



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

Ordinary Council Meeting
29 March 2017

CONFLICTS OF INTEREST

A conflict of interest arises when the Administrator 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 Administrator or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Administrator 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 Administrator or General Manager, or another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government.

The contact number for the Director General of Local Government is 4428 4100.

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 Administrator, members of staff and delegates of the Council attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Administrator 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 Administrator or General Manager are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, 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 Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Ngannawal and Walgalu people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians.

We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

**ORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2632**

**ON WEDNESDAY 29 MARCH 2017
COMMENCING AT 5.30PM**

BUSINESS PAPER

1. APOLOGIES

2. CITIZENSHIP CEREMONIES

3. PRESENTATION

4. PUBLIC FORUM

5. DISCLOSURE OF INTEREST

(Declarations also to be made prior to discussions on each item)

6. ADOPTION OF MINUTES FROM PREVIOUS COUNCIL MEETING

6.1 Ordinary Council Meeting held on 22 February 2017

6.2 Closed Session of the Ordinary Council Meeting held on 22 February 2017

7. ADMINISTRATORS REPORT (IF ANY)

8. DELEGATE'S REPORT (IF ANY)

8.1	General Manager's Application for Contract Renewal	4
8.2	Minutes of the Administrators Delegations meeting held 6 January 2017	6
8.3	Minutes of the Administrators Delegations meeting held 16 February 2017	15
8.4	Minutes of the Administrators Delegations meeting held 24 February 2017	21
8.5	Minutes of the Administrators Delegations meeting held 6 March 2017	28
8.6	Minutes of the Administrators Delegations meeting held 17 March 2017	39

9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

9.1	Audit, Risk and Improvement Committee minutes meeting of 14 December 2016 and 22 February 2017	51
9.2	Local Representative Committee - Bombala - Minutes of 01 March 2017	74

10. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

10.1	Annual Resource and Waste Expo - 25 February 2017	82
10.2	Noxious Weeds Procedures	88
10.3	Adoption of minutes of March 2017 Meeting Green Team and Recommendations	

for Formation of New Green Team	93
11. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND	
11.1 Aboriginal Stakeholder Engagement	106
12. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY	
Nil	
13. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY	
13.1 Boco Rock Community Fund	110
14. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE	
Nil	
15. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE	
15.1 DA4120/2017 Outbuilding	115
15.2 DA 10.2017.1073.1	139
16. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION	
16.1 Monthly Funds Management Report - February 2017	247
17. REPORTS BY GENERAL MANAGER	
Nil	
18. NOTICE OF MOTION	
19. MOTIONS OF URGENCY	
Nil	
20. QUESTIONS WITH NOTICE	
21. QUESTIONS TAKEN ON NOTICE	
22. CONFIDENTIAL MATTERS	252
22.1 General Manager's Application for Contract Renewal	
<i>Item 22.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
22.2 General Manager's Annual Performance Review	
<i>Item 22.2 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

8.1 GENERAL MANAGER'S APPLICATION FOR CONTRACT RENEWAL

8.1 GENERAL MANAGER'S APPLICATION FOR CONTRACT RENEWAL

Author: Acting Executive Assistant to the Administrator

Attachments: Nil

EXECUTIVE SUMMARY

In accordance with Sections 10A, 10B and 10D of the Local Government Act 1993 (as amended) and the Council's Code of Meeting Practice, this Report is recommended to be considered in closed session.

RECOMMENDATION

That:

- A. On the grounds and for the reasons stated above, the Committee resolve into Closed Session to receive and consider this item identified as Confidential and so listed on this Agenda.
- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Committee in Closed Session on the basis that this item is considered to be of a confidential nature.
- C. 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
 - that discussion of the matter in open meeting would, on balance, be contrary to the public interest.
- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matters 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.
- E. That the Recommendations made by the Committee in Closed Session remain confidential until Council considers the Minutes of the Confidential Meeting of the Committee.
- F. That following consideration of the Confidential Committee Minutes by Council, the Resolutions made by the Council be made public after the conclusion of the Closed Session of the Council Meeting and such Resolutions be recorded in the Minutes of the Council Meeting.

That upon this recommendation being moved and seconded, the Chairperson invites representations from the public as to whether this part of the meeting should be closed to consider the nominated item.

REPORT

In accordance with Sections 10A, 10B and 10D of the Local Government Act 1993 (as amended) and the Council's Code of Meeting Practice, this Report is recommended to be considered in CLOSED SESSION:

Matters to be Discussed During Closed Session Section 10D

Program 6: Human Resources

Supervisors and managers complete performance reviews on all staff members

Grounds on which Matters Should be Considered in Closed Session – Provision of Section 10A(2)

Grounds on which Matter Should be Considered in Closed Session – Provision of Section 10A(2)(a)

Reason Why Matter is being Considered in Closed Session and Contrary to Public Interest 10B (4)

To preserve the relevant confidentiality, privilege or security of such information.

8.2 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 6 JANUARY 2017

Record No:

Responsible Officer: General Manager
Author: Secretary Council & Committees
Attachments: 1. Minutes - Administrator Delegations meeting held 6 January
2017 [↓](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 6 January 2017 in Head Office, 81 Commissioner Street, Cooma.

OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 6 January 2017 and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act*.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Administrator Delegations Meeting

6 January 2017

**ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

ON FRIDAY 6 JANUARY 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	3
2.	APOLOGIES.....	3
	Nil	
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	3
	Nil	
4.	CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE	3
5.	CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND	3
5.1	Upgrade of the two Pedestrian Bridges over the Bombala River in Bombala.....	3
6.	CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY	4
7.	CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY.....	4
7.1	Transfer of Plant to Delegate Sportsground 355 Committee	4
8.	CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE	6
9.	CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE.....	6
10.	CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION.....	6
11.	ADMINISTRATOR'S REPORT (IF ANY).....	6
11.1	Release of Section 64 Report	6
12.	CONFIDENTIAL MATTERS.....	6
12.1	Short-term extension of the Waste and Recycling Contracts for the Bombala and Delegate areas.....	6
13.	REPORT FROM CONFIDENTIAL SESSION	7

12.1 Short-term extension of the Waste and Recycling Contracts for the Bombala
and Delegate areas..... 7

**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON FRIDAY, 6 JANUARY 2017
COMMENCING AT 9.30AM**

PRESENT: Administrator Dean Lynch

APOLOGIES:

Staff: Joe Vescio, General Manager
Janine Hudson, Acting Executive Assistant to the General Manager

1. OPENING OF THE MEETING

The Administrator opened the meeting at 10.00AM

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

5. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

5.1 UPGRADE OF THE TWO PEDESTRIAN BRIDGES OVER THE BOMBALA RIVER IN BOMBALA

Record No:

Responsible Officer: Director Service Delivery

Author: Deputy Director Service Delivery

Key Direction: 2. Expanding Connections Within the Shire and Beyond

Delivery Plan Strategy: DP2.7 Improve connectivity, accessibility and promote activity through improved pathways.

Operational Plan Action: OP2.22 Continue Councils annual footpath maintenance and

construction program in-line with each of the Township Action, Master and Beautification Plan's.

Attachments: 1. Bombala Pedestrian Bridge Quotation
2. Hollowcore Pedestrian Bridge Brochure

Cost Centre Parks and Reserves

Project Upgrade of the two Pedestrian Bridges over the Bombala River in Bombala.

Further Operational Plan Actions: OP2.23 Upgrade Bombala Footpaths

EXECUTIVE SUMMARY

A long term solution needs to be identified to avoid the ongoing repair and maintenance costs of these bridges. The fences have been removed because they have been damaged beyond repair and not replaced as they are unsuitable for the location and will always be at the mercy of flooding. To try and remove the fences prior to anticipated flooding is hit and miss and quite often dangerous for staff.

The upgrade of these bridges has been submitted for consideration in the capital projects list for Bombala for possible funding through the \$14M grant program, an option to upgrade these bridges to double their width will negate the need for the fences altogether. New deck beams on the existing piers and cross beams with some minor work to the approaches to tie it all in will allow for any future flooding to simply flow over the bridges minimising maintenance costs after these events.

The bridges are currently the subject of a Natural Disaster Assistance Claim which is still being assessed.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA1/17

That Council approve an allocation from the Bombala Infrastructure reserves of \$110,000 to widen the two pedestrian bridges over the Bombala River and upgrade the footpath approaches.

Approved by Administrator Lynch

6. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

7. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY

7.1 TRANSFER OF PLANT TO DELEGATE SPORTSGROUND 355 COMMITTEE

Record No:

Responsible Officer: Director Service Delivery

Author: Deputy Director Service Delivery

Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.5 Support the availability of volunteering opportunities and build capacity.
Operational Plan Action:	OP4.19 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.
Attachments:	Nil
Cost Centre	Plant Operations
Project	Supporting Delegate Sportsground Committee (s355) in its endeavours to maintain the Delegate Sportsground and surrounds on behalf of Council.
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The Delegate Sportsground Committee is a section 355 committee of Council that maintains the Council asset being the Delegate Sportsground.

The Committee has recently won a grant to the value of \$14,000 for the purchase of a suitable lawnmower to assist in the maintenance of sportsground land, however, investigations have revealed that the committee really need a commercial grade mower to undertake this task effectively.

Council is downsizing its mowing fleet and have a commercial grade mower ready to be sold. Pickles have been engaged to do an independent valuation of the item of plant and have indicated that the mower could get between \$8,000 and \$9,500 if it was put up for sale. To purchase a new Iseki mower of this type costs \$35,000.

This machine is a commercial grade and fit for the purpose the Delegate Sportsground Committee want it for. It is better quality than any lawnmowers on the market for \$14,000 and has been maintained in accordance with the manufacturer's specifications.

Given that the s355 committee is a committee of Council and is maintaining a Council asset the thought was to sell this item of plant to them.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA2/17

That Council approve the sale of Council Plant that being an Iseki Out Front Mower to the Delegate Sportsground (s355) Committee for the value of \$8,500.

Approved by Administrator Lynch

8. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE

9. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE

10. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION

11. ADMINISTRATOR'S REPORT (IF ANY)

11.1 RELEASE OF SECTION 64 REPORT

COMMITTEE RECOMMENDATION

ADA3/17

That Council release the report on Section 64 Contributions, Water and Waste Water Developer Servicing Charges from the Administrator Delegations meeting held 4 November 2016, be made available to the public subject to any references to third parties be removed from the report.

Approved by Administrator Lynch

12. CONFIDENTIAL MATTERS

COMMITTEE RECOMMENDATION

ADA4/17

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:

12.1 Short-term extension of the Waste and Recycling Contracts for the Bombala and Delegate areas.

Item 12.1 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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.

Approved by Administrator Lynch

Note 1: Confidential Session of Committee

At 10.15 am the meeting was closed to the press and public.

Note 2: Resumption of Open Committee Meeting

At 10.20 am the Closed Session ended and the Council meeting continued in Open Session.

13. REPORT FROM CONFIDENTIAL SESSION

13.1 SHORT-TERM EXTENSION OF THE WASTE AND RECYCLING CONTRACTS FOR THE BOMBALA AND DELEGATE AREAS.

COMMITTEE RECOMMENDATION

ADA5/17

That Council

- A. Extend the contract for a further six (6) months up until and including the 30 June 2017;
- B. That the General Manager and his delegates be authorised to act on Council's behalf in this matter;
and
- C. That the Seal of Council be affixed to any documentation in relation to this matter as required.

Approved by Administrator Lynch

There being no further business the Administrator declared the meeting closed at 10.20am

CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 6 January 2017 were confirmed by Council at a duly convened meeting on 13 January 2017 at which meeting the signature hereon was subscribed.

8.3 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 16 FEBRUARY 2017

Record No:

Responsible Officer: General Manager
Author: Secretary Council & Committees
Attachments: 1. Minutes - Administrator Delegations Meeting held 16 February
2017 [↓](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 16 February 2017 in Head Office, 81 Commissioner Street, Cooma.

OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 16 February 2017 and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act*.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Administrator Delegations Meeting

16 February 2017

ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630
ON THURSDAY 16 FEBRUARY 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	2
2.	APOLOGIES.....	2
	Nil	
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	2
	Nil	
	4.1 Councillor <Surname>	2
4.	ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS	2
5.	CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE	3
6.	CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND	3
	6.1 Application for In-Kind Support - Fee Waiver - Jindabyne Trail Stewardship.....	3
7.	CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY	3
	7.1 Markets at Bombala	3
8.	CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY.....	4
9.	CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE	4
10.	CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE.....	4
11.	CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION.....	4
12.	ADMINISTRATORS REPORT (IF ANY)	5
13.	CONFIDENTIAL MATTERS.....	5

**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 16 FEBRUARY 2017
COMMENCING AT 4.00PM**

PRESENT: Administrator Dean Lynch
APOLOGIES: Joe Vescio, General Manager
Staff: Dennis Trezise, Assistant General Manager
Erin Donnelly, Secretary Council and Committees

1. OPENING OF THE MEETING

The Administrator opened the meeting at 4.31PM

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

Nil

5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

6.1 APPLICATION FOR IN-KIND SUPPORT - FEE WAIVER - JINDABYNE TRAIL STEWARDSHIP

Record No:

Responsible Officer: General Manager
Author: Acting Executive Assistant
Key Direction: 4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy: DP4.2 Support activities, events and celebrations that promote cultural diversity and inclusiveness.

Operational Plan Action: OP4.10 Promote and provide operational assistance to enhance and encourage events and tourism.

Attachments: 1. Request from Jindabyne Trail Stewardship

Cost Centre 3020 – 63162 Donations Community Groups Debt Waiver

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council received an email from Jindabyne Trail Stewardship requesting a waiver of room hire fees for the Education Room at the Jindabyne Health Centre to hold a First Aid Course for Cyclists for their fundraising event.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA28/17

That Council approve the waiver of the fee hire for the Education Room at the Jindabyne Health Centre in the sum of \$75.00 for the Jindabyne Trail Stewardship.

Approved by Administrator Lynch

7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

7.1 MARKETS AT BOMBALA

Record No:

Responsible Officer: Director Service Planning

Author: Economic Development & Tourism Manager

Key Direction: 3. Strengthening Our Local Economy

Delivery Plan Strategy: DP3.2 Take full advantage of the unique assets and character of our towns and villages.

Operational Plan Action: OP3.4 Continue to work with local the community to retain and improve the current benefits of living in the Region.

Attachments: Nil

Cost Centre Tourism

Project Bombala Markets

Further Operational Plan Actions: 4.1 – A strong thriving and inclusive community where people feel a sense of belonging and identity.

EXECUTIVE SUMMARY

Members of the Bombala community have long desired the establishment of markets in the Bombala township. This was confirmed via a recent survey carried out by staff at the Bombala Visitor Information Centre.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA29/17

That Council receive and note the information in the report on the establishment of markets at Bombala.

Approved by Administrator Lynch

- 8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY**
- 9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE**
- 10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE**
- 11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION**
- 12. ADMINISTRATORS REPORT (IF ANY)**
- 13. CONFIDENTIAL MATTERS**

There being no further business the Administrator declared the meeting closed at 4.33pm

CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 17 February 2017 were confirmed by Council at a duly convened meeting on 24 February 2017 at which meeting the signature hereon was subscribed.

8.4 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 24 FEBRUARY 2017

Record No:

Responsible Officer: General Manager
Author: Secretary Council & Committees
Attachments: 1. Minutes - Administrator Delegations meeting held 24 February
2017 [↓](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 24 February 2017 in Head Office, 81 Commissioner Street, Cooma.

OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 24 February 2017 and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act*.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Administrator Delegations Meeting

24 February 2017

ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630
ON FRIDAY 24 FEBRUARY 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	2
2.	APOLOGIES.....	2
	Nil	
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	2
	Nil	
4.	ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS	2
	Nil.....	2
5.	CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE	2
6.	CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND	2
6.1	Proposed Acquisition of Crown land (Cootralantra Road) for the Purpose of Road.....	2
6.2	Cooma Enhancement Program - Stage 3 Works	4
7.	CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY	4
8.	CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY.....	4
9.	CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE	5
10.	CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE.....	5
11.	CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION.....	5
12.	ADMINISTRATORS REPORT (IF ANY).....	5
13.	CONFIDENTIAL MATTERS.....	5

**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON FRIDAY, 24 FEBRUARY 2017
COMMENCING AT 9.30AM**

PRESENT: Administrator Dean Lynch
APOLOGIES:
Staff: Joe Vescio, General Manager
Erin Donnelly, Secretary Council and Committees

1. OPENING OF THE MEETING

The Administrator opened the meeting at 10.30AM

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

Nil

5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

6.1 PROPOSED ACQUISITION OF CROWN LAND (COOTRALANTRA ROAD) FOR THE PURPOSE OF ROAD

Record No:

Responsible Officer: Director Service Delivery
Author: Property Officer
Key Direction: 2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy: DP2.5 Continual maintenance and improvement of the road

infrastructure network.

Operational Plan Action: OP2.13 Undertake an annual maintenance program of Councils Transportation Network in accordance with the Roads Hierarchy database and Transportation Asset Management Plan.

Attachments: 1. Map of Cootralantra Road as it passes through Crown land

Cost Centre 1830 – Unsealed Rural Roads: Local

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Cootralantra Road, from the intersection of Kosciuszko Road and the boundary of “Glenmore”, passes through two travelling stock reserves, lots (lots 7001 and 7002 DP 94305). This section of Cootralantra Road has no formal designated road reserve, it is merely a “track” which has been illegally constructed over Crown land.

In order to dedicate Cootralantra Road through the stock reserves to create continuity of Cootralantra Road from the boundary of “Glenmore” through the stock reserves to the intersection of Kosciuszko Road, Council needs to initiate the process of land acquisition through the process of the Land Acquisition (Just Terms Compensation) Act 1991.

The following officer’s recommendation is submitted for Council’s consideration.

COMMITTEE RECOMMENDATION

ADA30/17

That Council

- A. Approves the acquisition of the constructed section of Cootralantra Road which traverses Lots 7001 and 7002 DP 94305 for the purpose of public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of s.178 of the Roads Act 1993;
- B. Seek approval from the Minister for Local Government and/or the Governor in accordance with section 187 of the Local Government Act 1993 to give all necessary Proposed Acquisition Notices in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- C. That upon receipt of the Minister’s/Governor’s approval, Council serve each PAN and take each other action necessary to carry out the acquisition;
- D. Upon receipt of the Minister’s/Governor’s approval Council give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law;
- E. That Council pay compensation to all interest holders entitled to compensation by virtue of the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991;
- F. That Council authorise the General Manager and the Administrator to complete and execute all documentation necessary to finalise and bring into force Council’s acquisition of the land and if necessary to affix the Council seal to any documents related to the acquisition;
- G. That upon acquisition the acquired Property be declared operational and dedicated as road following gazettal of the acquisition;

Approved by Administrator Lynch

6.2 COOMA ENHANCEMENT PROGRAM - STAGE 3 WORKS

Record No:

Responsible Officer:	Director Service Delivery
Author:	Deputy Director Service Delivery
Key Direction:	2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy:	DP2.7 Improve connectivity, accessibility and promote activity through improved pathways.
Operational Plan Action:	OP2.22 Continue Councils annual footpath maintenance and construction program in-line with each of the Township Action, Master and Beautification Plan's.
Attachments:	<ol style="list-style-type: none">1. Cooma Enhancement Strategy2. Stage 3 CES Project Management Plan - Confidential3. Stage 3 CES Economic Analysis
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council has received an offer of \$400,000 contribution from the federal government under the Community Development Grants to undertake the proposed Stage 3 works for the Cooma Enhancement Program.

Funding of \$510,137.50 is requested to be confirmed to allow the project to proceed.

Council is requested to review project, and allocated funding for project if approved.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA31/17

That Council defer the report, Cooma Enhancement Program – Stage 3 Works pending clarification of funding sources for any shortfall.

Approved by Administrator Lynch

7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY

- 9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE**

- 10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE**

- 11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION**

- 12. ADMINISTRATORS REPORT (IF ANY)**

- 13. CONFIDENTIAL MATTERS**

There being no further business the Administrator declared the meeting closed at 10.46am

CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 24 February 2017 were confirmed by Council at a duly convened meeting on 3 March 2017 at which meeting the signature hereon was subscribed.

8.5 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 6 MARCH 2017

Record No:

Responsible Officer: General Manager
Author: Secretary Council & Committees
Attachments: 1. Minutes - Administrator Delegations meeting held 6 March
2017 [↓](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 6 March 2017 in Head Office, 81 Commissioner Street, Cooma.

OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 6 March 2017 and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act*.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Administrator Delegations Meeting

6 March 2017

ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630
ON MONDAY 6 MARCH 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	3
2.	APOLOGIES.....	3
	Nil	
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	3
	Nil	
4.	ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS	3
4.1	Minutes of the Recreational Facilities Section 355 Committee held 15 December 2016	3
5.	CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE	4
6.	CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND	4
6.1	Application for In-Kind Support - Fee Waiver - Monaro Family Support Service	4
7.	CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY	5
8.	CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY.....	5
9.	CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE	5
10.	CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE.....	5
10.1	Easements over Lot 30 DP 1118132 in Jindabyne	5
10.2	Merger Protocols for adoption	6
11.	CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION.....	7
11.1	Request from Developer for a reduction in the non-refundable Bond Administration charge amount for bonding of development works	7
12.	ADMINISTRATORS REPORT (IF ANY).....	8

13.	CONFIDENTIAL MATTERS.....	8
13.1	Extension of Licence Agreement - Jindabyne Aero Club.....	8
14.	REPORT FROM CONFIDENTIAL SESSION	8
13.1	Extension of Licence Agreement - Jindabyne Aero Club.....	9

**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY, 6 MARCH 2017
COMMENCING AT 9.30AM**

PRESENT: Administrator Dean Lynch

APOLOGIES:

Staff: Joe Vescio, General Manager
Katherine Miners, Acting Executive Assistant to the Administrator

1. OPENING OF THE MEETING

The Administrator opened the meeting at 9.40AM

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

4.1 MINUTES OF THE RECREATIONAL FACILITIES SECTION 355 COMMITTEE HELD 15 DECEMBER 2016

Record No:

Responsible Officer: Secretary Council & Committees

Attachments: 1. Minutes - Recreational Facilities Section 355 Committee held 15
December 2016

EXECUTIVE SUMMARY

The Recreational Facilities Section 355 Committee met on Thursday, 15 December 2016 in Council Chambers, Cooma. The minutes are presented for Councils information.

COMMITTEE RECOMMENDATION

ADA32/17

That the minutes of the Recreational Facilities Section 355 Committee held on Thursday, 15 December 2016 be received and noted; and.

That recommendation 3.4 Sporting Gallery Display, be approved subject to available funds being identified in the budget.

Approved by Administrator Lynch

5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

6.1 APPLICATION FOR IN-KIND SUPPORT - FEE WAIVER - MONARO FAMILY SUPPORT SERVICE

Record No:

Responsible Officer: General Manager
Author: Acting Executive Assistant
Key Direction: 4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy: DP4.2 Support activities, events and celebrations that promote cultural diversity and inclusiveness.
Operational Plan Action: OP4.10 Promote and provide operational assistance to enhance and encourage events and tourism.
Attachments: 1. Letter to Council Requesting Fee Waiver
2. Tuning Teens into Teens Jindabyne Information Flyer
Cost Centre 3020 – 63162 Donations Community Groups Debt Waiver
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council received an email from Monaro Family Support Service (MFSS) requesting a waiver of room hire fees for the Room at the Jindabyne Health Centre as they are running Tuning into Teens as a no cost program and the staffing and activity costs required to deliver this program will be obtained from several current State and Federal funding agreements. MFSS would like to request that Council consider waiving the room hire costs of the Health Centre, to further support the work they do strengthening families in the community.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA33/17

That Council approve the waiver of the fee hire of the Room at the Jindabyne Health Centre in the sum of \$450.00 for the Monaro Family Support Service.

Approved by Administrator Lynch

- 7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY**
- 8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY**
- 9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE**
- 10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE**

10.1 EASEMENTS OVER LOT 30 DP 1118132 IN JINDABYNE

Record No:

Responsible Officer:	Director Service Delivery
Author:	Property Officer
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.3 Protect and enhance our catchments and waterways, through effective storm water management initiatives.
Operational Plan Action:	OP1.11 Ensure the adequate provision of storm water infrastructure.
Attachments:	Nil
Cost Centre	1510 – Engineering & Operations Management
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

During the construction of Highview Estate in Jindabyne the developer was required to dedicate Lot 30 DP 1118132 to Council as open space. Lot 30 is adjacent to Council's high zone water reservoir. Council's Development Engineer has requested that the developer create two stormwater easements to be created over lot 30 which will be connected to the next stage of the development.

Essential Energy require an easement to be created over the underground powerline for future servicing.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA34/17

That Council

- A. Consent to the creation of one easement for underground power and two easements for stormwater over lot 30 DP 1118132.
- B. Authorise the General Manager to execute the Administration Sheet and the 88B Instrument on behalf of Council.

Approved by Administrator Lynch

10.2 MERGER PROTOCOLS FOR ADOPTION

Record No:

Responsible Officer:	Manager Human Resources
Author:	Human Resource Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.8 Council employs a multi-skilled workforce and encourages staff to take ownership of service delivery in a responsible and efficient manner
Operational Plan Action:	OP7.25 Ensure Council attracts, retains and develops a capable workforce that delivers positive outcomes.
Attachments:	<ol style="list-style-type: none">1. DRAFT - Document - Lateral Transfer Protocol2. DRAFT - Document - Vacancy Management Protocol3. DRAFT - Document - Redeployment Protocol4. DRAFT - Document - Lateral Transfer Flowchart5. Email From Ross Lawley
Cost Centre	6010 Human Resources Management
Project	HR policy management
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Draft protocols have been developed to provide a fair, consistent and transparent approach to the management of vacancies, lateral transfers and redundancies within the new organisational structure with minimal disruption of existing staff. The protocols and flowchart have been developed to assist Council in managing vacancies in the new organisation structure in accordance with the Local Government (State) Award and the Local Government Act 1993 within the three (3) year protection period following the creation of Council on 12 May 2016.

The protocols are;

- 250.2017.321.1 – Lateral Transfer Protocol
- 250.2017.324.1 – Lateral Transfer Flowchart
- 250.2017.327.1 – Redeployment Protocol
- 250.2017.328.1 – Vacancy Management Protocol

These draft documents were sent out for consultation to All Staff, Consultative Committee, USU, DEPA, LGEA and NMA for a period of 2 weeks. Following consultation, the protocols were submitted to ET for consideration on 23 February 2017 and were recommended to be presented to Council for adoption, resolution EMT 656/17.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA35/17

That Council adopt:

- A. 250.2017.321.1 Lateral Transfer Protocol
- B. 250.2017.324.1 Lateral Transfer Flowchart
- C. 250.2017.327.1 Redeployment Protocol
- D. 250.2017.328.1 Vacancy Management Protocol

Approved by Administrator Lynch

11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION

11.1 REQUEST FROM DEVELOPER FOR A REDUCTION IN THE NON-REFUNDABLE BOND ADMINISTRATION CHARGE AMOUNT FOR BONDING OF DEVELOPMENT WORKS

Record No:

Responsible Officer:	Director Service Delivery
Author:	Development Engineer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action:	OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments:	1. Email from Brian Robertson of Mt Burra regarding fees 2. Council Fees and Charges 2016 2017 Non Refundable Administration Charge
Cost Centre	1505
Project	Service Delivery
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The Developer of the Mt Burra rural subdivision, has made a request for Council to reconsider the non-refundable Bond Administration Charge amount of \$355 or 1% of the bond amount, whichever is greater, as set in Council's adopted Fees and Charges for 2016/2017.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA36/17

That the non-refundable bond administration charge for DA 10.2014.353.1 be reduced to \$355 and this charge be reviewed as part of the 2017/18 fees and charges.

Approved by Administrator Lynch

12. ADMINISTRATORS REPORT (IF ANY)

13. CONFIDENTIAL MATTERS

COMMITTEE RECOMMENDATION

ADA37/17

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be

dealt with in Closed Session for the reasons specified below:

13.1 Extension of Licence Agreement - Jindabyne Aero Club

Item 13.1 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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.

Approved by Administrator Lynch

Note 1: Invitation to Public

Upon the above motion being moved and seconded, the Administrator invited representations from the public as to whether this part of the meeting should be closed to consider the nominated items. There were no requests by members of the public to make any representations.

Note 2: Confidential Session of Committee

At 9.55 am the meeting was closed to the press and public.

Note 3: Resumption of Open Committee Meeting

At 9.59 am the Closed Session ended and the Council meeting continued in Open Session.

14. REPORT FROM CONFIDENTIAL SESSION

13.1 EXTENSION OF LICENCE AGREEMENT - JINDABYNE AERO CLUB

COMMITTEE RECOMMENDATION

ADA38/17

That Council

- A. Approve an extension of the period of licence for a further six months to commence on 12 March, 2017 and expire on 12 September, 2017 or until disposal of lot 199 DP 721919 or part thereof is completed.
- B. Approve an extension of licence under the same terms and conditions
- C. Approve the licence fee of \$7,524.97 for the 6 months extended period of licence expiring on 12th September, 2017.

Approved by Administrator Lynch

There being no further business the Administrator declared the meeting closed at 10.00am

CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 3 March 2017 were confirmed by Council at a duly convened meeting on 10 March 2017 at which meeting the signature hereon was subscribed.

8.6 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 17 MARCH 2017

Record No:

Responsible Officer: General Manager
Author: Secretary Council & Committees
Attachments: 1. Minutes - Administrator Delegations meeting held 17 March
2017 [↓](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 17 March 2017 in the Cooma Office, 81 Commissioner Street, Cooma.

OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 17 March 2017 and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act*.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Administrator Delegations Meeting

17 March 2017

ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630
ON FRIDAY 17 MARCH 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	3
2.	APOLOGIES.....	3
	Nil	
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	3
	Nil	
4.	ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS	3
4.1	Minutes of Green Team Meeting December 2016	3
5.	CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE	4
6.	CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND	4
6.1	Request a Reduction of Fees for Use of Snowy River Health Centre Meeting Room	4
6.2	Cooma Enhancement Program - Stage 3 Works	5
6.3	Adoption of the Snowy Monaro Local Traffic Committee Recommendations from the 8 March 2017 meeting	5
7.	CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY	7
8.	CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY.....	7
9.	CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE	7
9.1	Licence Agreement for Coaching and Swimming Lessons at Jindabyne Indoor Swimming Pool	7
10.	CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE.....	8
11.	CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION.....	8

11.1	Proposal to Licence Council vacant land at 52 Sandy Crossing, Bombala for Grazing.....	8
12.	ADMINISTRATORS REPORT (IF ANY)	9
13.	CONFIDENTIAL MATTERS.....	9
13.1	Telecommunications Link Options Into Bombala	9
13.2	Sale of old Lions Park at Bombala	9
14.	REPORT FROM CONFIDENTIAL SESSION	10
13.1	Telecommunications Link Options Into Bombala	10
13.2	Sale of old Lions Park at Bombala	10

**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING
HELD IN THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON FRIDAY, 17 MARCH 2017
COMMENCING AT 9.30AM**

PRESENT: Administrator Dean Lynch
APOLOGIES:
Staff: Joe Vescio, General Manager
Erin Donnelly, Secretary Council and Committees

1. OPENING OF THE MEETING

The Administrator opened the meeting at 9.44AM

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

4.1 MINUTES OF GREEN TEAM MEETING DECEMBER 2016

Record No:

Responsible Officer: Director Service Planning
Author: Land, Property & GIS Admin Officer
Attachments: 1. Minutes of Green team December 2016

EXECUTIVE SUMMARY

The Green team met on 12 December 2016 in Council chambers Cooma office. The minutes are presented for Council's information.

COMMITTEE RECOMMENDATION

ADA39/17

That the Minutes of the meeting of the Green Team held on 12/12/2016 are confirmed as a true and accurate record of proceedings.

Approved by Administrator Lynch

5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

6.1 REQUEST A REDUCTION OF FEES FOR USE OF SNOWY RIVER HEALTH CENTRE MEETING ROOM

Record No:

Responsible Officer: General Manager
Author: Acting Executive Assistant
Key Direction: 4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy: DP4.6 Retain and improve health and social services across the Shire.
Operational Plan Action: OP4.22 Participate in groups and networks that improve access to health and social services.
Attachments: 1. Request for Reduction of Hall Hire Fees
Cost Centre 3020 – 63162 Donations Community Groups Debt Waiver
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

MacKillop Family services is a NFP NGO with the aim of promoting more foster carers, to help care for the increase in the numbers of children requiring care outside of their biological families.

Several households in the Snowy River area have registered their interest in being trained for this purpose and I would like to offer the training later in March.

They would like to request a reduction in the hire rate for the use of the meeting room.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA40/17

That Council reduce the cost of the fee by 50%, for the training program in March, for the hire of the meeting room at Jindabyne Health Centre.

Approved by Administrator Lynch

6.2 COOMA ENHANCEMENT PROGRAM - STAGE 3 WORKS

Record No:

Responsible Officer:	Director Service Delivery
Author:	Deputy Director Service Delivery
Key Direction:	2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy:	DP2.7 Improve connectivity, accessibility and promote activity through improved pathways.
Operational Plan Action:	OP2.22 Continue Councils annual footpath maintenance and construction program in-line with each of the Township Action, Master and Beautification Plan's.
Attachments:	1. Cooma Enhancement Strategy 2. Stage 3 CES Project Management Plan - Confidential 3. Stage 3 CES Economic Analysis
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council has received an offer of \$400,000 contribution from the federal government under the Community Development Grants to undertake the proposed Stage 3 works for the Cooma Enhancement Program.

Council has received approval from the minister to establish an internal loan of \$400,000 for Council's cash contribution.

A shortfall of funding of \$220,275 is required.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA41/17

That Council

- A. Confirm support to undertake Stage 3 of the Cooma Enhancement Program;
- B. Approve to increase the internal loan from \$400,000 up to a maximum of \$620,275 to cover grant funding variance; and
- C. Undertake all necessary documentation required to seek confirmation from minister on acceptance of increase.

Approved by Administrator Lynch

6.3 ADOPTION OF THE SNOWY MONARO LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS FROM THE 8 MARCH 2017 MEETING

Record No:

Responsible Officer: Director Service Delivery

Author:	Development Engineer
Key Direction:	2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy:	DP2.3 Continually monitor and improve traffic management throughout the Shire.
Operational Plan Action:	OP2.8 Investigate and implement Traffic Management measures as an aid to increase road safety throughout the Region.
Attachments:	1. LTC Minutes of 8 March 2017 meeting
Cost Centre	1505 Engineering and Operations Management
Project	Snowy Monaro Local Traffic Committee
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

A copy of the Minutes from the Snowy Monaro Local Traffic Committee (SMLTC) meeting held on 8th March 2017 is attached for Council's consideration and adoption of the recommendations.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA42/17

That Council

- A. Receives and notes the minutes of the Snowy Monaro Local Traffic Committee meeting held on 8th March 2017;
- B. Adopt the Snowy Monaro Local Traffic Committee recommendations LTC 1/17, 2/17, 3/17, 4/17, 5/17, 6/17 of 8th March 2017; and
- C. Defer consideration of LTC 7/17, Traffic matters on Kalkite Street, Jindabyne, pending an extraordinary Local Traffic Committee meeting to consider this item.

Approved by Administrator Lynch

Note 1: Amendment to Original Motion

The above recommendation was an amendment to the original motion.

The original motion was:

"That Council

- A. *Receives and notes the minutes of the Snowy Monaro Local Traffic Committee meeting held on 8th March 2017; and*
- B. *Adopt the Snowy Monaro Local Traffic Committee recommendations LTC 1/17, 2/17, 3/17, 4/17, 5/17, 6/17 of 8th March 2017.*
- C. *LTC 7/17- refers to the consideration by the SMLTC of the traffic matters in Kalkite Street, Jindabyne and the proposed one-way opening of the road to the public. Council has previously received a favourable response from the RMS Representative, however, the RMS has recently changed its representative and position regarding the project. **Council must now either endorse the recommendation, amend it or refuse it as required under its delegated authority provided by the Roads and Maritime Services.***

7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY

9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE

9.1 LICENCE AGREEMENT FOR COACHING AND SWIMMING LESSONS AT JINDABYNE INDOOR SWIMMING POOL

Record No:

Responsible Officer:	Director Service Delivery
Author:	Asset Manager
Key Direction:	5. Enhancing Our Healthy, Active Lifestyle
Delivery Plan Strategy:	DP5.2 Upgrade and maintain current investments in community, sporting, recreation and fitness facilities and infrastructure.
Operational Plan Action:	OP5.3 Maintain Council swimming pools to comply with statutory reporting requirements on water quality, pool operations and equipment.
Attachments:	<ol style="list-style-type: none">1. Licence Agreement for Swim Coaching and Swimming Lessons by Alisha Russell Sailfish Swim School2. Sailfish Swim School Proposal to Snowy Monaro Regional Council for swim classes and coaching at Jindabyne Swimming Pool on Saturdays3. Sailfish Swim School Swim Levels4. Sailfish Swim School Learn to Swim Brochure
Cost Centre	1710 Jindabyne Indoor Swimming Pool
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Swim Coach, Alisha Russell of Sailfish Swim School, has requested from Council to enter into a Licence Agreement for swimming lessons and coaching program on a Saturday at Jindabyne Indoor Swimming Pool.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA43/17

That Council

- A. Confirms action to enter into a Licence Agreement in accordance with the draft Licence attached to this report with Alisha Russell of Sailfish Swim School for the provision of swim lessons and coaching at the Jindabyne Indoor Swimming Pool for a period of 12 months from 18 March 2017 to 17 March 2018 on a Saturday each week; and
- B. Authorises the General Manager to negotiate and execute a suitable licence agreement.

Approved by Administrator Lynch

10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE

11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION

11.1 PROPOSAL TO LICENCE COUNCIL VACANT LAND AT 52 SANDY CROSSING, BOMBALA FOR GRAZING

Record No:

Responsible Officer:	Director Service Delivery
Author:	Property Officer
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.6 Ensure Council services, facilities and land holdings achieve best practice for sustainability.
Operational Plan Action:	OP1.22 Ensure Council has a safe reliable, sustainable and cost effective assets through the effective management of Facilities, Infrastructure, Plant, Motor Vehicle and Equipment Assets.
Attachments:	1. Draft Licence Agreement - Part Property at 52 Sandy Crossing, Bombala
Cost Centre	1490 – Buildings Revenue
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

On 22 February, 2017 Council received an email from Jo Vincent of Bombala requesting that Council consider leasing/licensing the vacant land at the rear of the Council residence at 52 Sandy Crossing, Bombala. The residence is fenced off and the residue (vacant land) comprises about 1 ha.

Licensing the property for grazing would ensure that the outer paddock would be kept tidy and that the activity would negate the fire hazard without any input from Council.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

ADA44/17

That Council call for expressions of interest to lease the rear paddock at 52 Sandy Crossing Bombala, for grazing purposes.

Approved by Administrator Lynch

Note 2: Amendment to Original Motion

The above recommendation was an amendment to the original motion.

The original motion was:

"That Council

- A. *Approve the proposal to licence the rear paddock at 52 Sandy Crossing, Bombala to Joanne Vincent for the purpose of grazing horses;*
- B. *Approve the proposed period of licence of 12 months with an optional further period of 12 months as determined in the licence agreement; and*
- C. *Approve the proposed license fee of \$52.00 pa in view of the savings to Council with respect to weed control, mowing and fence maintenance."*

12. ADMINISTRATORS REPORT (IF ANY)

Nil

13. CONFIDENTIAL MATTERS

COMMITTEE RECOMMENDATION

ADA45/17

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

13.1 Telecommunications Link Options Into Bombala

Item 13.1 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 Sale of old Lions Park at Bombala

Item 13.2 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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.

Approved by Administrator Lynch

Note 3: Confidential Session of Committee

At 10.04 am the meeting was closed.

Note 4: Resumption of Open Committee Meeting

At 10.16 am the Closed Session ended and the meeting continued in Open Session.

14. REPORT FROM CONFIDENTIAL SESSION

13.1 TELECOMMUNICATIONS LINK OPTIONS INTO BOMBALA

COMMITTEE RECOMMENDATION

ADA46/17

That Council defer the report, Telecommunications Link Options Into Bombala, pending a briefing by IT.

Approved by Administrator Lynch

13.2 SALE OF OLD LIONS PARK AT BOMBALA

COMMITTEE RECOMMENDATION

ADA47/17

That Council

- A. Accept the offer of \$35,000 with a 10% deposit and delayed settlement of 6 months;
- B. Authorise the General Manager to execute all documents in relation to the sale of the property on behalf of Council; and
- C. That the net proceeds of the sale go in to Council's reserves.

