10 October 2024 where most councillors made their oath or affirmation of office and elected the Mayor. While the conduct of the meeting fell short of a standard that would promote community confidence in the Council, it was not sufficiently serious to warrant intervention.
3. The subsequent extraordinary meeting on 24 October 2024 saw a repeat of the behaviour at the first meeting, with Cr Thaler and two other councillors impeding the consideration of business at the meeting with repeated baseless points of order. It took Council an hour to get to the first item of business on the agenda. OLG will be continuing to closely monitor the situation.
4. The meeting on the 10 November 2024 was an improvement upon the previous two meetings, however the OLG is still concerned about the time it is taking for Council to get through business meetings. This appears to be as a result of disharmony between the councillors, believed to be caused by the ongoing behaviour of Cr Thaler referenced within the code of conduct complaints. The Mayor has chaired the meeting effectively.

(e) Repealed

(f) Whether there is a pattern of poor or inappropriate behaviour by one or more councillors that has not been rectified

There has been a pattern of poor or inappropriate behaviour by some councillors, in particular, Cr Thaler, as set out in this section. Council has not been able to rectify this behaviour.

Alleged Code of Conduct breaches

I set out a summary of the code of conduct complaints made to OLG in relation to Cr Thaler:

1. one complaint alleges Cr Thaler interacted with a Council staff member on Council premises in a way that caused the person, and witnesses to the incident, to feel intimidated and /or scared;
2. approximately 9 code of conduct complaints relate to emails sent by Cr Thaler to councillors and /or Council staff members, the content of which was perceived as, and has been assessed as, language that constitutes personal attacks on staff, bullying, harassment, intimidation, being overbearing and/or an abuse of power; all of which would constitute a breach of Councils Code of Conduct and the WHS Act;
3. more than 10 complaints relate to both written and video social media content posted by Cr Thaler, the content of which has been assessed as language that constitutes personal attacks on staff, bullying, harassment, intimidation, being overbearing and/or an abuse of power; all of which would constitute a breach of Council's Code of Conduct and the WHS Act; and
4. two of the social media posts have been assessed by OLG as constituting detrimental action in breach of the section 33 of the Public Interest Disclosure (PID) Act.

A sample of the complaints received has been provided below:

DATE OF COMPLAINT	SUMMARY OF ALLEGATION	COMPLAINANT
15 October 2024	Cr Thaler interacted with a Council staff member on Council premises in a way that caused the person to feel intimidated. Cr Thaler sent an email to this person and other staff with content that threatened the employment of staff.	Councillor or Council Staff member
19 October 2024	Cr Thaler sent an email to councillors alleging corruption of Mr Rawlings (then the Acting General Manager), and the content of which was likely to intimidate	Councillor or Council Staff member

	and to create a hostile environment for the Mayor, Cr Hanna.	
25 October 2024	Cr Thaler sent an email to councillors and council staff which threatens legal action against other councillors and contains content that is likely to threaten, intimidate or harass the recipients.	Councillor or Council Staff member
7 November 2024	Cr Thaler sent an email to councillors and Council staff which suggests Mr Rawlings seek urgent legal advice with respect to person liability for a decision, with an insinuation Mr Rawlings' job was in danger. The content is considered to be overbearing and threatening.	Councillor or Council Staff member
7 November 2024	Cr Thaler sent an email to councillors and council staff which was directed at a specific councillor in response to an informative email regarding a road issue within the Council area, the content of which is considered to be a personal attack, overbearing, threatening, intimidating and harassing.	Councillor or Council Staff member
8 November 2024 to 12 November 2024	Between 8 and 12 November 2024, Cr Thaler posted numerous videos to his social media Facebook profile in which he references his awareness of Code complaints made against him and makes derogatory and disparaging remarks against one or more people involved in the disclosure or investigation of the complaints.	Councillor or Council Staff member and numerous community members

	The videos also contain content which is considered harassment of other Council staff, including calling the Mayor a 'dog arse c###'.	
21 October 2024	Cr Thaler posted written content on his social media page publicising the appointment of the acting CEO before council had issued a press release. This information was considered confidential until its formal release by council.	Councillor or Council Staff member and community member

Alleged offence against the *Public Interest Disclosures Act 2022*

It is alleged that Cr Thaler has committed an offence under section 33 of the *Public Interest Disclosures Act 2022* (PID Act), with respect to a number of social media posts he published between 8 and 22 November 2024.

DATE	SUMMARY OF ALLEGATION	EVIDENCE
8 November 2024 to 22 November 2024	In Facebook videos posted by Cr Thaler between the 8 th and 22 nd November 2024, he makes a number of offensive and derogatory remarks about persons he believes were involved in the making of, or investigation of complaints against him.	Complaint from Councillor or Council Staff member Download of Facebook posts

Alleged offence against the *Local Government Act 1993*

It is an offence under section 664 of the Act to disclose any information obtained in connection with the administration or execution of the Act, unless that disclosure is made:

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act, or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or

(d) in accordance with a requirement imposed under the [Ombudsman Act 1974](#) or the [Government Information \(Public Access\) Act 2009](#), or
 (e) with other lawful excuse.

There is evidence of three instances of the disclosure of confidential information by Cr Thaler.

DATE	SUMMARY OF ALLEGATION	EVIDENCE
21 November 2024	Cr Thaler posted written content on his Facebook page publicising the appointment of the Acting CEO before being announced by Council.	Complaint from Councillor or Council Staff member Download of Facebook post
8 November 2024 to 22 November 2024	In Facebook videos posted by Cr Thaler between the 8 th and 22 nd November 2024, he references his awareness of, and the content of, some Code of Conduct complaints made against him, in breach of Part 12 of the Procedures for the Administration of the Model Code for Local Councils in NSW	Complaint from Councillor or Council Staff member Download of Facebook post
22 November 2024	In a Facebook video posted by Cr Thaler on 22 November 2024, he read aloud a letter sent from the OLG, marked as confidential, and relating to code of conduct complaints and public interest disclosures made against him	Download of Facebook post

(g) Any other matter that, in the opinion of the Minister, is relevant to the issuing of the order

I also take into account the following matters:

1. Council has indicated that it requires assistance to manage the issues relating to councillor conduct.
2. Certain councillor behaviour is having a significant resourcing impact on the Council. The time and costs associated with managing the complaints set out above, including mitigating the associated risks, is significant. Further, Cr Thaler's apparently deliberate delaying tactics are preventing the Council from running its business as efficiently as it could.

SCHEDULE 2

Action required to improve performance – section 438A(3)(b)

In accordance with section 438A of the *Local Government Act 1993*, this order requires that:

1. All Councillors enter into an undertaking in the form specified in Schedule 3, to be provided to me within 7 days of the service of the Order. I require all Councillors to comply with that undertaking,
2. Councillors refrain from making or implying allegations of wrongdoing against any Council official, unless such allegations are made through the established processes for receiving such matters,
3. Councillors refrain from disclosing, or causing the release of confidential Council information to any public forum, including on any social media platform,
4. Councillors refrain from publicly disclosing information relating to code of conduct complaints, including at Council, Committee or other meetings, in any other forum, or on any social media platform,
5. Councillors refrain from making statements, orally or in writing, that a reasonable person may consider offensive, abusive, harassing, threatening or disrespectful, about or to other councillors or Council staff members; and
6. Councillors are to conduct their interactions with each other and Council staff with respect, professionalism, objectivity, honesty and to a high standard of ethical behaviour,
7. Councillors are to interact with Council staff in accordance with Council's Councillor Staff Interaction Policy,
8. Councillors are to conduct themselves in accordance with Council's Code of Conduct,
9. Council must continue to implement the recommendations from the AEC financial sustainability review as resolved at its extraordinary council meeting on 24 November 2022, including but not limited to:
 - a) Budgeting for and maintaining an unconstrained cash reserve of at least \$5 million
 - b) Not undertaking projects unless they follow Council's project management framework
 - c) No new or increased services or infrastructure be taken on without a full business case being in place
 - d) Implementing asset management improvements identified in the financial sustainability review
10. Council must enact the adopted operating plan and budget for 2025 and any necessary amendments must have an identified funding source and be compliant with the objective of achieving financial sustainability,
11. Council must, at all times, maintain unrestricted funds of at least \$500,000 and expend externally restricted funds only for the purpose for which they are set aside,

12. Council must ensure it maintains access to a finance professional who can provide timely advice to councillors on financial performance and other matters,
13. That the work planned or in progress through the "Towards Excellence Program" is to continue.

Reporting in compliance with this order

Pursuant to section 438F of the Act I require the Council to provide me with the following reports on compliance with this Order, within the time frames specified:

1. A report on compliance with Actions 1 to 8 within one month from the commencement of this Order.
2. A report on compliance with Actions 1 to 13 to be provided each month, to be received by me no later than the fifteenth day of the month following the month to which the report relates, for a period of 12 months.
3. A final report on the implementation of all the Actions required by this order to be provided with the final compliance report, due end of December 2025.

Period for compliance with Order

Council is to comply with the requirements of the Order within the timeframes specified in Schedule 2 or if no timeframe is specified, within 7 days of the date of service of this Order.

SCHEDULE 3

Councillor Undertaking

I, Councillor [*name*] of Snowy Monaro Regional Council (Council), do hereby give the following undertaking:

I will:

- a) refrain from making statements, orally or in writing, that a reasonable person may consider offensive, abusive, harassing, threatening or disrespectful, about or to other councillors or Council staff members; and
- b) refrain from making statements that allege breaches of the Model Code of Conduct for Local Councils in NSW or Council's adopted Code of Conduct by other councillors or Council staff, unless in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW; and
- c) refrain from publicly disclosing information relating to code of conduct complaints, including at Council, Committee or other meetings, in any other forum, or on any social media platform; and
- d) refrain from disclosing or causing the release of confidential Council information to any public forum, including on any social media platform.

9.5.2 SETTLEMENT OF CLAIMS - SNOWY RESERVOIR COLLAPSE - STATUS REPORT

Record No: I25/76

OFFICER'S RECOMMENDATION

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

This is an information only report.

EXECUTIVE SUMMARY

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

COUNCIL RESOLUTION

11/25

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

Moved Councillor Rose

Seconded Councillor Stewart

CARRIED

Record of Voting

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

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

STATUS REPORT

At the time of the Council resolution on 24 February 2025 Council records indicated that there were two (2) outstanding claims against Council relating to the January 2020 collapse of the Cooma Water Reservoir. The current status of those claims is presented below:

Property	Nature of Claim	Status	Action
Moorong Place Cooma	Rates relief	Settled	Matter settled in a meeting between claimants and CEO on 4/2/2025
Nimby Close Cooma	Property Damage	Revised claim submitted 16 April 2024 under assessment by Statewide Mutual	Claimant & their representative updated by email: <ul style="list-style-type: none"> • 30/1/2025 • 17/1/2025 • 10/1/2025 • 9/1/2025 • 8/1/2025 CEO discussion with Statewide & Mills Oakley Lawyers (for Statewide) on

9.5.2 SETTLEMENT OF CLAIMS - SNOWY RESERVOIR COLLAPSE - STATUS REPORT

			11/2/2025 confirming the most recent claim is still under assessment.
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Prior to the 24 January Extraordinary meeting, a claim relating to another property in Mooring Place had already been settled between the claimant and the CEO in a meeting on 10 January 2025.