Approved by Administrator Lynch

There being no further business the Administrator declared the meeting closed at 10.17am

CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 17 March 2017 were confirmed by Council at a duly convened meeting on 24 March 2017 at which meeting the signature hereon was subscribed.

**9.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINTUES MEETING OF 14 DECEMBER
2016 AND 22 FEBRUARY 2017**

Record No:

Responsible Officer: General Manager

Author: Auditor

Attachments: 1. Minutes of meeting Audit, Risk and Improvement Committee
14 December 2016 [↓](#)

2. Draft minutes Audit, Risk and Improvement Committee
meeting of 22nd February 2017 [↓](#)

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee met on 14 December 2016 and 22 February 2017 in Council Chambers Cooma. The minutes are presented for Council's information.

OFFICER'S RECOMMENDATION

That the Minutes of the meeting of the Audit, Risk and Improvement Committee held on 14 December 2016 and 22 February 2017 be noted and recommendations contained within resolved.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Audit Committee Meeting

14 December 2016

**AUDIT COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630
ON WEDNESDAY 14 DECEMBER 2016**

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	2
2.	APOLOGIES.....	2
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	2
4.	ADOPTION OF MINUTES OF PREVIOUS MEETING	2
4.1	Audit Committee Meeting 14 June 2016	2
5.	BUSINESS ARISING.....	3
6.	GENERAL BUSINESS	3
7.	STATUS REPORT	3
7.1	Status Report - Internal Audit	3
7.2	Draft Strategic Internal Audit Work Plan September 2016 to September 2019 and Annual Internal Audit Work Plan September 2016 to November 2017	4
7.3	Status Report - Risk Managment Report.....	5
7.4	Status Report - Fraud and Corruption Controls Activities.....	6
8.	SPECIAL AGENDA ITEMS	6
8.1	General Purpose Financial Statements, Special Purpose Financial Statements, Special Schedules for Former Snowy River Shire Council, Former Bombala Shire Council and Former Cooma Monaro Shire Council.....	7
8.2	Proposed Meeting Dates - Standard Agenda and Special items Review for Financial Year 2016/2017	8
9.	MATTERS OF URGENCY.....	9
10.	NEXT MEETING.....	9

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

**ON WEDNESDAY, 14 DECEMBER 2016
COMMENCING AT 10AM**

PRESENT:

Max Shanahan, Chair
Peter Cottrell, External Member
Miles Pearson, External Member
Dean Lynch, Administrator

Non-Voting Attendees:

Joe Vescio, General Manager
Marg Nicholls, Internal Auditor

Guests:

Stephen Molloy, Director Service Support
Jo-Anne Mackay, Deputy Director Service Support
Matt Payne, Financial Accountant
Lee Eiszele, Finance Manager
Graham Bradley, Auswild Co
Chang Chow, Crowe Horwath

Secretariat:

Janine Hudson, Acting Executive Assistant to General Manager

1. OPENING OF THE MEETING

The Chair opened the meeting at 10:15AM

2. APOLOGIES

An apology for the meeting was received from Theresa McKenzie, External Member.

Joseph Vescio, General Manager arrived at 11:05am.

Jo-Anne Mackay, Deputy Director Service Support, Matt Payne, Financial Accountant, Stephen Molloy
Director Service Support and Lee Eiszele, Finance Manager left the meeting at 11:15am.

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 AUDIT COMMITTEE MEETING 14 JUNE 2016

COMMITTEE RECOMMENDATION

AUD13/16

THAT the minutes of the Audit Committee Meeting held on 14 June 2016 are confirmed as a true and accurate record of proceedings.

Dean & Max

Moved D Lynch

Seconded M Shanahan

CARRIED

5. BUSINESS ARISING

Nil

6. GENERAL BUSINESS

Nil

7. STATUS REPORT

7.1 STATUS REPORT - INTERNAL AUDIT

Record No:

Responsible Officer: General Manager

Author: Auditor

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

Attachments: 1. Audit Recommendation Progress Report Audit 2 Cash Handling at Remote Sites and Customer Service Office. (SRSC)
2. Audit, Risk and Improvement Committee Charter resolved by Council September 2016

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

This report services to inform the Audit, Risk and Improvement Committee of Internal Audit activities for the period to 30 November 2016.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

AUD14/16

That Audit, Risk and Improvement Committee

- A. Note the status report of internal audit for the period to 30 November 2016
- B. Approve the requests for extensions in relation to Audit 2 Cash Handling at Remote Sites and Customer Service Offices
 - (a) Recommendation 1 from August 2016 to March 2017
 - (b) Recommendation 6 from August 2016 to December 2016
 - (c) Recommendation 7 from June 2016 to March 2017
 - (d) Recommendation 9 from August 2016 to March 2017
- C. Note the Audit, Risk and Improvement Committee Charter

Moved M Pearson

Seconded P Cottrell

CARRIED

7.2 DRAFT STRATEGIC INTERNAL AUDIT WORK PLAN SEPTEMBER 2016 TO SEPTEMBER 2019 AND ANNUAL INTERNAL AUDIT WORK PLAN SEPTEMBER 2016 TO NOVEMBER 2017

Record No:

Responsible Officer: General Manager
Author: Auditor
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.
Attachments: 1. Draft Strategic Internal Audit Plan September 2016 to September 2019
2. Draft Internal Audit Workplan September 2016 to November 2017
Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Audit, Risk and Improvement Committee to approve the annual internal audit work plan 2016/2017 and the strategic audit plan 2016/2019.

The following officer's recommendation is submitted for the Audit, Risk and Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

AUD15/16

That Audit, Risk and Improvement Committee

- A. Approve the Draft 1 September 2016 to 30 September 2019 Strategic Audit Plan
- B. Approve the Draft 1 September 2016 to 30 November 2017 Annual Internal Audit work plan
- C. Approve the category ratings for Audit Recommendations of Category 1 (Critical Risk) < 3 months; Category 2 (High Risk) < 6 months and Category 3 (Medium Risk) < 12 months.
- D. Committee notes that the work of Internal Audit in relation to the Strategic Audit plan is still evolving and will be reviewed and changed as necessary.

Peter & Miles

Moved P Cottrell

Seconded M Pearson

CARRIED

7.3 STATUS REPORT - RISK MANAGMENT REPORT

Record No:

Responsible Officer: Director Service Support

Authors: Risk Management Officer
Human Resource & Payroll Officer

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.5 Balance statutory requirements with individual choice and informed decision making

Operational Plan Action: OP7.16 Improve organisation wide Risk Management through use of ISO 31000 principles.

Attachments: Nil

Cost Centre Multiple

Project

Further Operational Plan Actions: DP 7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
OP 7.6 Provide timely, accurate and relevant information to Council to enable informed decision making.

EXECUTIVE SUMMARY

Council's enterprise risk management system is delivered and monitored through Policy 163– Enterprise Risk Management and subordinate procedures, including Council's risk register. This information report provides the current status of the enterprise risk management system.

Attachments to be circulated separately:

Draft Form Enterprise Risk Management

Draft Policy Enterprise Risk Management
Draft Enterprise Risk Management Procedure

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

AUD16/16

That the Audit, Risk and Improvement Committee:

- A. Receive and note the information in the Status Report - Risk Management; and
- B. Commented that it considers that the risk management framework being developed is too complex and might not provide benefit to Council;
- C. Suggested that Council review and simplify the risk management framework.

Moved M Pearson

Seconded P Cottrell

CARRIED

7.4 STATUS REPORT - FRAUD AND CORRUPTION CONTROLS ACTIVITIES

Record No:

Responsible Officer: General Manager
Author: Auditor
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.
Attachments: Nil
Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Fraud and Corruption control Activities is a standard item on the Audit, Risk and Improvement Committee agenda

The following officer's recommendation is submitted for the Audit, Risk and Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

AUD17/16

That the Audit, Risk and Improvement Committee note the report on the Fraud and Corruption control activities

Moved P Cottrell

Seconded M Pearson

CARRIED

8. SPECIAL AGENDA ITEMS

8.1 GENERAL PURPOSE FINANCIAL STATEMENTS, SPECIAL PURPOSE FINANCIAL STATEMENTS, SPECIAL SCHEDULES FOR FORMER SNOWY RIVER SHIRE COUNCIL, FORMER BOMBALA SHIRE COUNCIL AND FORMER COOMA MONARO SHIRE COUNCIL

Record No:

Responsible Officer: General Manager

Author: Auditor

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

Attachments:

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

As per the Audit, Risk and Improvement Committee Charter the Financial Statements for each of the former councils of Bombala and Cooma Monaro are presented for the information of the Committee. The financial statements for the former Snowy River Shire Council were not available at the time of publishing this report.

Presentation by Graham Bradley, External Auditor Auswild and Co, on the Former Bombala Council General Purpose Financial Statements for the period 1 July 2015 to 12 May 2016, began at 10:15 finished at 11:07am and left the meeting at 11:10am.

Presentation by Chang Chow, external auditor, Crowe Horwath, on the Former Cooma-Monaro Shire Council and the Snowy River Shire Council General Purpose Statement reports. Commenced 11:12am finished at 11:40am left the meeting at 11.45am.

The committee noted the auditors' observations regarding the impact of the close off of the financial statements being as at 12 May 2016 on the financial comparisons with prior year and flagged the fact

that the committee will need to be careful in the future when comparing 2016/2017 financial figures with the 2015-2016 figures.

The ARIC requested that Council's response to the Interim Management report to be presented to the next meeting of the ARIC.

The following officer's recommendation is submitted for Audit, Risk and Improvement Committee consideration.

COMMITTEE RECOMMENDATION

AUD18/16

That Audit, Risk and Improvement Committee

- A. Note the financial statements for each of the former councils of Snowy River, Bombala and Cooma Monaro for the period 1 July 2015 to 12 May 2016.
- B. Provide advice to the General Manager on the financial statements

Moved P Cottrell

Seconded M Pearson

CARRIED

8.2 PROPOSED MEETING DATES - STANDARD AGENDA AND SPECIAL ITEMS REVIEW FOR FINANCIAL YEAR 2016/2017

Responsible Officer: General Manager

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

Attachments: 1. Audit, Risk and Improvement Committee Schedule of Review and Proposed Meeting dates

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Audit, Risk and Improvement Committee to adopt meeting dates; standard quarterly agenda and special agenda items for its schedule of work for 2016/2017

The following officer's recommendation is submitted for the Audit, Risk and Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

AUD19/16

That the Audit, Risk and Improvement Committee resolves to adopt the following: -

1. Meeting dates:
 - a. Wednesday, 14 December 2016 commencing at 10.00am (Financial Statements)
 - b. Wednesday, 22 February 2017 commencing at 10.00am
 - c. Wednesday, 03 May 2017 commencing at 10.00am
 - d. Wednesday, 19 July 2017 commencing at 10.00am
 - e. Wednesday, 18 October 2017 commencing at 10.00am

2. Standard agenda items for quarterly meetings:
 1. Welcome
 2. Apologies
 3. Declaration of conflict of interest
 4. Minutes of previous meeting
 5. Business arising from previous minutes
 6. Special agenda items
 7. Status report – risk management activities
 8. Status report – fraud and corruption control activities
 9. Status report – external audits completed during the quarter
 10. Status report – Internal audit activities
 11. Status report – follow up implementation of audit recommendations
 12. Other business
 13. Next meeting

3. Schedule of Review for 2016/2017

Moved P Cottrell

Seconded M Pearson

CARRIED

9. MATTERS OF URGENCY

10. NEXT MEETING

Wednesday 22 February 2017, Cooma Council Chambers 10am.

There being no further business the Chair declared the meeting closed at 1pm

CHAIRPERSON

The above minutes of the Audit Committee Meeting of Snowy Monaro Regional Council held on 14 December 2016 were confirmed by Committee at a duly convened meeting on at which meeting the signature hereon was subscribed.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Audit Risk And Improvement Committee Meeting

22 February 2017

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS COOMA**

ON WEDNESDAY 22 FEBRUARY 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	3
2.	APOLOGIES.....	3
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	3
3.1	Mr Max Shanahan	3
3.2	Ms Theresa McKenzie	4
4.	ADOPTION OF MINUTES OF PREVIOUS MEETING	4
4.1	Audit Risk And Improvement Committee Meeting 14 December 2016	4
5.	BUSINESS ARISING.....	4
5.1	Business Arising - These matters are under Section 6	4
6.	GENERAL BUSINESS	4
6.1	Presentation Audit NSW - Director, Financial Audit Services	4
6.2	Business Arising from meeting of 14 December 2016	5
7.	SPECIAL AGENDA ITEMS	6
7.1	Update on progress of Merger Project	6
7.2	ICT Draft Strategic Plan - Progress Report	7
8.	CFO REPORT.....	8
8.1	Quarterly Budget Review and Interim Management letter for information	8
9.	STATUS REPORT RISK MANAGEMENT ACTIVITIES.....	9
10.	STATUS REPORT FRAUD AND CORRUPTION ACTIVITIES.....	9
10.1	Status Report - Fraud and Corruption Controls Activities.....	9
11.	STATUS REPORT EXTERNAL AUDITS COMPLETED	10
11.1	Status Report - External Audits Completed	10
12.	STATUS REPORT INTERNAL AUDIT ACTIVITIES	10
12.1	Status Report - Internal Audit	10

9.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINTUES MEETING OF 14 DECEMBER 2016 AND
22 FEBRUARY 2017

ATTACHMENT 2 DRAFT MINUTES AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF 22ND
FEBRUARY 2017

13.	STATUS REPORT FOLLOWUP OF AUDIT RECOMMENDATIONS	11
14.	NEXT MEETING	11

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS COOMA**

**ON WEDNESDAY, 22 FEBRUARY 2017
COMMENCING AT 10AM**

PRESENT: Max Shanahan, Chair
Peter Cottrell, External Member
Theresa McKenzie, External Member
Miles Pearson, External Member

Non-Voting Attendees:
Joe Vescio, General Manager
Marg Nicholls, Internal Auditor

Guests:
Stephen Molloy, Director Service Support arrived 10:10am and left at 10:50am
Iliada Bolton, Director SPO arrived at 10.45am and 11:35am
Matt Cross, Risk Management Officer arrived 10.10am and left at 10:50am

Secretariat:
Janine Hudson, Executive Assistant to General Manager

1. OPENING OF THE MEETING

The Chair opened the meeting at 10AM

Acknowledgement of Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Ngunnawal and Walgalu people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians.

We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

2. APOLOGIES

An apology for the meeting was received from Mr Dean Lynch, Administrator
General Manager Joseph Vescio arrived at 10:03am.
General Manager Joseph Vescio left the meeting at 11:55am.
General Manager Joseph Vescio returned to the meeting at 12:29pm

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

3.1 MR MAX SHANAHAN

Chair, Mr Max Shanahan declared an interest due to his probity role on the Stronger Community Fund Program

3.2 MS THERESA MCKENZIE

Committee Member Theresa McKenzie declared an interest in a general information Item regarding a discussion regarding the number of applications for the Directors roles, as she has a conflict of interest in this item due to applying for one of the positions.

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 14 DECEMBER 2016

COMMITTEE RECOMMENDATION

ARIC20/17

THAT the minutes of the Audit Risk And Improvement Committee Meeting held on 14 December 2016 are confirmed as a true and accurate record of proceedings.

Moved M Person

Seconded P Cottrell

CARRIED

5. BUSINESS ARISING

5.1 BUSINESS ARISING - THESE MATTERS ARE UNDER SECTION 6

COMMITTEE RECOMMENDATION

ARIC21/17

That the Audit, Risk and Improvement Committee note

- A. Item 6.2 is Business arising from December 14 2016 Minutes and will be dealt with under this section.

Moved T McKenzie

Seconded M Pearson

CARRIED

6. GENERAL BUSINESS

6.1 PRESENTATION AUDIT NSW - DIRECTOR, FINANCIAL AUDIT SERVICES

Record No:

Responsible Officer: General Manager

Author: Auditor

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.

Operational Plan Action: OP7.7 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

Attachments: 1. Audit Office NSW Briefing to Audit, Risk and Improvement Committee (*Under Separate Cover*)
2. Audit Office NSW Copy Letter of Advice to General Manager (*Under Separate Cover*)

EXECUTIVE SUMMARY

New audit arrangements for Local Government mandates the Auditor-General's Office NSW to undertake financial and performance audits. The allocated Audit Office Director - Mr Peter Coulogeorgiou, Director, Financial Audit Services is providing a presentation to the members of the

Audit, Risk and Improvement Committee.

COMMITTEE RECOMMENDATION

ARIC22/17

That the Audit, Risk and Improvement Committee thank Mr Coulogeorgiou Director, Financial Audit Services from the Audit Office NSW for the information provided during the teleconference presentation which commenced at 10:15am.

Moved M Pearson

Seconded T McKenzie

CARRIED

6.2 BUSINESS ARISING FROM MEETING OF 14 DECEMBER 2016

Record No:

Responsible Officer:	General Manager
Author:	Auditor
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.7 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.
Attachments:	<ol style="list-style-type: none">1. Deferred Risk Management Status Report from meeting of 14 December 2016 (<i>Under Separate Cover</i>)2. DRAFT - Form - Enterprise Risk Management (<i>Under Separate Cover</i>)3. DRAFT - Policy - Enterprise Risk Management (<i>Under Separate Cover</i>)4. DRAFT - Procedure - Enterprise Risk Management (<i>Under Separate Cover</i>)5. DRAFT Audit, Risk and Improvement Committee Schedule of Work (<i>Under Separate Cover</i>)

EXECUTIVE SUMMARY

At its meeting of 14 December 2016 the Audit, Risk and Improvement Committee deferred agenda items from the meeting or requested additional information to be presented to its next meeting. This report deals with deferred items and requests for inclusion from the meeting of 14 December 2016.

COMMITTEE RECOMMENDATION

ARIC23/17

The Audit, Risk and Improvement Committee

- A. Note the 14 December 2016 business arising report
- B. Accept the Audit, Risk and Improvement Committee Schedule of Review after consideration of additional information provided by Mr Miles Pearson Need to attach the latest version with these minutes
- C. Acknowledge the work previously undertaken in the development of the Enterprise Risk Management Framework Council, that the risk appetite approach is good, but still expressed concern that the process may be complicated and difficult to roll out across council
- D. Recommended that Council consider simplification of the process to ensure a culture of risk management into all council activities

E: Requested that a transition (action) plan be developed and presented to the Audit, Risk and improvement Committee which outlines the activities and timelines to be taken to embed a risk management culture across council

Moved T McKenzie

Seconded P Cottrell

CARRIED

7. SPECIAL AGENDA ITEMS

7.1 UPDATE ON PROGRESS OF MERGER PROJECT

Record No:

Responsible Officer: Director Special Projects Office

Author: Administration Special Projects Office

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.1 Ensure that legislative obligations are met throughout all Council departments.

Operational Plan Action: OP7.5 Achieve a stronger, more efficient Council through a successful merger.

Attachments:

1. Transition Plan Progress Report (*Under Separate Cover*)
2. Approved Functional Structure (*Under Separate Cover*)
3. Project Timing Overview (*Under Separate Cover*)
4. Snowy Monaro ICT Resource Review (*Under Separate Cover*)
5. SMRC Vision and Values - adopted by Council (*Under Separate Cover*)
6. Transition Plan - Vision and Values (*Under Separate Cover*)
7. Snowy Monaro Asset Management Report (*Under Separate Cover*)

Cost Centre 3130 -Merger

Project Transitional Plan

Further Operational Plan Actions: OP7.5 Achieve a stronger, more efficient Council through a successful merger

OP7.10 Investigate and implement funding opportunities to reduce Council's infrastructure gap.

OP7.9 Community members are afforded the opportunity to review, comment and participate in decision making through policy applications.

OP7.16 Advocate with State and Federal Government for the removal of barriers to economic and community development.

OP7.17 Improve organisation wide Risk Management through use of ISO 31000 principles.

OP7.18 Effective management of Council funds to ensure financial sustainability.

OP7.24 Undertaken an efficient and effective merger process as a result of any State Government decision to create the new local government area of Snowy Monaro Regional Council.

OP7.32 Undertake consultation with community and staff, providing assistance where possible, throughout the merger process.

OP7.34 Support and encourage public engagement methods which invite comment from community and informs the decision making.

OP7.36 The Executive Leadership Team will be responsible for implementing

the organisation's strategies and objectives, and for carrying out the day-today management and control of Council's affairs.

EXECUTIVE SUMMARY

On 12 May 2016 the Governor General issued the Local Government (Council Amalgamations) Proclamation 2016. This resulted in three former local government areas being merged into one new council.

The Department of Premier and Cabinet (DPC) issued a road map to assist councils with a number of tasks that will contribute to a successful merger. This became the Transition Plan which was adopted by Council in June 2016. In July 2016, the Administrator approved implementation of the Global Collaboration Tool which automates the planning, reporting and monitoring of the transition plan.

We are now moving forward with the actions not completed by December 2016 forming the Implementation Plan through to June 2017. From 01 July 2017, actions relating to the merger will be incorporated in to the Delivery Program and Operational Plan.

COMMITTEE RECOMMENDATION

ARIC24/17

That the Audit, Risk and Improvement Committee

- A. Receive and note the progress report on the Transition Plan including risks and risk management
- B. Receive and note that all outstanding actions which now form the Snowy Monaro Regional Council Implementation Plan
- C. Receive and note the final reports received from external consultants that have been achieved during the period 25 May 2016 to 31 December 2016
- D. Receive and note that the recommendations included in the final reports received will be progressed through the Implementation Plan; the 2018-2022 Delivery Program and 2018 Operational Plan
- E. That the Director Special Projects provides to each of the Audit, Risk and Improvement Committee meeting a summary update on strategic and operational risks identified in the Transition Plan and to identify the current risk level; any trends and the overall effectiveness of the controls

Moved T McKenzie

Seconded M Pearson

CARRIED

7.2 ICT DRAFT STRATEGIC PLAN - PROGRESS REPORT

Record No:

Responsible Officer:	Director Special Projects Office
Author:	Administration Special Projects Office
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.5 Achieve a stronger, more efficient Council through a successful merger.
Attachments:	1. Draft ICT Information, Communications and Technology Strategy (Under Separate Cover)

Cost Centre 3130 - Merger
Project Information, Communications and Technology Strategy
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Department of Premier & Cabinet issued a road map to enable newly merged councils to achieve a successful transition. The two actions relating to an ICT Strategic Plan for the new Council are:

7.1.2.2. *Prepare the first iteration of the ICT Plan*

7.1.2.3. *Monitor, review and adapt the plan as needed. (ICT)*

Over the past few months the Director Special Projects has been working with the Executive Team to develop a strategy that links the ICT systems and structure project outcomes, as well as business capability and organisational risk management to develop a leading strategy that provides the organisation with a framework that will capitalise on technology opportunities, aligned with corporate strategies.

It is noted that this work has been undertaken for the new entity only, as there was no existing strategic plans at any of the former councils. After consideration by the Executive Team, the IT Manager from Cooma Branch will now take responsibility for completing the plan in consultation with all Council's Directors.

COMMITTEE RECOMMENDATION

ARIC25/17

That the Audit, Risk and Improvement committee;

- A. Review and note the report on ICT Draft Strategic Plan – Progress Report
- B. Provide any feedback or advice on the ICT Strategy to be considered for inclusion through the Internal Auditor by close of business Monday 6th March 2017 who will collate and forward to Director Special Projects.

Moved T McKenzie

Seconded P Cottrell

CARRIED

8. CFO REPORT

8.1 QUARTERLY BUDGET REVIEW AND INTERIM MANAGEMENT LETTER FOR INFORMATION

Record No:

Responsible Officer: General Manager
Author: Auditor
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action: OP7.7 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.
Attachments: 1. QBRS - September 2016 - 2017 Budget - SMRC Consolidated report to Council meeting 30 November 2016 (*Under Separate Cover*)

2. QBRS - December 2016 - 2017 Budget - SMRC Consolidated report to Council meeting 22 February 2017 (*Under Separate Cover*)
3. Audit letter report - Snowy River Shire Council (*Under Separate Cover*)
4. Audit letter - Cooma Monaro Shire Council (*Under Separate Cover*)
5. Audit letters Bombala Council (*Under Separate Cover*)

EXECUTIVE SUMMARY

The quarterly budget review is listed for information of the Audit, Risk and Improvement Committee

COMMITTEE RECOMMENDATION

ARIC26/17

That the Audit, Risk and Improvement Committee

1. Note the report on the Quarterly Budget Review and Interim Management letter for information;
2. Defer the Council adopted December Quarterly Budget Review and the not yet Council adopted February Quarterly Budget Review to its meeting of 3rd May 2017 and request through the General Manager attendance by the Responsible Financial Officer for this item.
3. Requested that the committee is provided with the Council's written response in a timely manner to external audit's interim management letters.

Moved P Cottrell

Seconded M Person

CARRIED

9. STATUS REPORT RISK MANAGEMENT ACTIVITIES

There was no report provided on this matter.

10. STATUS REPORT FRAUD AND CORRUPTION ACTIVITIES

10.1 STATUS REPORT - FRAUD AND CORRUPTION CONTROLS ACTIVITIES

Record No:

Responsible Officer: General Manager

Author: Auditor

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

EXECUTIVE SUMMARY

Fraud and Corruption Control Activities is a standard item on the Audit, Risk and Improvement Committee agenda.

The following officer's recommendation is submitted for the Audit, Risk and Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC27/17

That the Audit, Risk and Improvement Committee note the report on the Fraud and Corruption control activities.

Moved M Pearson

Seconded P Cottrell

CARRIED

11. STATUS REPORT EXTERNAL AUDITS COMPLETED

11.1 STATUS REPORT - EXTERNAL AUDITS COMPLETED

Record No:

Responsible Officer: General Manager

Author: Auditor

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.

Operational Plan Action: OP7.7 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

Attachments: Nil

EXECUTIVE SUMMARY

The Committee discussed the types of external audits they desired which they considered will provide additional assurance to the Committee. These included those from NSW Ombudsman and any other assurance report or external audit that Council has received which has relevance to the Audit, Risk and Improvement Committee Charter and subsequent review work.

COMMITTEE RECOMMENDATION

ARIC28/17

That the Audit, Risk and Improvement Committee

A. Note the Status Report – External Audit's Completed; and

B. That all external assurance reports provided to Council, are presented to this Committee, as relevant to its Charter and approved schedule of review, in a timely manner.

Moved M Pearson

Seconded P Cottrell

CARRIED

12. STATUS REPORT INTERNAL AUDIT ACTIVITIES

12.1 STATUS REPORT - INTERNAL AUDIT

Record No:

Responsible Officer: General Manager

Author: Auditor

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.

- Attachments:
1. Final Report Audit 16-01 Cash Handling (*Under Separate Cover*)
 2. MIR 17-01 FINAL Report Review Platypus Country Visitor Information Centre (*Under Separate Cover*)
 3. Audit Recommendation progress report Audit 2 Cash Handling Remote Sites and Customer Service Offices (SMRC) (*Under Separate Cover*)
 4. Audit Recommendation progress report Audit 16-01 Cash Handling (*Under Separate Cover*)
 5. Audit Recommendation progress report MIR 17-01 Review Platypus Country Visitor Information Centre (*Under Separate Cover*)
 6. Audit 16-01 Cash Handling After Audit Feedback Survey for Director Service Support (*Under Separate Cover*)
 7. MIR 17-01 Review Platypus Visitor Information Centre Internal Audit Feedback Survey (*Under Separate Cover*)

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

This report services to inform the Audit, Risk and Improvement Committee of Internal Audit activities for the period to 30 November 2016.

COMMITTEE RECOMMENDATION

ARIC29/17

That Audit, Risk and Improvement Committee

- A. Note the status report of internal audit for the period to 14 February 2017
- B. Provide advice on the content of the draft annual report on the activities of the internal audit function to the internal auditor by Friday 17 March 2017

Moved T McKenzie

Seconded M Pearson

CARRIED

13. STATUS REPORT FOLLOWUP OF AUDIT RECOMMENDATIONS

This report was included as part of the Status Report - Internal Audit

14. NEXT MEETING

Wednesday, 3 May 2017 10:30am

There being no further business the Chair declared the meeting closed at 1pm

CHAIRPERSON

The above minutes of the Audit Risk And Improvement Committee Meeting of Snowy Monaro Regional Council held on 22 February 2017 were confirmed by Committee at a duly convened meeting on 3 May 2017 at which meeting the signature hereon was subscribed.

9.2 LOCAL REPRESENTATIVE COMMITTEE - BOMBALA - MINUTES OF 01 MARCH 2017

Record No:

Responsible Officer: Corporate Services Administration Officer

Attachments: 1. Local Representative Committee - Bombala - Minutes of 01
March 2017 [↓](#)

EXECUTIVE SUMMARY

The Local Representative Committee - Bombala met on 1 March 2017 in Bombala. The Committee's recommendations are presented for Council's consideration and adoption.

OFFICER'S RECOMMENDATION

That the minutes of the Local Representative Committee – Bombala held 1 March 2017 be received and noted and the recommendations contained therein be adopted.



Minutes

Local Representative Committee - Bombala Meeting

1 March 2017

**LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2632**

ON WEDNESDAY 1 MARCH 2017

MINUTES

Notes:

1.	OPENING OF THE MEETING.....	2
2.	APOLOGIES.....	2
3.	CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING	2
3.1	Local Representative Committee - Bombala Meeting 1 February 2017.....	2
3.2	Extraordinary Local Representative Committee - Bombala Meeting 9 February 2017	3
4.	REPORTS ON PRIORITY ACTIONS.....	3
5.	REPORTS & ADVICE ON LOCAL VIEWS & EMERGING ISSUES	3
6.	PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES	3
6.1	Minutes of Bombala Exhibition Ground Management Committee from August 2016 to December 2016.....	3
6.2	Minutes of Selection Committee for Citizen, Young Citizen, Sportsman and Community Event of the Year 2017 - Former Bombala Council Area.....	4
7.	SPECIFIC ITEMS VARYING FROM MEETING TO MEETING	5
8.	REVIEW OF RELEVANT MEETING ACTIONS OR FOLLOW UP REQUIREMENTS	5
9.	NEXT MEETING.....	5

**MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2632**

**ON WEDNESDAY, 1 MARCH 2017
COMMENCING AT 6:00PM**

PRESENT: Steve Goodyer, LRC Chairperson
Di Hampshire, LRC Member
Gabrielle Rea, LRC Member

Barbara Johnston, Corporate Services Admin Officer

1. OPENING OF THE MEETING

The Chair opened the meeting at 6:00PM

2. APOLOGIES

Nil

An apology for the meeting was received from Paul Perkins.

3. CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING

3.1 LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING 1 FEBRUARY 2017

RECOMMENDATION

LRCBO 13/17

THAT the minutes of the Local Representative Committee - Bombala Meeting held on 01 February 2017 are confirmed as a true and accurate record of proceedings.

Moved Member Hampshire

Second Member Rea

3.2 EXTRAORDINARY LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING 9 FEBRUARY 2017

RECOMMENDATION

LRCBO 14/17

THAT the minutes of the Extraordinary Local Representative Committee - Bombala Meeting held on 09 February 2017 are confirmed as a true and accurate record of proceedings.

Moved Member Hampshire

Second Member Rea

4. REPORTS ON PRIORITY ACTIONS

Nil

5. REPORTS & ADVICE ON LOCAL VIEWS & EMERGING ISSUES

5.1 WASTE MANAGEMENT & LACK OF COMMUNICATION

People in Bombala have been expressing their disappointment at the lack of communication in regard to the Waste Meeting that was held last week and are asking that another meeting be held so that all the community has the opportunity to attend and comment.

The community is also upset with Councils decision to stop business access to the waste depot except for the normal operating days. Because of the high volume of waste from Currawarna Aged Care they relied on having key access to the waste depot to be able to adequately dispose of this waste. They do not have the bin facilities to adequately store waste until it can be picked up.

The supermarkets also have a similar problem with buildup of rotten waste and packaging behind there business's.

An advertisement went into this week's Monaro Post advising the community of the closure, last week, of access to the waste facility. There was no due notice given to community uses and it wasn't mentioned at last week's community waste meeting.

Because of the lack of notice a business owner requested to dispose of garbage during non-designated hours and had to be accompanied / supervised by two staff members. How much did this cost Council in staff hours and lack of productivity.

COMMITTEE RECOMMENDATION	LRCBO 15/17
That the LRC – Bombala express their disappointment at the manner in which the changes to the Waste Facility key access was conducted without enough due notice to community users.	
Moved Member Goodyer	Second Member Hampshire

COMMITTEE RECOMMENDATION	LRCBO 16/17
That the LRC – Bombala be given an update on when the Delegate Waste Meeting will be taking place.	
Moved Member Hampshire	Second Member Rea

6. PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES

6.1 MINUTES OF BOMBALA EXHIBITION GROUND MANAGEMENT COMMITTEE FROM AUGUST 2016 TO DECEMBER 2016

Record No:

Responsible Officer: Manager Corporate/Governance

Key Direction: 4. Creating a Safer, Healthier and Thriving Community

Delivery Plan Strategy: DP4.5 Support the availability of volunteering opportunities and build capacity.

Operational Plan Action: OP4.19 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.

Attachments: 1. Minutes of the Bombala Exhibition Ground Management Committee August to December 2016.

Cost Centre Governance

Project Administration of Section 355 Committees

Further Operational Plan Actions: [Type text here](#)

EXECUTIVE SUMMARY

The Bombala Exhibition Ground Management Committee is a Section 355 Committee that was re-appointed until by Council until September 2017.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

LRCBO 17/17

That the Bombala Local Representative Committee receive and note the Minutes of the Bombala Exhibition Ground Management Committee for August, September, November and December 2016.

Moved Member Rea

Second Member Hampshire

6.2 MINUTES OF SELECTION COMMITTEE FOR CITIZEN, YOUNG CITIZEN, SPORTSMAN AND COMMUNITY EVENT OF THE YEAR 2017 - FORMER BOMBALA COUNCIL AREA

Record No:

Responsible Officer: Manager Corporate/Governance

Key Direction: 4. Creating a Safer, Healthier and Thriving Community

Delivery Plan Strategy: DP4.1 Encourage opportunities to promote and protect our cultural heritage.

Operational Plan Action: OP4.6 Continue to develop and promote local history and culture throughout the Region.

Attachments: 1. Minutes of Selection Committee for Citizen, Young Citizen, Sportsperson and Community Event of the Year 2017 - Former Bombala Council Area

Cost Centre Governance

Project Australia Day Awards

Further Operational Plan Actions: [Type text here](#)

EXECUTIVE SUMMARY

[Type Executive Summary here](#)

The Selection Committee for the Citizen, Young Citizen, Sportsperson and Community Event of the Year

2017 Meeting for the former Bombala Council area was held on 19 January 2017.

OFFICER'S RECOMMENDATION

LRCBO 18/17

That the LRC Bombala received and confirm the minutes of the Selection Committee for the Citizen, Young Citizen, Sports person and the Community Event of the Year 2017 for the former Bombala Council area held on 19 January 2017.

Moved Member Rea

Second Member Hampshire

7. SPECIFIC ITEMS VARYING FROM MEETING TO MEETING

7.1 STATUS OF BOMBALA FOOTBRIDGES

Can we please have an urgent update on repairs to the both Bombala Footbridges and a time frame for the project from start to finish.

COMMITTEE RECOMMENDATION

LRCBO 19/17

That the LRC – Bombala be given an urgent update on repairs to both Bombala Footbridges and a time frame for the project from start to finish.

Moved Member Hampshire

Second Member Goodyer

7.2 STATUS OF LOCAL REPRESENTATIVE COMMITTEES

From discussions at the last group meeting, Bombala LRC is of the understanding that the LRCs would move toward having more joint meetings but also that the local meetings would still take place.

The Bombala LRC feel that our community is relying on them for updated communication with Council and other LRCs and that we will be letting them down if the local LRC was disbanded in favor of joint meetings.

The Bombala LRC strongly objects to the abandonment of the local committee in favor of group committee meetings as they feel they will no longer be able to adequately represent their community on local issues.

COMMITTEE RECOMMENDATION

LRCBO 20/17

That the LRC – Bombala still wish to continue having local meetings on a monthly basis, with secretarial support, in addition to the joint LRC Meetings.

Moved Member Hampshire

Second Member Rea

7.3 BOMBALA DISTRICT TOURISM COMMITTEE / DPA MEETINGS

Bombala LRC should be invited to these meetings so they can keep up with what is going on in the community.

7.4 TRUCK BY-PASS FINAL DESIGN PLANS

Grantley Ingram was invited to give the LRC members a brief overview on the Bombala Truck By-pass final survey design plans.

7.5 BOMBALA PROJECTS

COMMITTEE RECOMMENDATION	LRCBO 21/17
That the LRC – Bombala be given an update and time frames on all approved Bombala projects and recommendations.	
Moved Member Hampshire	Second Member Rea

8. REVIEW OF RELEVANT MEETING ACTIONS OR FOLLOW UP REQUIREMENTS

9. NEXT MEETING

Joint LRC meeting Wednesday 15 March 2017 at 6.00pm in Cooma.

There being no further business the Chair declared the meeting closed at 6.35pm.

CHAIRPERSON

The above minutes of the Local Representative Committee - Bombala Meeting of Snowy River Shire Council held on 1 March 2017 were confirmed by Committee at a duly convened meeting on 15 March 2017 at which meeting the signature hereon was subscribed.

10.1 ANNUAL RESOURCE AND WASTE EXPO - 25 FEBRUARY 2017

Record No:

Responsible Officer:	Director Service Delivery
Author:	Waste Administration Assistant
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.9 Community education to promote practices which minimise waste.
Operational Plan Action:	OP1.43 Continue public recycling expo as a part of National Recycling Week Activities
Attachments:	Nil
Cost Centre	26 2201 63627 – Waste Education – Education and Awareness
Project	Recycling Expo
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

For the past 6 years, Council has held a Recycling Expo to compliment National Recycling Week held in November each year. Due to the recent amalgamation, Council postponed the Annual Recycling Expo to late February 2017.

This type of event was first delivered to the Snowy River community 6 years ago and has grown every year since. The Expo provided fantastic exhibitions, performances and displays at the Jindabyne Memorial Hall and this year a complimentary onsite facility tours were offered in Cooma.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council receive and note the information in this report.

BACKGROUND

The Snowy Monaro Regional Council delivered a very successful Resource and Waste Expo on Saturday 25th February 2017. The main exhibition was held at Jindabyne Memorial Hall with a complimentary onsite facility tours offered at Cooma's landfill's "Coompost" compost farm and Burchalls Recycling Facility in Cooma. The Expo saw record numbers through the door by 12noon.

Since the very first Expo in 2012, these events from year to year have been gaining momentum and more support within the community.

There was a large emphasis in supporting the region's community groups at this year's 3 R's Expo. The CWA Jindabyne branch hosted a pop up café, the Jindabyne Op Shop had a stall while supporting the Snowy River Youth Group's swap meet, the Jindabyne Community Garden was

there and many local exhibitors showcasing their innovative ideas on how to Reduce Reuse and Recycle.

Attendance numbers and exhibitor participation were greater than previous years and the community were very positive with their feedback evaluation forms.

Peter Beer, LRC Member officially opened the Expo by thanking the staff for their organisation of this annual community event and the community for their ongoing support on the day.

The 2017 Resource and Waste Expo included presentations and exhibitions from the following:

- CWA Jindabyne Branch - Pop up Café
 - Jindabyne Op Shop
 - Snowy River Youth Group
 - Snowy River Woodturners
 - RRR Pirates from Eaton Gorge Theatre Company
 - Gilbert the Garbage Truck
 - Tracey Snedden - EnviroMentors
 - Mel McKendrick - Straw Castle Candles and Metal Works
 - Sylvia Brown - Dehydrated Foods and Veggies
 - Samantha Marshall - Tumbleweed and ReIn Garden
 - Vernon Keighley - drumMUSTER
 - Beverley Nicholls - ToxFree
 - Deb Schubert - Burchalls Transport & Recycling
 - Beck Knight and Sandra Withers - Tupperware
 - Robert Kogler - Solar Energy Options
 - Ouchy Wirth - Harmony Hort Succulent Gardens
 - Belinda Ingram - Norwex
 - Doug Bailey - Remondis
 - The Jindabyne Community Garden Committee
 - Council's Vegetation Team with Planet Ark Tree Giveaway
 - Council's Recycling Sidearm Truck Demonstrations
 - Council's Gilbert Garbage Truck
 - Burchalls Recycling Facility Onsite tour
 - "Coompost" Compost Farm Onsite tour
-

Children and families were entertained by many activities on the day.

The main hall held the majority of exhibits spread around the room and in the smaller room the CWA Jindabyne branch hosted a “pop-up” café, the Jindabyne Community Garden and Council’s Vegetation Department had their exhibits.

We were lucky to have most of the exhibitors from previous years attend, with an increase in community exhibits showcasing their reduce reuse recycle techniques.

There were many giveaways and prizes during the event from the exhibitors and Council competitions.

During the week leading up to the Expo, 2XL publicised “Win a Tree” Competition on the radio where the winner was to come to the Expo and pick up their winning crab apple tree.

Recently Council has begun selling “Coompost” Compost from Jindabyne Landfill. This compost is produced from the Cooma Landfill’s Compost Farm. To highlight this new product and promote Cooma’s compost, a guessing competition was offered at the Expo. The entrants were to guess the weight of the compost that was presented in a brand new wheelbarrow. If they guessed the correct or closest weight, they won the compost and the new wheelbarrow.

Cooma Landfill also held the same “Coompost” compost guessing competition and drew out a winner who won the exact weight of the compost within the wheelbarrow.

This compost competition was a great success at both locations with over 50 entries in Jindabyne and 60 in Cooma.

Another competition that was offered was to go into a draw for a complete Working Worm Farm. This amazing prize was donated by Tumbleweed /Reln Garden. This exhibitor answered questions and demonstrated how to get started with a home compost bin or worm farm. The winner was drawn out of a random draw at the exhibitors tent.

Again this competition was well received as entrants really needed to be genuinely interested in the product to win the prize.

Lastly, Council offered a Recycling Challenge/Feedback Form Competition. The challenge required participants to walk around the Expo and answers the questions which were posted with clear answers next to the questions around the hall. Participants could then put the completed challenge forms into an entry box at the exit of the hall and go into the draw to win prizes that were donated by exhibitors on the day.

There were 27 entries in the Recycling Challenge.

Feedback from the 2017 Expo:

Stall holders and participants were asked to complete a feedback form regarding the Expo. The results from the number of forms received as follows:

Respondents were asked to rate the number that best describes their experience on the day

- 55% respondents scored the Expo 1 – “I really enjoyed it”
 - 45% respondents scored the Expo 2
 - 0% respondents scored the Expo 3
-

- 0% respondents scored the Expo 4
- 0% respondents scored the Expo 5 – “I didn’t enjoy it all”

Respondents were asked to give more details of their experience on the day with comments received including:

- Just enough to be interesting without being overwhelming
- Plenty of information and very interesting
- Very informative
- Enjoyed competitions the entertainers, and giveaways
- Clear signage, loved the pirates, learning recycling facts

Respondents were asked to mention their highlight of the day with comments received including:

- Loved Gilbert Show
- Good informative video displays
- Fun kids swap meet
- Woodwork
- Finding out more information with the recycling challenge sheets
- CWA lunch
- Worm Farming and Composting exhibit
- Solar energy demonstration

100% of respondents said they **would** come to another expo

0% of respondents said they **wouldn’t** come to another expo

0% of respondents said they **might** come to another expo

Respondents were asked what they would like to see more of with responses received including:

- More solar and solar energy storage displays
 - Open Second Chance Store to public on the day
 - More recycling for businesses, purchasing options to reduce waste.
 - More displays of reused waste
 - More hands on stuff for children
 - More recycled art and craft displays and projects
 - Water tank maintenance, community initiatives, kerbside green waste
-

Respondents were asked how they heard about the expo with responses received including:

- 18% Website
- 36% Facebook
- 18% Newspaper
- 9% Radio
- 0% School newsletters
- 18% Word of Mouth
- 9% Other – Signage and posters

This year's increase in attendance and participation was due to a more intensive advertising campaign, combining radio and weekly editorials leading up the event. The regular use of social media Facebook posts and more visible outdoor signage assisted with the success of the event.

Having the CWA Pop-up Café cater the event, contributed greatly to the enjoyment of day. This allowed the participants to relax, learn and spend more time viewing all the exhibits.

For the 2015 Recycling Expo the cost of the project was \$10,235 ex GST.

In comparison to this year's Annual Resource and Waste Expo that was held across 2 areas, more exhibits and community involvement the cost of the project came in surprisingly less than previous years at a total project cost of \$10,163 ex GST.

The strategic planning of the recent Expo, the allocated weeks focused on this educational event, and the experience of the organisers, assisted with keeping the financial cost to a similar budget from previous years.

Now this result sets the benchmark of how this event will grow and grow.

For Media coverage of the event see attachment 1

- Editorial Monaro Post - Wednesday 1 March - Resource & Waste Expo 2017 Article - Page 7

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The Snowy Monaro Regional community benefits from an Annual Resource and Waste Expo greatly from gaining knowledge surrounding waste reduction and recycling right in their local area in an informative display of exhibitors, demonstrations and entertainment.

The community is able to take home information that will empower them regarding reducing waste, reusing products, and recycling correctly.

Having various stalls and exhibitors available that cover many aspects of waste reduction and sustainability challenges, allows the community to think outside their yellow lid kerbside collection

bin and implement simple actions at home to reduce waste to landfill.

Having key Council staff available at the event is always of benefit to the community as it allows one on one conversations and engagement. This assists in relationship building within the community.

Participating in and engaging the wider community with projects such as this are a major function in waste education.

2. Environmental

Environmentally, this project will have many benefits.

Participants in the Expo are able to take home with them real, achievable actions that they can implement in their own back yards.

By households participating in home composting and worm farming, they are actively reducing waste to landfill.

By raising the profile of resource recovery and highlighting the importance of less waste to landfill, the environment will benefit and our landfill will have a longer lifespan.

3. Economic

Total cost of project for 2017 - \$10,163 ex GST.

We received funding in the following ways towards the project.

\$3500 ex GST funding – SERRG

\$172.50 ex GST Green Team in support for the Planet Ark Tree Giveaways

\$1443.64 ex GST - Cooma's Resource and Waste Office – former Cooma's education budget. This covered some of the advertising and the compost competition expenses.

For the previous 2015 Recycling Expo the cost of the project was \$10,235 ex GST.

In comparison to this year's Annual Resource and Waste Expo that was held across 2 areas, more exhibits and community involvement the cost of the project came in surprisingly less than previous years.

4. Civic Leadership

Council is empowering our community to help preserve our natural environment and promote sustainable living.

Council is showing that it is proactive and innovative when it comes to waste education initiatives within the Snowy Monaro Regional Council.

10.2 NOXIOUS WEEDS PROCEDURES

Record No:

Responsible Officer:	Director Service Planning
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.5 Continue to control and promote the eradication of Noxious Weeds and invasive species on Rural and Urban Lands within the Snowy River Shire through education, inspections and enforcement.
Operational Plan Action:	OP1.19 Provide a Vegetation Management Program/Unit that achieves Regional Weed Strategies and statutory requirements.
Attachments:	1. Procedure - Noxious Weeds - Forced Entry (<i>Under Separate Cover</i>) ↓
Cost Centre	
Project	
Further Operational Plan Actions:	OP1.17 Manage all land under Council ownership, care and control to maintain their environmental values. OP1.20 Liaise with all stakeholders to discuss weed control and develop management recommended options to reduce non-compliance across the region in an effort to eradicate Noxious Weeds.

EXECUTIVE SUMMARY

The Noxious Weeds Policy supports Council's objectives in promoting the eradication of Noxious Weeds and invasive species on Rural and Urban lands through ongoing education, inspections and enforcement action. The procedure contained in this report together with Councils adopted Compliance Protocol detail how Council will carry out these functions.

Following development this procedure document has been circulated for consultation amongst the Noxious Weeds Working Group, all Vegetation Management Staff and approved at ET by resolution EMT668/17, 2 MARCH 2017

The following officer's recommendation is submitted for consideration.

OFFICER'S RECOMMENDATION

That Council

A. Approve and adopt the following:

- SMCR Procedure: Forced Entry - Noxious Weeds

BACKGROUND

The Noxious Weeds Working Group has strong representation from all three former Councils ensuring the objectives of all local communities are incorporated. This Procedure supports Council's Delivery Program Strategy DP1.5 whereby Council controls and promotes the eradication of Noxious Weeds and Invasive Species within the region through education and enforcement. The Procedure also describe how Council carries out its functions in administering the *Noxious Weeds Act 1993*.

Following development by the Noxious Weeds Working Group, this Procedure document has been circulated amongst all Vegetation Management staff and approved by ET on 2 March 2017.

This procedure is now ready for adoption by Council.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Under the *Noxious Weeds Act 1993* Council has a duty to control weeds on Council owned and operated lands as well to as inspect private lands and enforce compliance with the *ACT*. Councils Delivery Program 1.5 together with Operational Plans 1.17 to 1.20 describes how Council will control and promote Noxious Weeds and Invasive Species matters in the region.

This procedure details a process by which Snowy Monaro Regional Council carries out its noxious weed management obligations.

2. Environmental

Snowy Monaro Regional Council employs authorised officers to conduct routine property inspections in accordance with its Property Inspection Procedure. The various compliance mechanisms available to Council and the steps taken in ensuring that private landholders meet their weed control obligations are detailed in Council's Noxious Weeds Compliance Protocol.

3. Economic

The 2017 annual budget for Vegetation Management is:

- \$538, 771. (Snowy Area)
- \$ 525, 723 (Cooma Area)
- \$126 000 (Bombala Area)

This includes the cost of retaining a Vegetation Management unit in line with OP 1.19 "Provide a Vegetation Management Program / Unit which achieves Regional Weed Strategies and statutory compliance" and OP1.20 "Liaise with all stakeholders to discuss weed control and develop management recommended options to reduce non-compliance across the region in an effort to eradicate Noxious Weeds"

The Budget also includes the cost of implementing Council's internal weed control programs incorporating roadsides and Council owned operational lands in line with OP1.17 "Manage all land under Council ownership, care and control to maintain their environmental values."

4. Civic Leadership

This document is part of the suite of Procedures and Protocols guiding Vegetation Management Staff carrying out Council's functions under the *Noxious Weeds Act 1993*. They govern the Vegetation Management Unit's functions in accomplishing objectives defined under OP1.19 - Provide a Vegetation Management Unit / Program that achieves Regional Weed Strategies and statutory requirements.



Procedure

Forced Entry - Noxious Weeds

Document Register ID	250.2016.309.1	Type of Document	Procedure
Document Author	Noxious Weeds Manager	Date Approved	Date
Authorised by	Director Service Planning	Resolution No	XXX/YY
Applicable to	Council Appointed Weeds Inspectors & Authorised Persons		
Purpose	<p>The purpose of this document is to:</p> <p>Specify the circumstances which are required to exist in a case before force may be used. This is in compliance with <i>Section 46(3) of the Noxious Weeds Act 1993</i></p> <p>Guide Council Authorised Weeds Inspectors on the correct proceedings for forced entry onto private property for the purpose of carrying out functions under the <i>Noxious Weeds Act 1993</i></p>		
Frequency	Whenever the situations detailed in this procedure arise.		
Hazard Identification	Various hazards may be identified in the undertaking of this procedure. All hazards associated with each circumstance should be recorded, assessed and controlled in accordance with Councils enterprise risk management system.		
Level of risk	Various levels of risk may be determined in the analysis of identified hazards. Levels of risk identified in each circumstance should be managed in accordance with Councils enterprise risk management system.		
PPE required for procedure	<p>Various PPE may be required and should be considered on an individual assessment when undertaking this procedure.</p> <p>The following may be required to undertake this procedure</p>		



Use of Force for Entry onto a Private Property for the Purpose of Carrying out Functions under the Noxious Weeds Act 1993

1.1 Use of force to gain entry to a property can be made by an inspector duly authorised under the Noxious Weeds Act 1993 in the following circumstances;

1.1.1 Vehicular access has not been granted by the owner/occupier to part or all of a property and is restricted by a locked gate.

1.1.2 The property cannot be reasonably or safely inspected by foot

1.1.3 Alternative access points cannot be traversed without causing damage to fences or other infrastructure.

1.2 Use of reasonable force to gain entry to a property under Section 46 of *the Act* will be undertaken in accordance with the following procedure under the following circumstances:

1.2.1 Prior notification of entry is made in accordance with Section 45 of Noxious Weeds Act, which includes notice to the landholder that use of reasonable force to gain entry can be used in certain circumstances as provided by the Act.

1.2.2 Within the date range of inspection as notified above, the land owner/occupier has failed to provide access.

1.2.3 The General Manager may provide specific authorisation for the use of force to gain entry to the property.

1.2.4 "Reasonable Force" involves the cutting of a locked chain on a gate and the insertion of a Council lock.

1.2.5 Where a locked chain is cut and Council lock is inserted, the owner/occupier will be charged the applicable fee as listed in Council's Revenue Policy and Schedule of Fees and Charges, current at the time the action is taken.

1.2.6 The General Manager may under exceptional circumstances waive the applicable fee where access is prevented to multiple properties by a single lock.

1.2.7 Where reasonable force is used to gain entry to a property, the authorised Council officer must promptly give written notice to the owner/occupier that such action has been taken in accordance with Section 47 of the Noxious Weeds Act.

2 Related Documents

This procedure should be read in conjunction with the following documents:

Document Register ID	Title of Document
250.2016.207.1	SMRC 207 - Noxious Weeds Policy
250.2016.261.1	SMRC Procedure - Property Weeds Inspection

10.3 ADOPTION OF MINUTES OF MARCH 2017 MEETING GREEN TEAM AND RECOMMENDATIONS FOR FORMATION OF NEW GREEN TEAM

Record No:

Responsible Officer:	Director Service Planning
Author:	Land, Property & GIS Admin Officer
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.6 Ensure Council services, facilities and land holdings achieve best practice for sustainability.
Operational Plan Action:	OP1.21 Achieve more efficient use of water and energy within organisation and support renewable energy initiatives.
Attachments:	1. Ecological Sustainable Development Policy Number ENV 019 ↓ 2. Green Team Minutes March 2017 ↓
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

This report contains recommendations from the interim Snowy Monaro Regional Council Green Team with regard to the formation, composition and resourcing of a new and revamped team for the new Council. The recommendations reflect the importance of the work of the Green Team in achieving Council's quadruple bottom line and the need for representation from across all departments, offices and region to meet council and community goals for sustainability.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council note and adopt the minutes of the March meeting of the Council Green Team and the following recommendations contained within those minutes:

- A. That the Administrator formally thank Gordon Griffin for his contribution in the past, to the Green Team as the Community / CEFE representative under the former Snowy River Shire.
- B. That the Administrator formally establish the Snowy Monaro Green Team as detailed in the minutes
- C. That the Administrator approve the creation of the role of Sustainability Officer within Councils structure
- D. That the Administrator approve that a budget be allocated to the Green Team
- E. That the Administrator approve using Planet Footprint's services in the entire Council area.

BACKGROUND

The Snowy River Shire Green Team was formed in 2007 as a committee of staff (including the General Manager), a councillor and community member, to address council's response to climate

change and sustainability issues. Achievements of the Green Team from 2007 to 2016 include savings of approximately \$250,000, 113 kw capacity of renewable energy installations, energy audits of major facilities as well as representation of Council at many community events.

Since formation of Snowy Monaro Regional Council the Green Team has continued to meet with the addition of some key members of staff from Cooma and Bombala Offices invited to participate. At the December meeting various aspects of the formation and operation of the Green Team were discussed and recommendations were made. These recommendations were further discussed and revised at the March meeting resulting in the revised recommendations in this report being proposed and adopted by those present.

With regard to the composition of the Green Team it was noted that this was an opportunity to ask for expressions of interest from the Snowy Monaro region for a community representative on the Green Team for a fixed term. It was hoped that someone from a community energy or sustainability group, or a local expert on energy efficiency/renewable energy might nominate. The former community representative on the Snowy River Shire Green Team made a valuable contribution to the group over many years and one of the recommendations is that a letter of thanks is sent to him from the Administrator. It was also considered important for reasons of equity and engagement that all staff with an interest across the new council area be given an opportunity to nominate for the Green team.

Since 2007 Snowy River Shire Council has used the services of Planet Footprint to monitor energy use and more recently to check and process all electricity bills through their Finance Footprint service. The use of this service has significantly contributed to the cost savings in electricity through bill and tariff checking and resolving anomalies in power use. Cooma-Monaro also had a basic service with Planet Footprint but Bombala Council did not. The Green team would like to get all electricity and gas accounts for the new entity into one monitoring system as soon as possible.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

One of the priorities of the Snowy River Shire Green Team was to promote and maintain a culture of sustainability within the Snowy River Shire Council and the wider community. Through a very effective partnership with the Office of Environment and Heritage (OEH) the Green Team was able to promote many grants, programs and workshops to assist the community, in particular the business community, to adopt sustainable practices. A representative committee with community involvement is key to the effective delivery of state and federal programs in the area of environmental sustainability. It also provides an opportunity for staff from different departments and offices to work together for a common goal.

2. Environmental

A key role of the Green Team is to inform and drive Council's efforts in achieving environmental sustainability and our response to climate change and will require regular and coordinated reporting to Council and the community on progress towards those goals.

3. Economic

All the former councils of SMRC have made considerable cost savings in the areas of electricity and gas use through the implementation of energy savings measures and renewable energy installations. In the case of the former Snowy River Shire cost savings have been estimated at \$250,000 from what would have been spent if we had continued "business as usual". A very small budget of \$10,000 p.a. was supplemented by savings made in electricity use Council operations in a revolving fund that was used for various projects and to pay for our Planet Footprint monitoring services. Savings made in the use of electricity and paper against a measured baseline in 2007 were put into the revolving fund at the end of each year; energy savings in the areas of water, waste water and waste/recycling were retained within those funds. This model of base funding supplemented with savings from energy saving measures, has proved successful and is recommended for the new SMRC Green Team.

4. Civic Leadership

The Snowy River Shire Green Team was guided by the Ecological Sustainable Development Policy Number (ENV 019A – see attached). Two of the principles in that policy related to promotion of a culture of sustainability within the Snowy River Shire Council and the wider community and displaying leadership in renewable energy targets. Development of a new policy around environmental sustainability would be an important first step for a new combined Green Team.

Ecological Sustainable Development



Policy Number: ENV 019

1. PURPOSE

To promote and facilitate progression towards sustainability inclusive of ecological, social, economic and governance objectives within Council and the wider community.

2. RELEVANT LEGISLATION / STANDARDS / CODE OF PRACTICE

Relevant legislation related to ESD and sustainability in Local Government includes, but is not limited to:

- Local Government Act 1993
- Local Government Amendment (Planning & Reporting) Act 2009

3. POLICY DETAILS

3.1. Policy Statement

- a) To conserve, enhance and develop our environment in an equitable and sustainable manner, acting as custodians for future generations;
- b) To establish, promote and maintain a culture of sustainability within the Snowy River Shire Council and the wider community;
- c) To display leadership by working towards 50% energy reduction and 50% renewable energy targets in Council operations by the year 2020 (per resolution 027/07 of Council, March 2007);
- d) To aspire to self-sustainability;
- e) To promote innovative thinking, best practice and joint working in developing sustainable approaches to delivering Councils services;
- f) To ensure ESD principles are applied to all areas of Council business inclusive of, but not limited to:
 - i. Facilities;
 - ii. Fleet;
 - iii. Waste, water, and wastewater;
 - iv. Information technology;
 - v. Community services;
 - vi. Land use, strategic, and economic planning

3.2. Policy Implementation

- a) To establish and provide ongoing support for a "Green Team" and Green Team coordinator to drive the ESD policy. The team will include representation from across Council's departments, Councillors, community groups, and other government organisations per the Green Team's Terms of Reference;

Snowy River Shire Council – Ecological Sustainable Development – ENV 019					
Authorised By:	Approval Date & Resolution	Current Version Number	Document Owner	Review Date	Page Number
Council	20/09/2011 256/11	2.0	Manager Development Assessment	April 2014	Page 1 of 3
Date Printed: 13/05/2014 3:07:00 PM			TRIM Reference: ED/11/6743		

- b) The Executive Management Team will establish, promote and maintain a culture, knowledge, and understanding of sustainability and sustainability principles by the Council, Councillors and Council staff;
- c) The Executive Management Team, Council staff and Councillors will systematically review internal policies, processes and practices to further build the organisations capacity to deliver improved sustainable outcomes within its own operations;
- d) Green Team will ensure Council participation in relevant community, government, and other internal and external initiatives that support the purpose and objectives of this policy;
- e) Monitor, review and ensure the implementation of actions in the Management Plan;
- f) To take into consideration the history, heritage and biodiversity of our region in relation to environmental and sustainability issues; and
- g) Cost savings made by Council via this Policy will be reinvested in additional sustainability projects

3.3. Policy Targets

- a) Energy - reduce consumption by 5% in each financial year;
- b) Water - reduce consumption by 5% in each financial year;
- c) Waste - a 66% diversion of municipal waste from Council landfill's by 2014;
- d) Fuel - reduce consumption by 5% in each financial year; and
- e) Paper usage - reduce consumption by 5% in each financial year

4. VERSION HISTORY AND AUTHORISATION

Date Published	Version	Detail reason for issue or amendments	Author / Document Owner
MM YYYY	2.0	[Adopted Version]	
MM YYYY	1.5	[Fifth issue of draft]	
MM YYYY	1.4	[Fourth issue of draft]	
MM YYYY	1.3	[Third issue of draft]	
09/2011	2.0	Adopted by Council Committee Recommendation: CES119/11 Council Resolution: 256/11	
11/2009	1.1	Updated to new format	
2008	1.0	Adopted by Council Council Resolution: 021/08	

5. REPLACES POLICY NUMBER

Not applicable

6. RELATED POLICIES AND PROCEDURES

ED/08/27806 Green Team Terms of Reference
 ED/10/2423 Sustaining Our Towns Partner MOU

Snowy River Shire Council – Ecological Sustainable Development – ENV 019					
Authorised By:	Approval Date & Resolution	Current Version Number	Document Owner	Review Date	Page Number
Council	20/09/2011 256/11	2.0	Manager Development Assessment	April 2014	Page 2 of 3
Date Printed: 13/05/2014 3:07:00 PM			TRIM Reference: ED/11/6743		

ED/10/18539 Sustainability Advantage Agreement Letter
ED/10/29753 Climate Change Action Planning Workshops
ED/10/27996 Climate Change Action Planning Workshops

7. DEPARTMENT RESPONSIBLE

Community & Environmental Services

8. REVIEW DATE

April 2014

Snowy River Shire Council – Ecological Sustainable Development – ENV 019					
Authorised By:	Approval Date & Resolution	Current Version Number	Document Owner	Review Date	Page Number
<i>Council</i>	<i>20/09/2011 256/11</i>	<i>2.0</i>	<i>Manager Development Assessment</i>	<i>April 2014</i>	<i>Page 3 of 3</i>
<i>Date Printed: 13/05/2014 3:07:00 PM</i>			<i>TRIM Reference: ED/11/6743</i>		



Minutes

**GREEN TEAM MEETING
8 March 2017**

**GREEN TEAM MEETING
Held at Berridale Chambers**

On 8 March 2017

MINUTES

1.	OPENING OF THE MEETING	2
2.	APOLOGIES.....	2
3.	PREVIOUS MINUTES:	3
4.	BUSINESS ARISING	3
5.	GENERAL BUSINESS	3
6.	ACTION ITEMS:.....	5

MINUTES OF THE GREEN TEAM MEETING OF SNOWY MONARO REGIONAL COUNCIL
 HELD ON 8 March 2017 – (ECM: 2994407)

**MINUTES OF THE
 SNOWY MONARO GREEN TEAM MEETING**
 Held at BERRIDALE Chambers

8 March 2017
 Commencing at 10:00

ATTENDANCE:

Name	Position	Present	Apology
Joseph Vescio	General Manager / Chairman		X
Peter Beer	LRC Member - Snowy / GT Alternate Chairman	X	
Rick Scott	Procurement Officer	X	
Joanna Clarke	Land, Property & GIS Administrator	X	
Gnai Ahamat	Manager Water & Waste		X
Jane Kanowski	SMRC Recreation & Property Officer		X
Grantley Ingram	Dept. Director - Service Planning	X	
Angela Sharp	Green Team Coordinator	X	
Mark Fleming	OEH - Renewable Energy Precinct Coordinator, South Coast Monaro Regional Operations Group	X	
Ross Lawley	Assets		X
Pam Vipond	Environmental Officer	X	
Edwina Lowe	Waste Admin Assistant	X	
Alannah Dickeson	Recreation and Environment Co- ordinator	X	
Matthew O'Sullivan	IT	X	
Teena Paterson	Grants Officer	X	
Lorraine Thomas	Assets Manager		X
Derek Teichmann	Works Engineer		X
Tobi Varcoe	Communications Officer	X	

1. OPENING OF THE MEETING

LRC member for Snowy, Peter Beer Opened the meeting at 10:10 am

2. APOLOGIES

Apologies for the meeting were received from those indicated in the table above and accepted.

MINUTES OF THE GREEN TEAM MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON 8 March 2017 – (ECM: 2994407)

3. PREVIOUS MINUTES:

Moved by Alannah Dickeson seconded Matthew O'Sullivan - Previous minutes accepted as true & correct

4. BUSINESS ARISING

Community Energy Congress & Planet Footprint Report

- i. Joanna Clarke presented a report on the Community Energy congress and reviewed some opportunities for Green Team to develop further in the future. Community involvement is an important part of Green Team and the Team will make securing community representation an Agenda Item once formally established. Conference Report to be forwarded to SPO & ET.
- ii. Planet Footprint Report - Reviewed and noted. Joanna to present the report to ET with notes where improvement can be made, once Cooma has confirmed that the figures are accurate.

5. GENERAL BUSINESS

i. Natural Strategies Group - Sustainable Living Guide

Email received and reviewed. Green Team briefly viewed the web site and some features of the guide. Joanna Clarke to request a presentation from the company at the next Green Team Meeting.

ii. Acknowledgement and Thanks:

- The Green Team would like to formally acknowledge the inclusion of the Sustainability Office under the SPO directorship within the new Council structure.
- The Green Team would like to request that the Administrator formally thank Gordon Griffin for his contribution in the past, to the Green Team as the Community / CEFE representative under the former Snowy River Shire.

Moved by Joanna Clarke seconded by Teena Paterson

iii. Formally establish green team:

Submit a report to Administrators Meeting to formally request that the Administrator establish a Snowy Monaro Green Team. Submit the minutes of this meeting as supporting the recommendation. As an amendment to the previous minutes the detail below is added to provide for fair and equitable opportunity to staff from all former Council areas to be members of the new Green Team and to include some Council areas previously omitted in error.

Proposed New Constitution of the Green Team to comprise at least the following and be filled by open invitation to all Council Staff to nominate to be on the Green Team

At least one representative from the following Council areas but not limited to only these:

- Environmental Services
- I.T.
- Community Representative
- Procurement
- Water & Wastewater
- Council Facilities (Assets)
- Resource & Waste Management
- Planning
- Grants Officer
- Infrastructure & Service Delivery

MINUTES OF THE GREEN TEAM MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON 8 March 2017 – (ECM: 2994407)

- Special Projects Office
- Office of Environment & Heritage
- Communications (as an observer)

RECOMMENDATIONS

- That the Administrator formally establish the Snowy Monaro Green Team as detailed in these minutes
- That the Administrator approve the creation of the role of Sustainability Officer within Councils structure
- That the Administrator approve that a budget be allocated to the Green Team
- That the Administrator approve using Planet Footprint's services in the entire Council area.

Motion Moved by Grantley Ingram Seconded by Rick Scott - Agreed Unanimously by Green Team

iv. Sustainability Strategy / Officer:

Joanna Clarke will work on developing a PD for the Sustainability Officer and requests a staff member be assigned or recruited by SPO for support in developing Councils Sustainability Strategy. Joanna also requires administrative assistance with completing the State of the Environment Report for Council

RECOMMENDATIONS

- That the SPO urgently arrange for administrative assistance to Joanna Clarke with completing the State of the Environment Report for Council.
- That the SPO recruit or assign a staff member to assist Joanna Clarke in developing Council's Sustainability Strategy

Motion Moved by Peter Beer Seconded by Grantley Ingram

v. OEH Filming Renewable Energy Promotional video in the area

Mark Fleming reported that the OEH will be guiding a Vietnamese delegation around Mugga Lane Solar farm & Boco Rock wind farm facilities and filming a promotional video on March 21. Mark will contact the Administrator via his personal assistant to discuss this directly.

vi. Grantley Ingram - Items for discussion:

- Investigation of solar power for Council's major energy users - Place on Agenda for further discussion
- Virtual net metering. - Mark Fleming will Investigate further - Place on next Agenda
- Investigation of crushing glass Beveridge containers for use as road base - Investigate further and place on next Agenda.

There being no further business the meeting closed at 11:55 pm

Next Meeting: 10 May 2017 (second Wednesday of every second month)

MINUTES OF THE GREEN TEAM MEETING OF SNOWY MONARO REGIONAL COUNCIL
 HELD ON 8 March 2017 – (ECM: 2994407)

6. ACTION ITEMS:

12 December 2016

Action	Responsible Officer	Status
Formally Establish New Green Team via report & minutes to Council	Angela Sharp Jo Clarke	In Progress
Investigate joining "LG Sustainable Choice"	Rick Scott	ongoing
Consider duties of a "Sustainability Officer" in Council	Joanna Clarke	Ongoing
Review existing & Develop new Environmental Sustainability Strategy / Policy for SMRC	Joanna Clarke to co-ordinate	Once GT established
Determine SMRC Recruitment to Green Team / GT Constitution		Once GT established
Planet Footprint Services to be combined for the new Council Finance footprint to be expanded.	Joanna Clarke	underway
Establish a Budget for Green Team / Sustainability in SMRC		Once GT established
Develop a Street Lighting Strategy for the new Council	Derek Teichmann	Once GT established
Develop Projects for applying sustainability principals within Council and the community	Green Team	Once GT established

11.1 ABORIGINAL STAKEHOLDER ENGAGEMENT

Record No:

Responsible Officer:	Director Service Planning
Author:	Environment and Recreation Coordinator
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.1 Encourage opportunities to promote and protect our cultural heritage.
Operational Plan Action:	OP4.4 Continued involvement and facilitation of the Aboriginal Liaison Working Party to address issues relating to the awareness of cultural heritage throughout the Region.
Attachments:	Nil
Cost Centre	8010
Project	Southern Kosciuszko Aboriginal Working Group
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The purpose of this report is to update the Administrator on the operations of the Southern Kosciuszko Aboriginal Working Group (the Working Group). The working group was initially formed in 2002 by the National Parks and Wildlife Service (NPWS) in order to improve communication with the Ngarigo Aboriginal community – the traditional custodians of the lands on which our Council operates.

Many of the Monaro Ngarigo people no longer live on Country. As such, the Working Group helps to ensure issues important to the Aboriginal community are discussed with the relevant stakeholders. NPWS organise Working Group meetings on a regular basis, and assist with transport and accommodation in order to facilitate attendance.

NPWS have indicated that Council is welcome to attend Working Group meetings to discuss cultural heritage and community development matters outside of the NPWS agenda. This is a good opportunity for Council to ensure our consultation with the Aboriginal community is inclusive of the Monaro Ngarigo people that no longer live on Country.

The following officer's recommendation is submitted for Council's consideration.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council receive and note the update on Aboriginal stakeholder consultation

BACKGROUND

Council's liaison with traditional custodians is important, not only to promote and protect cultural heritage, but also to address issues related to cultural awareness throughout the region.

The former Cooma Monaro Shire Council convened the Snowy Mountain Aboriginal Liaison Working Party (SMALWP). This group continues to be supported by Council with the aim to liaise on specific projects, programs and initiatives which are relevant to Aboriginal people living in the region (it is not focussed on traditional custodians).

SMALWP deals with 'on the ground' local issues, events, education, employment and social services. Many of these items are now currently being actioned via the Koori Interagency which is currently organised through Family and Community Services (FACS). As a result, the Council group has not met in some time, and the members are not confirmed.

The majority of Monaro Ngarigo people no longer live on country, and none of the Elders live in the region. This is where the Southern Kosciuszko Aboriginal Working Group becomes vital to Council planning and decision-making.

NPWS faced the same issues when liaising with the Aboriginal community. The working group was formed in 2002 to address these issues, and has since played an important advisory role assisting the NPWS with heritage studies, plans of management for the park, and ensuring there is strong participation by Aboriginal people in looking after Country. An MOU was recently signed with the Monaro Ngarigo people who will be representing the local Aboriginal community as members of the Southern Kosciuszko Aboriginal Working Group.

The Working Group meet regularly. Members that do not live locally are assisted with transport and accommodation to attending meetings. NPWS Regional Manager, Mike Pettit, is happy for Council staff to attend meetings. This is a good opportunity for Council to meet with and talk to the working group with regard to various projects and issues that require the input and participation of the Ngarigo Aboriginal community.

Council staff from the Strategic Planning and Community Development team attended the Working Group meeting in December 2016. The following items were discussed with the working group:

1. Curiosity Rocks

Curiosity Rocks near Jindabyne has been declared as an Aboriginal Place (AP) by the NSW Government for its special significance to Aboriginal people. An AP celebration will be held on March 25 as formal recognition for the declaration. Discussions regarding the draft Curiosity Rocks Plan of Management, proposed conservation works and the potential for interpretative signage were also undertaken. Liaison with the group will continue as these projects progress.

2. NAIDOC Week Celebration

NAIDOC Week occurs in the beginning of July each year. In adopting a regional approach to the celebrations, both local Aboriginal people and the Ngarigo Elders will be involved in the planning for this event series. At the December meeting of the Southern Kosciuszko Aboriginal Working Group, Community Development staff were able to consult with the representatives of the Elders to ensure our proposed events are respectful, educational, and relevant. Ngarigo Elders and their families will be invited the opening of a regional art display at the Raglan Gallery, and will be involved with a Language Exhibition in Jindabyne.

3. Living History Project

The Community Development Team and the Australian Alps will be working on a joint community project. This living history project aims to tell the story of the Ngarigo peoples through photographs, including commissioned portraits as well as oral and written stories. The final products will be used to improve the local studies collection at the Monaro Regional Library and educate the wider community about the Traditional Custodians of our region. A touring exhibition is also planned, with an aim to launch in July 2018.

4. Welcome to Country Protocol

The Community Development Team have been working with the Working Group on a protocol for welcome to country. The protocol would give guidance to Council on how to undertake a welcome to country that is consistent and respectful to the traditional custodians.

It is noted that the former CMSC had an acknowledgement protocol in place, however, it is understood that this was not a formally adopted protocol. It is further understood that neither the former Bombala nor Snowy River Shire Councils had such a protocol.

It is considered appropriate to seek to have a protocol formally adopted in the lead-in to the formation of a new Council. A draft protocol will be presented to Council for consideration and adoption after feedback has been provided by the Working Group.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council's involvement with the Southern Kosciuszko Aboriginal Working Group improves consultation with the Aboriginal community. Group members have been nominated by the Monaro Ngarigo people and represent the broader Ngarigo Aboriginal community. The group was formed to ensure that those community members no longer living on Country have a voice and input into important cultural heritage projects, community development initiatives and issues.

Regular consultation will have a positive impact for Council and the Aboriginal community.

2. Environmental

Undertaking regular consultation with the Aboriginal community will have a positive impact on any environment assessment process that may involve Aboriginal heritage. Causing harm to cultural heritage during works is an offence under the *National Parks and Wildlife Act 1974* (NPWS 1974). Regular consultation with the Aboriginal community will assist Council in ensuring correct procedures are followed.

3. Economic

There are currently no costs involved in attending the working group meeting. NPWS organise and fund the costs associated with holding the meetings.

4. Civic Leadership

Council are demonstrating leadership to the community by working in collaboration with NPWS to ensure our consultation with the Ngarigo Aboriginal community is effective and inclusive. Participating in the Southern Kosciuszko Aboriginal Working Group ensures that the Monaro Ngarigo people who no longer live on Country have a voice and input into important cultural heritage issues.

13.1 BOCO ROCK COMMUNITY FUND

Record No:

Responsible Officer:	Director Service Planning
Author:	Economic Development & Tourism Manager
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.2 Support activities, events and celebrations that promote cultural diversity and inclusiveness.
Operational Plan Action:	OP4.10 Promote and provide operational assistance to enhance and encourage events and tourism.
Attachments:	1. Notes from Final Meeting Bombala Boco Rock Community Fund Committee - 21 February 2017 ↓
Cost Centre	Boco Rock Community Fund
Project	Boco Rock Community Fund program
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The final meeting of the Bombala Boco Rock Community Fund Committee representatives was held at Bombala on Tuesday, 21 February 2017. The meeting was called to decide on the final stand alone funding allocation for the former Bombala Council area. Notes from this meeting are attached.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council note and endorse the decisions of the Bombala Boco Rock Community Fund Committee and provide funding for the nominated projects as listed below.

Name of Organisation	Project	Amount of funding sought	Amount of funding provided
Cathcart RFS	Lockers	\$2,000	\$2,000
Bombala and District Country Music Association	Sponsorship of Annual Event	\$3,000	\$3,000
St Josephs P and C	Stewards of the Future	\$12,500	\$8,625
Delegate Rodeo Campdraft	Delegate Sportsground	\$13,500	\$13,500

Storage Shed			
Bungarby Memorial Hall Preservation Committee	Stage Curtain Restoration	\$1,932	\$1,932
Craigie Hall 355 Management Committee	Refurnishing the Craigie Hall	\$2,000	\$2,000
Bombala Exhibition Society Inc.	Cattle Pavilion – Multipurpose Conversion	\$7,500	\$7,500
Total funding provided			\$38,557

BACKGROUND

A requirement of the development consent for the Boco Rock Windfarm was that a community fund be established in both the former Bombala and Cooma-Monaro Shire Councils based on the number of turbines in each former Council area.

Previously the former Bombala Council held two funding rounds per year. The meeting held on 21 February was to decide on the successful applications for the final stand alone Bombala round of funding.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The projects nominated for funding will provide local community groups with a monetary contribution to allow for their projects to proceed. All of the nominated projects provide opportunities for the community groups to enhance their facilities or events and encourage greater participation.

2. Environmental

None of the proposed projects will have any adverse environmental effects.

3. Economic

Five of the nominated projects will have a beneficial impact on the tourism sector of the Bombala area. These five projects will assist with attracting additional tourists to the region for specific events and/or general sight seeing. The increase in tourism will have a flow on to local business outlets.

4. Civic Leadership

The Boco Rock Community Fund Committee was set up under the previous Council with delegated powers transferring to Snowy Monaro Regional Council. The application process has been carried out in line with adopted procedures.

Notes from the Final Meeting of the

Bombala Boco Rock Community Fund Committee

Held at Bombala Chambers on Tuesday 21 February 2017

Present:

Joe Vescio, Dean Lynch, Mark Wiggins, Lisa Stiebel, Karen Cash.

GENERAL DISCUSSIONS:

This meeting was called to decide on the final stand-alone funding allocation for the former Bombala Council area. Going forward there will be one round of funding for the Snowy Monaro Regional Council Area.

Eight applications were received, all applications were compliant and seven applications were funded as below.

Name of Organisation	Project	Amount of funding sought	Amount of funding provided
Cathcart RFS	Lockers	\$2,000	\$2,000
Bombala and District Country Music Association		\$3,000	\$3,000
St Josephs P and C	Stewards of the Future	\$12,500	\$8,625
Delegate Rodeo Campdraft	Delegate Sportsground Storage Shed	\$13,500	\$13,500
Bungarby Memorial Hall Preservation Committee	Stage Curtain Restoration	\$1,932	\$1,932
Craigie Hall 355 Management Committee	Refurnishing the Craigie Hall	\$2,000	\$2,000
Bombala Exhibition Society Inc.	Cattle Pavilion – Multipurpose Conversion	\$7,500	\$7,500
Total funding provided			\$38,557

Following the discussions on the applications the meeting agreed the following:

Moving forward there would be:

- One annual invoice sent out December/January.
- 17.5% for the annual contribution would be retained in a “futures fund” for large scale projects.
- Draft funding application packs to be worked up by Council staff and circulated for comment. Assessment criteria to be clear and concise. Packs would include forms to be used when assessing the application to ensure clear and transparent processes are followed.
- Approx. 10% of the annual contribution to be notionally allocated to event sponsorship.
- Guidelines around Sponsorship to be developed e.g. how long, dollar cap, acknowledgement requirements.
- New Terms of Reference for the Committee need to be drawn up and Expressions of Interest called for. Meeting agreed that there should be three community representatives on the Committee.
- Council to obtain legal advice with regard to the wording in the Development Consent to resolve issues now that the merger has taken place. (Previously the fund was only open to community organisations within the Bombala or Cooma Monaro Council areas).
- Council to provide CWP with an annual report on projects funded.