The total costs to council of the two claims settled in January is \$33,750 funded from the existing claims budget.

Whilst the Council resolution calls for confidential monthly reports, there is nothing in this report that warrants it being confidential under s10A of the Local Government Act.

RESPONSIBLE OFFICER: Chief Executive Officer

ATTACHMENTS

Nil

9.5.3 RESOLUTION ACTION SHEET UPDATES

Record No: 125/85

OFFICER'S RECOMMENDATION

That Council note Resolution Action Sheet Updates.

This is an information only report.

EXECUTIVE SUMMARY

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

RESPONSIBLE OFFICER: Chief Strategy Officer

ATTACHMENTS

1. Resolution Action Sheet - for 20 February 2025 (*Under Separate Cover*)
-

10.1 MINUTES FROM MANAGEMENT AND ADVISORY COMMITTEES

Record No: I25/11

OFFICER'S RECOMMENDATION

That Council receive the minutes of the:

- i. Michelago Hall and Tennis Courts Management Committee minutes of Annual General Meeting held September 2024; and
- ii. Open Spaces and Recreational Facilities Committee meeting held 14 August 2024

BACKGROUND

Minutes of the meetings have been received in December 2024 and February 2025 and are included for notation by Council.

ATTACHMENTS

1.
 1. Minutes - Michelago Hall and Tennis Courts Management Committee - Meeting 18 September 2024
 2. 2. Minutes - Open Spaces and Recreational Facilities Committee - Meeting held 14 August 2024
-



10. Items “Held over” for the present

- 10.1 Sound/AV system
- 10.2 Security system – Allan has managed to obtain the password.
- 10.3 Tennis Clubhouse wall lining – see Grants section.
- 10.4 Asset Register
- 10.5 Manhole installation

11. Date of next Meeting

The next meeting will be held on Wednesday 16 October 2024 from 6pm at Michelago Memorial Hall.

12. Meeting Close

The Chair closed the meeting at 7.22 pm

Signed:

Chairperson: _____

Naomi Walton

Date: 20 / 11 / 2024

Minutes

Recreational and Open Space Advisory Committee

Date 13 August 2024

Time 1700

Location Cooma Ex-Services Boardroom

1. Opening

The Chair opened the meeting at 5 pm.

2. Attendance and apologies

Name	Position	Attendance
Tricia Hopkins	Chairperson	Present
Darren McIntosh	Secretary	Apology
Chris Reeks	Committee Member	Present
Jim Johnston	Committee Member	Present
Bill Euston	Committee Member	Present
Lousie Jenkins	Committee Member	Present
Ineke Stephens	Committee Member	Apology
John Britton	Committee Member	Present
Lorraine Alford	Committee Member	Present
Suzanne Dunning	Committee Member	Apology
Stacey Manson	Committee Member	Present

3. Adoption of previous minutes

Minutes of the meeting held on 9 July 2024.

Moved: Jim Johnston

Seconded: Chris Reeks

CARRIED

4. Correspondence

Nil

5. Action sheet

Date	Action	Assignee	Notes	Completion date
9/6/24	Request council staff to attend July meeting	Tricia Hopkins	Lauren Wallis gave program overview	9 Jul 24
9/6/24	Committee members to prepare reports re priorities with an emphasis on (1) Maintenance or (2) Develop	All members	Reports attached LouiseJ, JimJ, ChrisR, JohnB	
9/6/24	Council staff requested to provide GPS coordinates of Open Spaces and Recreational Facilities in order to create Stakeholder Map	Darren McIntosh	In progress	
9/7/24	Invite Cooma Landcare and Waterwatch to August Meeting	Secretary	Invites sent	18 Jul 24
14/8/24	That this Committee recommend to council to carry out a comprehensive safety and amenity audit of all the small neglected suburban parks and playgrounds in the SMRC area, including a comprehensive detailed plan for remediation and all identified issues.			
14/8/24	That this Committee recommend to council to take immediate steps to intervene in the unauthorised development of, and inappropriate use of trails, and that the people responsible for the unauthorised activity be required to make good the affected areas			
14/8/24	That this Committee recommend for protocols to be put in place for communication and approvals between community groups and Council for open space and recreational facility projects.			

6. General Business

Guests from Landcare Antea Bradman and Melinda Kent gave an update on the 5 sites in Cooma that are currently under rehabilitation. Includes weed control and replanting of native vegetation.

Commenced in 2017 to improve creek health, frog populations and create a walking path.

Landcare can hold funds and seek funding opportunities for projects.

SMRC Brett Jones assists with weed control

Mulach Street (council owned area): no vegetation; erosion; overgrazing by sheep. Landcare is doing native replanting here. There have been platypus sightings here

Note: the creek and high water mark is Crown Land; above that is Council land.

Hawkins Street / Cooma Creek to Victoria Street – Landcare hoping to do some work here, but need to be careful as it’s a flood zone.

Monaro Flora Gardens (end of West Montague Street). Crown Land. Created in the 1970s as urban bush garden to try and encourage residents to plant natives. Became overgrown. Rehabilitation commenced in 2018. Aim is to showcase local native species here.

Old Cooma Common Grassland Reserve: Much threatened flora in this area. Weed control is an issue

Kiah Creek: Landcare has applied for Crown Lands Grant. Box Elder infestation that needs to be controlled – it can spread along waterways. Saplings can be poisoned but larger trees need to be removed.

Coolamatong / Lambie Gorge: hoping for permission from Ngarigo T/O to commence rehabilitation.

Other activities: Hoping to plant natives in roundabouts.

PLAYGROUND AREAS – Landcare can assist with sensory plantings if this project gets underway.

7. RECOMMENDATIONS:

That this Committee recommend to council to carry out a comprehensive safety and amenity audit of all the small neglected suburban parks and playgrounds in the SMRC area, including a comprehensive detailed plan for remediation and all identified issues.

Moved: Jim Johnston

Seconded: Stacey Manson

CARRIED

That this Committee recommend to council to take immediate steps to intervene in the unauthorised development of, and inappropriate use of trails, and that the people responsible for the unauthorised activity be required to make good the affected areas

Moved: Jim Johnston

Seconded: Stacey Manson

CARRIED

That this Committee recommend for protocols to be put in place for communication and approvals between community groups and Council for open space and recreational facility projects.

Moved: Louise Jenkins

Seconded: Lorraine Alford

CARRIED

(any recommendations of the committee, carried by a vote, are to be recorded in the minutes and actioned by the committee. These should be transferred into the action sheet, for next meeting.)

Committee Recommendation:

Invite representatives from Cooma Landcare and Cooma Waterwatch to August Meeting

Snowy Monaro Regional Council	Minutes	Recreational Facilities and Open Spaces Advisory Committee	
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Moved:	Seconded:	Carried/Lost
LouiseJ	JimJ	Carried

Clarify weeds and pest responsibility with Council

Moved:	Seconded:	Carried/Lost
JimJ	LouiseJ	Carried

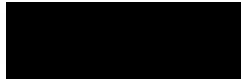
8. Date of next meeting

To be advised due to pending council elections and caretaker mode

9. Meeting close

The Chair closed the meeting at 8pm.

Chairperson



Date ___4 FEB 2025_____

**10.2 S355 SALEYARD/TRANSIT YARD FACILITY ADVISORY COMMITTEE MINUTES 11
DECEMBER 2024**

Record No: I25/46

RECOMMENDATION

- A. That the minutes of the Saleyards/Transit Yard Facilities Advisory Committee held on 11 December 2024 be noted.
- B. That in response to the Committee's recommendations (1,2 & 3) to Council as presented in the report, the Committee be advised consistent with the comments also provided in the report.

EXECUTIVE SUMMARY

The Saleyards/Transit Yard Facilities Advisory Committee met on 11 December 2024 in Cooma. The Committee's recommendations are presented for Council's consideration.

RESPONSIBLE OFFICER: Manager Facilities

**RECOMMENDATION OF THE SALEYARDS/TRANSIT YARD FACILITIES ADVISORY COMMITTEE – 11
DECEMBER 2024**

The Following recommendations were made by the Committee (Comments by A/Manager Built and Natural Environment):

- 1. Recommendation to Council:** *That fees and charges for use of all items relating to the saleyards and transit yards be reviewed within the next 12 months.*

Comment: Fees and charges are subject to annual review with that process due to commence in the coming months, so this recommendation is redundant.

- 2. Recommendation to Council:** *That an external operator remove one sheep ramp from Cooma Saleyards and install at Bombala, or alternatively purchase and install a new ramp for Bombala.*

Comment: It will need to be determined whether it is more economical to remove one of the sheep ramps from Cooma and relocate to Bombala or to purchase a new sheep ramp for Bombala. In any case, the sheep ramps at Cooma will require refurbishment as the wooden deck timbers are unserviceable.

It has been noted from comments at the previous two committee meetings that there is no longer a need to have the three large sheep ramps at the Cooma Saleyards due to the reduced frequency of local sheep sales and the significant decline in stock numbers for local sheep sales.

Quotes will need to be obtained in accordance with Council's purchasing policies to establish costs and budget implications.

- 3. Recommendation to Council:** *That Bombala industry users would like to apply for a licence to manage the transit yards for \$10,000 per year. Rates and other costs to be taken out and the surplus put aside for Bombala transit yard maintenance. Yards to be made smaller. Note that the Truckwash is excluded from this licence.*

Comment: At the Council meeting of 20 June 2024, Council resolved (Resolution 150/24) to terminate a previous EOI process which invited interest to operate the Bombala Saleyard facility, as the submission received did not offer a suitable outcome for Council.

At the Council meeting of 15 August 2024, in considering the minutes of the Saleyard Committee meeting of 9 July 2024, Council resolved (Resolution 213/24) as follows:

C. (That Council) Develop options for either a lease or licence arrangement for all or part of the Bombala transit yards, with a report to come back to Council for consideration before an EOI process can commence.

Work to prepare a report for Council consideration was not completed prior to the latest Committee meeting, and the staff member who had responsibility for the saleyard/transit yard facilities has since left SMRC.

The recommendation from the Committee is not consistent with Resolution 213/24.

While Council may make an alternate/replacement resolution, a public process (e.g. EOI or similar) would still be required to invite submissions to operate the facility.

Prior to determining to undertake such a process, it would be necessary to define any proposed exclusions/inclusions e.g. rates, water, power, aspects related to the truck-wash etc, establish what (if any) insurance implications may apply, whether annual indexation should be applied, detail responsibility for any works required prior to hand-over, clarify access arrangements for emergency and/or impounding use by Council.

Excluding the operation and maintenance of the truck-wash from any proposed agreement again leaves the risk and cost of this aspect solely to Council, even though its use is a direct benefit to the facility users.

In terminating the previous EOI process, Council determined that the offer made to operate the facility (which required Council to upgrade the facility, no payment made for years 1 and 2 of the proposed 10/10 year lease, then \$5,000 p.a. from year 3 onwards, with an annual increase of 2%) was not in Council's best interest. The proposal also did not include the operation of the truck wash, leaving that risk and cost to Council to maintain and operate.

The annual costs of rates is approximately \$1,100 per year, and approximately \$500 for water (use within yards). Truck-wash power and water is not included.