Lisa Stiebel the Community Engagement Manager with CWP also discussed the company’s desire to fund projects in partnerships with organisations that providing lasting benefits to the community. Ms Stiebel is interested in projects within the health/youth services sectors. The work that South East Arts are doing within the art/health sector is of interest

Meeting Closed:

This meeting closed 7.30pm with a future meeting to be decided at a later date.

15.1 DA4120/2017 OUTBUILDING

Record No:

Responsible Officer:	Director Service Planning
Author:	Manager Development Assessment
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	<ol style="list-style-type: none"> 1. Draft Conditions of Consent ↓ 2. Plans ↓ 3. Statement of Environmental Effects ↓ 4. Application Form ↓

Applicant Number:	DA4120/2017
Applicant:	Mr P Brulisauer, Mrs L K Brulisauer
Owner:	Mr P Brulisauer, Mrs L K Brulisauer
DA Registered:	12/01/2017
Property Description:	Lot 1 DP 810652 Parish of Jinderboine
Property Number:	101074
Area:	10.96 hectares
Zone:	RU1 – Primary Production
Current Use:	Residential
Proposed Use:	Residential with addition of ancillary outbuilding for the purpose of storage
Permitted in Zone:	yes
Recommendation:	That the application be approved with conditions

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for an outbuilding associated with a rural dwelling on a property at Geikle Creek. In accordance with Council's Code of Conduct the application is being brought to Council for determination as the property is owned by a staff member.

The development is considered consistent with the requirements of the Snowy River LEP 2013 and DCP 2013 and therefore it is recommended that it be approved with conditions.

RECOMMENDATION

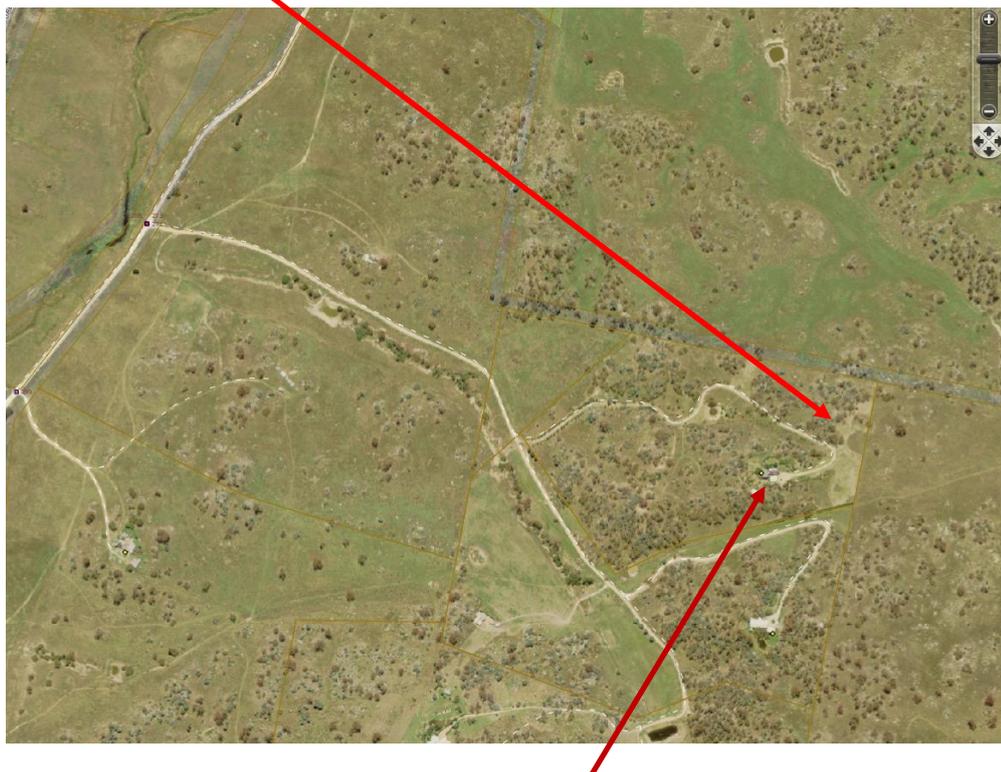
That

- A. Pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that consent for Outbuilding on Lot 1 DP 810652 Parish of Jinderboine at 269 Geikle Creek Road, East Jindabyne, is granted subject to conditions attached.

BACKGROUND

The proposal is for a 96sqm, 4.19m high shed on a rural block of land. The shed will be ancillary to the existing dwelling on the property and is to be located on land in the north east corner of the property. The shed is proposed to be constructed in colorbond woodland grey with a basalt coloured roller door.

The Subject Site



Location of Dwelling on subject property

- The subject land is zoned: RU1 Primary Production
 - Definition of land usage under SRLEP 2013: proposed shed is ancillary to the existing dwelling house.
 - The proposal is permissible with development consent from Council pursuant to Zone *RU1 – Primary Production* of the SRLEP 2013.
 - The proposal **is** considered to be consistent with the aims and objectives of the plan.
-

ASSESSMENT

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

State Environment Planning Policies (SEPPs)	None Apply
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River Local Environmental Plan 2013
Development Control Plans	Development Control Plan 2013

SECTION 79C

Section 79C and EP&A Act Checklist

The suitability of the site for the development:	The site is generally suitable for development.
The provisions of any environmental planning instrument and draft environmental planning instrument:	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of SRLEP2013 and has been found to achieve an acceptable level of compliance. The proposal has been examined in detail against the provisions of the draft LEP 2013.</p>
The provision of any development control plan:	The application generally complies/does not comply with the provisions of Council's relevant development control plans.
Any matters prescribed by the regulations:	The application generally complies with the <i>EP&A Regulation 2000</i> .
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:	The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed above. The cumulative impacts of the development negate any time, space, nibbling or synergistic effects.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was not required to be notified and or advertised. Details of notification and submissions received are discussed below.
The public interest:	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

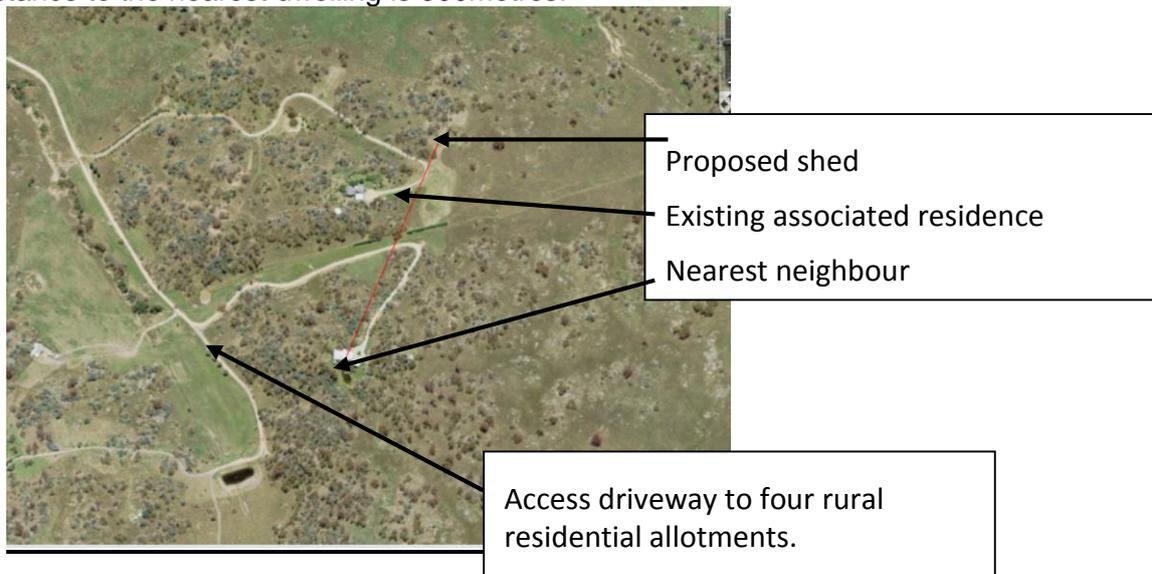
SUBMISSIONS

No submissions were received

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, REP, DCPs, Codes and Policies. The key issues arising out of the assessment of this application comprise:

Visual impact is negligible due to its location at the rear of a large rural living lot in a rural area. The distance to the nearest dwelling is 300metres.



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

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The development will have no social impact on the community.

2. Environmental

The development has been assessed against the provisions of the Environmental Planning and Assessment Act 1979 which includes the requirement for environmental assessment. It is considered that the development will have little environmental impacts and those that it will have can be managed by appropriate conditions of consent.

3. Economic

The development will have no economic impact on Council resources.

4. Civic Leadership

The application is being presented to Council as it has been lodged by a staff member and as such the Code of Conduct does not allow for delegated determination of such applications.

Draft Conditions of Consent DA4120/2017

ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA4120/2017 as submitted to Council on the 12/01/2017 3:17:19 PM with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
SK1-DA4120/2017	Elevations and Plan	Snowy Sheds	undated
SK2-DA4120/2017	Site Plan 1:2000@A3	Nabo Holdings	29/12/2016
SK3-DA4120/2017	Site Plan 1:500@A3	Nabo Holdings	29/12/2016

as stamped by the Snowy Monaro Regional Council and attached to this Notice, except where amended by the following conditions of consent (and as amended in red by Council):

Inconsistency between documents

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Prescribed Conditions

3. The developer shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A(11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 1. The work must be carried out in accordance with the requirements of the Building Code of Australia
 2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

PRIOR TO THE COMMENCEMENT OF WORKS

Construction Certificate

4. The developer is to ensure no site works, construction or building works are to commence without first obtaining a Construction Certificate.

Appointment of Principal Certifying Authority and Notice of Commencement

5. At least 48 hours prior to the commencement of any works on the site, a "Notice of Commencement of Work and Appointment of PCA Form" will be submitted to Council. This includes that prior to the commencement of works the Applicant will submit to Council:

(a) A construction certificate for the building work which has been issued by the Certifying Authority (i.e. Council or Accredited Certifier); and,

(b) Evidence that the person having the benefit of the development consent has:

- i) Appointed a Principal Certifying Authority (PCA) and notified Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed;
- ii) notified the PCA that the person will carry out the building work as an owner-builder, if that is the case; and,

(c) Evidence that the principal PCA has, no later than 2 days before the building work commences:

- i) notified the consent authority and the Council of his or her appointment, and;
- ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and,

(d) Evidence that the person having the benefit of the development consent, if not carrying out the work as an owner-builder has:

- i) notified the Certifying Authority (i.e. Council or Accredited Certifier) of any such appointment; and,
- ii) unless that person is the principal contractor, notified the principal contractor of any critical state inspection and other inspections that are to be carried out in respect of the building work.

Temporary Sanitary Facilities

6. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- (a) a standard flushing toilet; and
- (b) connected to either: an accredited sewage management facility or an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

DURING WORKS

Approved Plans to be On-site

7. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification will be kept on the site at all times during construction and will be readily available for perusal by any officer of the Council or the PCA.

Erosion & Sediment Control

8. The developer is to ensure that where site works are undertaken including all excavations, land clearing and materials storage, all topsoil that is removed is stripped and stockpiled in an appropriate location for future revegetation works. The stockpiled area is to be encircled by a geofabric filter fence.

Trade Waste

9. (a) The applicant must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction
-

(b) The burning of builders waste on site by open fire is prohibited.

Use of Power Tools – Non Residential Areas

10. The developer is to ensure that work on the development site by all persons using power tools and equipment is limited to the following hours:

Mon - Fri	7.00am to 8.00pm
Saturday	7.00am to 8.00pm
Sunday	8.00am to 8.00pm
Public Holidays	8.00am to 8.00pm

Inspection Notification

11. The Principal Certifying Authority (PCA) (i.e. Council or Private Certifier) is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the PCA via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Public Access and Site Security

12. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. In this regard, the developer must ensure that perimeter fencing is provided the construction site in accordance with Work Health and Safety Regulation 2011.

Excavation

13. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.
14. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.

Revegetation Works

15. The developer is to ensure that at the completion of site works the following landscaping works are carried out:

- (a) topsoil is spread over all disturbed areas* with priority given to cut and fill batters;
- (b) all disturbed areas* are re-vegetated using drylands grass mix with a complete fertiliser;
- (c) all disturbed areas* are to be weed free hay mulched.

(* including all footpath areas and adjoining properties where applicable)

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificates

- 16. An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1997 have been complied with as well as all of the conditions of the Development Consent.

USE OF SITE

Roof Water

- 17. The developer shall ensure that all stormwater is directed from the roof to rainwater storage tank as per SK3-DA4120/2017.

Tank Overflow

- 18. Tank overflow is to be connected to a retention/infiltration device ie gravel pit as per SK3-DA4120/2017, such that it does not cause undue erosion.

External Finishes

- 19. That the approved colours of the exterior of the building are:

Roof: Woodland Grey

Trim: Woodland Grey

Walls/Cladding: Woodland Grey

Doors and windows : Basalt

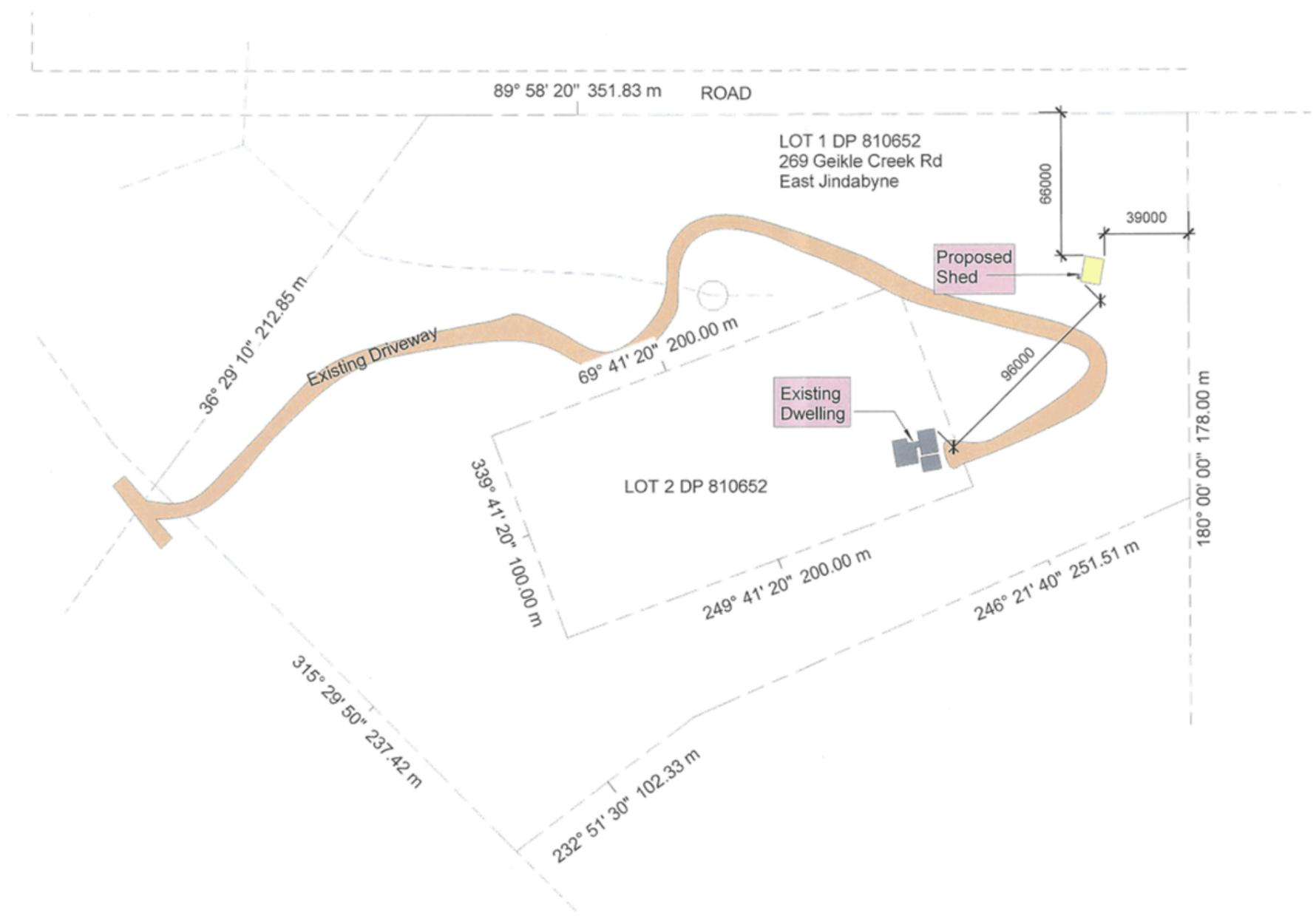
Note: This condition can be amended with the written consent of Council.

Occupancy (Garages/Sheds Only)

- 20. The developer is to ensure that the proposed structure is not used for habitable purposes.
-

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
 - 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
 - 3 To ensure the proposed development satisfies the relevant statutory requirements.
 - 4 To ensure the development does not conflict with the public interest.
 - 5 To ensure development proceeds in accordance with approved plans.
-



Notes:

Do not scale off drawings. Written dimensions shall take precedence.
 All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works.
 All works are to comply with the BCA and all relevant authority requirements.
 All steel beams and supports to registered engineers specifications.

Builder to identify service locations on site prior to the commencement of any works.

Registered surveyor to set out structure and confirm positions of all relevant building envelope setbacks and easements prior to the commencement of the works.

All timber framing and construction must comply with AS 1684 "The national timber framing code" Provide temporary and permanent bracing to all tramin in accordance with the BCA

All stormwater drainage and sewer to be connected to existing services in accordance with the BCA and all local authority requirements.

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REV	DESCRIPTION	BY	DATE

Jude Little
 Nabo Holdings P/L
 40 Sharp St
 Cooma, NSW, 2630.
 judelittle@bigpond.com
 Ph 0416 292 934

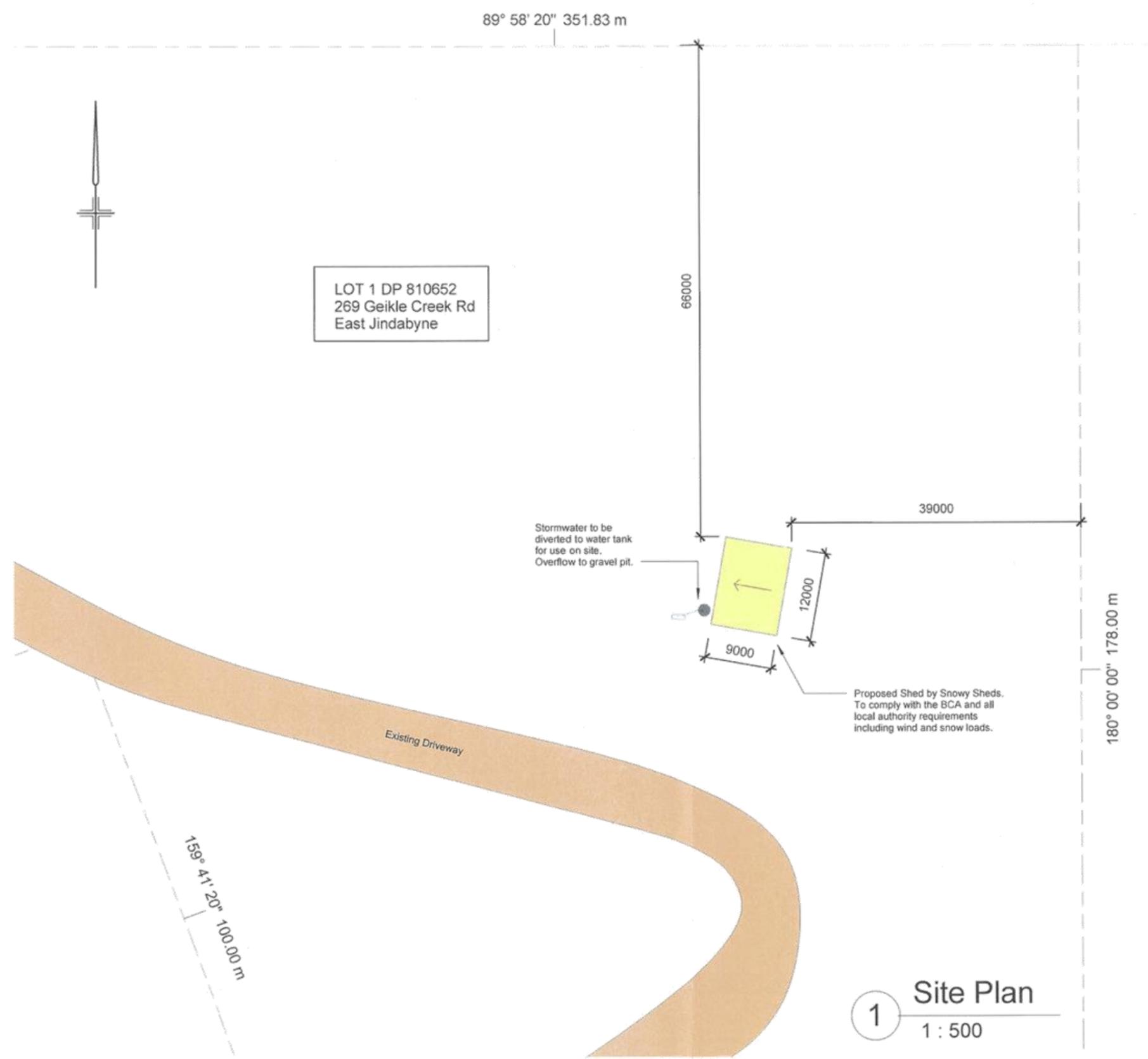
CLIENT:
 Peter Brulisauer

SITE:
 LOT 1 DP810652
 269 Geikle Creek Rd
 East Jindabyne

TITLE:
 Site Plan

SCALE AT A3: 1 : 2000	DRAWN: J.LITTLE	REVISION: A
DATE: 28/12/2016 11:40:24 AM	DRAWING NO: 00	

1 Proposed Site Plan
 1 : 2000



Notes:

Do not scale off drawings. Written dimensions shall take precedence. All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. All works are to comply with the BCA and all relevant authority requirements. All steel beams and supports to registered engineers specifications.

Builder to identify service locations on site prior to the commencement of any works.

Registered surveyor to set out structure and confirm positions of all relevant building envelope setbacks and easements prior to the commencement of the works.

All timber framing and construction must comply with AS 1684 "The national timber framing code" Provide temporary and permanent bracing to all frames in accordance with the BCA.

All stormwater drainage and sewer to be connected to existing services in accordance with the BCA and all local authority requirements.

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REV	DESCRIPTION	BY	DATE

Jude Little
 Nabo Holdings P/L
 40 Sharp St
 Cooma, NSW, 2630.
 judelittle@bigpond.com
 Ph 0416 292 934

CLIENT:
 Peter Brulisauer

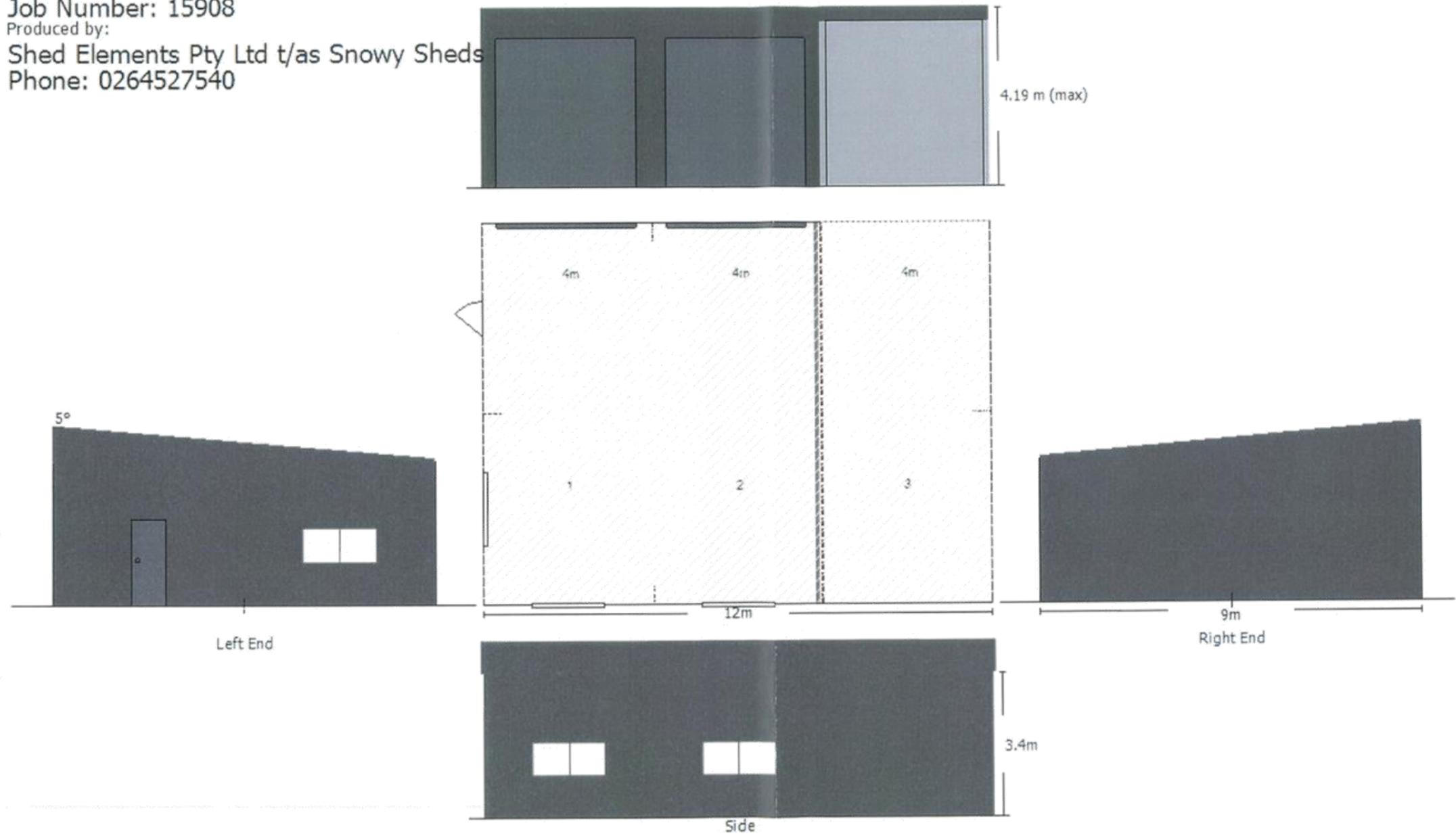
SITE:
 LOT 1 DP810652
 269 Geikle Creek Rd
 East Jindabyne

TITLE:
 Proposed Shed

SCALE AT A3: 1 : 500	DRAWN: Author	REVISION: A
DATE: 29/12/2016 11:40:24 AM	DRAWING NO: 01	

1 Site Plan
 1 : 500

Building For:
Peter Brulisauer
269 Geikle Creek Road East Jindabyne
Job Number: 15908
Produced by:
Shed Elements Pty Ltd t/as Snowy Sheds
Phone: 0264527540



The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds' products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.

STATEMENT OF ENVIRONMENTAL EFFECTS

THE PROPOSAL

The purpose of this application is to seek approval for a shed on property No. 269 Geikle Creek Road, East Jindabyne.

1. SITE ANALYSIS

The proposed development will not create adverse overshadowing or impact to the adjoining lots.

2. SITE PLANNING AND LAYOUT

The proposed shed has been designed to address the current streetscape of the area.

The setback proposed of 66m is from the shed to the northern boundary.

The setback proposed of 39m is from the shed to the eastern boundary.

The colours that have been chosen for the external finishes will fit into the amenity of the surrounding area.

3. SITE COVERAGE/ FLOOR SPACE RATIO

Proposed footprint 9m x 12m

4. HEIGHT

The maximum height of the proposed development 4.19m

The building has been designed to follow the natural contour of the block.

5. STREETScape, SETBACKS AND CHARACTER

The proposed design fits in with the character of the existing properties adjoining.

6. FENCING AND WALLS

No fence has been proposed to keep in character of the street.

7. BUILDING FORM

The building has been designed to fit within the criteria listed in the development control plan and meet all criteria set out in the guidelines.

The building has been designed to minimise overshadowing adjoining properties and to fit within the natural contour of the block.

8. VIEWS, VISUAL AND ACOUSTIC PRIVACY

N/A

9. USABLE OPEN SPACES

The requirements outlined in the residential development control plan for private open space for single dwellings have been met.

10. CAR PARKING

Complies.

11. LANDSCAPING DESIGN

Existing

12. ENERGY CONSERVATION

N/A

13. STORMWATER

To rainwater tank

14. SECURITY, SITE FACILITIES AND SERVICES

The proposed development complies to the security, site facility and service requirements.



Development Application

made under the Environmental Planning and Assessment Act 1979 Section 78A

Office Use Only	
DA Number	DA4120/2017

PLEASE COMPLETE ALL SECTIONS RN-110018

APPLICANT			
Name/Company: Peter Brulisauer / LEE KAREN BRULISAUER	Phone:		
Contact Name (if Company):	Fax:	-	
Postal Address:	Mobile:	-	
Town: EAST JINDABYNE	State: NSW	Postcode: 2627	Email:

OWNER			
Name/Company: Peter Brulisauer / LEE KAREN BRULISAUER	Phone:		
Contact Name (if Company):	Fax:	-	
Postal Address:	Mobile:	-	
Town: EAST JINDABYNE	State: NSW	Postcode:	Email:
Is the subject land Crown Land	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	→ Please attach Authority
OFFICE USE ONLY	NAR Numbers		

LAND TO BE DEVELOPED (Please attach additional sheet if inadequate space provided)					
No: 269	Street: Geikle Creek Road			Town: EAST JINDABYNE	
Lot: 1	Section:	DP/SP: DP 810652	Lot:	Section:	DP/SP:
Lot:	Section:	DP/SP:	Lot:	Section:	DP/SP:
OFFICE USE ONLY	Parcel Numbers				

PROPOSED DEVELOPMENT		
Description of development: CONSTRUCTION OF SHED		
<input checked="" type="checkbox"/> Erect, alter or add to a building or structure	<input type="checkbox"/> Subdivide land or building	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Change the use of land or building (or classification under the BCA)	<input type="checkbox"/> Demolition	
<input type="checkbox"/> Carry out a work	<input type="checkbox"/> Signage/Advertising	
TYPE OF DEVELOPMENT (tick all that apply)		
<input type="checkbox"/> Single dwelling	<input type="checkbox"/> Storage	<input type="checkbox"/> Tourist
<input type="checkbox"/> Residential alterations/additions	<input checked="" type="checkbox"/> Shed Garage	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Multi-Unit	<input type="checkbox"/> Industrial	<input type="checkbox"/> Infrastructure
<input type="checkbox"/> Second Occupancy	<input type="checkbox"/> Commercial/Business	<input type="checkbox"/> Community/Education Facilities
<input type="checkbox"/> Seniors Living	<input type="checkbox"/> Retail	<input type="checkbox"/> Education Facility
<input type="checkbox"/> Other	<input type="checkbox"/> Office	<input type="checkbox"/> Event
<input type="checkbox"/> Residential	<input type="checkbox"/> Food Premises	<input type="checkbox"/> Other
<input type="checkbox"/> Mixed		

COST (including materials and labour)	
This is the estimated total cost of any construction, internal fit-out and demolition, including GST and labour. Council checks your estimate against current building cost indices. Developments with no construction work such as subdivisions or change of uses have a separate standard fee and no estimated cost is required.	
COST (including materials and labour):	\$ 41,940.00

STAGED DEVELOPMENT	
Are you lodging a <u>Staged Development Application</u> ?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Section 83B of the Environmental Planning and Assessment Act 1979 defines a staged Development Application (DA) as one which sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent DAs. The application may set out detailed proposals for the first stage of development.	

INTEGRATED DEVELOPMENT (Approvals from State Agencies)	
Is this application for <u>Integrated Development</u> ?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Please tick which other approvals are required. If yes Council requires an additional set of plans, a Statement of Environmental Effects (SEE) and a fee for each relevant government agency. Please check with Council for current applicable fee.	
Roads Act 1993 <input type="checkbox"/> s138	Heritage Act 1977 <input type="checkbox"/> s58
National Parks and Wildlife Act 1974 <input type="checkbox"/> s90	
Rural Fires Act 1997 <input type="checkbox"/> s100B	Protection of the Environment Operations Act 1997
Petroleum (on shore) Act 1991 <input type="checkbox"/> s9	<input type="checkbox"/> s43(a) <input type="checkbox"/> s43(b) <input type="checkbox"/> s43(d) <input type="checkbox"/> s47 <input type="checkbox"/> s48 <input type="checkbox"/> s55 <input type="checkbox"/> s122
Fisheries Management Act 1994	Water Management Act 2000
<input type="checkbox"/> s144 <input type="checkbox"/> s201 <input type="checkbox"/> s205 <input type="checkbox"/> s219	<input type="checkbox"/> s89 <input type="checkbox"/> s90 <input type="checkbox"/> s91
Mine Subsidence Compensation Act 1961 <input type="checkbox"/> s15	Mining Act 1992 <input type="checkbox"/> s63 <input type="checkbox"/> s64
Integrated Development is defined by the Environmental Planning and Assessment Act 1979 as development which needs a Development Consent and one or more additional approvals under the Acts mentioned above in order to be legally carried out. Further explanatory notes are available from Council on request.	

IS/DOES THE PROPOSED DEVELOPMENT:	YES	NO
Designated Development ^ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Likely to significantly affect a threatened species, population or ecological community, or its habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involve the use of or work on a Crown Road Reserve or other land owned by the Crown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development by the Crown? (Part 5A of the Act applies to development by the Crown)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
On land which is also subject to a Property Vegetation Plan under the <i>Native Vegetation Act 2003</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development which requires a Site Compatibility Certificate from the Department of Planning prior to lodgement in accordance with <i>State Environmental Planning Policy (Infrastructure) 2007</i> , <i>State Environmental Planning Policy (Housing for seniors or people with a disability) 2004</i> , or any other State Environmental Planning Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development which requires a <u>BASIX Certificate</u> ?	<input type="checkbox"/>	<input type="checkbox"/>
Involve land which has easements or restrictions on the Title? (If yes, please specify the nature of these easements or restrictions in your Statement of Environmental Effects)	<input type="checkbox"/>	<input type="checkbox"/>
Likely to affect a threatened species, population or ecological community protected under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require an approval under Section 68 of the <i>Local Government Act 1993</i> for any of the activities listed on the next page?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Biodiversity compliant development</i> ♦? If yes, please specify the reason in your Statement of Environmental Effects _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require <i>Concurrence</i> ♣ from any authorities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposal <u>State significant development</u> ? If yes, please provide (a) a list of authorisations and the applicable Act, (b) the capital investment value of the development. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the land the subject of this application critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPROVALS UNDER SECTION 68 – LOCAL GOVERNMENT ACT, 1993	
Do you wish to carry out any S68 activities (listed below) <input type="checkbox"/> NO <input type="checkbox"/> YES – Complete details below	
<p>If you wish to carry out one of the following activities, you need the approval of Council. Identify the activities you propose to carry out, and the relevant documents you need to include in your Application, by placing a cross in the appropriate boxes. Please include the relevant documents as detailed in the Section 68 Checklist with your Application. Note: Alternatively these can be applied for separately using 'Section 68 Application' form.</p> <p>Under Section 78A of the <i>Environmental Planning and Assessment Act 1979</i> a person can apply to Council for both a development consent and a S68 Approval in the one Development Application. In determining the Development Application, Council may apply any of the provisions under the Local Government Act 1993 that it could apply if the Development Application were an application under that Act for the relevant approval. In particular, if the Development Consent is granted, Council may impose a condition that is authorised under that Act to be imposed as a condition of consent.</p> <p>In granting a Development Consent in which a Section 68 approval is also contained, Council may, (without limiting any other condition in the Consent) impose in relation to the approval taken to have been granted under Section 68, either or both of the following conditions:</p> <p>(a) A condition that the approval is granted only to the applicant and does not attach to or run with the land to which it applies.</p> <p>(b) A condition that the approval is granted for specific time.</p>	
<p>A Structures</p> <p><input type="checkbox"/> A1 Installing a manufactured home, moveable dwelling or associated structure on land.</p> <p>B Water supply, wastewater and stormwater drainage work</p> <p><input type="checkbox"/> B1 Carrying out water supply work. Please choose: <input type="checkbox"/> Install/alter private [^] water system <input type="checkbox"/> Install/alter public infrastructure <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B2 Draw water from a Council water supply or a standpipe or sell water so drawn.</p> <p><input type="checkbox"/> B3 Install, alter, disconnect or remove a meter connected to a service pipe. <input type="checkbox"/> Establish new water service/meter connection <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B4 Carry out wastewater drainage work. <input type="checkbox"/> Establish new wastewater consumer service <input type="checkbox"/> Install/alter internal wastewater drainage <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B5 Carry out stormwater drainage work.</p> <p><input type="checkbox"/> B6 Connect a private drain or wastewater drain with a public drain or wastewater drain under the control of a Council or with a drain or sewer which connects with such a public drain or wastewater drain.</p> <p>C Management of waste</p> <p><input type="checkbox"/> C1 For fee or reward, transport waste over or under a public place.</p> <p><input type="checkbox"/> C2 Place waste in a public place.</p> <p><input type="checkbox"/> C3 Place a waste storage container in a public place.</p> <p><input type="checkbox"/> C4 Dispose of waste into a wastewater drain of the council.</p> <p><input type="checkbox"/> C5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility. (eg Install Septic System, AWTS etc) Please choose: <input type="checkbox"/> Aerated Waste Treatment System <input type="checkbox"/> (AWTS) Dry Composting System <input type="checkbox"/> Septic Tank <input type="checkbox"/> Wet Composting System <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> C6 Operate a system of wastewater management (within the meaning of Section 68A).</p>	<p>D Community Land</p> <p><input type="checkbox"/> D1 Engage in a trade or business.</p> <p><input type="checkbox"/> D2 Direct or procure a theatrical, musical or other entertainment for the public.</p> <p><input type="checkbox"/> D3 Construct a temporary enclosure for the purpose of entertainment.</p> <p><input type="checkbox"/> D4 For fee or reward, play a musical instrument or sing.</p> <p><input type="checkbox"/> D5 Set up, operate or use loudspeaker or sound amplifying device.</p> <p><input type="checkbox"/> D6 Deliver a public address or hold a religious service or public meeting.</p> <p>E Public roads</p> <p><input type="checkbox"/> E1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.</p> <p><input type="checkbox"/> E2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.</p> <p>F Other activities</p> <p><input type="checkbox"/> F1 Operate a public car park. ↔</p> <p><input type="checkbox"/> F2 Operate a caravan park or camping ground.</p> <p><input type="checkbox"/> F3 Operate a manufactured home estate.</p> <p><input type="checkbox"/> F4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance.</p> <p><input type="checkbox"/> F5 Install or operate amusement devices (within the mean of the Construction Safety Act 1912).</p> <p><input type="checkbox"/> F6 Use a standing vehicle or any article for the purpose of selling any article in a public place.</p> <p><input type="checkbox"/> F7 Carry out an activity prescribed by the regulations or an activity of a class or description by the regulations.</p> <p>Note:</p> <p>[^] <i>Private</i> means work/infrastructure that will be the responsibility of landowners, usually all development from the water meter or sewer tapping point, back to the dwelling/building.</p> <p>* <i>Public</i> means work/infrastructure that will be handed over for the responsibility of Council, eg, Council mains work/extensions etc.</p>

REQUIRED ATTACHMENTS
<input checked="" type="checkbox"/> 1 copy of the relevant Council checklist/s applying to the proposed development. <input checked="" type="checkbox"/> All plans/reports/documentation required by the above checklist. <input checked="" type="checkbox"/> 1 copy of directional map/details to the site for remote rural properties.

POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT [Sec 147(4) EP&A Act]			
Have you or any person with a financial interest in this development application made a political donation or gift within the last 2 years? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please complete and attach a Political Donations and Gifts Disclosure Statement (available from Council's website).			
<table border="1"> <tr> <td>Applicant's Signature </td> <td>Name Peter Brulisauer</td> <td>Date 8/1/17</td> </tr> </table>	Applicant's Signature 	Name Peter Brulisauer	Date 8/1/17
Applicant's Signature 	Name Peter Brulisauer	Date 8/1/17	

CONSENT OF ALL OWNERS						
All owners must sign this application form or provide written authority for the lodgement of the application. Note: Company Ownership In the case of a company ownership, in accordance with s127 of the Corporations Act 2001, please state in the signature/name area the authority of each signatory (Director/Secretary etc) (eg as Director of ABC Holdings Pty Ltd) OR attach further documentation as required.						
<input checked="" type="checkbox"/> Owners consent attached OR ↓						
As the owner/s of the above property described in this application I/we consent to its lodgement. I/We hereby permit any duly authorised officer of Snowy Monaro Regional Council to enter the land or premises to carry out inspections and surveys or take measurements or photographs as required for the administration of the Act(s), Regulations, or Planning Instruments. We advise that as landowners we are not aware of any known hazards that may be of harm to officers visiting the site.						
<table border="1"> <tr> <td>Signature </td> <td>Name Peter Brulisauer</td> <td>Date 8/1/17</td> </tr> <tr> <td>Signature </td> <td>Name LEE KAREN BRULISAUER</td> <td>Date 08-01-2017</td> </tr> </table>	Signature 	Name Peter Brulisauer	Date 8/1/17	Signature 	Name LEE KAREN BRULISAUER	Date 08-01-2017
Signature 	Name Peter Brulisauer	Date 8/1/17				
Signature 	Name LEE KAREN BRULISAUER	Date 08-01-2017				

DECLARATION AND SIGNATURE OF APPLICANT						
I/we the undersigned hereby apply for approval of the development proposal as described and as per the plans and specifications and documents accompanying the Application. I/we undertake to develop in accordance with any approval granted by Council and conform with the provisions of the relevant Act(s), Regulations, codes and the Local Environmental Plan. I/we further undertake to pay any fee or charge assessed by Council in connection with development and indemnify Snowy Monaro Regional Council against all claims arising from negligence (or otherwise) resulting from work carried out in connection with the development within the road reserve.						
<table border="1"> <tr> <td>Signature </td> <td>Name Peter Brulisauer</td> <td>Date 8/1/17</td> </tr> <tr> <td>Signature </td> <td>Name LEE BRULISAUER</td> <td>Date 08-01-2017</td> </tr> </table>	Signature 	Name Peter Brulisauer	Date 8/1/17	Signature 	Name LEE BRULISAUER	Date 08-01-2017
Signature 	Name Peter Brulisauer	Date 8/1/17				
Signature 	Name LEE BRULISAUER	Date 08-01-2017				

SITE WORKS MUST NOT COMMENCE WITHOUT COUNCIL APPROVAL
 Construction materials purchased/work done/arrangements made prior to consent are at the owner/applicants' risk.

- ^ Designated Developments are listed in Schedule 3 of the Environmental Planning and Assessment Regulations 2000. Special procedures apply to the notification and assessment of Designated Development under the Act)
- ◇ Development that requires Concurrence is listed in 79B of the Environmental Planning and Assessment Act 1979.
- ◇ biodiversity compliant development means:
 - (a) development proposed to be carried out on biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995, or
 - (b) development in respect of which a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995, or
 - (c) development to which the biodiversity certification conferred by Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 applies, or
 - (d) development for which development consent is required under a biodiversity certified EPI (within the meaning of Part 8 of Schedule 7 to the Threatened Species Conservation Act 1995).

15.2 DA 10.2017.1073.1

Record No:

- Responsible Officer: Director Service Planning
- Authors: Urban and Rural Planner
Planning Manager
- Key Direction: 6. Managing Development and Service Delivery to Retain the Things We Value
- Delivery Plan Strategy: DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
- Operational Plan Action: OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
- Attachments:
 1. Draft Determination [↓](#)
 2. Applicant's Variation Request [↓](#)
 3. Proposed Plans - **Confidential**
 4. Report to Council Meeting April 2016 [↓](#)

Further Operational Plan Actions:

Applicant Number:	10.2017.1073.1
Applicant:	Lynne F Clark & Christopher A F Clark
Owner:	Lynne F Clark & Christopher A F Clark
DA Registered:	Jerangle Road BREDBO 2626 Lot: 67 DP: 750525
Property Description:	7Jerangle Road BREDBO 2626 Lot: 67 DP: 750525
Property Number:	7567
Area:	Bredbo
Zone:	RU1- Primary Production
Current Use:	Vacant Lot
Proposed Use:	Dwelling house and shed
Permitted in Zone:	<p>2 Permitted without consent Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Horticulture; Viticulture</p> <p>3 Permitted with consent Building identification signs; Cellar door premises; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Intensive livestock agriculture; Intensive plant agriculture; Office premises; Open cut mining; Roads; Roadside stalls; Rural workers' dwellings; Secondary</p>

15.2 DA 10.2017.1073.1

	dwelling; Any other development not specified in item 2 or 4 Prohibited Amusement centres; Boat building and repair facilities; Charter and tourism boating facilities; Commercial premises; Exhibition villages; Health services facilities; Industrial retail outlets; Jetties; Marinas; Mooring pens; Mortuaries; Public administration buildings; Residential accommodation; Sex services premises; Signage; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recreation structures; Wholesale supplies
Recommendation:	Approval

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with the information to make a determination of the proposed development under the *Environmental Planning and Assessment Act 1979 (the Act)*. The proposed development is for the addition of a dwelling house and associated shed on a rural lot. This application is being submitted to council as it does not meet the minimum lot size required for dwelling houses on rural lots under clause 4.2B(3)(a) of the CMLEP 2013.

RECOMMENDATION

That Council approve the development as it would be consistent with Council's previous decision to approve DA 10.2015.516.1

- A. That, having received concurrence from the Secretary, Council permit a variation under clause 4.6 of Cooma-Monaro Local Environmental Plan 2013 to permit the proposed dwelling house on a lot smaller than the minimum lot size, contrary to the provisions of clause 4.2B(3)(a).
- B. That Council adopt the attached draft development consent as its determination of the application.

BACKGROUND

In April 2015 the Applicant's lodged a Development Application (DA 10.2015.447.1) for the erection of a dwelling house and a garage on the site. Council contacted the Applicants' requesting further information including evidence of compliance with Clause 4.2B(3) of the LEP. However, the Applicants' withdrew the DA in May 2015.

In October 2015 the applicants lodged a Development Application (DA 10.2015.516.1) to create a building envelope on the lot. The lot has an area of approximately 20.5 hectares which is significantly smaller than the minimum lot size of 80 hectares specified in *Cooma-Monaro Local Environmental Plan 2013* (CMLEP 2013) for the site. Although this was a large variation to the standard, Council received concurrence from the Department of Planning and Environment and the application was subsequently approved by Council in April 2016.

ASSESSMENT

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

State Environment Planning Policies (SEPPs)	State Environmental Planning Policy (Rural Lands) 2008
Local Environmental Plan (LEP) (including draft LEPs)	Cooma Monaro Local Environmental Plan 2013
Development Control Plans	Cooma-Monaro Development Control Plan 2014

SECTION 79C

Application:	10.2017.1073.1
Officer:	Quinn Maguire
Date:	23/03/2017
Land:	Jerangle Road BREDBO 2626 Lot: 67 DP: 750525
Zone:	RU1 - Primary Production
Proposal:	Dwelling and garage Dwelling House Outbuilding (residential)

1 Existing Site Features

Location	Jerangle Road BREDBO 2626 - Lot: 67 DP: 750525
Site Inspection	12/01/2017
Size	20.611
Topography	There is a peak in the eastern corner of the site, the site slopes downwards from this peak, with the eastern slope being calculated at approximately 12° (22%), the western slope approximately 15° (28%) and the northern approximately 4° (7%). It is noted that the proposed building envelope is to be located on the eastern slopes of the site.
Existing buildings	Three existing "farm buildings"
Existing vegetation cover	The site contains a mixture of exotic and native grassland species. Native woodland species are present some areas of the site.
Access arrangements	Access via frontage to Jerangle Rd
Existing/available utility services	A section 68 application was approved for a OSSM, the site has some existing rainwater tanks and connection to electricity
Any easements and/or restrictions of note	Building envelope on site
Crown ownership	None noted
Other	See background/history
Surrounding development	Predominantly rural dwellings and farm buildings

2 Proposal

The proposed development involves the addition of a dwelling house and associated shed to a rural lot. The proposed dwelling will be single-storey with three-bedrooms with an area of 144m²; the proposed shed 11.6mx21.8m with an area of 218m².

The estimated cost of the proposal according to the applicant is \$485,250.00. The estimated cost of the development was reviewed by council as per standard procedure using Rawlinson's Cost Guide 2015. The applicant's estimate was considered to be reasonable.

3 Background/History

Three "farm buildings" have been erected on the site under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

In April 2015 the Applicant lodged a Development Application (DA 10.2015.447.1) for the erection of a dwelling house and a garage on the site. Council contacted the Applicants requesting further information including evidence of compliance with Clause 4.2B(3) of the LEP. However, the Applicants withdrew the DA in May 2015.

In October 2015 the Applicants lodged a Development Application (DA 10.2015.516.1) to create a building envelope on the lot. The lot has an area of approximately 20.5 hectares which is significantly smaller than the minimum lot size of 80 hectares specified in *Cooma-Monaro Local Environmental Plan 2013* (CMLEP 2013) for the site. Despite this the application received concurrence from the Department of Planning and was approved by council in April 2016.

4 Consideration of Threatened Species (S.5A)

Council is required under Section 79C to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the *NSW Threatened Species Conservation Act 1995* (TSC Act) or under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 5A of the Act sets out what must be considered in determining whether a proposed development will have a significant impact.

The site is predicted to contain Tableland Clay Grassy Woodlands under Council's predictive native vegetation mapping, in addition to this 8 species of flora and fauna were noted as being known to be present or considered highly likely to be present on the site. An inspection of the site noted that due to the lack of trees present on the site it is inappropriate to classify the vegetation on the site as Tableland Clay Grassy Woodlands. In this regard it would be more appropriate to classify the existing vegetation on the site as Temperate Montane Grasslands. It is noted that the building envelope was established in an area that has already been disturbed as a result of previous land use practices. As the proposed development does not involve any works or disturbance in areas

identified as having “terrestrial biodiversity” the likelihood of the proposed development impacting upon any threatened species is very low.

Based on this assessment it is considered unlikely that any threatened species will be significantly impacted upon as a result of the proposed development due to the lack of key habitat elements and the nature of the timbered vegetation present on the site. Additionally the proposed development does not involve the removal of any vegetation with the proposed dwelling to be located in a disturbed area.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

In the event that any development is likely to result in significant impacts upon any species listed under the EPBC Act Council may require the applicant to refer such an application to the Australian Government’s Minister for the Environment. No potential EPBC Act issues have been identified in the development.

5 Compulsory Consultations and referrals to other bodies (S.79B, 79BA, 91)

Concurrence requirements

Section 79B requires the Council to obtain the concurrence of certain agencies prior to determining a development application if the Act or an environmental planning instrument requires it to do so. The NSW Planning Department (Secretary) has a concurrence role in this application because the lot is below the minimum size required under the CMLEP 2013. Concurrence of the Secretary of the Department of Planning was sought on 13th February 2017. Upon review of Council’s assessment report and the information provided by the applicant in support of their variation request concurrence was granted on 21 February 2017 and advised Council in writing of the decision.

Bushfire consultation

Section 79BA requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document ‘Planning for Bushfire Protection 2006’. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 79BA against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The site is not identified as being bushfire prone land.

Integrated development

Some types of development require approvals under multiple Acts before they can commence. Section 91 of the Act lists certain approvals under other Acts which may be obtained as part of the development application process. The table below sets out the approvals under the other Acts which the proposed development requires and which may be obtained through the integrated development process.

Act	Approval required?	Reason	Responsible Authority	Comment on response
Fisheries Management Act 1994	No	No works in or near creek	NSW Trade & Investment - Primary Industries - Fisheries and Aquaculture	-
Heritage Act 1977	No	No state heritage items on site	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Mine Subsidence Compensation Act 1961	No	Area not subject to mine subsidence	NSW Trade & Investment – Mineral Resources and Energy	-
Mining Act 1992	No	No mining involved in proposal	NSW Trade & Investment – Mineral Resources and Energy	-
National Parks and Wildlife Act 1974	No	No aboriginal objects affected by proposal	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Petroleum (Onshore) Act 1991	No	Proposal does not involve petroleum	NSW Trade & Investment – Mineral Resources and Energy	-
Protection of Environment Operations Act 1997	No	No environmental licences/approvals required	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Roads Act 1993	No	No works in road reserve	NSW Trade & Investment - Primary Industries – Crown Land Division	-
Rural Fires Act 1997	No	Proposal not a subdivision or special fire protection purpose	Department of Attorney General and Justice – NSW Rural Fire Service	-

Act	Approval required?	Reason	Responsible Authority	Comment on response
Water Management Act 2000	No	No works within 40m of creek. No aquifer interference.	NSW Trade & Investment – Primary Industries - Office of Water	-

6 Provision of any Environmental Planning Instruments (S79C(1)(a)(i))

The following State Environmental Planning Policies apply in to the proposed development.

State Environmental Planning Policy (Rural Lands) 2008

Council is required to consider clause 10 of the Rural Lands SEPP, which reads as follows:

Matters to be considered in determining development applications for rural subdivisions or rural dwellings

(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling.*

(3) The following matters are to be taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

Due to the topography, vegetation cover and size of the subject site, the site has very little potential as productive grazing land; in this regard the proposed development will not impede the existing primary industries occurring within the area. The occurrence of other dwellings in the area would suggest that a dwelling on this site would not result in any land use conflicts and due to the nature and location of the proposed development it is highly unlikely that any fragmentation or alienation of resource lands will occur or that significant additional traffic will be generated or that

unreasonable or uneconomic demands on the provision of services will arise. In this regard the proposed development is considered to be consistent with the objectives of the *SEPP (Rural Lands) 2008*.

Cooma Monaro Local Environmental Plan 2013

Under the provisions of the *Cooma Monaro Local Environmental Plan 2013* (the LEP) the site is zoned RU1 Primary Production. The proposed development involves the establishment of a building envelope on the site in order to ascertain if a future dwelling would be permissible with consent. In accordance with Clause 2.3 of the LEP, before determining a development application the consent authority is to have regard to the objectives of the Zone. These read as follows:

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage land uses that are unlikely to generate significant additional traffic relative to the capacity and safety of a road, or create or increase a condition of ribbon development on any road.*
- *To encourage land uses that are unlikely to create unreasonable or uneconomic demands for the provision or extension of public amenities or services.*
- *To protect the water quality of receiving watercourses and groundwater systems.*
- *To protect the visual landscape values of the rural area.*

The lot is identified as being zoned RU1 Primary production under the CMLEP 2013, and therefore it is necessary to assess the development against the objectives of this zone. The development is for a single dwelling house in an area in which the predominant types of development are for agricultural uses and residential purposes, the addition of a dwelling house on a lot in this area is not foreseen to create any conflict between land uses within this zone and land uses within adjoining zones. Furthermore the addition of a single dwelling house is not considered to potentially generate significant additional traffic relative to the capacity and safety of a road, or create or increase a condition of ribbon development on any road or unreasonable demands for the provision or extension of public amenities or services. In this regard the proposed development is considered to be consistent with the objectives of the RU1 Zone.

Clause 4.2B of the LEP outlines under what circumstances dwelling houses are permissible on land zoned RU1. The provisions of Clause 4.2B are outlined below.

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

(1) *The objectives of this clause are as follows:*

- (a) *to minimise unplanned rural residential development,*
- (b) *to enable the replacement of lawfully erected dual occupancies and dwelling houses in rural, residential and environment protection zones.*

(2) *This clause applies to land in the following zones:*

- (a) *Zone RU1 Primary Production,*
- (b) *Zone R5 Large Lot Residential,*
- (c) *Zone E3 Environmental Management,*
- (d) *Zone E4 Environmental Living.*

(3) Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land:

(a) is a lot that has an area that is not less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or

(b) is a lot created under clause 4.1, 4.1AA, 4.1B or 4.1C (3) (a) or (5) (b), or

(c) is a lot containing land in more than one zone with the largest portion of zoned land in the lot having an area that is not less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or

(d) is a lot created by a subdivision under an environmental planning instrument before this Plan commenced and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or

(e) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or

(f) is a 1995 holding, or

(g) is a 1997 holding, or

(h) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) had it not been affected by:

(i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

The requirements of the CMLEP in relation to minimum lot size and/or holding requirements have been over-ridden by the granting of concurrence to the requested variation under Clause 4.6. It is therefore not considered necessary to consider those requirements.

The present applicant has proceeded to prepare the current development application on the basis of this previous approval and in the absence of any new Council policy, land use strategy or LEP review since, it would not be considered appropriate to recommend a reversal of this decision.

As 'Terrestrial Biodiversity' has been identified on the site the provisions of Clause 6.3 of the LEP must be taken into consideration. The provisions of Clause 6.3 are outlined below.

6.3 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) This clause applies to land identified as "Biodiversity" on the [Terrestrial Biodiversity Map](#).

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether the development is likely to have:
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and**
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
-

It is noted that the proposed development will not be occurring within the areas identified as containing 'Terrestrial Biodiversity' under the CMLEP 2013 mapping. Additionally the site inspection revealed that the majority of the site, including the location of the proposed dwelling, did not contain enough timbered vegetation to be classified as a woodland community of ecological significance. As such it is considered unlikely that the proposed development will result in any adverse impact to the condition, ecological value and significance of the fauna and flora on the land. Additionally the proposed development does include the removal of any significant vegetation.

As areas identified as being 'Landslide Risk' (with slopes greater than 20°) have been identified on the site the provisions of Clause 6.8 of the LEP must be taken into consideration. The provisions of Clause 6.8 are outlined below.

6.8 Landslide risk and karst areas

(1) The objectives of this clause are to protect, maintain or improve the diversity and stability of landscapes, including:

(a) restricting development on land that is unsuitable for development due to steep slopes, and

(b) restricting development in karst areas.

(2) This clause applies to development on land that is identified as:

(a) "Landslide Risk" on the [Landslide Risk Map](#), and

(b) "Known Karst Areas" on the [Natural Resources Karst Map](#).

(3) Development consent must not be granted to development that involves the disturbance of soil on land to which this clause applies unless the consent authority has considered an environmental assessment for karst areas or a geotechnical assessment for areas with a slope greater than 20 degrees, which addresses the potential for any adverse impacts on the land.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

As the proposed development will not be taking place within the area identified as containing slopes greater than 20° a geotechnical report is not required. As such the development is deemed to be sited in a way to avoid any significant adverse environmental impact and therefore complies with the requirements of Clause 6.8.

Clause 6.10 of the LEP requires the consent authority to be satisfied that all essential services are available to the proposed development. The provisions of Clause 6.10 are outlined below.

6.10 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The site already contains a number of rainwater tanks and in addition to these a 110,000L tank is proposed for the development. The site has existing connections to electricity. Approval under Section 68 of the *Local Government Act 1919* has been issued by Council to install an Aerated Wastewater Treatment System. Stormwater generated on the site will be collected in the existing rainwater tanks. The site is accessed via direct frontage to Jerangle Rd. In this regard the essential services outlined by Clause 6.10 are available on the site.

Overall LEP comment: As outlined above while the proposed development complies with the majority of the relevant provisions of the LEP the precedent this substantial variation to Clause 4.2B(3)(a) would create is considered to be unacceptable on planning grounds. However the previous Council decision on this matter is acknowledged.

7 Provision of any proposed Environmental Planning Instruments (S.79C(1)(a)(ii))

The Department of Planning has directed in Circular PS 08-013 issued on 13 November 2008 that for the purposes of this subsection Council is only required to consider proposed environmental planning instruments which have been publicly exhibited within the last three years.

In accordance with the above direction, there are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

8 Provision of any Development Control Plan (S.79C(1)(a)(iii))

Cooma-Monaro Development Control Plan 2014

Chapter 2 of the Cooma-Monaro Development Control Plan (DCP) 2014 provided generic development controls that need to be considered when assessing this development application. The following table indicates compliance with the requirements of Chapter 2.

Chapter 2 Generic Development Controls				
DCP provision	Requirement		Proposal	Complies
2.1 Streetscape	No zincalume facades or roofing		All metal is proposed to be factory coloured in either "monument" or "classic cream"	Yes
	Carports or garages no wider than 6 metres (or 50% of dwelling width) in residential zones		N/A- not residential zoning	-
2.2 Building height and bulk	Lowest habitable floor no more than 1.2m above existing ground		Lowest habitable floor approx. 0.9m above existing ground (as shown on plans)	Yes
	No basements >1m above existing ground		N/A- No Basements	-
	Min 3.3m floor to ceiling height on ground floor and 2.7m on others in business zones		N/A- Not in business zone	-
	Building two or more storeys in height – shadow diagrams required		Shadow diagram not required, no overshadowing issues identified. Building is single storey; and is located over 50m from any boundary.	Yes
	Maximum building height 8.5m		Maximum height shown on plans approx. 5.45m	Yes
2.3 Building setbacks (Increase by 1m for building above 2 storeys)	See table below			
Zone	Setback	Distance (m)	Proposal	Complies
RU1	Front Setback	50	Minimum front setback greater than 200m	Yes
	Side Setback	50	Minimum side setback approx. 50m	Yes
	Rear Setback	50	Minimum rear setback greater than 250m	Yes
2.4 Crime and Safety	Building facades adjoining a public area must not		N/A	-

15.2 DA 10.2017.1073.1

	contain recesses, fin wall etc		
	Visitor parking to be located close to/ within the front setback	Visitor parking not required	N/A
	Private open space clearly defined	The site contains ample private open space	Yes
2.5 Vehicular access and roads	Road access constructed to lot boundary in accordance with standards specified in Appendices 5 and 6 and Council's <i>Specification for Engineering Works – Volume 1 (Design)</i> and <i>Specification for Engineering Works – Volume 2 (Construction)</i> (SFEW).	Access via frontage to Jerangle Rd (Council owned road).	Yes
2.6 Stormwater	Drainage to public stormwater drainage system	Stormwater to be directed to proposed rain water tanks and overflow to be dispersed on site. Due to the size of the site this is considered to be appropriate.	Yes
2.7 Energy efficiency	Outdoor clothes drying area	Washing line shown on plans, size not indicated	Yes- 20m line to be conditioned
2.8 Erosion and sediment control	Erosion and sediment control plan required	Applicant has proposed the use of silt/sediment fences, captured sediment is to be stockpiled and relocated on site. Potential contaminants and introduced materials to be lawfully disposed of. Revegetation clause to be included as part of development consent to aid in preventing ongoing erosion control post-construction.	Yes
	Construction on slopes >15% to be avoided	The contour plans provided show a slope of 7.5%	Yes
	Use of hay-bales to be avoided in areas of high value native vegetation	N/A	-

2.9 Landscaping	Landscape plan required in R1, R2 and B zones	Landscape plan not required- RU1	-
	35% free of hard-paved surfaces	Approximately 95% of the site will be free of hard-paved surfaces	Yes
	IN1- min 2m wide landscape strip along front setback where front setback is less than 12m	N/A	-
	Plantings in front setback	N/A	-
2.10 Off-street parking	To be shown on plan (Refer table six for requirements) 2 spaces per dwelling house	The site contains ample space for off-street car parking.	Yes

Chapter 3 of the Cooma-Monaro Development Control Plan (DCP) 2014 provides residential accommodation development controls that need to be considered when assessing this development application. The following table indicates compliance with the requirements of Chapter 3.

3.3 Residential Accommodation			
3.3.1 Dwelling houses			
DCP provision	Requirement	Proposal	Complies
3.3.1.2 Performance based requirements	New development is to minimise direct overlooking into living rooms of adjacent dwellings.	Due to the location and distance from neighbouring dwellings no overlooking issues are foreseen.	Yes
	Living rooms and balconies for entertaining purposes are not permitted above ground-floor level.	No entertaining areas above ground floor	Yes
	New dwellings are not to be located on the top of ridgelines, hills or other elevated locations	Proposed dwelling is not located on any ridge lines or hill tops.	Yes
	Where dwellings are built on hillsides visual scarring by cutting into the hillside is to be minimised.	The development is located on an area which is relatively level (when considered against the overall site), in	Yes

		this way cut and fill have been minimised.	
3.3.1.3 Prescriptive requirements	Parking space on-site sufficient to accommodate two (2) cars is to be provided.	Parking is sufficient	Yes
	Without a reticulated water, a min 45,000 litre rainwater for a two bedroom or smaller dwelling and a min 90,000 litre rainwater tank for all other dwellings. This is in addition to any water supply required for bushfire purposes.	110,000L rainwater tank proposed	Yes
	A minimum of 50 square metres of private open space to be provided behind the front building setback.	Well over the required 50m ²	Yes
	Garage with internal access from living areas, must be separated by a door with knob located at a minimum height of 1500mm above floor level	No garage with internal access.	-

Chapter 3.5 Depots, Farm buildings, outbuildings associated with a residential use and shipping containers			
DCP provision	Requirement	Proposal	Complies
3.5.2 Performance based requirements	Applications for buildings to which this clause applies must detail the intended use of the building.	Applicant has stated intended use as being for storage of motor vehicles and other domestic goods.	Yes
	If trucks or other vehicles (eg cars) are to be regularly parked, used or serviced at the building, the type of trucks or vehicles and their typical hours of use/operation are to be specified.	Not required- domestic use	Yes
	Sufficient manoeuvring room on and around the site must be demonstrated to ensure that vehicle movements will not block and interrupt traffic flow on the street, with arrangements to ensure a	Space around the building will be adequate for vehicle movements without interrupting traffic flow	Yes

15.2 DA 10.2017.1073.1

	forwards entry and exit to the site preferable.		
	Stormwater drainage from the new building must not flow onto adjoining properties.	Stormwater to be diverted to 110,000L stormwater tank, overflow to be dispersed on site. Due to size of site and distance from boundaries this is considered to be appropriate.	Yes
	Noise generation from the use of the building must be limited if residential land uses are present in the immediate surrounds of the site.	Any potential noise to be mitigated by the distance from any neighbouring property, future noise to be controlled under the POEO Act. Condition to be included that noise be kept at an adjustable level.	Yes
	If the new building will include a toilet and/or shower and is located outside of the reticulated sewerage system, a report assessing the suitability of the site for effluent disposal must be submitted with the development application.	N/A	-
3.5.3 Prescriptive requirements	Noise from trucks reversing, braking and starting their engines shall not occur between the hours 9.00 pm to 7.00 am unless there will be no significant impact on neighbours.	No truck visiting hours indicated, shed for domestic use	Yes
	New buildings must be of a size that respects the character of the surrounding area (eg a 3 or 4 bay garage/workshop may not be appropriate on a small lot in Zone R2).	The structure is sited away from other similar structures, the size and scale is deemed to be constant with other development in the RU1 Primary Production Zone	Yes
	Depots involving noisy machinery, and truck depots shall be located at	N/A - Proposed development not a	-

	least 50 metres from the nearest residential dwelling (ie the building not the lot boundary) not associated with the development.	depot	
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8.1 Variations to Development Standards

There are no DCP variations in the proposed development.

9 Provision of any Planning Agreement (S.79C(1)(a)(iia))

There are no planning agreements in place in relation to the proposed development.

10 Provision of the Regulations (S.79C(1)(a)(iv))

This subsection refers to clauses 92-94A of the Regulations. None of these clauses directly apply to the proposal.

11 Impacts of the Development – Environmental, Social & Economic (S.79C(1)(b))

Context and setting	The existing site has three “farm buildings”. The surrounding area has a mixture of agricultural uses, vacant land,
Access, transport and traffic	The site has existing access via direct frontage to Jerangle Rd.
Impacts on supply of utilities	No foreseen impacts on supply of utilities, existing electricity connection available on site, OSSM included in plans, rainwater tank included in plans.
Heritage	No items noted on site or in vicinity.
Natural and other land resources	The proposed development will have no direct impact upon natural or other land resources due to its siting on the lot in an area previously disturbed.
Water supply and potential impacts on surface and ground water	The proposed development will not alter the existing water supply on site. Rainwater tanks proposed as potable water supply. If required the property would have the ability to access groundwater for stock and domestic purposes, subject to relevant applications.
Soils	No significant impact on soils foreseen, site has an existing approval for an OSSM and water is intended to be provided via rainwater tanks. Revegetation clause will also be included to prevent any potential erosion issues.

<i>Air quality, pollution and microclimate impacts (eg odour)</i>	No significant impact foreseen due to nature and scale of development.
<i>Flora and fauna</i>	Dwelling proposed to be located outside the areas identified as containing high quality native flora and fauna. Proposal does include removal of vegetation, upon inspection it is considered that the vegetation proposed has little significance when considered in relation to the whole of the lot.
<i>Waste facilities and controls</i>	All waste to be disposed of in a legal manner, sewage to be managed by on appropriate on-site disposal system.
<i>Energy efficiency and greenhouse gas emissions</i>	BASIX certificate provided for the development, no significant energy efficiency or greenhouse emission issues foreseen due to the scale and nature of the development.
<i>Noise and vibration</i>	Little to no impact foreseen due to nature of development and distance from neighbouring dwellings, any noise generated would be regulated by the Protection of the Environment Operations Act 1997.
<i>Safety, security and crime prevention</i>	The proposed development is considered to have very little impact on safety, security and crime prevention in the area overall due to its scale and setting.
<i>Site and internal design issues</i>	No privacy issues foreseen due to development's relative isolation from other residential dwellings
<i>Impacts during construction</i>	Minimal impacts foreseen, any noise related issues are to be minimised by construction time
<i>Cumulative impacts</i>	No significant impacts foreseen, due to nature and scale of development. Proposal is for a single dwelling and associated shed, dwelling to be suitably setback from surrounding development.
<i>Impacts on aboriginal heritage</i>	An Aboriginal Heritage Information Management System (AHIMS) Basic Search found no records of Aboriginal sites or places in or near the subject site. As the site has been previously disturbed and does not contain any features which would be traditionally associated with items of heritage it is considered highly unlikely that the development would have any potential impacts.

12 Suitability of the Site (S.79C(1)(c))

<i>Natural Hazards</i>	Areas of landslide risk noted on site, site of dwelling not considered to be of concern.
<i>Potential contamination</i>	None noted on the site.
<i>Availability of utility services</i>	There is existing connections to electricity on site. There

	are existing rainwater tanks, and a further 110,000L rainwater tank proposed for the development
Potential land use conflicts with surrounding development	The proposed dwelling is not foreseen to create any potential land use conflicts.
Effluent disposal	Existing section 68 approval
Topography	The topography of the site is dominated by a small knoll in the south eastern corner of the site. The site slopes downwards from this knoll, with the eastern slope being calculated at approximately 12° (22%), the western slope approximately 15° (28%) and the northern approximately 4° (7%). It is noted that the proposed building envelope is to be located on an area of lesser slope on the eastern slopes of the site. This topography is considered to be suitable for the proposed development.
Suitability of the access arrangements	Existing access off Jerangle Rd deemed suitable

13 Public Submissions (S.79C(1)(d))

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of Chapter 8 of the Cooma-Monaro Development Control Plan 2014. The public exhibition period was 14 days and at the close of the submission period no comments were received.

14 Public Interest (S.79C(1)(e))

Impact on public infrastructure	None expected, not located within the scope of council's water or wastewater schemes. Electricity previously connected on site.
Disabled Access	Not required
Federal or State government policies	N/A
Planning studies, strategies or guidelines	N/A
Management Plans	Nil
Restrictions on the title and/or easements upon the land	Building envelope, not impact foreseen as proposed dwelling located within the boundaries.
Credible research findings applicable to the proposal	Nil

15 Other Matters

<i>Developer Contributions</i>	Section 94 contributions applicable
<i>Property Vegetation Plan (PVP)</i>	Nil
<i>Crown Land</i>	None noted
<i>Approvals under other Acts</i>	N/A
<i>Explanation of certain conditions to be imposed</i>	Nil
<i>Enforcement of conditions</i>	Standard enforcement conditions
<i>Internal Referrals</i>	The proposed development was referred to the following internal Council officers. Their comments have also been summarised below:

Officer	Issues raised	Addressed by	Conditions recommended?
Health and Building Surveyor	No significant issues	-	Standard conditions
Roads and Stormwater Engineer	No comments received	-	-
Water and Wastewater Engineer	-	-	-
Property Manager	-	-	-

16 Conclusion

As can be seen from the above assessment report, the proposed dwelling house and associated structures meets the requirements of *Cooma-Monaro Local Environmental Plan 2013* and *Cooma-Monaro Development Control Plan 2014* with the exception of the minimum lot size for a dwelling house provision in clause 4.2B(3)(a) of the LEP. In this regard a request to vary this provision using clause 4.6 of the LEP was received from the applicant. As Council does not have delegations to approve such a variation, it was referred to the Secretary of the Department of Planning and Environment for concurrence. This concurrence was issued on 21 February 2017.

The issues surrounding whether or not such a variation is warranted were considered extensively in the previous development application on the site to create a building envelope. Council planning staff formed the view at that time that a variation under clause 4.6 was not warranted, after considering the reasons provided by the applicant. However the variation received concurrence from the Secretary and was subsequently approved by the former Cooma-Monaro Shire Council.

With that approval in place the merit consideration of the variation are not applicable.

No public submissions were received regarding the application.

It is recommended it be approved as detailed in the attached draft determination.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The proposed development will increase the number of residents within the hinterland of Bredbo.

2. Environmental

The proposed development will result in minimal environmental impact within the locality of the development, with measures in place to manage any such impacts appropriately.

3. Economic

The proposed development will result in a small positive economic impact within the locality of the development. New construction activities may also have a positive economic impact at a local level.

4. Civic Leadership

In determining this DA Council is demonstrating effective governance by ensuring public input into the assessment and determination process, and ensuring that applications are determined in an efficient and consistent manner.

Council has previously considered a similar matter with DA 10.2015.0516.1 for the creation of a building envelope on the lot. This development was approved at the April 2016 council meeting. Council acknowledges its previous decision regarding this lot.



Enquiries Quinn Maguire
Service Planning - Cooma Office
Our Ref 10.2017.1073.1
Your Ref

Lynne F Clark & Christopher A F Clark
69 Bacchus Circuit
KAMBAH ACT 2902

Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* (the 'Act')

Application Number 10.2017.1073.1
Property Description Jerangle Road BREDBO 2626
Lot: 67 DP: 750525
Development Description Dwelling house and domestic outbuilding (residential)

Determination

Pursuant to Section 80(1)(a) of the Act

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application **10.2017.1073.1** relating to the land described above.

The Development Application has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Council

Determination Date:

Consent to Operate from:

Consent will Lapse on:

Integrated Approval Bodies

Pursuant to Section 93 of the Act

The development application proposal was not Integrated Development. INT_01

Conditions

General

- 1) The development being carried out in accordance with the approved documents/plans listed in the Schedule below and development application except where amended by the conditions of this
- Page 1 of 6

HEAD OFFICE	Cooma:	81 Commissioner Street COOMA NSW 2630	P 02 6455 1777
BRANCH OFFICES	Berridale:	2 Myack Street BERRIDALE NSW 2628	P 02 6451 1195
	Bombala:	71 Caveat Street BOMBALA NSW 2632	P 02 6458 3555
	Jindabyne:	Shop 2 Razorback Office Gippsland Street JINDABYNE NSW 2627	P 02 6451 1550
MAILING ADDRESS	PO Box 714, COOMA NSW 2630		www.snowymonaro.nsw.gov.au

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Consent as set out in the following conditions or by any subsequently approved Section 96 modification.

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
-	Statement of Environmental Effects	Applicant	
	Site Plan		
	** DELETE OR ADD ROWS AS REQUIRED		
	**		

Reason: Requirement that the development is completed in accordance with Council's consent. P_1_01

- 2) Reflective materials such as zincalume are not to be used on structure facades or roof.
Reason: To comply with Cooma-Monaro Development Control Plan (Amendment 1) 2014 clause 2.1.2 P_0_01
- 3) All erosion and sedimentation control devices shall be maintained until the site has been adequately revegetated and no soil remains exposed. Revegetation or stabilisation of disturbed areas shall be commenced as soon as possible on all sites. This includes turfing, seeding, bitumen straw mulching, and landscape planting.
Reason: To establish site stability as soon as possible following earthworks. P_5_01

Conditions to be met prior to commencement of work

- 4) NO WORK IS TO COMMENCE until a Construction Certificate is issued by Council or a private Principal Certifying Authority.
Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*. B_1_02
- 5) Before commencing any work a sign MUST be erected on the land, visible from the road and indicating:
 - a) The owner's name and contact number (including after-hours contact number).
 - b) Allotment number
 - c) Construction Certificate number.
 - d) Principal Contractor's name and contact number.
 - e) Principal Certifying Authority's name, address and contact number.

Note: Where Council is the Principal Certifying Authority list details as:

Snowy Monaro Regional Council 81 Commissioner Street, Cooma Phone 1300 345 345

The sign must also state 'Unauthorised entry to the work site is prohibited'.
The sign must be maintained while building works are carried out and must be removed once works are completed.

Reason: Prescribed condition in accordance with clause 98A(2) of the *Environmental Planning and Assessment Regulations*. B_2_01

- 6) Where earthworks are undertaken to accommodate a new building, precautionary measures must be undertaken to ensure soil mixed in with run-off is contained on the site. It is an offence to allow soil and other runoff to escape from the building site. On-the-spot fines may be issued for offences.
Reason: To minimise erosion of land and siltation of waterways, and a requirement of the *Protection of the Environment Operations Act*. B_2_08
- 7) The applicant shall, prior to issue of any Occupancy Certificate, obtain a Section 138 (Roads Act 1993) consent from Council for the following works:
 - a) Upgrading of the existing vehicular entrance point for PT 67, DP750525

The applicant shall make application to Council for approval under Section 138 of the Roads Act 1993 using the Application for Works within a Road Reserve form. All works shall be in accordance

SNOWY MONARO
REGIONAL COUNCIL

with Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.

All works shall be carried out in accordance with the Section 138 Approval.

Reason: Ensure rural driveway is in accordance with current Council standards and works carried out in accordance with Roads Act 1993. R.1.02

Conditions to be met prior to release of Construction Certificate

- 8) Where Council is the Principal Certifying Authority, the following is to be submitted for consideration before a Construction Certificate can be issued:
- a) Structural Engineers details signed, dated and certified for the following:
 - i) Any footings and slab design
 - ii) Bracing and Tiedown details for the timber/steel frame
 - iii) Wind and Snow loading certification in accordance with AS 1170
 - b) To comply with the provisions of the Home Building Act 1989, the following is to be submitted to Council:
 - i) A copy of the Owner Builder Permit as issued by NSW Fair Trading; **or**
 - ii) A copy of the Home Building Compensation Fund Insurance Certificate for building works exceeding the value of \$20,000 where a licensed builder is contracted to undertake the work; **or**
 - iii) A copy of the builders license details where works are less than the value of \$20,000.

Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*. B.1.03

- 9) Residential building works requires that the builder or person who does any residential building work complies with the applicable requirements of Part 6 of the *Home Building Act* whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the approved work.

The builder or person shall obtain and have in force Home Building Insurance and supply to Council a copy of the certificate in respect of insurance complying with the *Home Building Act 1989* prior to the commencement of any residential building work together with the Notice of Commencement required by the Act.

If arrangements for doing the residential building work change while the work is in progress, further work must not be carried out unless Council has been provided with written notice of the updated information.

Reason: Prescribed conditions in accordance with clause 98(1)(b) and 98B(2)&(3) of the *Environmental Planning and Assessment Regulation* and requirement of the *Home Building Act 1989*. B.1.07

- 10) All steel framework to comply with Australian Standard 1250 and engineer's details and/or manufacturer's specifications, incorporating Ground Snow Load of 1.686 kPa and a Wind Load of N3.

Reason: Requirement of the *Building Code of Australia*. B.4.06

Conditions to be met during Construction

- 11) All Building Work is to comply with the Building Code of Australia.
Reason: Prescribed condition in accordance with clause 98(1)(a) of the *Environmental Planning and Assessment Act and Regulation*. B.1.01
- 12) The following are Critical Stage Inspections as prescribed by the *Environmental Planning and Assessment Act and Regulations*, whereby the Principal Certifying Authority must inspect.
- a) after excavation for, and prior to the placement of any footings;

SNOWY MONARO
REGIONAL COUNCIL

- b) prior to pouring any in-situ reinforced concrete building element;
- c) prior to covering of the framework of any floor, wall, roof or other building element;
- d) prior to covering water proofing in any wet areas;
- e) prior to covering any stormwater drainage connections;
- f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building;
- g) Council also requires that an inspection be made prior to covering any sanitary plumbing or drainage work.

Note carefully that unless all of the Mandatory Critical Stage Inspections are carried out, an Occupation Certificate cannot be issued for the building.

Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*.

NOTE: IF ANY ADDITIONAL COUNCIL INSPECTIONS ARE REQUIRED AN ADDITIONAL FEE WILL BE CHARGED IN ACCORDANCE WITH COUNCIL'S FEES SCHEDULE. B.1.04

- 13) The builder must at all times maintain on the site a legible copy of the plans and specifications bearing the stamp and Construction Certificate issued by the Principal Certifying Authority.
Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*. B.1.08
- 14) Working hours involving machinery or noisy activities being confined within the hours of 7.00am to 8.00pm, Monday to Saturday and 8.00am to 8.00pm on Sundays or Public Holidays. Please contact Council for further advice regarding noise control.
Reason: Requirement of the Protection of the *Environment Operations Act and Regulations* and to protect the amenity of residents in homes in the vicinity. B.1.09
- 15) During building operations the builder shall provide approved temporary closet accommodation - 1 toilet for each 20 persons or part thereof engaged upon the building at any time. In town and village areas, such toilet must be either a temporary water closet (connected to wastewater or septic tank) or an approved type of chemical closet, properly maintained.
Reason: To ensure adequate sanitary facilities are available. B.2.03
- 16) No building materials, equipment or structures are to be placed or stored on Council footpaths, nature strips or roadways unless prior approval under Section 138 of the Roads Act 1993 has been issued by Council.
Reason: To ensure roads and footpaths are not obstructed and for public safety. B.2.04
- 17) Provision is required to be made for the storage and disposal of all waste building materials.
Reason: To ensure the site is kept in a satisfactory condition. B.2.05
- 18) The builder shall keep the building site tidy and shall ensure no waste material escapes at any time during construction or otherwise causes any nuisance.
Reason: To ensure the site is kept in a satisfactory condition. B.2.06

Conditions to be met prior to release of Occupation Certificate

- 19) The building MUST NOT be occupied until an Interim or Final Occupation Certificate has been issued by the Principal Certifying Authority (PCA). If Council is the PCA, an Application for Occupancy must be made and payment of any applicable fees prior to inspection and issue of an Occupation Certificate.
Reason: Requirement of *Environmental Planning and Assessment Act and Regulations*. B.4.01
- 20) It is a condition of this Development Consent that all the commitments listed in the Basix Certificate No 608815S_02 dated 14th November 2016 for the development are fulfilled.
Reason: Requirement of the *Environmental Planning and Assessment Regulation*. B.4.04
- 21) Prior to the release of Any Occupation Certificate an Outdoor Clothes Drying Area including a minimum 20 linear metres of line space is to be installed on the site.

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REGIONAL COUNCIL

Reason: To ensure compliance with the requirements of the Cooma-Monaro Development Control Plan 2014. P.4_01

- 22) All Conditions identified as 'Required Works' (condition 7, 21, and 23) in this consent must be completed prior to issue of the Subdivision Certificate / any Occupation Certificate.

Reason: To ensure all required works are completed. R.1_04

- 23) All water supply / wastewater (sewerage) works contained in the Section 68 approval (17.2015.213.1) must be completed and a Certificate of Completion issued prior to issue of an Occupation Certificate.

Reason: To ensure that works are completed and carried out in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard*. WWW_1_04

Ongoing Conditions

- 24) The outbuilding (shed) is not to be used for commercial or industrial purposes or for human habitation except in accordance with prior written approval of the Council.

Reason: Requirement of *Environmental Planning and Assessment Act and Regulations*. B.4_02

- 25) All private road access to the dwelling on the site/development, including right/s-of-way, driveways and access points, shall be provided and maintained in a safe, trafficable condition for all weather use by two-wheel drive vehicles.

Reason: In accordance with *Cooma-Monaro Shire Council Development Control Plan 2014*. R.2_06

Advice to Applicant

- 1) Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety Regulation 2001* and *Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.

- 2) Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at www.1100.com.au or telephone 1100 before excavating or erecting structures. This is the law in NSW. If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

Note: Under the *Telecommunications Act 1997 (Commonwealth)*, Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.

- 3) It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.
- 4) The proposed development is outside the Shire's Water Supply Schemes. W.1_19

SNOWY MONARO
REGIONAL COUNCIL

- 5) The proposed development is outside the Shire's Wastewater Schemes. WW_1_01

Notes

- 1) An applicant may request a review of this determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 6 months of the date of this notification. A review under Section 82A cannot be made for Integrated, Designated or Crown Development.
- 2) Section 97 of the Act confers on an applicant or an objector who is dissatisfied with the determination of Snowy Monaro Regional Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.

On behalf of the above Council:

Quinn Maguire
Urban & Rural Planner
for
Peter Smith
Director of Service Planning

DRAFT
FOR COUNCIL CONSIDERATION

Received by
 Cooma-Monaro Shire Council
 28/10/2015

Clause 4.6 Variation Request to Development Standard

Proposed building envelope for a future dwelling at Lot 67 DP 750525, Jerangle Road, Bredbo

Background:

In 2011, the current land owners Chris and Lynne Clark purchased the subject property.

As part of the purchase of the allotment, the purchasers Solicitor obtained a S.149 Planning Certificate from Cooma-Monaro Shire Council, with an extract of clause 2(2) provided below (and full copy provided in Attachment A):

<i>Column 1 Section 149(2) (Schedule 4 EP&A Regulation 2000)</i>	<i>Identification of the matter referred to in Column 1 and the extent to which it applies to the land</i>
<i>whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.</i>	<i>No. Refer to planning instrument and relevant DCP provisions for other permissibility criteria.</i>

The S.149 Planning Certificate therefore identified that under the Cooma-Monaro Local Environmental Plan 1999 - (Rural), no minimum land dimension applied to the site for the erection of a dwelling, therefore it was assumed there was no minimum lot size.

Furthermore the S.149 Certificate advised that Complying Development under the General Housing Code may be carried out on the land, as per the extract below.

<i>Column 1 Section 149(2) (Schedule 4 EP&A Regulation 2000)</i>	<i>Identification of the matter referred to in Column 1 and the extent to which it applies to the land</i>
<i>(1) Whether or not the land is land on which complying may be carried out under each of the codes for complying development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i>	<i>General Housing Code Complying development under the General Housing Code may be carried out on the land.</i>

The General Housing Code allows for new dwellings and additions and alterations to dwellings, therefore the site would have to have a dwelling entitlement for Complying Development under the General Housing Code to be carried out.

In anticipation that a dwelling could be erected on the property in the future, the land owners have erected three (3) farm sheds on the allotment in accordance with the Exempt Development provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, have connected the property to power and provided access to the future dwelling site.

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The land owners have also gained approval for the installation of on-site sewerage management system under the Local Government Act, 1993.

In January of 2015, the land owners engaged TZ Design and Snowy Sheds to have a dwelling designed with an additional shed. This DA [DA 10.2015.447.1] was submitted to Council on the 24 April 2015.

Correspondence from Council, dated 7 May 2015, was provided to the land owners and Applicant (copy provided in Attachment B) which advised that Council had undertaken a preliminary assessment of the DA, and required the following issue to be addressed:

1) Evidence of Compliance with Section 4.2B(3)

'Prior to granting consent to any development application involving the erection of a dwelling house in certain rural zones, such as the subject development application, Council is required to establish the compliance of any such application with the provisions of Clause 4.2B of the Cooma-Monaro Local Environmental Plan 2013 (Please see attached). A preliminary assessment of the subject application has identified that Lot 67 DP 750525 does not appear to meet the relevant provisions of Clause 4.2B(3).

Luke's
Letter

At this time Council wishes to provide you with the opportunity to provide evidence establishing the subject site's compliance with the requirements of Section 4.2B(3) of the Cooma-Monaro Local Environmental Plan 2013.

Council requested this information be provided by the 21 May 2015. A request for an extension was made on behalf of the Applicant to provide the additional information. Council advised that no additional extension beyond 7 days could be granted and advised that the DA would be refused if the DA was not withdrawn with the timeframe provided.

Were given 21
days

The DA was withdrawn and the Applicant (land owners) received 50% of the original DA fee as a refund, being \$755.50. The provision of fourteen (14) days to respond to this issue is not considered a 'reasonable' timeframe (as afforded under the Environmental Planning and Assessment Regulations, 2000) to provide the additional information and Council therefore is considered to have acted inappropriately in forcing the Applicant to withdraw the DA, even though the stop the clock provisions under the Regulations were applied.

Subject Site:

The subject site is located at 682 Jerangle Road, Bredbo, being 6.82 km in distance along the road from the Bredbo township, or 5km to the east of the town in a straight direction, as shown below in figure 1.

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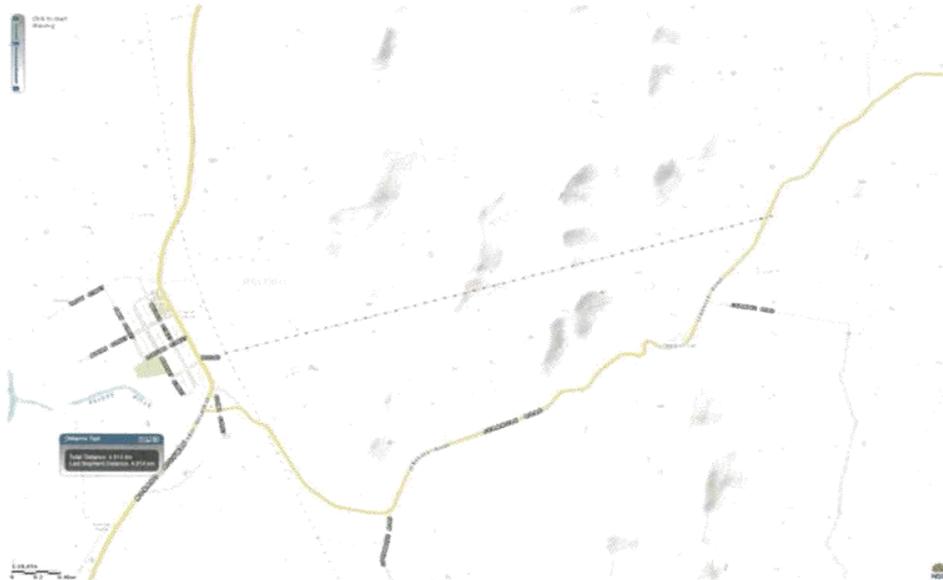


Figure 1: Location of the subject site in relation to the town of Bredbo

The subject site is legally described as Lot 67 DP 750525 and is located on the eastern side of Jerangle Road as shown in figure 2 below.



Figure 2: Location of the subject site

As the Six Viewer aerial maps are not up to date, the Google Map below in figure 3 shows the subject site and its existing sheds and infrastructure on the subject site in context with the rural-residential character of the locality.

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Figure 3: Aerial of the subject site and locality

A closer aerial is provided in figure 4 below.

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Figure 4: Closer aerial view of the buildings and infrastructure on the subject site



Figure 5: Photo of the existing shed and infrastructure on the subject site

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Figure 6: Photo of the existing shed and infrastructure on the subject site



Figure 7: Photo of the proposed building envelope location on the subject site

The subject site was created as part of a Parish Portion, with DP 750525 being the Parish of Bransby, County of Beresford as shown on the extracted map from LPI Historic Land Records Viewer below.

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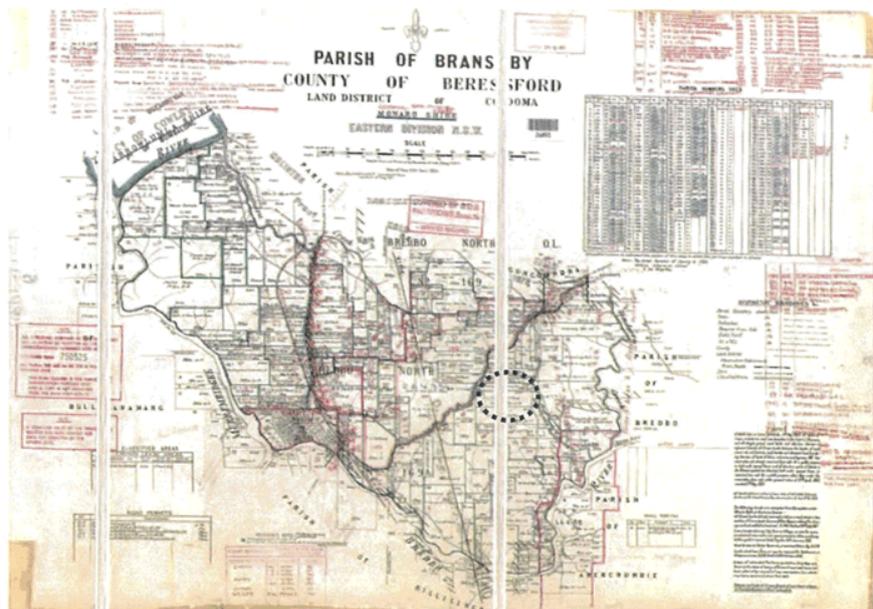


Figure 8: Extract of the Parish of Bransby Map with the subject site highlighted

A copy of DP 750525 in relation to portions 67 & 68 is provided below.

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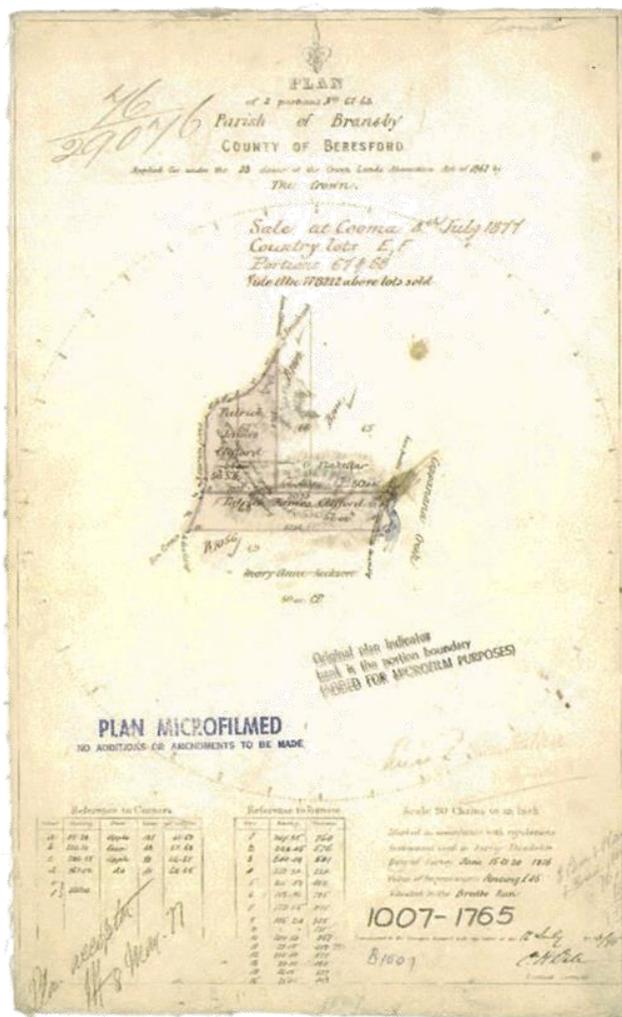


Figure 9: Extract of the DP for Portions 67 & 68

The subject lot was therefore created in 1877.

Lot Size Analysis:

An analysis of the lot sizes that are less than the minimum lot size (of 80ha) that include dwellings accessed or adjacent to Jerangle Road within 3kms of the subject site has been undertaken with a map provided in Attachment C.

This analysis is summarised in Table 1.

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Lot and DP:	Lot Size (Approx.):	% of Variation to Minimum Lot Size of 80ha:
Lot 1 DP 587723	19ha	76%
Lot 212 DP 750525	46ha	43%
Lot 25 DP 264354	40ha	50%
Lot 24 DP 264354	40ha	50%
Lot 23 DP 264354	43ha	46%
Lot 22 DP 264354	44ha	45%
Lot 1 DP 826111	41ha	49%
Lot 20 DP 264354	41ha	49%
Lot 19 DP 264354	41ha	49%
Lot 18 DP 264354	41ha	49%
Lot 17 DP 264354	40ha	50%
Lot 15 DP 264354	41ha	49%
Lot 14 DP 264354	40ha	50%
Lot 11 DP 264354	42ha	48%
Lot 10 DP 264354	53ha	34%
Lot 40 DP 635407	48ha	40%
Lot 177 DP 750525	59ha	26%
Lot 4 DP 587724	51ha	36%
Lot 5 DP 587724	71ha	11%
Lot 23 DP 750525	57ha	29%
Lot 70 DP 750525	20ha	75%
Lot 1 DP 1142923	72ha	10%
Lot 3 DP 587722	76ha	5%

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

As shown on the map in Attachment C and the above table, there are at least 23 lots with a lot size less than the minimum lot size of 80ha, ranging from 19ha up to 76ha within 3kms of the subject site, located on or adjacent to Jerangle Road.

The subdivision pattern within the locality therefore indicates that the average lot size is well below the minimum lot size under the CM LEP, 2013.

The dominant land use within the locality is for rural-residential purposes, and certainly not 'primary production'. The land itself is poor in terms of its agricultural capability (being class 4 land as documented in the Agronomist Assessment provided in Attachment D) and being in close proximity to Bredbo township, with power and a sealed road, the land use is used predominantly for 'rural living' and 'lifestyle' purposes.

Variation Request:

The purpose of this request is to seek development consent for a building envelope for a future dwelling house on a lot less than the minimum lot size, under the clause 4.6 variation provisions under the CM LEP, 2013.

To ensure that this clause 4.6 variation request follows the proper processes, this variation request has been prepared in accordance with the NSW Department of Planning & Infrastructure Guideline; 'Varying development standards: A Guide, August 2011'. The fourteen (14) questions identified in Appendix 3 have therefore been addressed, as follows:

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1. What is the name of the environmental planning instrument that applies to the land?

Cooma-Monaro Local Environmental Plan 2013.

2. What is the zoning of the land?

RU1 – Primary Production.

3. What are the objectives of the zone?

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage land uses that are unlikely to generate significant additional traffic relative to the capacity and safety of a road, or create or increase a condition of ribbon development on any road.
- To encourage land uses that are unlikely to create unreasonable or uneconomic demands for the provision or extension of public amenities or services.
- To protect the water quality of receiving watercourses and groundwater systems.
- To protect the visual landscape values of the rural area.

4. What is the development standard being varied? e.g. FSR, height, lot size

Lot size.

5. Under what clause is the development standard listed in the environmental planning instrument?

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

6. What are the objectives of the development standard?

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

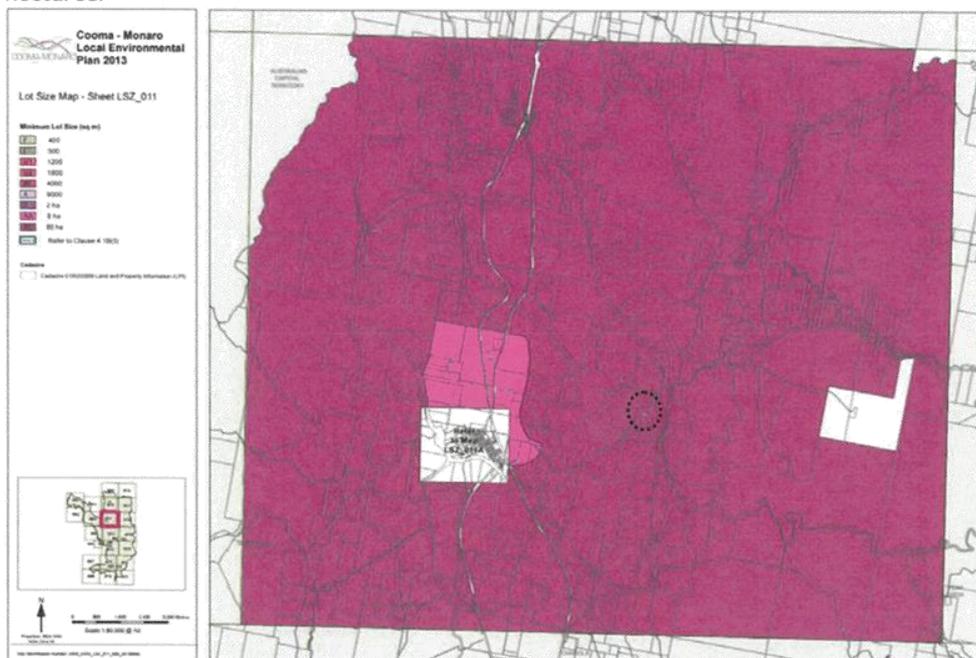
(1) The objectives of this clause are as follows:

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in rural, residential and environment protection zones.*

7. What is the numeric value of the development standard in the environmental planning instrument?

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In accordance with the lot size map (extract provided below), the minimum lot size is 80 hectares.



8. What is proposed numeric value of the development standard in your development application?

The subject lot is 21.45ha.

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

The subject lot is 21.45ha.

Therefore the variation sought is 73.1% (58.55ha/80ha).

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The proposal is for a building envelope for a future dwelling, not a subdivision. Therefore the proposal will not result in any fragmentation of rural land, the primary purpose of the minimum lot size provisions under the Standard LEP Instrument.

The minimum lot size development standard is primarily to regulate subdivision to maintain farm sizes to promote continuing agricultural production and to prevent the fragmentation of rural land.

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To regulate the erection of dwellings in a rural setting, the Lot Size Map and the development standard of 80ha was incorporated into the Cooma-Monaro Local Environmental Plan 2013 (CM LEP, 2013) as a local provision. This is the secondary purpose of the Lot Size Map.

As stated above, this clause 4.6 variation request follows the NSW Department of Planning & Infrastructure Guideline; 'Varying development standards: A Guide, August 2011'. This Guideline in part was based on the SEPP 1 Objection case law *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

In this case Chief Justice Preston identified ways of establishing that compliance with a development standard is unreasonable or unnecessary. The most commonly invoked way, is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The only objectives relevant to this DA and clause 4.6 variation is those prescribed under **clause 4.2D** - Erection of dwelling houses and dual occupancies on land in certain rural, residential and environment protection zones under the CM LEP, 2013, as follows.

The objectives of this clause are as follows:

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in certain rural, residential and environment protection*

As the proposed DA is currently not seeking consent to enable the replacement of lawfully erected dwelling house or dual occupancy, then only objective (a) above is applicable.

This is accordingly addressed below.

The locality is dominated by rural living/lifestyle land uses with at least 23 lots comprising of dwelling houses less than the minimum lot size of 80ha, as shown in the map provided in Attachment C.

Therefore the future erection of a dwelling on the subject site, surrounded by 23 other examples of dwellings on lots smaller than the minimum lot size, could not be justifiably classified as 'unplanned' rural residential development. On the contrary, such a development would be compatible with the use and density of the land in the locality. **Furthermore, the lot size of the property is equal to the minimum lot size under clause 4.1B of the CM LEP, 2013 in relation to average lot sizes. Within the RU1 Primary Production zone, a minimum lot size of 20 hectares can be attained using the averaging provisions.**

Only with a
residue lot of
140Ha

Council has therefore determined that a lot size of 20ha within this zone is sufficient for a dwelling-house, and therefore cannot justify that a dwelling on such a lot size would be 'unplanned'.

Furthermore, the land within the subject site and locality certainly cannot be classified as suitable for 'primary production' due to the predominant size of the properties with dwellings, their dominant land use and the poor agricultural capability of the land. This is supported by the assessment undertaken by Stuart Burge, a local and recognised Agronomist, with a letter provided in Attachment D.

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Strict compliance with the development standard is also considered unreasonable and unnecessary as the zoning and minimum lot size under the CM LEP, 2013 has very little to no relevance to the subject site and locality.

Chief Justice Preston advised in the case referenced above that there is other ways to establish that compliance with a development standard is unreasonable or unnecessary, including demonstrating that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary".

Applying an arbitrary prescriptive control in the form of an 80ha minimum lot size for any land zoned RU1 that has no relevance to the subdivision pattern within the locality would prevent the Applicant and land owners for using the land for its only suitable purpose, being a future dwelling house and this would be unreasonable and unnecessary, particularly when this would complement the existing buildings and infrastructure already on the site.

Chief Justice Preston also identified another way to establish that compliance with a development standard is unreasonable or unnecessary is when the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

Requiring compliance with a development standard that has not been previously imposed on the 23 other dwellings on land adjacent to the site, demonstrates that such a development standard has effectively been destroyed by Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

Why aren't they redundant now??

If strict compliance with the development standard was applied then the subject lot would become effectively sterile with no appropriate land use or development potential. The three (3) existing sheds, electricity connection and on-site effluent system would become redundant as the Applicant and land owners could not reside at the property.

This would also render Councils advice in its S.149 Planning Certificate wrong or at least misleading, which may if legally pursued form the basis of a civil lawsuit against Council for negligent misstatement.

2009 149
Certificate
is correct

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

The objects of this Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

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The subject site does not include any viable agricultural land and does not include any constraints in regards to natural and artificial resources. The poor agricultural viability of the land has been confirmed by Stuart Burge, a local and recognised Agronomist, with a letter provided in Attachment D.

Applying an arbitrary prescriptive control in the form of an 80ha minimum lot size that has no relevance to the subdivision pattern within the locality would prevent the Applicant and land owners for using the land for its only suitable purpose, being a future dwelling house. This would complement the existing buildings and infrastructure already on the site.

Granting consent to a variation for a building envelope for a future dwelling on a lot with a lot size below the minimum lot size, where the vast majority of the lots within the locality are also well below the minimum lot size is considered to provide an orderly and economic use and development of land.

Forcing strict compliance with such an arbitrary development standard, when the variation sought will not create an adverse planning precedent, given the extent of precedent already established, is likely to hinder and refrain from the attainment of the abovementioned objects of the Act.

12. Is the development standard a performance based control? Give details.

No, its a prescribed numerical development standard.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Requiring strict compliance would not allow for some of the aims of the CMLEP, 2013 to be achieved as the orderly and economic use and development of land could not be attained with a lot that shares a similar lot size to 23 other lots within the locality with dwellings less than the minimum lot size.

Furthermore, given the dominant land use and lot sizes within the locality, there is no potential for conflict between the use of the land and the adjoining and nearby land uses and more importantly the inclusion of a dwelling would be more compatible with adjoining and nearby land uses. This would provide a further housing opportunities in the vicinity of Bredbo, where a sealed road, services, infrastructure and buildings in the locality and on the site are adequate for a future dwelling.

The was no min
lot size in the
Rural LEP

Requiring strict compliance with a development standard that was derived from the previous Rural LEP as part of a 'straight transfer' is considered unreasonable, particularly when that transfer process was not based on a detailed land use survey of the locality or detailed analysis of the lot sizes with dwellings within the locality. This is proven whereby Council applied a unilateral minimum lot size of 80ha across the RU1 zoned land within the Shire, regardless of how the land is used, its location and proximity to services or its actual lot size.

The use of a clause 4.6 variation is therefore plays an important role, given the lack of strategic planning that underpins the minimum lot size development standard which applies to the subject site and its locality.

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A response to the RU1 zone objectives in relation to the subject site, proposed building envelope for a future dwelling and variation sought, is provided below.

Zone Objective	Response
<ul style="list-style-type: none"> <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> 	The subject property is not suitable for any primary industry production use, as demonstrated by the Agronomist assessment provided in Attachment D.
<ul style="list-style-type: none"> <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> 	The subject property is not suitable for any primary industry enterprises and systems.
<ul style="list-style-type: none"> <i>To minimise the fragmentation and alienation of resource lands.</i> 	The proposed building envelope for a future dwelling will not result in the land being fragmented or the alienation of resource lands. The lot [portion] was created in 1877.
<ul style="list-style-type: none"> <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> 	The proposed building envelope for a future dwelling will be located on a lot adjacent to other lots within the locality that predominantly comprise of dwellings and used for 'rural living/lifestyle' with no potential for conflict occurring.
<ul style="list-style-type: none"> <i>To encourage land uses that are unlikely to generate significant additional traffic relative to the capacity and safety of a road, or create or increase a condition of ribbon development on any road.</i> 	The use of the land for a dwelling will not generate significant additional traffic, given the 23 other lots within the locality that include a dwelling with a lot size less than 80ha and the adequacy of the road.
<ul style="list-style-type: none"> <i>To encourage land uses that are unlikely to create unreasonable or uneconomic demands for the provision or extension of public amenities or services.</i> 	The use of the land for a dwelling house is permissible within the zone and would not create unreasonable or uneconomic demands for the provision or extension of public amenities or services, as all the required services are already in place.
<ul style="list-style-type: none"> <i>To protect the water quality of receiving watercourses and groundwater systems.</i> 	The proposed building envelope for a future dwelling would have no additional impacts on watercourses or groundwater systems.
<ul style="list-style-type: none"> <i>To protect the visual landscape values of the rural area.</i> 	The proposed building envelope for a future dwelling would have no additional impacts in regards to the visual landscape values of the land within the locality, and would be complimentary with the character of the locality and extent of dwelling houses.
<ul style="list-style-type: none"> <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> 	The subject property is not suitable for any form of primary industry production, as demonstrated by the Agronomist assessment provided in Attachment D.

Therefore it is considered unreasonable and unnecessary to enforce strict compliance with an arbitrary minimum lot size, whereby the proposed development can achieve and/or be consistent with the objectives within the RU1 zone.

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14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

The granting of a building envelope for a future dwelling on the site complies with all of Councils planning controls in regards to its LEP and DCP, except for a minor non-compliance with one setback control which can either be varied or the dwelling slightly re-located. Therefore there are no other environmental planning reasons, other than an arbitrary minimum lot size control for not granting development consent.

The granting of such a consent with a clause 4.6 variation would not set an adverse planning precedent given that the vast majority of the lots within the locality that comprise of a dwelling are below the minimum lot size, with a range between 19ha and 76ha with an average around 40ha, representing a variation of 50% less than the minimum lot size.

Whilst a precedent is a valid planning consideration (*Goldin & Anor v Minister for Transport Administering the Ports Corporatisation and Waterways Management Act 1995*[2002] NSWLEC 75), the site and its immediate locality has specific characteristics, such as its access to infrastructure, its surrounding locality comprising of 23 dwellings on lots smaller than the minimum lot size and the sites ability to construct a dwelling, that support such a variation. These are individual merit considerations that do not necessarily apply to other sites and localities.

Whilst it may be possible to lodge a development application on an undersized allotment in another locality, this is not enough of a valid reason to support refusal of the clause 4.6 variation as clearly any application for a future dwelling on these other sites would need to be considered on their individual merits.

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ATTACHMENT A

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68C



COOMA-MONARO SHIRE COUNCIL

PO BOX 714 COOMA NSW 2630
Phone: (02) 6455-1777 Fax: (02) 6455-1799
ABN 19 204 741 100

Planning Certificate - Section 149(2)

Environmental Planning & Assessment Act 1979

Applicant's Ref: 2009/341/622305

Applicant's Name: LEAP Searching
Postal Address: GPO Box 4029
SYDNEY NSW 2001

Property Address Description	
Street Address:	Jerangle Road
Town/Locality:	Bredbo

Lot No:	67
Section No:	
Deposit Plan No:	750525

Office Use Only			
Certificate No:	139/10	Assessment No:	183.15000
Fee:	\$40.00	Receipt No:	195171

LAND TITLE - Lot No 67 Plan No 750525

Planning Certificate**Section 149(2)**

Environmental Planning and Assessment Act 1979

Column 1 Section 149 (2) (Schedule 4 EP&A Regulation 2000)	Identification of the matter referred to in Column 1 and the extent to which it applies to the land
1 Names of relevant planning instruments and DCPs	
(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.	Cooma-Monaro Local Environmental Plan 1999 - (Rural) See attached list of State Environmental Planning Policies
(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).	Nil
(3) The name of each development control plan that applies to the carrying out of development on the land.	DCP 1 – Development and Subdivision of Land (Urban and Rural) DCP 9 – Section 94 Contributions Plan DCP 18 – Contaminated Land DCP 19 – Site Performance Standards DCP 20 – Exempt Development DCP 21 – Complying Development DCP 22 – Building and Planting near Wastewater Drainage Mains DCP 23 – Public Notification Policy DCP 25 – Off-Street Parking DCP 27 – Water Supply Policy DCP 28 – Wastewater Drainage
(4) In this clause proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.	Council at its meeting on 25 October 2004 resolved to prepare a draft local environmental plan for the whole of the area controlled by Cooma-Monaro Council. At this time no draft plan has been exhibited or prepared.
2 Zoning and land use under relevant LEPs	
For each local environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):	
(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2(a)"),	Zone No 1(a) (Rural Zone)

LAND TITLE - Lot No 67 Plan No 750525

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,	Refer to Attachment "Land Use Table"
(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,	Refer to Attachment "Land Use Table"
(d) the purposes for which the instrument provides that development is prohibited within the zone,	Refer to Attachment "Land Use Table"
(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,	No. Refer to planning instrument and relevant DCP provisions for other permissibility criteria.
(f) whether the land includes or comprises critical habitat,	None known.
(g) whether the land is in a conservation area (however described),	No
(h) whether an item of environmental heritage (however described) is situated on the land.	No
3 Complying Development	
(1) Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .	General Housing Code Complying development under the General Housing Code may be carried out on the land. Housing Internal Alterations Code Complying development under the Housing Internal Alterations Code may be carried out on the land.
(2) If complying development may not be carried out on that land because of one or more of the requirements under clause 1.19 of that Policy, why it may not be carried out.	General Commercial and Industrial Code Complying development under the General Commercial and Industrial Code may be carried out on the land.
4 Coastal protection	
Whether or not the land is affected by the operation of section 38 or 39 of the <i>Coastal Protection Act 1979</i> , but only to the extent that the council has been so notified by the Department of Public Works.	No

LAND TITLE - Lot No 67 Plan No 750525

5 Mine subsidence	
Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the <i>Mine Subsidence Compensation Act 1961</i> .	No
6 Road widening and road realignment	
Whether or not the land is affected by any road widening or road realignment under:	
(a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or	No
(b) any environmental planning instrument, or	No
(c) any resolution of the council.	No
7 Council and other public authority policies on hazard risk restrictions	
Whether or not the land is affected by a policy:	
(a) adopted by the council, or	No
(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).	Council has been advised by the NSW Department of Planning that in accordance with Section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> Council is required to be satisfied that a development complies with " <i>Planning for Bushfire Protection 2006</i> " where that development is within land identified as bushfire prone. NO
7A Flood related development controls information	
(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.	No
(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.	No
(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	

LAND TITLE - Lot No 67 Plan No 750525

8 Land reserved for acquisition	
Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.	No
9 Contributions plans	
The name of each contributions plan applying to the land.	Cooma-Monaro Shire Council Section 94 Contributions Plan.
11 Bush fire prone land	
If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.	The land the subject of this certificate is not bush fire prone land.
12 Property vegetation plans	
If the land is land to which a property vegetation plan under the <i>Native Vegetation Act 2003</i> applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).	No
13 Orders under Trees (Disputes Between Neighbours) Act 2006	
Whether an order has been made under the <i>Trees (Disputes Between Neighbours) Act 2006</i> to carry out work in relation to a tree on the land (but only if the council has been notified of the order).	No
14 Directions under Part 3A	
If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.	No

LAND TITLE - Lot No 67 Plan No 750525

15 Site compatibility certificates and conditions for seniors housing	
If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:	
(a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include: (i) the period for which the certificate is current, and (ii) that a copy may be obtained from the head office of the Department of Planning, and	No
(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.	No
16 Site compatibility certificates for infrastructure	
A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include: (a) the period for which the certificate is valid, and (b) that a copy may be obtained from the head office of the Department of Planning..	
No	
17 Site compatibility certificates and conditions of affordable rental housing	
(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include: (a) the period for which the certificate is current, and (b) that a copy may be obtained from the head office of the Department of Planning.	No

LAND TITLE - Lot No 67 Plan No 750525

(2) A statement setting out any terms of a kind referred to in clause 17 (1) or 37 (1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.	
<p>Note - Contaminated Land Management</p> <p>The following matters are prescribed by section 59 (2) of the <i>Contaminated Land Management Act 1997</i> as additional matters to be specified in a planning certificate:</p>	
(a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued.	No
(b) that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,	No
(c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,	No
(d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,	No
(e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate	No

LAND TITLE - Lot No 67 Plan No 750525

IMPORTANT NOTES S149 (2) CERTIFICATE:

NOTE 1 Terms of Reference

This Certificate does not make reference to the physical conditions of the property. Consequently no inspections have been made in respect of:

- (a) The presence or otherwise of noxious weeds on the property,
- (b) The condition of any structure/s on the land and associated infrastructure.

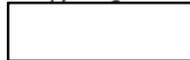
No advice is included in this Certificate in respect of outstanding or unauthorised works.

Should applicants require such details, that may be in addition to information provided in a S149 (2) & (5) Certificate, application should be made, accompanied by the appropriate fee for such inspections.

NOTE 2 Noxious Weeds

Noxious weeds are a major environmental problem within Cooma-Monaro Shire. People considering purchasing rural land in the Shire are urged to contact Council's Noxious Weeds Management Services for advice regarding landowners' responsibilities for the control of noxious weeds.

Certificate Date: 18/11/08



RON DAKIN
MANAGER OF PLANNING
for
JOHN VUCIC
GENERAL MANAGER

ATTACHMENT B

Received by
Cooma-Monaro Shire Council
28/10/2015

Enquiries Luke Perkins
Planning
Our Ref 10.2015.447.1
Your Ref



7 May 2015

Christopher A F Clark
69 Bacchus Circuit
KAMBAH ACT 2902

Dear Sir/Madam

Proposed Development Property Description	Dwelling + garage Jerangle Road BREDBO 2626 Lot: 67 DP: 750525
Application Number	10.2015.447.1

Council has conducted a preliminary assessment of the above development application. To allow for assessment of this application to continue the following issues need to be addressed:

1) **Evidence of Compliance with Section 4.2B(3)**

Prior to granting consent to any development application involving the erection of a dwelling house in certain rural zones, such as the subject development application, Council is required to establish the compliance of any such application with the provisions of Clause 4.2B of the *Cooma-Monaro Local Environmental Plan 2013* (Please see attached). A preliminary assessment of the subject application has identified that Lot 67 DP 750525 does not appear to meet the relevant provisions of Clause 4.2B(3).

At this time Council wishes to provide you with the opportunity to provide evidence establishing the subject site's compliance with the requirements of Section 4.2B(3) of the *Cooma-Monaro Local Environmental Plan 2013*.

Please provide the additional information by 21/05/2015. If no further advice/information is received by this date, staff will be required to determine the application based on the information received to date, which would result in refusal of the subject application.

In accordance cl112 of the *Environmental Planning and Assessment Regulation*, you are advised that the time period for a deemed refusal of this application has been stopped until the issues raised in this letter have been addressed.

Alternatively you may wish to withdraw your application. Council would require the request for withdrawal in writing. If you withdraw your application by 24/06/2015, you are entitled to a refund of 50% of your development application fees. No refund is applicable if you withdraw your application after this time.

Page 1 of 2

Received by
Cooma-Monaro Shire Council
28/10/2015

ATTACHMENT C

Received by
Cooma-Monaro Shire Council
28/10/2015



Received by
Cooma-Monaro Shire Council
28/10/2015

ATTACHMENT D

Received by
Cooma-Monaro Shire Council
28/10/2015 9

Stuart Burge & Associates

A.B.N 16 608 978 741
Agronomy and Farm Management Consultants
PO Box 219
Cooma NSW 2630
Phone: 02 64524199
Email: stuartburge@bigpond.com

28 July 2015

General Manager
Cooma Monaro Shire Council
81 Commissioner Street Cooma 2630

Agricultural Land Capability Lot 67 DP 750525 682 Jerangle Road Bredbo

I am a qualified and highly experienced agronomist who has been working in the Monaro Region for over 35 years, formerly as District Agronomist with the NSW Department of Agriculture and since 1995 as a private consultant agronomist. In my capacity as District Agronomist I was solely responsible for assessing the capability of agricultural lands within the Cooma Monaro Shire, work which now forms the basis of the Cooma Monaro Shire Agricultural Land Classification Map.

As an experienced and practical agronomist I am familiar with all of the land management issues in this region especially those relating to the Bredbo area and specifically those higher elevation lands immediately east of Bredbo which are sometimes colloquially referred to as the "Bredbo badlands".

On 27th July 2015 I inspected the above 21 hectare property at 682 Jerangle Road Bredbo at the request of Mr Ivan Pasalich of Dabyne Planning for the purpose of assessing the agricultural capability of the land.