The annual cost of maintaining the truck-wash facility in its present location is estimated at between \$15,000 - \$30,000 depending on the frequency of removing sludge and pumping out holding ponds, which can be influenced by wet weather events. The report to the Council Meeting of 20 June 2024 (item 9.1.2) identified that the cost of maintaining ponds from January 2024 to May 2024 was \$29,090 which included de-sludging ponds in Jan/Feb 2024.

The estimated cost of a new sheep loading ramp was suggested at around \$20,000 (purchase) plus installation. The feasibility and cost of transferring one of the large sheep ramps from Cooma to Bombala is yet to be established.

SMRC is currently receiving very little income for the use of the facility. Although the facility is known to be widely used, mechanisms attempted to retrieve income from users (landowners, agents, transporters) to date is ad-hoc and unreliable, and with resistance from facility users.

A comment made at the meeting that some landowners use the facility to wean cattle illustrated another unknown use of the facility that provided no payment or benefit to Council.

Entering into a yearly fee arrangement would at least see the generation of some level of income for a Council facility that is known to be widely used and where the cost to Council of operating exceeds the income generated.

It would ultimately be a decision for Council to accept or refuse a lease or license amount. Noting again however, that under the current proposal, the on-going risk and cost of maintaining the truck-wash in its current location remains with Council.

The introduction of the AVDATA system for the truck-wash should improve the security and capture of use and generate more realistic income than the previous/current key system, but is unlikely to yield the amount of revenue to cover the maintenance costs.

ATTACHMENTS

1. S355 Saleyard/Transit Yard Facilities Advisory Committee Minutes
11 December 2024
-



Meeting Minutes

S355 Saleyards/Transit Yard Facilities Advisory Committee

Date 11 December 2024
Time 11am
Location Cooma Committee Room

Agenda Items

1. Opening	2
2. Attendance and apologies	2
3. Adoption of previous minutes	3
4. Charter	3
5. Fees and Charges	3
6. Facility Operations	3
7. Maintenance	5
8. Work, Health and Safety	5
9. Action sheet	5
10. Date of next meeting	6
11. Meeting close	6

Teams Link

[Join the meeting now](#)

Meeting ID: 416 977 491 96

Passcode: 7Ph6Eq7F

1. Opening

Councillors Stewart and Thaler were appointed as Committee members at the Council meeting of 14 November 2024 (Resolution 261/24).

As this was the first meeting following the Council election and appointment of delegates to Committees, the Committee was required to elect a Chairperson. Councillor Bob Stewart was elected and opened the meeting at 11.11am.

2. Attendance and apologies

Name	Position	Attendance
Councillor Bob Stewart	SMRC Elected Representative - Chair	Present
Councillor Andrew Thaler	SMRC Elected Representative	Present
Peter Smith	SMRC Staff – Manager Built & Natural Environment	Present
Bianca Padbury	SMRC Staff - Manager Community Services	Present
Simone Ward	SMRC Staff – Co-ordinator Community Facilities	Present
Dianne Colman	SMRC Staff - Community Facilities Admin Support Officer	Present
Sam Green	Elders, Cooma	Apology
Matt Green	Nutrien, Bombala	Present
Will Dixon	Monaro Livestock	Present
Myles Buchanan	Nutrien, Cooma	Present
Jason Lewis	Riverina Livestock Agents	Apology
Lynley Miners	Miners Transport	Apology
Norm Talbot	Talbot Transport	Present
Kelli Griffin	Local Land Services	Apology

3. Adoption of previous minutes

Minutes of the meeting held on 9 July 2024

Action	Assignee	Status
Charter to be updated to reflect current charter requirements.	Manager Community Services	Complete
All fees and charges for saleyards and transit stock to be reviewed within 12 months	Manager Community Services	In Progress
Research grant funding available for Bombala Truckwash	Co-ordinator community Facilities	In Progress
Quote for new loading ramp at Bombala Saleyards and cost of re-locating ramp from Cooma Saleyards to Bombala	Co-ordinator Community Facilities	In progress
Light Issues at Cooma truck Wash	Manager Community Facilities	In progress

Moved: Matt Green

Seconded: Councillor Bob Stewart

4. Charter

The Charter was completed with recommendations included from the meeting held on 9 July 2024 and adopted on 15 August 2024.

5. Fees and Charges

Recommendation to Council: That fees and charges for use of all items relating to the saleyards and transit yards be reviewed within the next 12 months.

6. Facility Operations

- Research possible grant funding for Bombala Truckwash – Contact office of Kristy McBain, 2.3 million in funding available and must be spent by June 2025
- Sheep EID. Suggestion from a Councillor that Council was not compliant. Clarified that this is incorrect. SMRC has 4 new scanners, 6 tablets, ear tags and applicators to replace any missing tags. Staff have trained in the scanning process at Bairnsdale Victoria Saleyards. Scanning of all sheep and goats comes into effect on the 1st January 2025 and applies to stock born after 1 January 2025.
- Race readers were another option but very expensive to install and feedback from Graham Hope was that many were not reading correctly. 98% of reads needed to be compliant. Portable panel reader another option.
- Sheep sales – comment from Will Dixon that agents are unable to get stock or buyers for sheep, and suggests sheep sales are a thing of the past for the Monaro as the biggest sheep sale in 2023 was 3500 head. Store lambs currently being sold off property, Auctions Plus and sales in Wagga also impacting.
- Due to sheep sale being non-existent at the moment the scanner and tablet option will work if and when required. By mid-2025 it should be clear if a panel reader will be required.
- Congratulations to the work done by Council to become compliant for sheep and goat scanning.

- There are currently three sheep drafts at Cooma Saleyards. Draft scanners cost approximately 30K each. Crl Bob Stewart believes cattle sales will keep the yards viable with monthly sales and the weaner sales always good.
- NLIS movement from seller to purchaser remains Council responsibility.
- Cooma Truckwash lights an on-going issue. Finalising a full fix. Current lights not fit to be solar only in this area, will need to run off mains electricity on a sensor, sensor will need have an extended time set and Norm Talbot believe 2 hours will be sufficient. Council to investigate if lights can be hooked up to Avdata on the fob system to turn on when water activated and turn off when water stopped.
- To hardwire to mains power the cost will be approximately \$20k. The works have been well scoped out and the solution being put forward is considered to be the right one.
- Cooma Truckwash has been looked at by the Water and Waste water team and Council is getting a fully costed design to manage sludge. The issue is even if there was more of an incline there is not enough water pressure to move sludge through pipe into lagoon. If a lot of trucks wash in a day it blocks up. Solution may be installation of a pump system that will set off jets of water to push sludge into lagoon. There will be Geo bags installed to separate solids from liquids.
- The most expensive fix to Truckwash will be increasing the grade. Information provided to Cllr Thaler is the time it takes to wash out currently.
- 3 stages suggested, 1. Installing pumps/jets, 2. Installing Geobags, 3. Installing ramps. Three stage design would cost over \$1 million so costing more to fix than original build. Doing stages 1 and 2 together more cost effective. Another suggestion was to install a large speedbump to raise incline of trucks, Bianca to go back to engineer and ask if another solution available to raise incline instead of full incline. Ask if engineer would meet a local livestock transport driver at Truckwash and any committee members to discuss options.
- Need to implement an ongoing maintenance plan to maintain the low flow, high pressure jets to be installed. Design is not back from Engineers and will need to go out to tender. Cost approx. \$250K. Geobags are currently being used in Berridale wastewater successfully.
- Bombala Truckwash – Ongoing issues with the adjacent property in regard to water. Significant work undertaken to cleanout ponds and repair walls of ponds which has reduced problem. However, this will continue to be an on-going issue.
- A contractor has been engaged to pump out the ponds on a regular basis to stop overflow running onto neighbouring property. Weather events add to the problem at the site as water from road runs down into it as well and fills ponds. Looking at solutions to stop run off into neighbouring property and divert to road reserve instead. Neighbour's stormwater also runs into Truckwash. Will need a long term fix to manage water at the site.
- Advice from a Councillor that water pressure at truckwashes was an issue. Pressure testing done at both Cooma and Bombala Truckwashes showed it is very good. New hose being supplied to Bombala site.
- Avdata being installed at Bombala in 2025. Income from Avdata at Cooma covers water usage costs. Current billing and set up for Bombala not ideal however is better since locks were changed.
- Noted that a Truckwash is not mandatory for a transit facility but it is important it is to Industry users. Continue looking for grants. Risk remains with Council whichever the truckwash is in its present location.
- Bombala Saleyards. Transit fees and usage. Options for transit yard usage to go to Council meeting, hasn't progressed as yet. Committee think the previous recommendation for a \$10k fee per year to agents/transport operator group to manage Bombala Saleyard is still best option. Bombala yards will need a generated income to maintain them. Industry users do not want responsibility for Truckwash. As discussed last meeting,
 - \$ per head charge for sheep considered to be too high
 - Who is responsible for collection of transit fees and reporting of transit usage
 - Risk losing Bombala facility if not generating income

- Still an option to sell Bombala saleyards and sub-divide land with sheds off
- Bombala yards can be made smaller to reduce maintenance costs.
- Bombala yards will just be transit stock yards, the expectation is to have these yards to unload stock into until transfer.
- Bombala yards pose some safety issues
- Spend money correctly on yards
- Action plan, get an idea of maintenance and repair costs if yards were made smaller.
- Agent comment that some stock owners use the Bombala yards to wean their cattle however this usage is not captured or paid for.
- Bombala yard repairs have been carried out however a better sheep ramp is required

Recommendation to Council: That an external operator remove one sheep ramp from Cooma Saleyards and install at Bombala, or alternatively purchase and install a new ramp for Bombala. Carried.

Recommendation to Council: That Bombala industry users would like to apply for a licence to manage the transit yards for \$10,000 per year. Rates and other costs to be taken out and the surplus put aside for Bombala transit yard maintenance. Yards to be made smaller. Note that the Truckwash is excluded from this licence. Carried.

7. Maintenance

- Ongoing issues with lights at Cooma truckwash.
- Replacing of rails on ramps.
- Sludge management system in Cooma
- Saleyards maintenance personnel – looking at service levels and what is needed to support facilities. Hoping by end of year permanent staff in place to maintain yards, Cooma fulltime position and Bombala to combine Saleyard and smaller caravan parks in area. Agents to please notify Council of any issues in the interim.
- Cooma Saleyard sheep ramps – 3 ramps need wooden flooring replaced. Quote for all 3 \$14850.00. Council maintenance crew to repair.
- Cooma weighbridge locking up at times – weighbridge is serviced annually including compressor. Pneumatic valves and pipes are getting replaced as lines have perished. Weighbridge is fine albeit antique. Continue to maintain

8. Work, Health and Safety

- Lights at truckwash Cooma
- Sheep ramp Bombala
- Sheep loading ramps Cooma

9. Action sheet

Reference	Date	Action	Assignee	Completed	Notes
		Charter to be updated to reflect current charter requirements	Manager Community Services	Yes	
		All fees and charges for	Community	ongoing	

		saleyards and transit yards be reviewed within 12 months	Facilities co-ordinator		
		Research grant funding available for Bombala truckwash	Community Facilities co-ordinator	ongoing	
		Transfer of sheep loading ramp from Cooma to Bombala – MCH quote of \$20900 included demolition of old ramp and installation of new ramp	Community Facilities co-ordinator	ongoing	
		Investigate ramps for cattle to step into the bottom dirt yards - Cooma	Community Facilities co-ordinator	In progress	
		Light issues at Cooma truckwash	Community Facilities co-ordinator	In progress	

10. Date of next meeting

The next meeting will be held at 10am on 4 March 2025 at the Bombala Chambers – Bombala Community Centre

11. Meeting close

The Chair closed the meeting at 1.33pm.