Upon close inspection of this property it is my considered professional opinion this small parcel of land has no value for agricultural or primary production. This view is based upon the following factors:

- The agricultural classification of this land is Class 4 which is defined as:
"Land which is suitable for grazing but *not suitable for cultivation*. Agricultural production is based on native pastures or improved pastures relying on minimum tillage techniques. Overall level of production is low."
- The entire land area supports a heavy infestation of the noxious perennial grass weeds Serrated Tussock and African Lovegrass which are the dominant plant/pasture species. Serrated Tussock is declared as a weed of National

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Cooma-Monaro Shire Council
28/10/2015

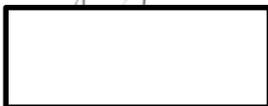
Significance with no grazing value while African Lovegrass has been demonstrated to be highly invasive and to significantly reduce livestock carrying capacity.

In some areas of the property it is apparent that these weeds have been sprayed – as evidenced by the dead residual grass – but that these weed have in turn been replaced by other (annual) weed species which have subsequently invaded the bare ground. These weeds include thistles, Viper's bugloss, sorrel, Great Mullein (Aaron's Rod) and horehound, all of which have no agricultural value. Throughout the remainder of the property these perennial grass weeds have not been sprayed and there are less annual broadleaf weeds but these noxious weeds dominate the pasture sward. It is apparent that in the area in close proximity to the sheds these weeds have been slashed presumably for cosmetic reasons and practical convenience.

- This parcel of land of only 21 hectares is far too small to be a viable land area for the purposes of agricultural production. This is especially as there is no irrigation and taking into account the inherent low fertility and acidic stony non-arable nature of the soils. While there are some intensive agricultural enterprises that may be contemplated, the absence of water and the climatic constraints imposed by the Monaro environment means that these are extremely high risk with a high capital investment and cannot therefore be recommended with confidence.

Taking the above factors into consideration, I reiterate my professional opinion that this property is not suitable for primary production, has nil agricultural value and that its only conceivable use is therefore that of rural residential or lifestyle living.

Yours faithfully



Stuart Burge B.Sc.Agr

Cooma-Monaro Shire Council

Staff Reports – Items for Decision

Item DA 10.2015.516.1 – Jerangle Road Bredbo – Lot 67 DP 750525

Reporting Officer Urban & Rural Planner		File Reference 10.2015.516.1
Budget Allocation N/A	Expenditure to Date N/A	Effect on Budget N/A
Delivery Program Action	2.3.5 Economic, environmental and social values of the Shire's rural and urban areas have been enhanced by application of sound statutory and strategic planning principles	

Report Summary

The purpose of this Report is to provide Council with an assessment of the matters it is required to consider in making its determination of the proposed development under the *Environmental Planning and Assessment Act 1979 (the Act)*. It is recommended that the proposed development be refused for the reasons stated in the Recommendation below.

The site is located at Jerangle Road BREDBO 2626. It is zoned RU1 - Primary Production under the provisions of *Cooma-Monaro Local Environmental Plan 2013*. The proposed development is defined as a building envelope for a future *Dwelling house* which is permissible with consent in the zone, subject to meeting other relevant criteria.

This Application is reported to Council for a decision because it seeks to vary a development standard set out in Clause 4.2B(3)(a) of the *Cooma-Monaro Local Environmental Plan 2013* (LEP). This Clause states that development consent must not be granted for the erection of dwelling house on land within the RU1 Primary Production Zone unless the land has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land.

The Lot Size Map in relation to the subject site states that a minimum lot size of 80 hectares is applicable. Currently the subject site consists of one allotment, which has an area of approximately 20.618 hectares. In this regard the proposal for the erection of a dwelling house on the subject site contravenes the provisions of Clause 4.2B(3)(a) of the LEP.

No submissions were received in relation to the proposal.

Note If Council makes a determination other than as shown in the recommendation below, it must ensure that it follows the requirements of the current Meeting Code of Practice (Section 25) and the guidelines issued to Councillors in November 2007 (or updated and reissued).

Recommendation

That the Application 10.2015.516.1 for the use of the site for a *Dwelling house* at Jerangle Road, Bredbo – Lot 67 DP 750525 be refused for the following reasons:

- 1 The proposed development does not comply with Clause 4.2B(3)(a) of the *Cooma-Monaro Local Environmental Plan 2013* as the site has an area less than the minimum lot size outlined by Sheet *LSZ_011* (ie 80 Hectares).

Cooma-Monaro Shire Council

- 2 The proposed variation to Clause 4.2B(3)(a) is not in the public interest as it is not consistent with the objectives of Clause 4.2B. Due to the significant precedent associated with this application the proposed variation will not minimise unplanned rural residential development within the Shire.

Commentary

Location:	Lot: 67 DP: 750525 - Jerangle Road BREDBO 2626
Proposal:	To create building envelope
Zone:	RU1 - Primary Production – <i>Cooma-Monaro Local Environmental Plan 2013</i>
Development Application Number:	10.2015.516.1
Attachments:	Proposed plans, Applicant's 4.6 variation request, Secretary's Concurrence

1 Existing Site Features

Lot 67 DP 750525 (the site) is located approximately 6.82km along Jerangle Road from the intersection with the Monaro Highway in Bredbo. The site has vehicular access via direct frontage to Jerangle Road. An aerial view of the site is provided below in Figure 1 which shows the location of the proposed building envelope.

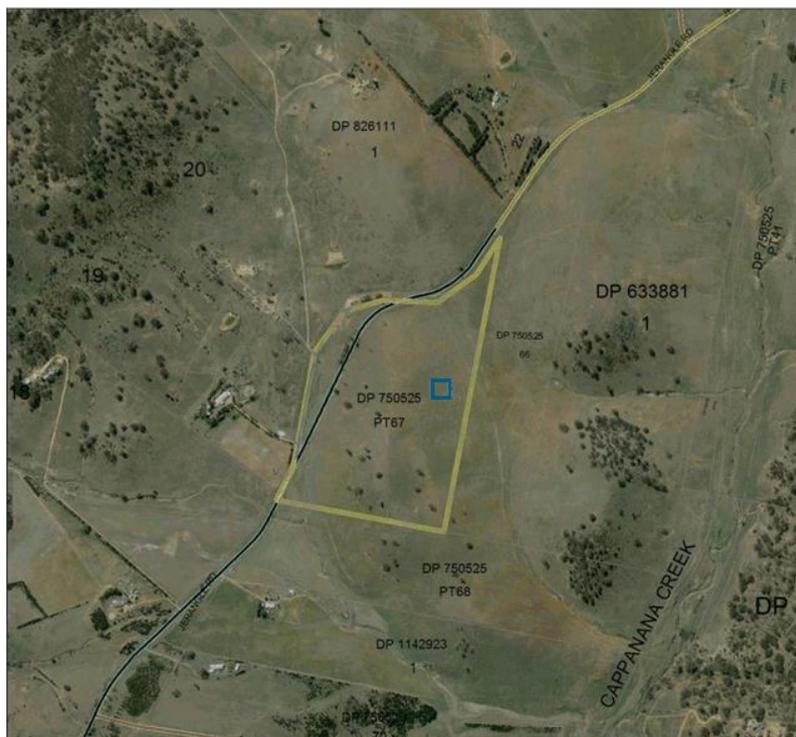


Figure 1 – Aerial view of the site

Cooma-Monaro Shire Council

The topography of the site is dominated by a small knoll in the south eastern corner of the site. The site slopes downwards from this knoll, with the eastern slope being calculated at approximately 12° (22%), the western slope approximately 15° (28%) and the northern approximately 4° (7%). It is noted that the proposed building envelope is to be located on the eastern slopes of the site.

At present the site contains three existing farm buildings, which were erected under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

The site contains a mixture of exotic and native grassland species. Native woodland species are present on the steeper slopes of the site.

The surrounding development consist primarily of rural-residential development, with a number dwellings located along Jerangle Road between the site and Bredbo.

2 Proposal

The proposed development involves the establishment of a 2,500m² building envelope to be located approximately 35 metres from the eastern boundary and approximately 205m from Jerangle Road. The purpose of this application is to establish the building envelope on the site in order to ascertain if a future dwelling would be permissible with consent.

The estimated cost of the proposal according to the applicant is \$0. As no building works are proposed this figure is considered to be satisfactory.

3 Background/History

Three "farm buildings" have been erected on the site under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

On the 24th April 2015 the Applicant's lodged a Development Application (DA 10.2015.447.1) for the erection a dwelling house and a garage on the site. Council contacted the Applicants' on the 7th May 2015 requesting evidence of compliance with Clause 4.2B(3) of the LEP after a preliminary assessment of the subject application had identified that the site did not appear to meet the relevant provisions of Clause 4.2B(3). The Applicants' were given 14 days to provide any evidence. After discussing the matters with Council a 7 day extension was provided, however the Applicants' withdrew DA 10.2015.447.1 on the 28th May 2015.

4 Consideration of Threatened Species (S.5A)

Council is required under Section 79C to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Threatened Species Conservation Act 1995 (TSC Act) or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 5A of the Act sets out what must be considered in determining whether a proposed development will have a significant impact. Section 5A requires the consideration of the following:

Cooma-Monaro Shire Council

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'seven-part test' described in the Section.

The Applicants did not submit a report on potential threatened species impact.

The site is predicted to contain Tableland Clay Grassy Woodlands under Council's predictive native vegetation mapping.

An inspection of the site noted that due to the lack of trees present on the site it is inappropriate to classify the vegetation on the site as Tableland Clay Grassy Woodlands. In this regard it would be more appropriate to classify the existing vegetation on the site as Temperate Montane Grasslands.

On this basis of the above information, the threatened species listed in the table below are known or considered highly likely to be present on the site. The potential impact of the proposed development upon them is also considered in the table below.

Species	Type	Level of threat listed	Particular listed threats to survival	Potential impact of proposal
Grassland Earless Dragon (<i>Tympanocryptis pinguicolla</i>)	Reptile	Endangered	<p>Habitat loss and fragmentation as land is cleared or otherwise impacted for residential, agricultural, rural lifestyle subdivision and industrial developments.</p> <p>Collection of bush rock and rock-removal for pasture management purposes.</p> <p>Habitat degradation through ploughing.</p> <p>Heavy grazing and trampling by stock and rabbits, causing habitat degradation through root damage, prevention of seedling establishment and erosion.</p> <p>Invasion of habitat by weeds or escaped pasture species that degrade habitat.</p> <p>Changed fire regimes that result in changes to vegetation structure and composition and also to invertebrate populations that are the food source for this species.</p> <p>Feral animals and domestic cats and dogs from neighbouring properties.</p> <p>Erection of fences within known habitat, providing perches for predatory birds (e.g. Brown Falcon -</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>

Cooma-Monaro Shire Council

				<p>Falco berigora).</p> <p>Modification and shading of habitat through tree-planting in native grasslands.</p> <p>Addition of fertilisers and application of other agricultural chemicals that modify grassland flora and fauna.</p> <p>Changed hydrology from activities such as irrigation and effluent disposal.</p> <p>Landholders unaware of the impact of management practices on the species. like removal of natural grazers and changes to historical grazing patterns.</p> <p>Poor knowledge of the species' distribution and population sizes</p> <p>Kangaroo grazing in the nature reserve reducing tussock cover for the dragons.</p>	
<p>Pink-tailed Worm Lizard (Aprasia parapulchella)</p>	Reptile	Vulnerable	<p>Habitat loss and fragmentation.</p> <p>Habitat degradation through rock removal.</p> <p>Habitat degradation through pasture improvement including slashing, ploughing and sowing of non-native species.</p> <p>Habitat degradation through intensive grazing by stock.</p> <p>Habitat degradation through invasion of habitat by weeds or escaped pasture species.</p> <p>Lack of knowledge of how habitat management practices influence site occupancy and species persistence.</p> <p>Predation by feral or domestic cats and foxes</p> <p>Changed fire regimes that result in changes to vegetation structure and composition.</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>	
<p>Striped Legless Lizard (Delma impar)</p>	Reptile	Vulnerable	<p>Habitat loss and fragmentation.</p> <p>Habitat degradation through pasture improvement including rock removal, slashing, ploughing and sowing of</p>		

Cooma-Monaro Shire Council

			<p>non-native species.</p> <p>Habitat degradation through invasion of habitat by weeds or escaped pasture species.</p> <p>Habitat degradation through intensive grazing by stock.</p> <p>Lack of knowledge of how habitat management practices influence site occupancy and species persistence.</p> <p>Predation by feral or domestic cats and foxes</p> <p>Changed fire regimes that result in changes to vegetation structure and composition.</p>	
<p>Little Whip Snake (<i>Suta flagellum</i>)</p>	Reptile	Vulnerable	<p>Habitat loss and fragmentation as land is cleared for residential, agricultural and industrial developments.</p> <p>Removal of habitat elements, such as rocks and fallen timber.</p> <p>Invasion of habitat by weeds or escaped pasture species that degrade habitat.</p> <p>Changed fire regimes that result in changes to vegetation structure and composition.</p> <p>Feral animals and domestic cats and dogs from neighbouring properties.</p> <p>Loss and degradation of grassland habitat from long-term overgrazing.</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>
<p>Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)</p>	Bird	Vulnerable	<p>Loss of key breeding and foraging habitat from intensive wildfire events and inappropriate hazard reduction burns</p> <p>Loss and degradation of breeding and foraging habitat from rural and urban development</p> <p>Loss of breeding and foraging habitat from forestry management practices</p> <p>Climate change impacts to habitat</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling</p>

Cooma-Monaro Shire Council

			<p>suitability and distribution</p> <p>Psittacine cirovirus disease (PCD)</p> <p>Lack of knowledge of locations of key breeding habitat and breeding ecology and success</p> <p>Infestation of habitat by invasive weeds.</p> <p>Aggressive exclusion from forest and woodland habitat by over abundant Noisy Miners.</p>	<p>it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>
<p>Speckled Warbler (<i>Chthonicola sagittata</i>)</p>	Bird	Vulnerable	<p>Due to the fragmented nature of the populations and their small size the species is susceptible to catastrophic events and localised extinction.</p> <p>Clearance of remnant grassy woodland habitat for paddock management reasons and for firewood.</p> <p>Poor regeneration of grassy woodland habitats.</p> <p>Modification and destruction of ground habitat through removal of litter and fallen timber, introduction of exotic pasture grasses, heavy grazing and compaction by stock and frequent fire.</p> <p>Habitat is lost and further fragmented as land is being cleared for residential and agricultural developments. In particular, nest predation increases significantly, to nest failure rates of over 80%, in isolated fragments.</p> <p>Nest failure due to predation by native and non-native birds, cats, dogs and foxes particularly in fragmented and degraded habitats.</p> <p>Infestation of habitat by invasive weeds.</p> <p>Aggressive exclusion from forest and woodland habitat by over abundant Noisy Miners.</p> <p>Climate change impacts including reduction in resources due to drought.</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>
<p>Hooded Robin (<i>Melanodryas cucullata</i>)</p>	Bird	Vulnerable	<p>Clearing of woodlands, resulting in loss and fragmentation of habitat.</p>	<p>As the proposed development does not involve any works or</p>

Cooma-Monaro Shire Council

cucullata)			<p>Modification and destruction of ground habitat through heavy grazing and compaction by stock, removal of litter and fallen timber, introduction of exotic pasture grasses and frequent fire.</p> <p>Aggressive exclusion from forest and woodland habitat by over abundant Noisy Miners.</p> <p>Reduction in resources due to drought.</p> <p>Disturbance and changes to vegetation structure due to forestry activities (e.g. fire and harvesting).</p>	<p>disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>
Brown Treecreeper (Climacteris picumnus victoriae)	Bird	Vulnerable	<p>Historical loss of woodland, forest and mallee habitats as a result of agriculture, forestry, mining and residential development.</p> <p>Fragmentation of woodland and forest remnants which isolates populations and causes local extinctions.</p> <p>Ongoing degradation of habitat, particularly the loss of tree hollows and fallen timber from firewood collection and overgrazing.</p> <p>Lack of regeneration of eucalypt overstorey in woodland due to overgrazing and too-frequent fires.</p> <p>Loss of ground litter from compaction and overgrazing.</p> <p>Inappropriate forestry management practices.</p> <p>Loss of understorey habitat.</p> <p>Competition from invasive weeds.</p> <p>Aggressive exclusion from forest and woodland habitat by over abundant Noisy Miners.</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>

Cooma-Monaro Shire Council

Diamond Firetail (<i>Stagonopleura guttata</i>)	Bird	Vulnerable	<p>Clearing and fragmentation of woodland, open forest, grassland and mallee habitat for agriculture and residential development, and firewood collection.</p> <p>Poor regeneration of open forest and woodland habitats.</p> <p>Invasion of weeds, resulting in the loss of important food plants.</p> <p>Modification and destruction of ground- and shrub layers within habitat through: removal of native plants, litter and fallen timber; introduction of exotic pasture grasses; heavy grazing and compaction by stock; and frequent fire.</p> <p>Predation of eggs and nestlings by increased populations of native predators such as the Pied Currawong <i>Strepera graculina</i>.</p> <p>Risk of local extinction due to small, isolated populations.</p> <p>Aggressive exclusion from forest and woodland habitat by over abundant Noisy Miners.</p>	<p>As the proposed development does not involve any works or disturbance of the native vegetation on the site the likelihood of the proposed development impacting upon this specie is very low. However as the proposed building envelope is to enable to erection of future dwelling it could result in cumulative impacts. It is noted that the proposed building envelope is to be established in an area that has already been disturbed as a result of previous land use practices. In this regards the likelihood for any future development to impact this specie is considered to be minimal.</p>
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As can be seen from the above table nine (9) species could be potentially impacted by the proposal. The threatened species website maintained by the Department of Environment, Climate Change and Water lists certain actions which need to be taken to recovery a particular threatened species. These actions are summarised below for the species identified above as potentially impacted by the proposal.

Species	Listed recovery actions	Impacted by proposal?	Suggested resolution
Grassland Earless Dragon (<i>Tympanocryptis pinguicolla</i>)	<p>Reduce pest species densities and maintain at low levels.</p> <p>Ensure grazing regime is appropriate for the species.</p> <p>Reduce and maintain weed densities at low levels.</p> <p>Reduce pest species densities and maintain at low levels.</p> <p>Ensure grazing regime is appropriate for the species.</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil

Cooma-Monaro Shire Council

	<p>Reduce and maintain weed densities at low levels.</p> <p>Track species abundance/condition over time.</p>		
<p>Pink-tailed Worm Lizard (Aprasia parapulchella)</p>	<p>A targeted strategy for managing this species is being developed by the Office of Environment & Heritage under the Saving Our Species program. In the interim the following should be considered:</p> <ul style="list-style-type: none"> • Keep domestic dogs and cats indoors at night. • Undertake feral animal control. • Apply fire regimes that maintain structure and floristic diversity (e.g. patch burning). • Search for the species in suitable habitat in areas that are proposed for development or management actions, and mark sites onto maps or plans. • Do not collect bush rock or remove rocks for pasture management purposes. • Do not destroy habitat and surrounding areas by ploughing. • Do not allow heavy, prolonged grazing on habitat. • Do not plant trees and shrubs into habitat. • Control invasions of weeds and pasture species (but be wary of the impact of herbicide use in habitat); where possible use methods that directly target weeds, such as spot spraying and hand removal. • Protect natural grassland remnants within the known distribution of the species. • Ensure remnant populations remain connected or linked to each other. In cases where remnants have lost connective links, re-establish links by revegetating sites to act as stepping stones for dispersal. • Mark sites and potential habitat onto maps used for planning hazard reduction burns. 	<p>The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.</p>	<p>Nil</p>
<p>Striped Legless Lizard (Delma impar)</p>	<p>A targeted strategy for managing this species is being developed by the Office of Environment & Heritage under the Saving Our Species program. In the interim the following should be considered:</p> <ul style="list-style-type: none"> • Undertake feral animal control. • Avoid burning sites known to support this species until research on the impact of fire on the lizards and their prey has been undertaken. • Survey for the species in suitable 	<p>The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.</p>	<p>Nil</p>

Cooma-Monaro Shire Council

	<p>habitat in areas that are proposed for development or where changes in management actions are proposed, and mark sites onto maps or plans. If found, advise land manager of appropriate management actions.</p> <ul style="list-style-type: none"> • Retain and protect natural grassland remnants within the known distribution of the species. • Do not collect bush rock or remove rocks for pasture management purposes. • Do not destroy habitat and surrounding areas by ploughing. • If grassland management activities are considered necessary (mowing, grazing, slashing), undertake during the colder months when the lizards are less active. • Do not allow heavy, prolonged grazing on habitat • Until impacts of fire on this species and its prey are known, use grazing as a means to control biomass. • Do not plant trees and shrubs into habitat or adjacent to habitat where shading or the spread of wildings into the grassland may occur. • Prevent domestic cats and dogs from roaming into areas of habitat. • Control invasions of weeds and pasture species (but be wary of the impact of herbicide use in habitat): where possible use methods that directly target weeds such as spot spraying and hand removal. • Ensure remnant populations remain connected or linked to each other; in cases where remnants have lost connective links, re-establish links by revegetating sites with grassland species to act as stepping stones for dispersal. • Mark sites and potential habitat onto maps used for planning hazard reduction burns. 		
Little Whip Snake (<i>Suta flagellum</i>)	<p>Undertake targeted surveys for the species in areas identified as suitable habitat and where located investigate threats operating on population</p> <p>Undertake research into basic biology and habitat requirements. Investigate the factors influencing population dynamics.</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil
Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)	<p>Protect known and potential remnant gang-gang cockatoo habitat, particularly tall wet forest and dry sclerophyll forest vegetation communities with large trees supporting hollows that are 10cm in diameter or larger and manage these areas to allow ongoing regeneration of local native trees, shrubs and ground layer plants. Where possible,</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil

Cooma-Monaro Shire Council

	<p>negotiate management agreements with landholders that are funded in perpetuity that allows ongoing recruitment of native local trees, shrubs and grasses.</p> <p>Restore gang-gang cockatoo habitat in strategic locations close to known habitat and movement corridors, using appropriate local tree, shrub and ground cover species. Care must be taken to ensure that the removal of exotic berry-bearing shrubs and trees such as cotoneaster, hawthorn and pyracantha, that provide foraging habitat, is compensated for by planting of appropriate native foraging plant species such as acacias and eucalypts.</p> <p>Report illegal shooting or trapping of gang-gang cockatoos to Environment Line (131 555).</p> <p>Liaise with land managers and landholders managing fire to raise awareness about the importance of live and standing dead hollow-bearing trees, and to minimise losses of these trees when carrying out prescribed burns.</p>		
Speckled Warbler (<i>Chthonicola sagittata</i>)	<p>Encourage the retention of a floristically and structurally diverse and spatially variable understorey in patches of woodland. Raise public awareness of the damage caused to wildlife habitat by slashing/underscrubbing, over-grazing, and frequent fuel reduction burns. Target in-perpetuity covenants or stewardship agreements to landholders with high quality remnant woodland habitat.</p> <p>Encourage the retention of woody ground debris. Raise public awareness of the impact of firewood collection, cleaning up, and fuel reduction burns on this critical resource. Promote the retention of large old trees that have the potential to contribute woody ground debris via the shedding of limbs.</p> <p>Raise awareness among landholders in a local area known to have important habitat for the species, to engage them in proactive management and monitoring of the species' population on their land.</p> <p>Ensure populations remain connected by avoiding gaps greater than 100m between habitat patches and along linear remnants. Eliminate gaps through revegetation (either corridors or stepping stone plantings), focusing on important movement pathways.</p> <p>Target removal of weeds significantly compromising habitat values (e.g. invasive perennial grasses) and restores native vegetation. Care should be taken to avoid widespread removal of beneficial exotic</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil

Cooma-Monaro Shire Council

	<p>woody vegetation without replacement and avoid non-target impacts of herbicides.</p> <p>Measure the abundance and impact of noisy miners on species populations and habitat, and implement appropriate management actions with demonstrated effectiveness to reduce the impacts of noisy miners if/where required. The preferred method for managing aggressive honeyeater impacts is through habitat modification (e.g. reduce the amount of edge and establish a structurally complex understorey).</p> <p>Undertake revegetation, using a diverse mix of locally appropriate native species, focussing on expanding and connecting areas of existing habitat. Where appropriate, establish new habitat patches in areas where native vegetation cover is lacking. Target the productive lower parts of the landscape, especially areas adjacent to streams, which may provide important drought refuges. To maximise these benefits, riparian plantings should be at least 50m wide.</p> <p>Raise public awareness about the potential for domestic cats and dogs to prey on or disturb Speckled Warblers, especially during the nesting period. Exclude dogs from important areas of urban habitat via regulation and/or fencing, and confine cats and dogs to residential premises.</p> <p>Conduct targeted research into identifying different practical methods for restoring the structure and function of the ground layer in degraded habitat, including soil biota and its functionality.</p>		
Hooded Robin (<i>Melanodryas cucullata cucullata</i>)	<p>Measure the abundance and impact of noisy miners on species populations and habitat, and implement appropriate management actions with demonstrated effectiveness to reduce the impacts of noisy miners if/where required. The preferred method for managing aggressive honeyeater impacts is through habitat modification (e.g. reduce the amount of edge and establish a structurally complex understorey).</p> <p>Undertake revegetation, using a diverse mix of locally appropriate native species, focussing on expanding and connecting areas of existing habitat. Where appropriate, establish new habitat patches in areas where native vegetation cover is lacking. Target the productive lower parts of the landscape, especially areas adjacent to streams (which may provide important drought refuges). To maximise these benefits, riparian plantings should be at least 50m wide.</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil

Cooma-Monaro Shire Council

	<p>Conduct targeted research into identifying different practical methods for restoring the structure and function of the ground layer in degraded habitat, including soil biota and its functionality.</p> <p>Encourage the retention of a floristically and structurally diverse and spatially variable understorey in patches of woodland. Raise public awareness of the damage caused to wildlife habitat by slashing/underscrubbing, over-grazing, and frequent fuel reduction burns. Target in-perpetuity covenants or stewardship agreements to landholders with high quality remnant woodland habitat.</p> <p>Encourage the retention of woody ground debris. Raise public awareness of the impact of firewood collection, cleaning up, and fuel reduction burns on this critical resource. Promote the retention of large old trees that have the potential to contribute woody ground debris via the shedding of limbs.</p> <p>Raise awareness among landholders in a local area known to have important habitat for the species, to engage them in proactive management and monitoring of the species' population on their land.</p> <p>Ensure populations remain connected by avoiding gaps greater than 100m between habitat patches and along linear remnants. Eliminate gaps through revegetation (either corridors or stepping stone plantings), focusing on important movement pathways.</p> <p>Target removal of weeds significantly compromising habitat values (e.g. invasive perennial grasses) and restores native vegetation. Care should be taken to avoid widespread removal of beneficial exotic woody vegetation without replacement and avoid non-target impacts of herbicides.</p>		
Brown Treecreeper (<i>Climacteris picumnus victoriae</i>)	<p>Raise public awareness of the importance of large old trees (particularly isolated paddock trees and hollow-bearing trees, live and dead) and undertaking restoration and revegetation to replace cohorts of trees where they have been removed from the landscape, particularly in areas adjacent to and connecting woodland remnants.</p> <p>Encourage the retention of a floristically and structurally diverse and spatially variable understorey in patches of woodland. Raise public awareness of the damage caused to wildlife habitat by slashing/underscrubbing, over-grazing, and frequent fuel reduction burns. Target in-perpetuity covenants or stewardship agreements to landholders with high quality remnant woodland habitat.</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil

Cooma-Monaro Shire Council

	<p>Encourage the retention of woody ground debris. Raise public awareness of the impact of firewood collection, cleaning up, and fuel reduction burns on this critical resource. Promote the retention of large old trees that have the potential to contribute woody ground debris via the shedding of limbs.</p> <p>Raise awareness among landholders in a local area known to have important habitat for the species, to engage them in proactive management and monitoring of the species' population on their land.</p> <p>Identify sites where hollows are limiting and develop and implement strategies to increase hollow availability that have clear objectives and include monitoring, maintenance, and reporting requirements. Actions include nest box installation, the humane control of introduced species, and the protection of trees having the potential to develop hollows.</p> <p>Ensure populations remain connected by avoiding gaps greater than 100m between habitat patches and along linear remnants. Eliminate gaps through revegetation, either corridors or stepping stone plantings, focusing on important movement pathways.</p> <p>Target removal of weeds significantly compromising habitat values (e.g. invasive perennial grasses) and restore native vegetation. Care should be taken to avoid widespread removal of beneficial exotic woody vegetation without replacement and avoid non-target impacts of herbicides.</p> <p>Measure the abundance and impact of noisy miners on species populations and habitat, and implement appropriate management actions with demonstrated effectiveness to reduce the impacts of noisy miners if/where required. The preferred method for managing aggressive honeyeater impacts is through habitat modification (e.g. reduce the amount of edge and establish a structurally complex understorey).</p> <p>Undertake revegetation, using a diverse mix of locally appropriate native species, focussing on expanding and connecting areas of existing habitat. Where appropriate, establish new habitat patches in areas where native vegetation cover is lacking. Target the productive lower parts of the landscape, especially areas adjacent to streams, which may provide important drought refuges. To maximise these benefits, riparian plantings should be at least 50m wide.</p> <p>Conduct targeted research into identifying</p>		
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Cooma-Monaro Shire Council

	different practical methods for restoring the structure and function of the ground layer in degraded habitat, including soil biota and its functionality.		
Diamond Firetail (<i>Stagonopleura guttata</i>)	<p>Protect and maintain areas of high quality habitat, which includes open forest, woodland, mallee and grasslands with a diverse ground layer dominated by a mixture of grass species which seed at different times of year (providing a year round food supply) and provides scattered shrubs for shelter. Areas with access to water, especially riparian areas, are particularly important. Where possible negotiate conservation agreements with landholders, agreements should preferably be funded and in perpetuity.</p> <p>Undertake revegetation, using a diverse mix of locally appropriate native species, which will produce high quality habitat. Revegetation should focus on expanding areas of existing habitat, connecting isolated habitat patches (either through corridor or stepping stone plantings) or establishing additional habitat patches in landscapes with already existing, although insufficient, patches of suitable habitat. Areas with access to water, especially riparian areas, are particularly important, although care should be taken to ensure that riparian revegetation programs are sufficiently wide (minimum 50m wide), and that the composition of the ground and understorey is managed.</p> <p>Undertake control of invasive exotic plant species that compete with native grasses, so as to increase the prevalence and diversity of food plants, in suitable habitat.</p> <p>Exclude grazing from suitable habitat, or reduce grazing intensity and regularity so that a diverse grass sward and scattered shrub layer is maintained, and seeding grasses are present throughout the year.</p> <p>Remove introduced fruit or berry producing plants (for example blackberry, hawthorn, cotoneaster, privet) that provide a food supply for nest predators such as pied currawongs.</p> <p>Retain mistletoe and scattered patches of dense shrubs for nesting habitat, particularly in areas close to water.</p>	The proposed development, due to its nature, does not inhibit the Office of Environment & Heritage listed recovery actions.	Nil

Having considered the species potentially impacted by the proposal, the nature of these impacts and what might be done to minimise or eliminate them, the seven part test can now be applied to these species as required by Section 5A.

Cooma-Monaro Shire Council

The application of the seven part test to these species is shown below:

Seven Part Test	Potentially impacted species		
	Grassland Earless Dragon	Pink-tailed Worm Lizard	Striped Legless Lizard
<i>(a) (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction</i>	Not Applicable	While the proposed development will be occurring within the areas identified as potentially containing Pink-tailed Worm Lizards the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops. In this regard it is considered unlikely that the location of the proposed development supports Pink-tailed Worm Lizard populations. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	While the proposed development will be occurring within the areas identified as potentially containing Striped Legless Lizards the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops. In this regard it is considered unlikely that the location of the proposed development supports Striped Legless Lizard populations. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.
<i>(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,</i>	While the proposed development will be occurring within the areas identified as potentially containing Grassland Earless Dragons the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops. In this regard it is considered unlikely that the location of the proposed development supports Grassland Earless Dragon populations. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	Not Applicable	Not Applicable
<i>In (c)(i) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i> <i>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i>	Not Applicable	Not Applicable	Not Applicable

Cooma-Monaro Shire Council

Seven Part Test	Potentially impacted species		
	Grassland Earless Dragon	Pink-tailed Worm Lizard	Striped Legless Lizard
<p><i>in (c)(ii) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i></p> <p><i>(i) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction</i></p>	Not Applicable	Not Applicable	Not Applicable
<p><i>(d)(i) in relation to the habitat of a threatened species, population or ecological community:</i></p> <p><i>the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</i></p>	Not Applicable	Not Applicable	Not Applicable
<p><i>(d)(ii) in relation to the habitat of a threatened species, population or ecological community:</i></p> <p><i>whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</i></p>	The habitat of Grassland Earless Dragon will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.	The habitat of the Pink-tailed Worm Lizard will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.	The habitat of the Striped Legless Lizard will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.
<p><i>(d)(iii) in relation to the habitat of a threatened species, population or ecological community:</i></p> <p><i>the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</i></p>	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.
<p><i>(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),</i></p>	There is no critical habitat declared in Cooma Monaro	There is no critical habitat declared in Cooma Monaro	There is no critical habitat declared in Cooma Monaro
<p><i>(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,</i></p>	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.

Cooma-Monaro Shire Council

Seven Part Test	Potentially impacted species		
	Grassland Earless Dragon	Pink-tailed Worm Lizard	Striped Legless Lizard
<i>(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.</i>	While the proposed development will be occurring within the areas identified as potentially containing Grassland Earless Dragons the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops. In this regard it is considered unlikely that the location of the proposed development supports Grassland Earless Dragon populations. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Pink-tailed Worm Lizards the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops. In this regard it is considered unlikely that the location of the proposed development supports Pink-tailed Worm Lizard populations. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Striped Legless Lizards the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops. In this regard it is considered unlikely that the location of the proposed development supports Striped Legless Lizard populations. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.

Seven Part Test	Potentially impacted species		
	Little Whip Snake	Gang-gang Cockatoo	Speckled Warbler
<i>(a) (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction</i>	While the proposed development will be occurring within the areas identified as potentially containing Little Whip Snake the site inspection noted that location of the proposed development did not contain grassy woodland vegetation or scattered loose rocks. In this regard it is considered unlikely that the location of the proposed development supports Little Whip Snake populations. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	While the proposed development will be occurring within the areas identified as potentially containing Gang-gang Cockatoo the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	The proposed development will not be occurring within the areas identified as potentially containing Speckled Warbler. Additionally the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.

Cooma-Monaro Shire Council

Seven Part Test	Potentially impacted species		
	Little Whip Snake	Gang-gang Cockatoo	Speckled Warbler
<i>(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,</i>	Not Applicable	Not Applicable	Not Applicable
<i>In (c)(i) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i> <i>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i>	Not Applicable	Not Applicable	Not Applicable
<i>in (c)(ii) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i> <i>(i) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction</i>	Not Applicable	Not Applicable	Not Applicable
<i>(d)(i) in relation to the habitat of a threatened species, population or ecological community:</i> <i>the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</i>	Not Applicable	Not Applicable	Not Applicable
<i>(d)(ii) in relation to the habitat of a threatened species, population or ecological community:</i> <i>whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</i>	The habitat of the Little Whip Snake will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.	The habitat of the Gang-gang Cockatoo will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.	The habitat of the Speckled Warbler will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.
<i>(d)(iii) in relation to the habitat of a threatened species, population or ecological community:</i> <i>the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</i>	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.

Cooma-Monaro Shire Council

Seven Part Test	Potentially impacted species		
	Little Whip Snake	Gang-gang Cockatoo	Speckled Warbler
<i>(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),</i>	There is no critical habitat declared in Cooma Monaro	There is no critical habitat declared in Cooma Monaro	There is no critical habitat declared in Cooma Monaro
<i>(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,</i>	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.
<i>(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.</i>	While the proposed development will be occurring within the areas identified as potentially containing Little Whip Snake the site inspection noted that location of the proposed development did not contain grassy woodland vegetation or scattered loose rocks. In this regard it is considered unlikely that the location of the proposed development supports Little Whip Snake populations. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Gang-gang Cockatoo the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.	The proposed development will not be occurring within the areas identified as potentially containing Speckled Warbler. Additionally the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.

Seven Part Test	Potentially impacted species		
	Hooded Robin	Brown Treecreeper	Diamond Firetail
<i>(a) (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction</i>	While the proposed development will be occurring within the areas identified as potentially containing Hooded Robin the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	While the proposed development will be occurring within the areas identified as potentially containing Brown Treecreeper the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	The proposed development will not be occurring within the areas identified as potentially containing Diamond Firetail. Additionally the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.

Cooma-Monaro Shire Council

Seven Part Test	Potentially impacted species		
	Hooded Robin	Brown Treecreeper	Diamond Firetail
<i>(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,</i>	Not Applicable	Not Applicable	Not Applicable
<i>In (c)(i) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed: (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i>	Not Applicable	Not Applicable	Not Applicable
<i>in (c)(ii) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed: (i) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction</i>	Not Applicable	Not Applicable	Not Applicable
<i>(d)(i) in relation to the habitat of a threatened species, population or ecological community: the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</i>	Not Applicable	Not Applicable	Not Applicable
<i>(d)(ii) in relation to the habitat of a threatened species, population or ecological community: whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</i>	The habitat of the Hooded Robin will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.	The habitat of the Brown Treecreeper will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.	The habitat of the Diamond Firetail will not become fragmented or isolated as a result of the proposed development as the development will take place within a previously disturbed area.
<i>(d)(iii) in relation to the habitat of a threatened species, population or ecological community: the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</i>	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.	No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.

Cooma-Monaro Shire Council

Seven Part Test	Potentially impacted species		
	Hooded Robin	Brown Treecreeper	Diamond Firetail
(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),	There is no critical habitat declared in Cooma Monaro	There is no critical habitat declared in Cooma Monaro	There is no critical habitat declared in Cooma Monaro
(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.	The proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.
(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Hooded Robin the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Brown Treecreeper the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.	The proposed development will not be occurring within the areas identified as potentially containing Diamond Firetail. Additionally the proposed development does not involve the removal of any significant timbered vegetation or good cover of native perennial grasses. As such the proposed development will not constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process.

Based on the above assessment it is considered unlikely that any threatened species will be significantly impacted upon as a result of the proposed development due to the lack of key habitat elements and the nature of the timbered vegetation present on the site. Additionally the proposed development does not involve the removal of any vegetation with any future dwelling to be located in a disturbed area.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Grassland Earless Dragon (*Tympanocryptis pinguicolla*) is listed as being vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. As such Council is required to consider the likelihood of the proposed development in result in any significant impacts upon the species. In the event that any development is likely to result in significant impacts upon any species listed under the EPBC Act Council is required to refer such an application to Australian Government's Minister for the Environment. The following actions are listed as particular threats under the EPBC Act to the ongoing survival of the Grassland Earless Dragon.

Detailed information on the threats to the species is in the [national recovery plan](#). Key threats to the species are:

- *habitat degradation, fragmentation and loss caused by agricultural development (cultivation through ploughing or cropping) and urban development*
- *inappropriate livestock grazing (particularly during drought)*

Cooma-Monaro Shire Council

- *rock removal / collection*
- *weed invasion.*

Other threats include:

- *overgrazing by kangaroos*
- *complete destocking of previously grazed grassland*
- *creation of harborage sites or structures increasing predation pressure from brown snakes, feral cats, magpies or birds of prey*
- *inappropriate fire regimes*
- *use of herbicides and pesticides*
- *soil erosion.*

As the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops it is considered unlikely that the location of the proposed development supports Grassland Earless Dragon populations. As such is considered unlikely that the proposed development will result in any of the species listed threatening processes. As such the proposed development is considered unlikely to result in any of the significant threats to the species. Based on the above assessment the proposed development is unlikely to result in any significant impacts upon any species listed under the EPBC Act. As such referral to Minister for the Environment is not required for the purposes of the subject application.

The Pink-tailed Worm Lizard (*Aprasia parpulchella*) is listed as being vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. As such Council is required to consider the likelihood of the proposed development in result in any significant impacts upon the species. In the event that any development is likely to result in significant impacts upon any species listed under the EPBC Act Council is required to refer such an application to Australian Government's Minister for the Environment. The following actions are listed as particular threats under the EPBC Act to the ongoing survival of the Pink-tailed Worm Lizard.

Pink-tailed Worm-lizard is threatened by a reduction in the cover of native grasses (Osborne & Jones 1995; Osborne & McKergow 1993). Sites which have undergone pasture improvement typically have a thick cover of introduced grasses and weeds, and support few, if any, lizards (Osborne & McKergow 1993). Heavy grazing can degrade habitat by selective removal of native grasses and nitrification from faeces, leading to a reduced cover of native species (Osborne & McKergow 1993). Stock may also degrade the soil fabric through trampling (Barrer 1992). However, the species still persists at some sites with a long grazing history (Barrer 1992; Osborne & Jones 1995).