Chairperson Bob Stewart

Date _____

Optional - Actions for Minute Taker:

1. Circulate Minutes to attendees for comment
2. Ensure adopted Minutes are saved into relevant container in Content Manager (CM9)
3. Place action points from the meeting on the agenda for the next meeting
4. Community Services Manager to put to Council for adoption.

11.1 TO COMPLETE BUSINESS CASE, PROJECT PLAN FOR CONSTRUCTION OF MONARO RAIL TRAIL

Record No: 125/47

Councillor Narelle Davis has given notice that at the Ordinary Meeting of Council on 20 February 2025, she will move the following motion.

MOTION

That Council:

- A. Reinstate investigations into the feasibility and potential future delivery of the Monaro Rail Trail (MRT) Project into the Operational Plan and Delivery Program 2024 - 2027.
- B. Request the CEO to undertake a review of reports previously submitted to Council by consultants engaged by SMRC in partnership QPRC and MRT Inc against the Office of Local Government's Capital Expenditure Guidelines and report the result to Council.
- C. Fund any costs associated with the Capital Expenditure Guidelines review from funds already allocated to the Monaro Rail Trail project and remaining in the 2024/25 budget.

RESPONSIBLE COUNCILLOR: Cr Davis

BACKGROUND

Snowy Monaro Regional Council has been working with Monaro Rail Trail Inc for 8 years to develop the Monaro Rail Trail.

In mid-2022 the NSW Government published a "Rail Trails Framework" to guide and facilitate development of rail trails in the State. Consistency with this framework is an essential prerequisite for any grant application, providing a roadmap to Council and MRT Inc for preparing a business case. In this Framework, the councils are required to lease corridors to build and operate the rail trails. They are also required to seek approval from NSW Minister for Transport to create a new rail trail.

In 2019 both SMRC and QPRC committed funds (\$90k and \$50k respectively) to engage consultant to provide trail development plans for stage 1. This was completed in 2021 covered the sections from Tralee to Michelago, Nimmitabel to MacLaughlan River and Jincumbilly to Bombala.

Council in 2023, assisted by MRT and QPRC, then applied for and was subsequently successful in receiving a NSW Government grant for \$273,000 to fund a number of studies and reports to build upon those previously done to align with the Framework's requirements. This was completed in 2024 and included:

- Trail Development Plans (TDP) for sections of the MRT not previously covered. Namely, Queanbeyan to Tralee, Michelago to Chakola and Nimmitabel to Jincumbilly, leaving Chakola to Nimmitabel still to be completed.

- Environmental studies – reporting on biosecurity and biodiversity along the MRT corridor from Queanbeyan to Michelago and Nimmitabel to Bombala; and
- Economic study on direct revenue sources to fund operations and maintenance of the MRT. Additionally, another report to examine economic benefits of the MRT on the towns and villages on its route.

The consultants' reports are all with Council staff and the information from them will be used in the business case. They will also be used to support Council staff seeking authority from Council's to seek future potential grants. The main issue raised by SMRC councillors and senior management has been the cost of ongoing operations and maintenance and its impact on Council finances. (The other issue of concern to some councillors is railway enthusiasts' reluctance to agree to any use of rail corridor that involves lifting rails and/or limiting the length of rail used for potential use by tourist trains.)

The costs of the project can be categorised as follows:

- Capital cost: construction of Rail Trail, typically funded by government grant(s);
- Operation and Maintenance cost: ongoing cost to operate and maintain Rail Trail funded by SMRC, QPRC and other income sources; and
- Depreciation Allowance: to reflect the asset value on Council's balance sheet over time.

In Nov 2023 SMRC applied for and were subsequently successful in securing \$1M to be used at the Bombala end of the Rail Trail. This will deliver the southern trail head and a relatively short (3.5 - 4 km) section of rail trail. Approval planning work is now well advanced on this project and is understood to be on track to be completed by mid-2026.

Member for Monaro Steve Whan has been working with MRT and QPRC has identified NSW Regional Economic Development and Community Investment Program grant could be used to complete the build of the rail trail from Bombala to Jincumbilly. (Note that the closing date is 20 Feb 2025). Note that QPRC are seeking a grant to complete the first northern 21km section from Queanbeyan to near Royalla.

This funding would enable completion of the current Bombala project a further 21km to Jincumbilly and thereby improve the viability of this southern end of the MRT. Note that this is the same length as the Tumbarumba to Rosewood Rail Trail which is in a similarly remote location and has nevertheless been a resounding success. There is every reason to expect that the Bombala to Jincumbilly section would also be hugely successful.

Tourism is the biggest economic driver for SMRC however this activity is predominately focused within the corridor from Cooma to the Mountain resorts, mostly in the Jindabyne and Kosciuszko National Park area. The communities of Michelago, Bredbo, Nimmitabel and Bombala need the economic opportunity that this project can provide.

Delays in this project will require all the work that has been done to date to be reviewed and updated at additional cost to council as well as the need for additional costs for construction.

Further, the majority of key stakeholders as identified in the Feasibility Study Report and Draft MRT Business Case recognise this as a priority economic development project for the LGA. The draft business case has been reviewed by several stakeholders. They have stated that it is sound with a compelling benefit to cost ratio of greater than 3.0 and that the layout complies with NSW Treasury guidelines for business cases.

This Motion builds upon previously approved resolutions, with the objective to maintain both momentum and priority of this key economic development project, which is desperately needed by the towns and villages in the Monaro Highway corridor of our LGA.

In bringing back the project into our operating and delivery plans, it is anticipated that SMRC staff will actively seek further funding opportunities including applying for future suitable grants.

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:

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

COUNCIL RESOLUTION 259/22

That Council

1. Continue to provide in principle support to Monaro Rail Trail Inc;
2. Request a comprehensive briefing from Cooma Monaro Rail Group to Council;
3. Continue to work on the development of Queanbeyan to Cooma segment of the proposed rail trail and;
4. 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.

COUNCIL RESOLUTION 294/22

That Council

1. 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);
 2. 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;
 3. Not undertake to fund the cost of relocating the MRT if point B (above) eventuates;
 4. 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;
-

5. 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.

COUNCIL RESOLUTION 267/23

That Council, subject to receiving landowner consent from TfNSW (or relevant sub-entity):

1. Accept the invitation from the federal government to apply for \$1 million of funding to begin construction of the Monaro Rail Trail at Bombala.
2. 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.
3. The trail be constructed for as far as the funding will permit.
4. Make preparations with TfNSW to enter into a lease of the rail corridor for the rail trail.
5. Write to the three community groups who provided letters for this report, formally informing them of council's decision and inviting them to engage with the working group.
6. That the removed rails be retained for potential repurposing for a future rail project.

Moved Councillor Summers Seconded Councillor Johnson CARRIED

Record of Voting

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

Councillors Against: Councillor Frolich, Councillor Hopkins and Councillor Williamson.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Nil.

ATTACHMENTS

Nil

11.2 IMPROVED COUNCIL ACTIVITY REPORTING

Record No: I25/50

Councillor Tricia Hopkins has given notice that at the Ordinary Meeting of Council on 20 February 2025, she will move the following motion.

MOTION

That the CEO consider opportunities to improve the transparency of reporting on grant funded projects through its monthly progress reports to Council on the Delivery Program & Operational Plan including reference to grant expiry dates.

RESPONSIBLE COUNCILLOR: Cr Hopkins

BACKGROUND

Nil.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Over the last five years we have been managing hundreds of grants and there have only been three instances where funds have needed to be returned in that time. Two of those were because we achieved the grant outcomes at a lower cost and in accordance with the grant requirements return the balance if there is no use we can put the funds to that meets the agreed grant outcomes. The third and recent one was because the grant was not properly scoped, costed or a realistic business case developed before Council applied for the grant. Instances of grants being returned is a very small portion of the works undertaken and the risk of it occurring on projects is very low.

Each month reporting on the projects from the Corporate Projects team sets out the assessed risk of those project and lists any material risks that exist, which would include the project not being able to proceed due to the grants needing to be returned. The grants at risk are already being reported to the Council as the risk is identified.

Investigations can be undertaking into improving the transparency of reporting on grant funded projects through its monthly progress reports to Council.

ATTACHMENTS

Nil

11.3 CORRESPONDENCE BETWEEN COUNCIL AND THE MINISTER

Record No: I25/51

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That all correspondence (from the dates 01.09.24 – 31.01.25) between the council (staff and councillors) and both the Office of Local Government and Minister of Local Government, in relation to concerns regarding:

- the anticipated or actual performance of the new council;
- issues of councillor misconduct;
- the Minister’s intention to issue a Performance Improvement Order (PIO) and
- all correspondence by staff and councillors subsequent and in relation to the proposed PIO,

be made available to councillors in a timely manner and prior to the next general meeting of council.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

In the letter to councillors written by the Minister of Local Government on the 16th December 2024, the Minister wrote that “*Council has indicated that it requires assistance to manage the issues relating to councillor misconduct*”. Council had not discussed nor proposed a motion that it “*required assistance to manage issues relating to councillor misconduct*”. As the governing body of council, it is concerning that councillors had not been informed that council had written to the Minister indicating that council required ministerial assistance. This correspondence, apparently issued without the authority of the governing body and relied upon by the Minister, must be made available. It may well have influenced the Minister’s decision to notify the SMRC about his intention to issue a Performance Improvement Order (PIO). Providing the requested information will ensure that councillors understand more fully the issues that resulted in the proposed PIO and, therefore, best respond to and manage the issues to improve council performance.

CHIEF EXECUTIVE OFFICER’S RESPONSE

If councillors are seeking to understand the reasoning behind the Minister of Local Government’s decisions the best approach is to ask the Minister to advise of what influenced his decision, as was done at the January extraordinary meeting. Otherwise the councillors will still only be making assumptions about the thinking of the Minister.

The only correspondence identified that may be relevant to the motion is as follows:

11.3 CORRESPONDENCE BETWEEN COUNCIL AND THE MINISTER

From: David Hogan <[REDACTED]>
Sent: Wednesday, 2 October 2024 9:08 AM
To: 'Louise Taylor' <[REDACTED]>; John Davies <[REDACTED]>; 'Ian Lancaster' <[REDACTED]>
Subject: Snowy Monaro - Issue Escalates

Dear All

Please note the following Social media post by [REDACTED] below

He is organizing a rally of supporters to attend the SMRC Council building today – This clearly articulates a threat to “witness this event”.

We are meeting with Police at 10am and we already have security on site. I intend to lock the council building down from 1pm to protect staff or have staff leave and work from home after lunch etc

Quite clearly his behaviour is going to worsen on his election

I urge the OLG to consider an immediate suspension of this council (or this individual) on the basis that this is unacceptable behaviours of an elected councillors .

A suspension of council to allow for an additional safety and security review and allow time for addition security measures to be in place is warranted and seek the NSW Govts support in doing so.

Can we arrange to discuss anytime between 11am – 1pm

David

[REDACTED]

Special event this afternoon.. 2pm.
Cooma CBD.
81 Commissioner St, Cooma.

I have been elected a councillor for the SnowyMonaro Regional Council.
Today I shall become a councillor. Please come along and witness this event.

We are stronger together.

I will not let the corrupt media prevent the people from having their elected representative taking up the role and doing the things that need to be done.

NOT even 2GB nor Fairfax media can stop this.

11 4 comments 21 shares

Like Comment Share

[View more comments](#)

David Hogan
Chief Executive Officer

ATTACHMENTS

Nil

11.4 PAYMENTS MADE IN RELATION TO THE WATER RESERVOIR COLLAPSE

Record No: I25/52

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That all payments made by the council to residents impacted by the Snowy No. 1 Reservoir failure, as well as the authority for these payments approved by relevant staff/councillors, in the period between 01.01.2020 and 31.01.2025 be provided (confidentially and with appropriate redaction) to councillors. This information is to be provided in a timely manner and, at latest, by the March 2025 general meeting of the council.

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

At the extraordinary general meeting on 24 January 2025, it was acknowledged by council management that at least \$500,000 had been paid by the council in relation to claims made by residents. Councillor Williamson also indicated that from contemporaneous notes taken at the time of a previous briefing of councillors, \$3 million had been paid out. Clearly councillors must be informed about the payments made under council authority. There is no indication that any motions have been passed by council to permit the payment of such sums of money and so to fulfil our governance requirements under the Local Government Act, Section 223 (c,d,g,h and I). This information concerning financial expenditure and its authorisation under the last four CEOs and/or acting/interim CEOs is critical for current councillors to fulfil their governance functions and assure the community that council funds have been appropriately spent.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Council management did not acknowledge at the meeting that \$500,000 had been paid out by Council. Cr Rose simply stated in the meeting that this was a figure calculated by Mr Anderson based on Mr Anderson using information acquired under GIPA. A councillor making a statement in debate at a Council meeting does not mean that staff acknowledge or agree with the statement made by a councillor. (2:02 in the meeting recording)

Most claims have been dealt with by Council's insurer at the time, not by Council. There may have been payments that met the above criteria in the initial response following the event. Since that time the payments made by Council to people lodging claims amount to \$39,150. The three payments were authorised by the CEO at the time.

While Cr Williamson has stated that it has been said that \$3million has been spent, the recollection of the Chief Strategy Officer and the available documentation in Council's records indicates the following:

11.4 PAYMENTS MADE IN RELATION TO THE WATER RESERVOIR COLLAPSE

“Cr Williamson requested a briefing from Council staff about the failure of the Snowy 1 Reservoir. This briefing was provided in early October 2022. At this briefing Cr Williamson asked how much this incident cost the council. The Chief Strategy Officer (CSO) stated approximately \$3million. This is not actual expenditure, but an estimate of the total possible expenditure including the possible replacement of the reservoir.”

And

“Cr Williamson asked how much did the failure of the Snowy 1 Reservoir cost council. The answer provided was approximately \$3million. Cr Williamson did not ask how much council has spent. The amount Council has spent so far is approximately \$397,000.”

(From Mayoral letter dated 6 November 2022)

ATTACHMENTS

Nil

11.5 FULL AND ACCURATE MINUTES

Record No: I25/53

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That a subcommittee of councillors be appointed to review current minute-keeping practices and make recommendations to ensure that council is fully compliant with Section 375 of the Local Government Act, which states:

"The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council."

RESPONSIBLE COUNCILLOR: Cr Reuben Rose

BACKGROUND

The Local Government Act (LGA) imposes a clear legal obligation on councils to ensure that "full and accurate minutes" are kept of all council proceedings. This is not an optional guideline but a statutory requirement, as indicated by the use of the word **must** in Section 375.

Currently, council minutes only record motions, amendments, and voting outcomes. While this approach may align with common practice among some councils, it does not necessarily fulfil the LGA's requirement for full and accurate record-keeping. The law does not define "full and accurate" as merely listing decisions made; rather, it implies that minutes should provide a reasonable level of detail regarding the key points of discussion and the rationale behind decisions.

It is acknowledged that council minutes do not need to be a verbatim transcript, such as a Hansard-style record. However, the current "bare-bones" approach omits significant aspects of council deliberations, including the key issues raised, the reasoning presented, and the context that informs decision-making. A plain reading of the Act suggests that this practice does not meet the legal threshold of *full and accurate minutes*.

Furthermore, while council meetings are recorded, reliance on recordings does not fulfill the LGA's requirement. Recordings can be edited, are not easily searchable, and do not provide an official, written record that can be efficiently referenced in governance and decision-making.

To ensure compliance with the LGA, it is prudent for council to establish a subcommittee—potentially chaired by the Mayor—to review minute-keeping practices and recommend improvements. This will provide a structured approach to ensuring that council meets its statutory obligations while maintaining transparency and accountability in its record-keeping processes.

CHIEF EXECUTIVE OFFICER'S RESPONSE

In this case the law does define what the threshold is to meet the requirements of "full and accurate", as was advised at the November 2024 Council meeting. Clause 19.2 of the code of meeting practice sets out the Office of Local Government's position on the minimum requirements to meet the legislation.

19.2 At a minimum, the CEO must ensure that the following matters are recorded in the council's minutes:

- a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- b) details of each motion moved at a council meeting and of any amendments moved to it,
- c) the names of the mover and seconder of the motion or amendment,
- d) whether the motion or amendment was passed or lost, and
- e) such other matters specifically required under this code.

These guidelines are issued by the Office of Local Government under section 23A and therefore are legislation. This is all that is required to comply with the legislation and these requirements are being currently being met.

ATTACHMENTS

Nil

11.6 THE DISASTER READY FUND

Record No: I25/54

Councillor Reuben Rose has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

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

RESPONSIBLE COUNCILLOR: Cr Rose

BACKGROUND

The *Disaster Ready Fund* (administered by the National Emergency Management Agency) is designed to support initiatives that mitigate disaster risks, strengthen community resilience, and reduce the financial burden of recovery. Details of the program can be found at:

<https://www.nema.gov.au/our-work/key-programs/disaster-ready-fund>.

Stage 3 funding is available to support:

1. **Understanding and mitigating disaster risks** to prevent future impacts.
2. **Enhancing resilience, adaptability, and preparedness** among governments, community groups, and affected communities.
3. **Reducing exposure to risks and severity of future disasters**, thereby minimizing recovery costs for governments and communities.

The failure of the condemned water tank five years ago—caused by council action in an emergency situation—resulted in significant damage to homes and financial hardship for residents. While the urgency of protecting the town from fire is acknowledged, the financial burden of rectifying the issue has unfairly fallen on residents, as current operational plans do not prioritize grant-based funding for its replacement.

The *Disaster Ready Fund* provides an opportunity to secure external funding to replace the tank, ensuring that ratepayers are not left to bear the cost of an infrastructure failure that was not of their making. Given the clear alignment between the fund's objectives and the need for this infrastructure replacement, it is imperative that council acts swiftly to develop and submit a strong application.

To ensure accountability and the best possible outcome for the community, councillors should be given the opportunity to review the draft application prior to submission. Additionally, prompt action is necessary to position SMRC at the forefront of funding considerations.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Replacement of the reservoir is not considered to be eligible under the disaster ready funding.

Replacement of the reservoir does not meet any of the activity types required under the grant guidelines. A mandatory requirement in the guidelines is that the purpose of the grant meet at least one of the activity types.

Projects that are out of scope of the program includes "projects that do not have the primary purpose of reducing natural disaster risk or increasing community resilience to future natural disasters.". The primary purpose of the reservoir is to supply town water.

This project will not overcome the following excluded activity under the grant requirements: "repair or replacement of existing infrastructure where there is no demonstrated significant increase in benefit". The new reservoir will only return the situation to that in place prior to the reservoir collapse.

The build of a reservoir is defined as 'business as usual', which is excluded. Business as usual is defined as:

Standard capital works or recurrent essential services of Commonwealth, state, territory or local government bodies that the responsible body would ordinarily be expected to undertake with internal funding such as maintenance (including repairs) and renewal of roads, buildings, drainage networks, telecommunications, open spaces and other existing assets. Investments in new assets/services or asset/service enhancements (i.e. expansions or upgrades) that deliver additional and/or wider resilience or risk reduction benefits to a community will generally not be considered business as usual for the purposes of these Guidelines.

As noted, the reservoir is replacing a previous item of infrastructure.

There will be significant work involved in the development of the grant application, which also requires "Applicants must have meaningfully consulted with affected communities". Taking on developing and lodging this grant application means that the Council will be unable to complete the development of its delivery plan and operational plan within the legislative timeframes.

As well as undertaking community consultation Council will need to:

- Commission cost estimates prepared by a quantity surveyor
- Develop a cost benefit analysis
- Develop a design for the reservoir

Those activities, and the information to support the grant application itself, are required to be completed before 2 April 2025, giving 30 working days. It will be difficult to complete the tendering process that will be required to assign the design of the reservoir within that timeframe, impossible to have a design completed, costed and the cost benefit determined.

NSW can only submit 60 applications from across the state for consideration. The likelihood of being successfully included in that list is considered extremely low. At the same time, the councillors will be guaranteeing that the Council will not be able to meet its legislative

11.6 THE DISASTER READY FUND

requirements to develop a deliver program and operational plan, as the same resources needed for that work will have to be diverted to this project.

ATTACHMENTS

Nil

11.7 IMPROVING TRANSPARENCY

Record No: I25/61

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

MOTION

That Council adopt a policy that increases transparency of Council's governance by:

- A. Allowing members of the public to attend the briefing/meeting that precedes Ordinary and Extraordinary council meetings;
- B. Allowing members of the public to attend other briefings/meetings of councillors;
- C. Webcasting of all briefings and publishing the recording of the briefings/meetings.
- D. Allowing portion of briefings/meetings to be closed to the public in accordance with the NSW Local Government Act requirements for closing a portion of a public meeting as per 10A (2) of the Act.

RESPONSIBLE COUNCILLOR: Cr Williamson

BACKGROUND

Councillors are currently afforded an opportunity to ask questions about meeting papers in a briefing preceding council meetings. Many of these questions originate with community members. However, as these briefings are closed to members of the public, they do not have an opportunity to hear the answers to these questions.

A number of community members have expressed concerns that by agreeing in the closed pre-meeting briefing that motions cannot be passed by exception, that the community is being excluded from hearing the views and questions of councillors on matters on the agenda with the proposed motions subsequently passed by exception.

Council holds regular briefings with councillors between meeting days. Opening these briefings for attendance by members of the public would improve community awareness and civic dialogue on the matters brought to the attention of councillors in the currently closed briefings.

Transparency is important and opening briefings to community attendance would be welcomed.

A number of other NSW Councils allow the public to attend briefings. This is also consistent with the direction of the Minister's proposed reforms to the Code of Conduct.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The above changes require changes to the Code of Meeting Practice Policy. Section 361 of the Local Government Act 1993 requires that a process of placing the changes on public exhibition be undertaken before changing the code of meeting practice. Accordingly, if adopted, the position of the Council would not change until such time as the process is completed.

11.7 IMPROVING TRANSPARENCY

It is suggested that this item be considered in conjunction with the officers report also on this meeting agenda relating to the Invitation to Comment on the Draft Model Code of Meeting Practice.

ATTACHMENTS

Nil

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

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

Record No: I25/65

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

MOTION

That Council:

- A. Immediately commission its independent auditor to conduct an audit of the appropriateness of all payments made to mayors, deputy mayors or administrators, current or past, of the Snowy Monaro Regional Council.
- B. Specify in the audit's terms of reference that the auditor will consider:
- (a) The appropriateness of payments made to or into the accounts of mayors, deputy mayors or administrators, or to businesses or companies that they operated, held equity in, were employed by, or were directors of. ASIC, Australian Business Register and other searches, or other discovery methods, shall be employed to determine such interests.
 - (b) The appropriateness of payments of expenses incurred by or behalf of mayors, deputy mayors and administrators and paid for by council.
 - (c) The use of council credit cards, fuel cards, etc. Consideration to include whether such cards were used appropriately, consistent with council policies and whether usage did or did not continue after the end of individuals' respective terms (including during election periods).
 - (d) Where a mayor, deputy mayor and administrator (including businesses or companies they are involved with (as per point 2.a)) have received payments for services or goods provided to council or staff of council, the auditor should consider:
 - (i) Whether the mayor, deputy mayor or administrator declared a pecuniary conflict of interest and refrained on voting on any matter (e.g. annual budgets, budget variation, project approvals, etc) that directly or indirectly benefited their business interest.
 - (ii) Whether the related procurement decision was made following a suitable procurement process consistent with council's policy and applicable NSW Guidelines.
 - (e) Whether council executive have allowed or decided to allow, a mayor, deputy mayor or administrator (including businesses or companies they are involved with (as per point 2.a) to benefit from council business in a manner that is inconsistent with council's procurement policy or good governance.
 - (f) Any other matter the independent internal auditor deems appropriate to consider.
- C. Direct the auditor to:
- (a) Provide a comprehensive report specifying:
 - (i) The details and amounts of all payments to mayor, deputy mayor or administrator including businesses or companies they are involved with (as per point 2.a)), any concerns they may have related to each payment.
 - (ii) Advising councillors of any matters of concern.
 - (iii) Making recommendations for the consideration of councillors.
 - (b) Refer any matters of concern to ICAC.

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

RESPONSIBLE COUNCILLOR: Cr Williamson

BACKGROUND

Clr Williamson, Clr Thaler and Clr Rose have each been contacted by individuals and groups raising integrity concerns circulating in the community related to council leadership. These have included the raising of direct allegations, and the sharing of allegations circulating in the community, to the detriment of council's reputation.

This motion is made in response to these community concerns. It is our hope that a transparent audit will demonstrate that council executives and office holders have always acted appropriately and will be a major step to help restore trust in council.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Councillors need to consider the difference between evidence of corrupt activity and rumour. When approached councillors should determine if there is any evidence to reasonably support the allegations made. Repeating allegations made by others is not creating evidence of corruption, just spreading of rumours. If there is evidence of corrupt activity, the councillors should ensure that the evidence is taken to the relevant authority for investigation, whether that be through a code of conduct complaint or to an external body such as ICAC.

Council has in place a process of internal audit to review the systems and controls in place. The procurement system has recently been subjected to internal audit (as has been advised to councillors). No issues such as the referenced allegations and integrity concerns were found and the systems in place were found to be robust. In line with the process for providing independent assurance on the operations of the Council, these audits and any finding are reported back to the Audit, Risk and Improvement Committee (ARIC), whose role is to make recommendations to Council on any concerns they identify. It is the responsibility of councillors to communicate this information back to the community in situations like this so that the people who the allegations are being spread to can have assurance that processes are already in place to review the council's systems and, in this particular case, that the area concerned about has already been audited. The related transactions were also reviewed by Council's external auditor as part of the end of financial year processes.

If Council still feels that a third audit is a good investment, councillors can refer the allegations to the (ARIC), so that the independent group set up to provide the governing body with assurance over the management of risk within the organisation can consider the evidence available and determine where in the planned internal audit program such an audit should take place. This is good governance practice. ARIC, which consists of qualified and experienced practitioners, will then determine the audit requirements, consider the findings and make any required recommendations back to the Council for consideration.

This is the framework that has been set up by the Office of Local Government as best practice.

ARIC has expressed concerns in the past over audit resources being redirected from where they see the highest risk, without consultation with ARIC. Particularly after allegations, found to be totally unfounded, were passed onto the internal auditor and resulted in a significant diversion away from the planned audit program.

Note: As the motion is not time limited, it covers all roles back to the first council established on the Monaro.

ATTACHMENTS

Nil

11.9 ASSESSING COUNCIL'S INSURANCE ARRANGEMENTS

Record No: I25/67

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

MOTION

That Council:

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

RESPONSIBLE COUNCILLOR: Cr Williamson

BACKGROUND

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

CHIEF EXECUTIVE OFFICER'S RESPONSE

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

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

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

ATTACHMENTS

Nil

11.10 NEW RURAL FIRE SERVICES HEADQUARTERS

Record No: I25/69

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That:

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

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

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

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

Record No: I22/522

COUNCIL RESOLUTION

217/22

That Council

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

Moved Councillor Beer

Seconded Councillor Summers

CARRIED

Record of Voting

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

Councillors Against: Councillor Frolich.

CHIEF EXECUTIVE OFFICER'S RESPONSE

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

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

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

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

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

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

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

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

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

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

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

"notified steps" means--

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

11.10 NEW RURAL FIRE SERVICES HEADQUARTERS

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

ATTACHMENTS

Nil

11.11 CANCEL UNREASONABLE CUSTOMER COMPLAINT RESTRICTIONS

11.11 CANCEL UNREASONABLE CUSTOMER COMPLAINT RESTRICTIONS

Record No: I25/70

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That:

- A. All current UCC (Unreasonable Customer Complainant) restrictions be cancelled with immediate effect.
- B. The report from staff dealing with the SMRC UCC Policy be attended to with some urgency.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

Nil.

CHIEF EXECUTIVE OFFICER'S RESPONSE

Part A of the above motion is contrary to Council's policy. Council may override its own policy but should be aware that they are doing so. Overriding its policy is not considered good governance, unless there are exceptional reasons for doing so. The current policy can be found here:

https://www.snowymonaro.nsw.gov.au/files/assets/public/v/1/council/policies/250.2018.467.2-policy-managing-unreasonable-complainant-conduct_202005271445036704.pdf

ATTACHMENTS

Nil

11.12 QUESTIONS TAKEN ON NOTICE

Record No: I25/71

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That:

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

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

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

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

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

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

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

CHIEF EXECUTIVE OFFICER'S RESPONSE

Nil.

ATTACHMENTS

Nil

11.13 RELOCATION OF MICHELAGO BANK OF BINS

Record No: I25/72

Councillor Andrew Thaler has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That Council:

- A. Investigate and bring a report back to Council, prior to the April 2025 meeting, into the issues, needs and costs of relocating the Michelago Bank of Bins from within the town centre to a more amenable location in concurrence with the residents and users of the service and their needs.
- B. Halt expending any funds on the current Bank of Bins facility (repairs or rebuild) until the report noted above is received and considered by this Council.

RESPONSIBLE COUNCILLOR: Cr Andrew Thaler

BACKGROUND

The bank of bins is located in the township, or village, of Michelago and is quite contentious to the local residents and users. Recently this facility was maliciously damaged and now requires repairs.

Prior to the establishment of this facility, it is reported anecdotally, that the building was condemned by the Council, leading to the relocation of the previous users: the NSW RFS Michelago Brigade.

The use of a closed building to hold household rubbish and recycling, including putrescible waste is creating a nuisance, odours, vermin are being attracted and it is not fit for purpose.

We owe the residents of the area our attention to sort out a better solution that better suits their needs, pays respect to the local amenity and will service into the future without significant or repeated costs.

CHIEF EXECUTIVE OFFICER'S RESPONSE

A report can be prepared.

Michelago village residents currently receive a weekly waste/fortnightly recycling roadside collection service, on Fridays. The 'Bank of Bins' (BOB) is provided as a service to residents outside the village collection area and/or not on a road that is serviced by the collection vehicle.

The building in Michelago village that houses the BOB is the former RFS shed. The building was not 'condemned' by Council. The RFS erected a new building on the same site, with approval to convert the 'old' RFS building to house the BOB issued in 2020.

Prior to establishing the BOB in the former RFS building, Council provided a Saturday morning collection point at the RFS shed where residents could bring their bin(s) to the stationary waste and recycling collection vehicles for emptying.

This was in place for several years, however, also lead to a series of complaints including:

- Noise to nearby residents as the trucks would be in-situ, with engines running (to operate the compactions units)
- Amenity issues due to the number of vehicles queuing at times waiting to be serviced
- Issues when service vehicles were not available (not often, but mechanical break-downs occur at times).
- Collection times being inconvenient for some users

Others saw this as a positive for the village as residents could 'catch up' socially, and provided patronage to the general store.

Establishing a facility in a '*more amenable location*' will require identification of a suitable parcel of Council land or entering into an agreement to lease or buy private land.

ATTACHMENTS

Nil

11.14 MASTER PLAN FOR COOMA CBD, TOWN ENTRANCES, COOMA AND COOMA BACK CREEK RIPARIAN ZONES

Record No: 125/79

Councillor Narelle Davis has given notice that at the Ordinary Meeting of Council on 20 February 2025, she will move the following motion.

MOTION

That Council place in the Draft 2025 – 2027 Delivery and Operational Plan an action to seek grant funding for the development of a Master Plan for Cooma CBD, Town Entrances, Cooma Creek and Cooma Back Creek riparian zones through the town.

RESPONSIBLE COUNCILLOR: Cr Davis

BACKGROUND

The Cooma Chamber of Commerce, Lions, Rotary and concerned community members have raised concerns to council regarding the state of the Cooma CBD, Creeks and town entrances.

To understand the concerns and ideas to improve the maintenance, first impressions of the state of the town, and projects to improve the civic amenity of the CBD and creeks of Cooma a community engagement group has been formed to work with council. This group has representatives from Cooma Chamber of Commerce, Lions, Rotary and community.

The meetings have identified the need for a master plan for the Cooma CBD, Cooma and Cooma Back Creeks and town entrances.

To develop this master plan grant funding will be required. And this project also needs to be placed in the 2025- 2028 Delivery and operational plans.

CHIEF EXECUTIVE OFFICER'S RESPONSE

If successful, this motion will be sent through the Council's project management framework and will require a business case in place before grant applications are sought. Any funding required to progress a grant application will be considered as part of the 2025/26 budget preparation.

ATTACHMENTS

Nil

11.15 COUNCIL REVIEWS THE DECISION FROM 2018 REGARDING RECREATIONAL FISHING IN LAKE WALLACE

Record No: 125/80

Councillor Narelle Davis has given notice that at the Ordinary Meeting of Council on 20 February 2025, she will move the following motion.

MOTION

That Council reviews the decision from 2018 regarding recreational fishing in Lake Wallace.

RESPONSIBLE COUNCILLOR: Cr Davis

BACKGROUND

1. When making the decision not to allow access the Council stated that the decision would be reviewed in five years. It is now past that five-year period.
2. Advice provided to Monaro Acclimatisation Society by Department of Environment and Heritage (DEH) and forwarded to Council stipulates that whether or not to allow public access is the prerogative of the Council and not a DEH function.
3. According to Monaro Acclimatisation Society (MAS) the lake has been illegally stocked with trout and some anglers are jumping the fence to fish with no response from Council.
4. Anglers and stock currently access the towns water supply on the Maclaughlin River, without impact.
5. MAS is concerned that illegal stocking will continue and species such as carp or redfin will be put in the lake. If this happens it directly affects the viability of the Maclaughlin River as the state's best trout fishery. Council has been advised of its obligations if the lake was to be stocked with a noxious species.

Monaro Acclimatisation Society proposal options

1. We seek a three to five metre access strip around the lake for the purpose of recreational fishing. We do not seek access to other parts of the reserve.
 2. Signage and / or minimal fencing will be supplied to keep anglers within bounds.
 3. Access is by foot only.
 4. An angler's stile to be erected at the gate.
 5. Car parking can be improved.
 6. No fires, pets, or any other activity.
 7. Other conditions can be negotiated with Council.
-

8. All the above will be funded out of the NSW Recreational Fishing Expenditure Trust – application to be joint with MAS and Council but will be prepared and submitted by MAS. If funding is not forthcoming the MAS will not proceed. We seek no funds from Council but would appreciate some in-kind effort if practicable.

9. Trout to be stocked annually via the NSW Fisheries stocking program.

10. MAS will negotiate with NSW Fisheries to have an increased presence of Fishing Compliance Officers for the first year then subject to review.

11. Nothing in the agreement will limit Councils ability to close access to the lake if non-compliance issues arise

CHIEF EXECUTIVE OFFICER'S RESPONSE

The following resolution was passed by Council in March 2018. The resolution does not reference a review date of public access to Lake Wallace and any review undertaken would need resources allocated for this activity which has not been allocated in the 24/25 budget.

COUNCIL RESOLUTION

1/18

That Council:

- A. Do not allow public access to the Lake Wallace site as the risk to the water quality provided to the Nimmitabel community for human consumption is unmanageable;
- B. Confirms that the Lake Wallace site is to continue to be managed as a Conservation Area under the approved Offset Management Plan and Conservation Property Vegetation Plan;
- C. Develop a Management Plan for the reservoir, including review of consideration of establishing a refuge for aquatic threatened species with all relevant authorities; and
- D. Develop information and interpretive signage for the Conservation Area to be installed at Lake Williams, in Nimmitabel Township.

Moved Councillor Ewart

Seconded Councillor Beer

CARRIED

ATTACHMENTS

Nil

11.16 EXTEND THE CURRENT MEMBERSHIP OF THE SMRC ARTS AND CULTURE 355 ADVISORY COMMITTEE UNTIL 31 JULY 2025.

Record No: 125/81

Councillor Narelle Davis has given notice that at the Ordinary Meeting of Council on 20 February 2025, she will move the following motion.

MOTION

That Council extend the current membership of the SMRC Arts and Culture 355 Advisory Committee until 31 July 2025.

RESPONSIBLE COUNCILLOR: Cr Davis

BACKGROUND

The current Charter for the Arts and Culture 355 Advisory Committee was adopted by Council on 15 August 2019 (resolution 294/19). The Charter allows for the appointment of up to 6 community representatives who possess an appropriate skill set and contemporary engagement with the Snowy Monaro Arts and Culture community.

The Charter provides the following direction regarding term of membership:

The term of this Committee will be that of the term of Council (generally 4 years). At the end of each term the composition and function of the Committee will be reviewed and recommendation made to Council.

In the lead up to the 2024 Local Government elections, 4 community representatives remained on the committee, along with 2 potential casual vacancies. These members have contributed significant time and expertise to the committee, in particular into the creation of a draft Arts and Culture Strategic Plan. The draft Strategy is in the final stages of editing. Subject to Council's resolution, the committee will be further consulted on the draft Strategy, with a view to bring the final draft before Council to seek its endorsement for the purposes of public exhibition. This is expected to take place in the coming months.

On the basis of the adopted Charter, the current community representatives were advised that their term would end in September 2024, in line with the term of the previous Council.

This motion recommends that the current community representatives are offered the opportunity to extend their membership until 31 July 2025. This is based on the following:

1. As noted, the current members have a key leadership role in the finalisation of the draft Arts and Culture Strategy Plan. An extension would give them the opportunity to continue to guide the project through these important project milestones and towards eventual adoption of the Strategy.
2. A review of the existing Charter will be completed in line with the end of term process outlined above, and in the context of a broader review of all Council committees (resolution

261/24). Both of these processes are expected to take place within the next 6 months. Once completed, a recommendation will be made to Council regarding the composition and function of the Committee.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The section of the charter relating to appointment of members is as follows:

6.1 Appointment of Members

The SMRC Councillor representative will be appointed by Council during their delegation to Committees process.

The SMRC staff representation will be appointed by the relevant business unit Coordinators.

The South East Arts representative will be appointed by the Board of South East Arts.

The positions of community representatives will be sought through public advertisement.

Selection of these members will be based on written application and determined by Council.

While the Council can resolve otherwise than in accordance with adopted charters, it is important that the councillors be aware of that this is what is being done at the time.

ATTACHMENTS

Nil

11. CARRY OUT COUNCIL RESOLUTION 302/24 PASSED AT THE ORDINARY MEETING OF COUNCIL ON 12TH DECEMBER 2024 BY NO LATER THAN CLOSE OF BUSINESS 25TH FEBRUARY 2025

11.17 CARRY OUT COUNCIL RESOLUTION 302/24 PASSED AT THE ORDINARY MEETING OF COUNCIL ON 12TH DECEMBER 2024 BY NO LATER THAN CLOSE OF BUSINESS 25TH FEBRUARY 2025

Record No: 125/88

Councillor Nick Elliott has given notice that at the Ordinary Meeting of Council on 20 February 2025, he will move the following motion.

MOTION

That Council carry out Council Resolution 302/24 passed at the Ordinary Meeting of Council on 12th December 2024 by no later than close of business 25th February 2025.

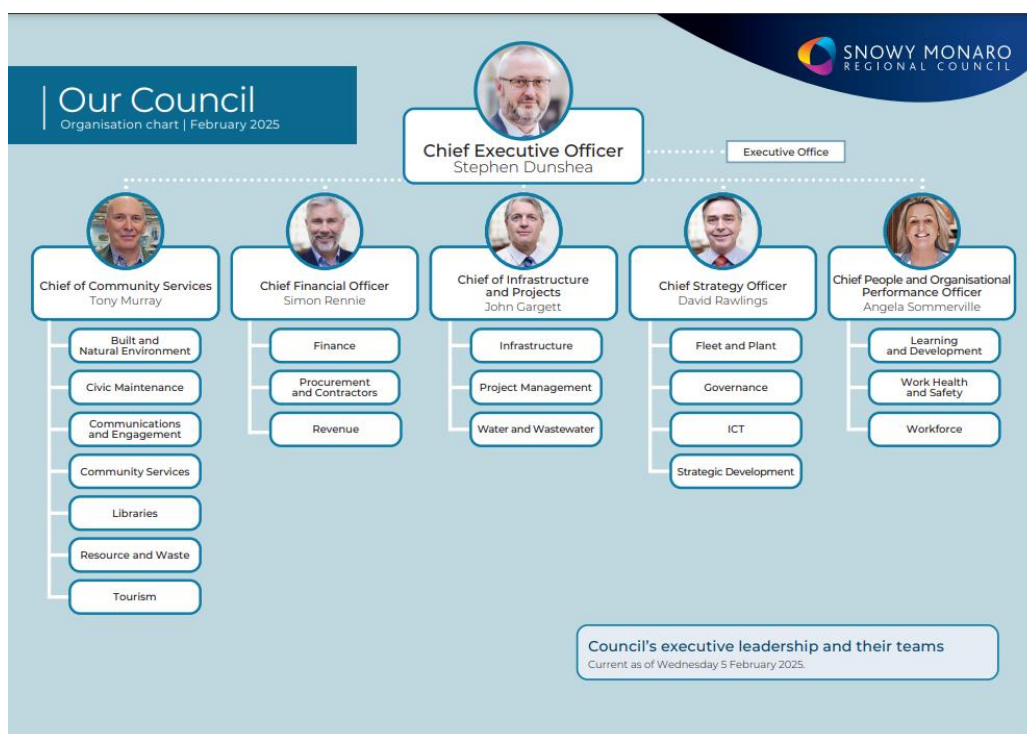
RESPONSIBLE COUNCILLOR: Cr Elliott

BACKGROUND

There is concern that eight years after the merging of our three previous councils, that Snowy Monaro Regional Council employing approximately 400 staff have not been able to produce an organisational chart in a two month period.

CHIEF EXECUTIVE OFFICER'S RESPONSE

The below Snowy Monaro Council Organisational Leadership Chart was uploaded to Council's website on 6 February 2025.



11. CARRY OUT COUNCIL RESOLUTION 302/24 PASSED AT THE ORDINARY MEETING OF COUNCIL ON 12TH DECEMBER 2024 BY NO
17 LATER THAN CLOSE OF BUSINESS 25TH FEBRUARY 2025

A further version identifying relevant function Managers & Coordinators was emailed to Councillors on Friday 7 February 2025. Council's Chief People & Organisational Development Officer has advised Councillors that to further understand roles and responsibilities across the organisation, Councillors will be meeting her team in the coming weeks through the scheduled Councillor Briefing sessions to share what has been done over the last few months since her commencement in the role.

ATTACHMENTS

Nil

13.1 COST OF SECURITY OPERATIONS

Record No: I25/42

RESPONSE BELOW

QUESTIONS BY: Cr Rose

QUESTION

That the Interim CEO provide costs of all security operations (guards, cameras etc) over the last eighteen months and the rationale for these decisions.

RESPONSIBLE OFFICER: Chief Financial Officer

RESPONSE

The total costs for the past two financial years of Security including capital outlay and ongoing costs are as follows. All costs exclude GST.

2024/25

CCTV Supply and install:

- Cooma 81 Commissioner St \$6,893
- Bombala Office \$3,786

No additional ongoing costs.

Door Access Control System

- Software and panel upgrade \$5,936

No additional ongoing costs.

Call Recording Implementation

- Installation \$13,890

Additional ongoing costs: \$8,765 p.a.

2023/24

Bombala Library

- CCTV \$4,010

No additional ongoing costs.

Delegate Transfer Station

- CCTV \$900

No additional ongoing costs.

13.1 COST OF SECURITY OPERATIONS

These costs have been incurred for the safety of employees, councillors and customers, and to deter abusive behaviour and document evidence. Recordings are also intended to improve customer experience training.

Operational Expenses:

- Alarm Monitoring \$1,300 p.a.
- Security Costs 2023/24 – Events YTD \$3,740
- Security Costs 2024/2025 YTD – Council Meetings and Cooma Office Building \$3,122

Operational expenses incurred as directed by the CEO.

ATTACHMENTS

Nil

13.2 DEBT MANAGEMENT POLICY AND PRACTICE

Record No: I25/55

RESPONSE BELOW

QUESTIONS BY: Cr Williamson

QUESTION

Council's Debt Management Policy was apparently adopted on 7 March 2019 per resolution 92/19.

Section 3.2 of the Policy includes the following clause:

- g) Any legal expenses incurred by Council from the recovery of outstanding rates and charges awarded by a court can be charged against the debtor under section 550 of the Local Courts Act 1970.*

It appears that the Local Courts Act 1970 was replaced by the Local Courts Act 1982 and later by the Local Courts Act 2007.

QUESTIONS

In reference to the above, I ask the following questions:

- (1) Does this policy refer to legislation that is no longer in effect?
- (2) If the answer to (1) is "Yes":
 - a. How has this happened given the policy was adopted in 2019?
 - b. Is there a clause in another Act that should replace this clause in the policy?
- (3) Does council have the power to charge for legal expenses without order of a court?
- (4) Has council ever applied legal expenses to a ratepayer's account without a court order?

RESPONSIBLE OFFICER: Chief Financial Officer

RESPONSE

In reference to the above, I ask the following questions:

- (1) Does this policy refer to legislation that is no longer in effect?

Yes
- (2) If the answer to (1) is "Yes":
 - a. How has this happened given the policy was adopted in 2019?

It appears to be an error that was not identified in the review process.

- b. Is there a clause in another Act that should replace this clause in the policy?

The Policy will be reviewed and brought back to Council.

- (3) Does council have the power to charge for legal expenses without order of a court?

Under clause 24 of the Legal Profession Uniform Law Application Regulation 2015, Yes.

- (4) Has council ever applied legal expenses to a ratepayer's account without a court order?

Yes

ATTACHMENTS

Nil

13.3 FLY-ASH RISK AND THE RAIL TRAIL

Record No: I25/56

RESPONSE BELOW

QUESTIONS BY: Cr Williamson

QUESTION

I ask the following questions:

1. What additional work health and safety advice has council sought in relation to working on the rail trail in light of the fly-ash ballast now known to be present?
2. What has council discovered to be the additional cost of working on the rail trail in light of the fly-ash ballast being present? If possible, please provide the additional cost per metre of rail trail established.
3. Would council need to remove the fly-ash as part of the construction? If so, what is the NSW Government policy on the storage and disposal of fly-ash and will that create additional costs for council?
4. Would there be any risk to users of the rail trail from any remaining fly-ash in the area of the trail once constructed? Please specify.
5. Has council contacted the NSW Environmental Protection Agency and sought advice related to the above matters?

BACKGROUND

At the briefing proceeding the Ordinary Council Meeting when council last considered a motion related to accepting a grant to proceed to develop the rail trail commencing in Bombala, I (Councillor Williamson) raised the issue of fly-ash (coal-ash) having been used as ballast on the rail line between Bombala and Cooma.

Council executives and economic development unit staff indicated that they were unaware of the fly-ash. I brought a bag of the ash I had collected that morning which I provided to staff. Council executive and staff undertook to investigate and to provide advice regarding the matter.

As council has a grant to develop part of the rail trail originating at Bombala and heading to Cooma, it is important that we understand the feasibility and cost of working in an environment with fly-ash.

RESPONSIBLE OFFICER: Chief Operating Officer

RESPONSE

Council has engaged a contamination consultant to provide a site contamination report as part of the process of developing the project, including sampling of the proposed rail corridor where the rail trail project is being undertaken. If there are any issues with contaminated materials, this will then be allowed for in the project design and work methodologies.

ATTACHMENTS

Nil

13.4 CIVICRISK MUTUAL

Record No: I25/57

RESPONSE BELOW

QUESTIONS BY: Cr Williamson

QUESTION

1. In response to a question on notice at the December 2024 meeting, I asked the following question and received the following answer. The bolded portions of the answer provided seem incongruent. Please advise how a membership fee that council apparently does not pay could be commercial in confidence?
2. The answer provided in the December 2024 meeting paper (shown above) refers to a "Members Assembly". In relation to this:
 - a. What is this entity?
 - b. Who are its members and how were those individuals appointed?
 - c. Are any of its members employees of the council?
 - d. Does the Board approve the contribution levels determined by the Members Assembly?
3. How was the market for potential insurance providers tested before joining CivicRisk Mutual?
4. Did Statewide Mutual provide a response to the market testing?
5. What other organisation provided response to the market testing?
6. How were Council's insurance needs assessed and presented during the market testing?
7. What assessment was made as to the adequacy of the insurance offer by CivicRisk Mutual?
8. When does council plan to next test the market for insurance?
9. What risk assessment was done in respect to Council joining a mutual without a skills-based board?
10. Did the Audit, Risk and Improvement Committee consider the change insurance provide? Please provide their report.

I understand that Council's CFO is a Director of CivicRisk Mutual, in respect to this:

11. Does the CFO's directorship create a conflict of interest (e.g, should we need to consider whether council continue as a member of the mutual, or in the event that we make claims, etc)?

13.4 CIVICRISK MUTUAL

12. Is the CFO's directorship in any way a consequence of his employment with the Council (e.g. because he works for a council that is a member of the mutual)?
13. Was the CFO required to seek approval from a superior Council executive or the CEO before taking the directorship? Did this occur?
14. What legal advice did council receive regarding the nexus between the CFO's employment with Council, and his role as a Director of a mutual that Council is a member of? Please provide the advice.

RESPONSIBLE OFFICER: Chief Strategy Officer

RESPONSE

1. In response to a question on notice at the December 2024 meeting, I asked the following question and received the following answer. The bolded portions of the answer provided seem incongruent. Please advise how a membership fee that council apparently does not pay could be commercial in confidence?

What it means is that Council does not pay a membership fees, the equivalent of a membership fee is the contribution paid towards being a part of the mutual. How that is all calculated is commercial in confidence.

2. The answer provided in the December 2024 meeting paper (shown above) refers to a "Members Assembly". In relation to this:

- a. What is this entity?

It is not a separate entity. The Member's Assembly is a gathering of representatives of the members.

- b. Who are its members and how were those individuals appointed?

The member Councils nominate their representatives.

- c. Are any of its members employees of the council?

Yes, and with some councils nominating staff and councillor representatives.

- d. Does the Board approve the contribution levels determined by the Members Assembly?

The Actuary's recommendations on contribution levels are presented to the Members Assembly for approval prior to being forwarded to the Board for endorsement/ adoption.

3. How was the market for potential insurance providers tested before joining CivicRisk Mutual?
-

Through a competitive tender process facilitated by Local Government Procurement on behalf of five (5) councils, being, Gunnedah, Parkes, Mid-Western, Richmond Valley and Snowy Monaro Regional.

4. Did Statewide Mutual provide a response to the market testing?

Yes, as JLT.

5. What other organisation provided response to the market testing?

AON Risk Management Services and Marsh Pty Ltd.

6. How were Council's insurance needs assessed and presented during the market testing?

A tender process was run by Local Government Procurement (LGP) on behalf of the five councils, with LGP developing the specifications working with the councils to ensure that the tender covered the Council's risk and insurance needs, including engaging specialist advisors to support the process. LGP had previously undertaken tenders for councils to gain access to insurance from the market. SMRC's previous insurance coverage would have been used as a guide to assist the process.

7. What assessment was made as to the adequacy of the insurance offer by CivicRisk Mutual?

Existing staff were not involved in the tender. A panel would have been formed and reviewed the submissions to determine if they met the tender specifications for the respective councils participating in the tender.

8. When does council plan to next test the market for insurance?

There are no plans to currently test the market. The ongoing performance of the mutual is considered and if there is seen to be a benefit to testing the market this will be undertaken.

9. What risk assessment was done in respect to Council joining a mutual without a skills-based board?

The comment that Civic Risk has a non-skills-based board is an opinion. While the directors are elected by the members, all applicants are vetted and present their qualifications and experience for the role. For example, Mr Simon Rennie, is a former Senior Insurance Accountant, a graduate of the Australian Institute of Company Directors, a CPA and holds an MBA (UniSa). Mr Rennie also led a Local Government class action in Victoria against overcharging of insurance premiums, so can adequately represent the interests of Council at a board level. A full list of Board members can be found on the Civic Risk website. When board elections are held the importance of ensuring a suitable skills mix on the board is promoted to the members.

10. Did the Audit, Risk and Improvement Committee consider the change of insurance providers? Please provide their report.
-

13.4 CIVICRISK MUTUAL

There is no report in the system. The change may have been discussed, but there are no records to support this.

I understand that Council's CFO is a Director of CivicRisk Mutual, in respect to this:

11. Does the CFO's directorship create a conflict of interest (e.g, should we need to consider whether council continue as a member of the mutual, or in the event that we make claims, etc)?

Mr Rennie's role at Council does not oversee and manage who is the insurance provider or claims. Supporting the mutual to ensure that it is operating well is a core role of the members of the mutual. If situations arise that could create a conflict of interest, they will be managed accordingly. This is no different to other organisations councillors and staff are members of.

12. Is the CFO's directorship in any way a consequence of his employment with the Council (e.g. because he works for a council that is a member of the mutual)?

It relates to his employment only in that CivicRisk directors can only come from within the mutuals membership.

13. Was the CFO required to seek approval from a superior Council executive or the CEO before taking the directorship? Did this occur?

Yes and with approval granted.

14. What legal advice did council receive regarding the nexus between the CFO's employment with Council, and his role as a Director of a mutual that Council is a member of? Please provide the advice.

There is no need for legal advice. Mutuals are well established organisational structures and there is nothing novel or different that needed advice. The current Board comprises executive and senior management staff, and councillors from Penrith, Blacktown, Lane Cove, Wollongong, Shellharbour, Richmond Valley, Bayside, Hobsons Bay and Snowy Monaro Regional Councils.

ATTACHMENTS

Nil

13.5 NIMMITABEL HALL ACCESS WORKS

Record No: I25/59

RESPONSE BELOW

QUESTIONS BY: Cr Williamson

QUESTION

1. Please advise when the sliding door on the fuse box will be installed?
2. Does a sliding door on a fuse box meet the relevant Australian Standard?
3. Did council remove the handrail?
4. Why has the handrail now been removed?
5. What has been the additional cost of removing the handrail and what will be the cost of its re-installation?

RESPONSIBLE OFFICER: Chief of Infrastructure and Projects

RESPONSE

1. A sliding door is not proposed to be installed for the meter box.
2. No.
3. Yes.
4. The handrail was removed so that access is available to the meter box whilst a permanent access solution for the meter box is being developed. Once a solution is agreed upon the handrail will be re-instated.
5. The removal of the handrail was undertaken by Council as minor maintenance works in conjunction with other works and not separately costed.

ATTACHMENTS

Nil

13.6 SAFETY INCIDENTS

Record No: I25/58

RESPONSE BELOW

QUESTIONS BY: Cr Williamson

QUESTION

1. What safety incidents, reports, matters, etc has SafeWork NSW raised with Council this financial year? Please provide a list.
2. What safety incidents has council reported to SafeWork NSW this financial year? Please provide a list.

RESPONSIBLE OFFICER: Cr Williamson

RESPONSE

1. What safety incidents, reports, matters, etc has SafeWork NSW raised with Council this financial year:
 - No hardhats worn on worksite: Improvement and penalty notice issued.
 - Inadequate dust control phone notification - Work practices raised.
 - Circuit board access - Letter notification, request for information.
 - Jindabyne pool – excessive internal noise levels - Letter notification.
 - SMRC Council Psychosocial hazards - Letter notification, information requested.
 - Berridale pool, hazardous chemicals handling - Letter notification, information requested.
2. What safety incidents has council reported to SafeWork NSW this financial year:
 - Cooma Waste facility, fall from heights (plant item) – Requires reporting due to hospitalisation required. S.155 notice issued (Request for information) & site visit undertaken.
 - Cooma Offices, electric shock to foot. Letter received – no follow up required.

ATTACHMENTS

Nil

14. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

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 Action 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.