Clearing of land for grazing may have benefited the species by increasing the available habitat (Barrer 1992; Osborne & McKergow 1993). Regeneration of woodlands may threaten the long-term survival of some populations (Barrer 1992).

The removal of rocks for landscaping may threaten some populations (Osborne & McKergow 1993).

*The invasion of the woody shrub Burgan (*Kunzea ericoides*) into grasslands may threaten the long-term viability of some sites (Osborne & Jones 1995).*

Cooma-Monaro Shire Council

As the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops it is considered unlikely that the location of the proposed development supports Pink-tailed Worm Lizard populations. As such is considered unlikely that the proposed development will result in any of the species listed threatening processes. As such the proposed development is considered unlikely to result in any of the significant threats to the species. Based on the above assessment the proposed development is unlikely to result in any significant impacts upon any species listed under the EPBC Act. As such referral to Minister for the Environment is not required for the purposes of the subject application.

The Striped Legless Lizard (*Delma impar*) is listed as being vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. As such Council is required to consider the likelihood of the proposed development in result in any significant impacts upon the species. In the event that any development is likely to result in significant impacts upon any species listed under the EPBC Act Council is required to refer such an application to Australian Government's Minister for the Environment. The following actions are listed as particular threats under the EPBC Act to the ongoing survival of the Striped Legless Lizard.

The extent of natural temperate grassland, including those known to support the striped legless lizard, has declined severely across Australia (Carter et al. 2003). The loss and degradation of native grassland, through a variety of processes, is the main threat to the survival of the Striped Legless Lizard. Other potentially threatening processes include inappropriate burning regimes and feral animals (Smith & Robertson 1999).

Habitat loss

*Approximately 99.5% of natural temperate grassland in south-eastern Australia has been destroyed or drastically altered since European settlement (Carter et al. 2003). Threats such as clearance for agricultural and urban development, rock removal, inappropriate fire regimes, habitat fragmentation and weed invasion by Serrated Tussock (*Nassella trichotoma*), Chilean Needle Grass (*N. neesiana*) and related species continue to diminish the quantity and quality of this species' habitat (Cogger et al. 1993; Coulson 1995; Webster et al. 2003). Heavy habitat modification by extended intense grazing, pasture improvement, ploughing, and drought can eliminate this species from a site, however, recolonisation and recovery may be possible if the threat is short-term, not too intense and there is undisturbed refuge habitat nearby (Smith & Robertson 1999).*

The creation of barriers to lizard movements such as the construction of buildings, roads, and fences can cause populations to become fragmented and isolated from each other. The loss or degradation of habitat can also have the effect of limiting dispersal between patches. Ploughed, overgrazed and bare ground, such as roads or paths, might represent a barrier to dispersal of Striped Legless Lizards and may fragment habitats (Dorrough & Ash 1999).

At the Commonwealth Defence Land, Lawson (ACT), survey results indicate a decline in population that is compounded when grassland is grazed. The change in cover is likely to reduce refuge opportunities for Striped Legless Lizards and their potential prey. Habitat loss also occurs due to increased urban development and fire in the

Cooma-Monaro Shire Council

grasslands. It is observed that the present populations at this location may increase as the habitat quality improves (McElhinney 2002).

Fire

Fire can be detrimental to this species in two ways: it may increase the risk of predation of this species and its prey (due to loss of cover); or it may cause death directly (Smith & Robertson 1999). Cogger and colleagues (1993) recorded mortality following cool fires in grassland reserves, but the extent to which fire is a threat to populations is unknown (Smith & Robertson 1999). The behavioural reaction of Striped Legless Lizards to fire is also unknown, although it seems likely that survivors would either move into unburnt areas or remain relatively inactive in the soil or under rocks until the vegetation recovers enough to provide shelter (Smith & Robertson 1999).

Burning is not necessarily negative for the species and in most situations a degree of burning is required as a management tool. Burning regimes with a frequency greater than once every five years are likely to negatively influence Striped Legless Lizard survivorship (O'Shea 2005). However, it appears that the degree of mortality may vary with timing and the amount of soil cracking and fire type, where autumn/winter burns and wild fire are low impact and spring/summer and control/convection burns are high impact (Coulson 1990; O'Shea 2005).

Predation

Smith and Robertson (1999) report that there may be a number of natural and introduced predators of this species. It is assumed that a range of native predators including snakes, other lizards, raptors, magpies and other predatory birds, and possibly dunnarts (*Sminthopsis* spp.), will prey on Striped Legless Lizards, but the extent of this predation is unknown. High densities of introduced predators may be more of a concern, as urban development surrounds many Striped Legless Lizard populations. Anecdotal evidence suggests that foxes may prey upon the species (S. Walton n.d., pers comm., cited in Smith & Robertson 1999), and in urban areas cats may also be a threat to populations. Despite this, whether or not predation is a significant threatening process is yet to be thoroughly investigated as this species is both highly cryptic and secretive (Smith & Robertson 1999).

As the site inspection noted that location of the proposed development did not contain open woodland vegetation or rocky outcrops it is considered unlikely that the location of the proposed development supports Striped Legless Lizard populations. As such is considered unlikely that the proposed development will result in any of the species listed threatening processes. As such the proposed development is considered unlikely to result in any of the significant threats to the species. Based on the above assessment the proposed development is unlikely to result in any significant impacts upon any species listed under the EPBC Act. As such referral to Minister for the Environment is not required for the purposes of the subject application.

5 Compulsory Consultations and referrals to other bodies (S.79B, 79BA, 91)**Concurrence requirements**

Cooma-Monaro Shire Council

Section 79B requires the Council to obtain the concurrence of certain agencies prior to determining a development application if the Act or an environmental planning instrument requires it to do so. Concurrence of the Secretary of the Department of Planning was sought on 10th December 2015. Upon review of Council's assessment report and the information provided by the applicant in support of their variation request the Secretary has decided to grant concurrence.

Bushfire consultation

Section 79BA requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2006'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 79BA against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

Council's Bush Fire Prone Land Map (2004) has identified that the site does not contain bush fire prone land.

Integrated development

Some types of development require approvals under multiple Acts before they can commence. Section 91 of the Act lists certain approvals under other Acts which may be obtained as part of the development application process. The table below sets out the approvals under the other Acts which the proposed development requires and which may be obtained through the integrated development process.

Act	Approval required?	Reason	Responsible Authority	Comment on response
Fisheries Management Act 1994	No	No works in or near creek	NSW Trade & Investment - Primary Industries - Fisheries and Aquaculture	-
Heritage Act 1977	No	No state heritage items on site	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Mine Subsidence Compensation Act 1961	No	Area not subject to mine subsidence	NSW Trade & Investment - Mineral Resources and Energy	-
Mining Act 1992	No	No mining involved in proposal	NSW Trade & Investment - Mineral Resources and Energy	-
National Parks and Wildlife Act 1974	No	No aboriginal objects affected by proposal	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Petroleum (Onshore) Act 1991	No	Proposal does not involve petroleum	NSW Trade & Investment - Mineral Resources and Energy	-

Cooma-Monaro Shire Council

Act	Approval required?	Reason	Responsible Authority	Comment on response
Protection of Environment Operations Act 1997	No	No environmental licences/approvals required	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Roads Act 1993	No	No works in road reserve	NSW Trade & Investment - Primary Industries – Crown Land Division	-
Rural Fires Act 1997	No	Proposal not a subdivision or special fire protection purpose	Department of Attorney General and Justice – NSW Rural Fire Service	-
Water Management Act 2000	No	No works within 40m of creek. No aquifer interference.	NSW Trade & Investment – Primary Industries - Office of Water	-

6 Provision of any Environmental Planning Instruments (S79C(1)(a)(i))

The following State Environmental Planning Policies apply in Cooma-Monaro. Their applicability to the proposed development is summarised in the table below:

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP (Sydney Drinking Water Catchment) 2011	Published: 21.1.11 Commences: 1.3.11 Abstract: Replaces the Regional Environmental Plan which applied to the Sydney Drinking Water Catchment. (see file EP/CAT/8 for further info)	No
SEPP (Affordable Rental Housing) 2009	Published: 31.07.09 Abstract: Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.	No
SEPP (Exempt and Complying Development Codes) 2008	Gazetted: 12.12.08; commences 27.02.09 Abstract: Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have state-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the <i>Environmental Planning and Assessment Act 1979</i> .	No
SEPP (Rural Lands) 2008	Published: 09.05.08 Abstract: The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4	No

Cooma-Monaro Shire Council

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP (Infrastructure) 2007	<p>Gazetted: 21.12.07; commences 1.1.08</p> <p>Abstract: Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.</p>	No
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	<p>Gazetted: 16.02.07</p> <p>Abstract: This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establish appropriate planning controls to encourage ecologically sustainable development.</p>	No
SEPP (Major Development) 2005	<p>Gazetted: 01.08.05</p> <p>Abstract: Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.</p>	No
SEPP (Building Sustainability Index: BASIX) 2004	<p>Gazetted: 25.06.04</p> <p>Abstract: This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.</p>	No
SEPP (Housing for Seniors or People with a Disability) 2004	<p>Gazetted: 31.03.04</p> <p>Abstract: Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07</p>	No
SEPP No. 65 - Design Quality of Residential Flat Development	<p>Gazetted: 26.07.02</p> <p>Abstract: Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages</p>	No

Cooma-Monaro Shire Council

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP No. 64 - Advertising and Signage	<p>Gazetted: 16.03.01</p> <p>Abstract: Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications</p>	No
SEPP No. 62 - Sustainable Aquaculture	<p>Gazetted: 25.08.00</p> <p>Abstract: Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks</p>	No
SEPP No. 55 - Remediation of Land	<p>Gazetted: 28.08.98</p> <p>Abstract: Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines</p>	No
SEPP No. 44 - Koala Habitat Protection	<p>Gazetted: 06.01.95</p> <p>Abstract: Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat</p>	No
SEPP No. 36 - Manufactured Home Estates	<p>Gazetted: 16.07.93</p> <p>Abstract: Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy</p>	No

Cooma-Monaro Shire Council

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP No. 33 - Hazardous and Offensive Development	<p>Gazetted: 13.03.92</p> <p>Abstract: Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.</p>	No
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	<p>Gazetted: 15.11.91</p> <p>Abstract: States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.</p>	No
SEPP No. 30 - Intensive Agriculture	<p>Gazetted: 08.12.89</p> <p>Abstract: Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there is effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.</p>	No
SEPP No. 21 - Caravan Parks	<p>Gazetted: 24.04.92</p> <p>Abstract: Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.</p>	No
SEPP No. 15 - Rural Land-Sharing Communities	<p>Gazetted: 09.04.98</p> <p>Abstract: Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.</p>	No

As can be seen from the above table, there are no SEPPs which apply to the proposed development. I should be noted that the provisions of the *State Environmental Planning*

Cooma-Monaro Shire Council

Policy (Rural Lands) 2008 only apply to developments that involve the subdivision of land, proposed to be used for the purposes of a dwelling, or the erection of a dwelling.

Cooma Monaro Local Environmental Plan 2013

Under the provisions of the *Cooma Monaro Local Environmental Plan 2013* (the LEP) the site is zoned RU1 Primary Production. The proposed development involves the establishment of a building envelope on the site in order to ascertain if a future dwelling would be permissible with consent. In accordance with Clause 2.3 of the LEP, before determining a development application the consent authority is to have regard to the objectives of the Zone.

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage land uses that are unlikely to generate significant additional traffic relative to the capacity and safety of a road, or create or increase a condition of ribbon development on any road.*
- *To encourage land uses that are unlikely to create unreasonable or uneconomic demands for the provision or extension of public amenities or services.*
- *To protect the water quality of receiving watercourses and groundwater systems.*
- *To protect the visual landscape values of the rural area.*

Due to the topography, vegetation cover and size of the subject site, the site has very little potential as productive grazing land. In this regard the proposed development will not impede the existing primary industries occurring within the area. The occurrence of other dwellings in the area would suggest that a dwelling on this site would not result in any land use conflicts. And due to the nature of the proposed development it is highly unlikely that any fragmentation or alienation of resource lands will occur or that significant additional traffic will be generated or that unreasonable or uneconomic demands on the provision of services will arise. As no building works are proposed the existing visual landscape will not be altered. In this regard the proposed development is considered to be consistent with the objectives of the RU1 zone.

The proposed development involves the establishment of a building envelope on the site in order to ascertain if a future dwelling is permissible. In this regard the LEP defines the proposed development as a *dwelling house* which is permissible with consent in the RU1 Primary Production zone. A *dwelling house* is defined by the LEP as the following:

Dwelling house means a building containing only one dwelling

Cooma-Monaro Shire Council

***Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

Clause 4.2B of the LEP outlines under what circumstances dwelling houses are permissible on land zoned RU1. The provisions of Clause 4.2B are outlined below.

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

- (1) *The objectives of this clause are as follows:*
- (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dual occupancies and dwelling houses in rural, residential and environment protection zones.*
- (2) *This clause applies to land in the following zones:*
- (a) *Zone RU1 Primary Production,*
 - (b) *Zone R5 Large Lot Residential,*
 - (c) *Zone E3 Environmental Management,*
 - (d) *Zone E4 Environmental Living.*
- (3) **Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land:**
- (a) *is a lot that has an area that is not less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or*
 - (b) *is a lot created under clause 4.1, 4.1AA, 4.1B or 4.1C (3) (a) or (5) (b), or*
 - (c) *is a lot containing land in more than one zone with the largest portion of zoned land in the lot having an area that is not less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or*
 - (d) *is a lot created by a subdivision under an environmental planning instrument before this Plan commenced and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or*
 - (e) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or*
 - (f) *is a 1995 holding, or*
 - (g) *is a 1997 holding, or*
 - (h) *would have been a lot or a holding referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) had it not been affected by:*
 - (i) *a minor realignment of its boundaries that did not create an additional lot, or*
-

Cooma-Monaro Shire Council

- (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or*
- (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.*

Sheet *LSZ_011* of the LEP has identified that the minimum lot size associated with the site is 80 hectares. As the site has an area of approximately 20.618 hectares the erection of a *dwelling house* is not permissible on the site as per the provisions of Clause 4.2B(3)(a) of the LEP. The erection of a *dwelling house* is not permissible on the site as per the provisions of Clause 4.2B(3)(b)(d) and (e) of the LEP as the site is an original Crown portion. As the site does not contain land in more than one zone the erection of a *dwelling house* is not permissible on the site as per the provisions of Clause 4.2B(3)(c). The erection of a *dwelling house* is not permissible on the site as per the provisions of Clause 4.2B(3)(f) and (g) of the LEP as the subject site does not meet the definition of a *1995 holding* or a *1997 holding*. These definitions are provided below.

1995 holding means land to which [Yarrowlumla Local Environmental Plan 2002](#) applied immediately before the commencement of this Plan that:

- (a) was in Zone No 1 (a) (General Rural Zone) immediately before the commencement of this Plan, and*
- (b) was a holding that did not include Crown land (within the meaning of the [Crown Lands Act 1989](#)) on 13 October 1995, and*
- (c) is a holding at the time the application for development consent referred to in subclause (3) is lodged,*

whether or not there has been a change in the ownership of the holding since 13 October 1995.

1997 holding means land to which [Cooma-Monaro Local Environmental Plan 1999—\(Rural\)](#) applied immediately before the commencement of this Plan that:

- (a) was in Zone No 1 (a) (Rural Zone) immediately before the commencement of this Plan, and*
- (b) was a holding on 3 March 1997, and*
- (c) is a holding at the time the application for development consent referred to in subclause (3) is lodged,*

whether or not there has been a change in the ownership of the holding since 3 March 1997.

holding means all adjoining lots with direct vehicular access to a public road vested in the Council or to a classified road, even if separated by a road or railway, held by the same person or persons.

Indications are that the land does not meet the definition of a 1997 holding, however as part of DA 10.2015.447.1 the Applicants were requested to provide any further information to assist in determining that prospect. No such information was provided.

The Applicants have requested that the provisions of Clause 4.2B(3)(a) be varied to allow a *dwelling house* to occur on this site, and have provided justification for why this clause should be varied. Clause 4.6 outlines the circumstances in which a development standard of the LEP can be varied, and is outlined below.

Cooma-Monaro Shire Council

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:*
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Clause 4.6(4) outlines under what circumstances Clause 4.2B(3)(a) can be varied. The Applicants have outlined that in their opinion the provisions of Clause 4.2B(3)(a) are unreasonable and unnecessary as, due to the topography, vegetation cover and size of the subject site, the site has very little potential as productive agricultural land. Additionally the Applicants have noted that there are approximately 23 dwellings within the immediate area that have been erected on allotments that are less than the minimum lot size specified within the LEP 2013.

As part of their submission, the Applicants have also made reference to a Section 149(2) Planning Certificate, which was issued by Council on 18th November 2009, which states that there was no development standard applying to the land which fixed a minimum land dimensions for the erection of a dwelling house on the land. At the time the Section 149(2) Planning Certificate was issued, that was correct as the requirements of the *Cooma-Monaro*

Cooma-Monaro Shire Council

Local Environmental Plan 1999 – (Rural) applied. The Section 149(2) Planning Certificate correctly indicated that while no minimum lot size applied, there were other permissibility criteria within the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* and applicable Development Control Plans. It should be noted that the Section 149(2) Planning Certificate was issued in relation to the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* which, with the proclamation of the *Cooma-Monaro Local Environmental Plan 2013* in October 2013, no longer applies to the site. In this regard the information contained within the subject Section 149(2) Planning Certificate is no longer relevant. However in the Applicants' view these factors provide sufficient environmental planning grounds to justify the contravention of the provisions of Clause 4.2B(3)(a) of the LEP.

As such this assessment is satisfied that the Applicants' written request has adequately addressed the matters outlined in Clause 4.6(3).

In order to accurately determine the size of the subject site this assessment has referred to the original Parish of Bransby Map as seen in Figure 2 below. As can be seen Lot 67 DP 750525 has an area of 50 acres and 3 roods. In this Lot 67 DP 750525 has an area of approximately 20.538 hectares. In this regard the subject site with a total area of 20.538 hectares.

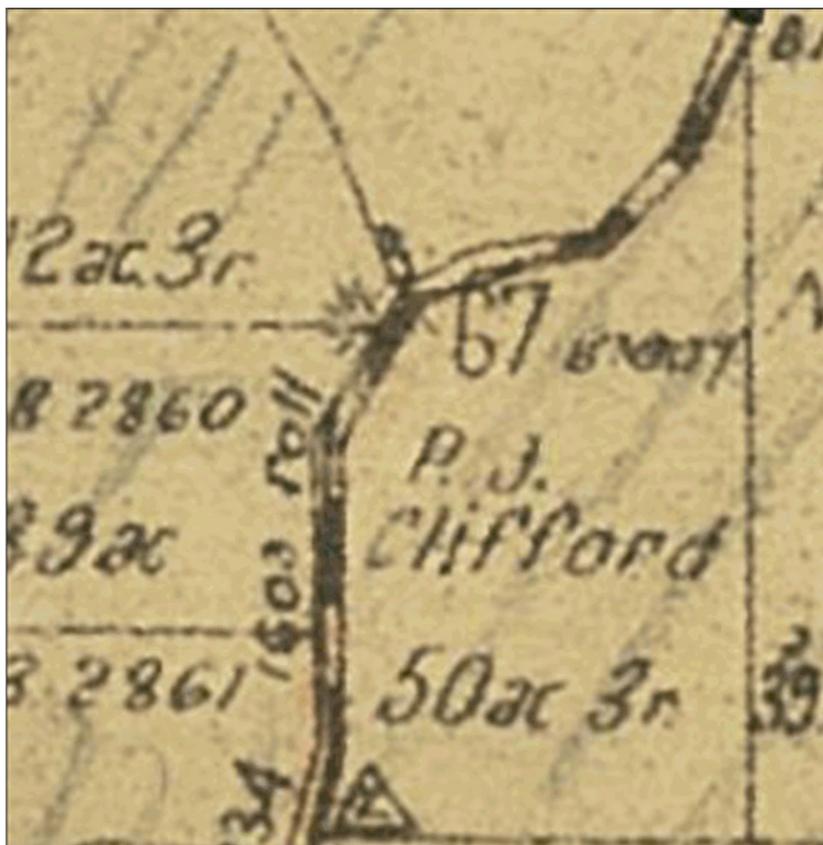


Figure 2 – Exert from Parish of Bransby Map.

The proposed development requests a numerical variation of 59.462 hectares of Clause 4.2B(3)(a), being a variation of approximately 74.3%.

Cooma-Monaro Shire Council

Councillors would be aware that a previous application supporting a variation of the 80 hectares minimum lot size (albeit in another locality) was rejected by the Department of Planning & Environment. One of the reasons provided by the Department was that the request was too large a variation. That application was for a variation of approximately 70%.

It has been calculated that at present there are a total of 2608 allotments within the RU1 Primary Production zone that are between 20 hectares and the required 80 hectares. Whilst at present it is not known how many of these allotments already contain dwelling houses or the erection of a dwelling house would be permissible under other sections of Clause 4.2B the potential precedent created by this variation is considered to be significant.

The Applicants' written request for a variation to Clause 4.2B(3)(a) states that Council has already set a precedent by approving 23 dwellings on neighbouring allotments with an area less than 80 hectares. The 'precedent' argument is rejected, as the erection of these dwellings did not require a deviation from any specified minimum lot size. Of these 23 dwellings 16 were approved under the provisions of the *Monaro Planning Scheme Ordinance 1968*, 4 were approved under the provisions of the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)*, and 1 was approved under the provisions of the *Cooma-Monaro Local Environmental Plan 2013*. Council's records indicate that the two remaining dwellings were present prior to the proclamation of the *Monaro Planning Scheme Ordinance 1968* and as such no consent was required under the provisions of the *Local Government Act 1919*.

The rules regarding the erection of a dwelling house in this area has changed slightly across these three planning instruments. Both the *Monaro Planning Scheme Ordinance 1968* and the *Cooma-Monaro Local Environmental Plan 2013* established a minimum lot size for the erection of a dwelling house; 40 hectares under the provisions of the *Monaro Planning Scheme Ordinance 1968* and 80 hectares under the provisions of the *Cooma-Monaro Local Environmental Plan 2013*. All of the three planning instruments permitted the erection of a dwelling house on an allotment that was created as part of a Council approved subdivision.

Both the *Monaro Planning Scheme Ordinance 1968* and the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* permitted the erection of a dwelling house on an *existing holding*, while the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* and the *Cooma-Monaro Local Environmental Plan 2013* permitted the erection of a dwelling house on an *1997 holding*.

Of the sixteen (16) dwellings approved under the provisions of the *Monaro Planning Scheme Ordinance 1968* six (6) were erected on allotments greater than 40 hectares, nine (9) on allotments created as part of a Council approved subdivision and one (1) on an *existing holding*.

Of the four (4) dwellings approved under the provisions of the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* three (3) were erected on allotments created as part of a Council approved subdivision and 1 on a *1997 holding*.

The one dwelling approved under the provisions of the *Cooma-Monaro Local Environmental Plan 2013* was erected on allotment created as part of a Council approved subdivision.

In this regard the Applicants' comment suggesting that Council's previous decision making has effectively "destroyed" the development standards outlined in Clause 4.2B(3)(a) is not correct. All approvals issued by Council were in accordance with the provisions of the relevant planning instrument at the time.

Cooma-Monaro Shire Council

As part of their submission, the Applicants have also made reference to a Section 149(2) Planning Certificate, which was issued by Council on 18th November 2009, which states that there was no development standard applying to the land which fixed a minimum land dimensions for the erection of a dwelling house on the land.

It should be noted that the Section 149(2) Planning Certificate was issued in relation to the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* which, with the proclamation of the *Cooma-Monaro Local Environmental Plan 2013* in October 2013, no longer applies to the site.

The information covered in the Section 149(2) Planning Certificate regarding the minimum lot size was correct. The subject Section 149(2) Planning Certificate also states that Complying Development under the General Housing Code may be carried out on the land. This was the case under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* Historical version for 7th September 2009 to 7th January 2010.

With its introduction to the *Environmental Planning Policy (Exempt and Complying Development Codes) 2008* in 25th February 2011 the Rural Housing Code applied to the site. It is noted that with its introduction to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* on 2011 a minimum lot size of 80 hectares was required for the Rural Housing Code within the Cooma-Monaro Shire.

The Applicants' written request indicates that they purchased the site in 2011. In this regards not only was the information contained within the subject Section 149(2) Planning Certificate no longer relevant at the time of purchase the erection of a dwelling house under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* was also no longer permissible. It is also noted that while the General Housing Code did apply to the site, at the time of issuing the subject Section 149(2) Planning Certificate, only alterations and/or additions to an existing dwelling house were permissible on the site and not the erection of a new dwelling house under this code.

This variation is considered to create a major precedent for a significant number of allotments across the Shire. By approving this variation Council would be open to request to vary this standard for other allotments within the RU1 Primary Production zone that are between 20 hectares and the required 80 hectares. It is also noted that there is an abundance of similar sized allotments around Bredbo that are zoned R5 Large Lot Residential that would be more suited to this type of development.

In this regard, while the Applicants' written request has adequately addressed the matters outlined in Clause 4.6(3) this report does not consider the proposed variation to be in the public interest as it is not consistent with the objectives of Clause 4.2B. Due to the significant precedent associated with this application the proposed variation is not considered to minimise unplanned rural residential development within the shire.

Concurrence of the Secretary of the Department of Planning was sought on 10th December 2015. Upon review of Council's assessment report and the information provided by the applicant in support of their variation request the Secretary has decided to grant concurrence. The Secretary's Concurrence concluded that:

I am satisfied that granting concurrence does not represent a significant precedent that could be used to support proposal for subdivision below the development standard in other location. Proposal for dwellings on rural lots in other locations in the Shire that do

Cooma-Monaro Shire Council

not meet the minimum lot size standards should be assessed on their merits in consideration of the relevant local issues. I am also satisfied that granting concurrence does not raise any matter of significance for State or regional environmental planning.

Please note that the concurrence extends only to the variation of the 80ha minimum lot size standard and not to the development proposal as a whole. Council should consider other relevant matters in making its determination in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations.

While the Secretary is satisfied that the proposed variation will not set a significant precedent this report does not consider the proposed variation to be in the public interest as it is not consistent with the objectives of Clause 4.2B. Due to the significant precedent associated with this application the proposed variation is not considered to minimise unplanned rural residential development within the shire. It is also noted that the Secretary's Concurrence only considered the potential precedent of the proposed variation in regards to future subdivision of rural land and not the erection of dwellings on rural land with an area less than the prescribed 80 hectares.

Sheet *BIO_011* of the LEP has identified areas along the western slope of the site contain 'Terrestrial Biodiversity'. As 'Terrestrial Biodiversity' has been identified on the site the provisions of Clause 6.3 of the LEP must be taken into consideration. The provisions of Clause 6.3 are outlined below.

6.3 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether the development is likely to have:*
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Cooma-Monaro Shire Council

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

It is noted that the proposed development will not be occurring within the areas identified as containing 'Terrestrial Biodiversity'. Additionally the site inspection revealed that the majority of the site, included the proposed dwelling location, did not contain enough timbered vegetation to be classified as a woodland community of ecological significance. As such it is considered unlikely that the proposed development will result in any adverse impact to the condition, ecological value and significance of the fauna and flora on the land. Additionally the proposed development does include the removal of any significant vegetation.

Sheet CL2_011 of the LEP has identified a small area in the south western corner of the site as a 'Landslide Risk'. As areas identified as being 'Landslide Risk', as are areas with slopes greater than 20°, have been identified on the site the provisions of Clause 6.8 of the LEP must be taken into consideration. The provisions of Clause 6.8 are outlined below.

6.8 Landslide risk and karst areas

- (1) *The objectives of this clause are to protect, maintain or improve the diversity and stability of landscapes, including:*
- (a) *restricting development on land that is unsuitable for development due to steep slopes, and*
 - (b) *restricting development in karst areas.*
- (2) *This clause applies to development on land that is identified as:*
- (a) *"Landslide Risk" on the [Landslide Risk Map](#), and*
 - (b) *"Known Karst Areas" on the [Natural Resources Karst Map](#).*
- (3) *Development consent must not be granted to development that involves the disturbance of soil on land to which this clause applies unless the consent authority has considered an environmental assessment for karst areas or a geotechnical assessment for areas with a slope greater than 20 degrees, which addresses the potential for any adverse impacts on the land.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

Cooma-Monaro Shire Council

- (b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

As the proposed development will not be taking place within the area identified as containing slopes greater than 20° a geotechnical report is not required. As such the development is sited in a way to avoid any significant adverse environmental impact and therefore complies with the requirements of Clause 6.8.

Clause 6.10 of the LEP requires the consent authority to be satisfied that all essential services are available to the proposed development. The provisions of Clause 6.10 are outlined below.

6.10 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The site already contains rainwater tanks. The Cooma-Monaro Development Control Plan 2014 requires the installation of a minimum 90,000L rainwater tank as a suitable water supply. Electricity connections have already been made to the site. Approval under Section 68 of the *Local Government Act 1919* has been issued by Council to install an Aerated Wastewater Treatment System. Stormwater generated on the site will be collected in the existing rainwater tanks. The site is accessed via direct frontage to Jerangle Rd. In this regard the essential services outlined by Clause 6.10 are available on the site.

As outlined above while the proposed development complies with the majority of the relevant provisions of the LEP the precedent this substantial variation to Clause 4.2B(3)(a) would create is considered to be unacceptable.

7 Provision of any proposed Environmental Planning Instruments (S.79C(1)(a)(ii))

The Department of Planning has directed in Circular PS 08-013 issued on 13 November 2008 that for the purposes of this subsection Council is only required to consider proposed environmental planning instruments which have been publicly exhibited within the last three years.

In accordance with the above direction, there are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

Cooma-Monaro Shire Council

8 Provision of any Development Control Plan (S.79C(1)(a)(iii))

Cooma-Monaro Development Control Plan 2014

Chapter 2 of the Cooma-Monaro Development Control Plan (DCP) 2014 provided generic development controls that need to be considered when assessing this development application. The following table indicates compliance with the requirements of Chapter 2.

Chapter 2 Generic Development Controls				
DCP provision	Requirement		Proposal	Complies
2.1 Streetscape	New and altered buildings within the RU5 (Village) Zone, and Residential and Business Zones of Cooma must respect and enhance the streetscape.		N/A	-
2.2 Building height and bulk	Ensure new buildings respect the scale of the existing built form in the local area.		N/A	-
2.3 Building setbacks	To provide adequate separation between buildings consistent with the character, amenity and safety expectation of a locality.		N/A as no buildings are proposed. See Chapter 4.1.11.2 below.	
Zone	Setback	Distance (m)	Proposal	Complies
RU1	Front Setback	50	Minimum 220m front setback.	Yes
	Side Setback	50	Minimum 35m side setback.	No
	Rear Setback	50	Minimum 287m rear setback.	Yes
2.4 Crime and Safety	Increase and contribute to the safety and perception of safety in public and private spaces.		The proposed building envelope will not alter the existing safety and perception of safety in public and private spaces.	Yes

Cooma-Monaro Shire Council

2.5 Vehicular access and roads	Road access constructed to lot boundary in accordance with standards specified in Appendices 5 and 6 and Council's <i>Specification for Engineering Works – Volume 1 (Design)</i> and <i>Specification for Engineering Works – Volume 2 (Construction)</i> (SFEW).	Access via Jerangle Road (Council owned road). Any approval would require existing access to comply with Appendix 6 and Council's <i>Specification for Engineering Works – Volume 1 (Design)</i> and <i>Specification for Engineering Works – Volume 2 (Construction)</i> (SFEW).	Yes
2.6 Stormwater	Prevent impact on adjoining properties or the environment from stormwater generated by new development.	N/A as the proposed building envelope will not generate additional stormwater.	-
2.7 Energy efficiency	Encourage energy efficient design in buildings and structures.	N/A	-
2.8 Erosion and sediment control	Prevent the erosion of land and the movement of sediment.	N/A as the proposed building envelope does not involve the disturbance of land.	-
2.9 Landscaping	Enhance the amenity of an area and development by improving the streetscape and softening the visual impact of buildings.	N/A as the proposed building envelope does not involve the construction of new residential accommodation.	-
2.10 Off-street parking	Ensure new and amended development has car parking spaces on site sufficient to cater for the demand from such development.	The site contains ample site for the parking of cars.	Yes

The proposed development is consistent with the relevant provisions of Chapter 2 of DCP 2014.

Chapter 4.1.11 of the DCP 2014 provides specific development controls for building envelopes that need to be considered when assessing this development application. The following table indicates compliance with the requirements of Chapter 4.1.11.

Cooma-Monaro Shire Council

Chapter 4.1.11 Building Envelopes									
DCP provision	Requirement	Proposal	Complies						
4.1.11.2 Performance based requirements	Building envelopes on proposed lots must comply with all necessary building setbacks as per the relevant zone (see Chapter 2).	See Chapter 2.3 above.	No						
	Building envelopes are to be designed to cater for all proposed outbuildings and structures, including rainwater tanks, which are likely to be erected on the lot.	The proposed building envelope will be large enough to cater for all future outbuildings. It is noted that the existing structures on the site will not be located within the proposed building envelope.	Yes						
	In Zone RU5, building envelopes must not encroach on areas proposed for future effluent disposal, including reserve areas.	N/A as the site is zoned RU1.	-						
	Building envelopes are to be located in areas which minimise the impact of a future building on the environment. Ridgelines, steeply sloping areas, riparian lands and areas of good quality vegetation are to be avoided.	The proposed building envelope will not be located on ridgelines, steeply sloping areas, riparian lands or areas of good quality vegetation.	Yes						
	The sizes of building envelopes must be in accordance with the following table: <table border="1" data-bbox="544 1585 828 1794"> <tr> <td>Building Envelopes</td> <td>RU1, E3 & E4</td> </tr> <tr> <td>Minimum size</td> <td>2000m²</td> </tr> <tr> <td>Maximum size</td> <td>6000m²</td> </tr> </table>	Building Envelopes	RU1, E3 & E4	Minimum size	2000m ²	Maximum size	6000m ²	Proposed building envelope will have an area of 2,500m ²	Yes
	Building Envelopes	RU1, E3 & E4							
Minimum size	2000m ²								
Maximum size	6000m ²								
More than one building envelope can be placed on a	N/A as only one building envelope proposed.	-							

Cooma-Monaro Shire Council

	lot provided that when combined they do not exceed the overall areas shown in the table above.		
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The proposed development complies with the majority of the performance requirements of Chapter 4.1.11 of DCP 2014. While the proposed building envelope does not comply with the required 50m side setback a condition of consent can be added to move the building envelope should Council choose to approve this application.

Chapter 6.7 of the Cooma-Monaro Shire DCP 2014 provides specific development controls for areas identified as containing native flora and fauna including areas of "Terrestrial Biodiversity" identified by the LEP. Terrestrial flora and fauna reports are to be prepared where a proposed development will disturb areas identified as containing "Terrestrial Biodiversity" by the LEP. As the proposed building envelope is not located within the areas identified as containing "Terrestrial Biodiversity" it is considered unnecessary to request a Terrestrial flora and fauna report. The proposed development's potential impact has been considered earlier in this assessment and is considered to be minimal due to the potential species on the site and the disturbed nature of the site.

In this regard the proposed development is considered to be consistent with the relevant sections of the Cooma-Monaro Development Control Plan 2014.

8.1 Variations to Development Standards

Nil

9 Provision of any Planning Agreement (S.79C(1)(a)(iiia))

There are no planning agreements in place in relation to the proposed development.

10 Provision of the Regulations (S.79C(1)(a)(iv))

This subsection refers to clauses 92-94A of the Regulations. None of these clauses directly apply to the proposal.

11 Impacts of the Development – Environmental, Social & Economic (S.79C(1)(b))

Context and setting	As no building works are proposed the proposed building envelope will not alter the existing context and setting of the site which already contains several farm buildings.
Access, transport and traffic	The site has existing legal access via direct frontage to Jerangle Rd.
Impacts on supply of utilities	The proposed development will not alter the existing supply of utilities.

Cooma-Monaro Shire Council

<i>Natural and other land resources</i>	The proposed development will have no direct impact upon natural or other land resources.
<i>Water supply and potential impacts on surface and ground water</i>	The proposed development will not alter the existing water supply. Any future dwellings approved on the site will be required to connect to rainwater tanks as potable water supplies. The property would have the ability to access groundwater for stock and domestic purposes, subject to relevant applications.
<i>Flora and fauna</i>	Nil as the proposed development does not include the removal of any vegetation. Future dwellings will be located outside the areas identified as containing high quality native flora and fauna.
<i>Waste facilities and controls</i>	The proposed development will not alter the existing waste facilities and controls.
<i>Safety, security and crime prevention</i>	The proposed development will not alter the existing security of the site.
<i>Site and internal design issues</i>	The location of the proposed building envelope will enable future dwellings to be suitably setback from surrounding development.
<i>Cumulative impacts</i>	The location of the proposed building envelope will enable future dwellings to be suitably setback from surrounding development.
<i>Impacts on aboriginal heritage</i>	An Aboriginal Heritage Information Management System (AHIMS) Basic Search found no records of Aboriginal sites or places in or near the subject site. Additionally as the proposed does not involve any disturbance of the site it is unlikely that this subdivision will result in any impacts to aboriginal heritage.

12 Suitability of the Site (S.79C(1)(c))

<i>Natural Hazards</i>	Nil
<i>Potential contamination</i>	Nil
<i>Availability of utility services</i>	The site contains existing rainwater tanks and existing electricity connections.
<i>Potential land use conflicts with surrounding development</i>	The proposed building envelope will not result in any land use conflicts with the surrounding developments.
<i>Effluent disposal</i>	Approval under Section 68 of the <i>Local Government Act 1919</i> has been issued by Council to install an Aerated Wastewater Treatment System on the site.
<i>Topography</i>	The topography of the site is dominated by a small knoll in the south eastern corner of the site. The site slopes downwards from this knoll, with the eastern slope being calculated at approximately 12° (22%), the western slope approximately 15° (28%) and the

Cooma-Monaro Shire Council

	northern approximately 4° (7%). It is noted that the proposed building envelope is to be located on the eastern slopes of the site. This topography is considered to be suitable for the proposed development.
Suitability of the access arrangements	The site has existing legal access via direct frontage to Jerangle Rd.

13 Public Submissions (S.79C(1)(d))

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of Chapter 8 of the Cooma-Monaro Development Control Plan 2014. The public exhibition period was 14 days and the period for receiving submissions closed on 11/11/2015.

Following the close of the submission period **No** submissions were received.

14 Public Interest (S.79C(1)(e))

Impact on public infrastructure	The proposed development will not result in any significant impacts upon public infrastructure.
Disabled Access	Not Applicable
Federal or State government policies	Nil
Planning studies, strategies or guidelines	Nil
Management Plans	Nil
Restrictions on the title and/or easements upon the land	None known
Credible research findings applicable to the proposal	Nil

15 Other Matters

Developer Contributions	Council's Section 94 and Section 64 Contribution Plans do not apply to the proposed development.
Property Vegetation Plan (PVP)	Not Applicable
Crown Land	None known
Approvals under other Acts	Approval under the Roads Act 1993 would be required for any works within Council's road reserve.
Internal Referrals	The proposed development was referred to the following internal Council officers. Their comments

Cooma-Monaro Shire Council

	have also been summarised below:
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Officer	Issues raised	Addressed by	Conditions recommended?
Health and Building Surveyor	No Issues raised, site already deemed to be suitable for effluent disposal	-	-
Roads and Stormwater Engineer	Not Consulted	-	-
Water and Wastewater Engineer	Not Consulted	-	-
Property Manager	Not Consulted	-	-

16 Conclusion

The proposed development has been assessed against the requirements of the *Environmental Planning and Assessment Act 1979*. This included consideration of the requirements of the *Cooma-Monaro Local Environmental Plan 2013* and *Cooma-Monaro Development Control Plan 2014*.

The proposed development is compliant with the relevant provisions of the *Cooma-Monaro Development Control Plan 2014*. The proposed development fails to comply with the size requirements of Clause 4.2B(3)(a) of the LEP for the *dwelling houses* in the RU1 Primary Production zone.

The proposed development falls short of this size requirement by 59.462 hectares (i.e. a variation of approximately 74.3% is requested). The Applicant has provided an explanation as to why these provisions are considered to be unreasonable and as such this Application seeks to modify the provisions of this clause. While the Applicants' written request has addressed the matters outlined in Clause 4.6(3) this report does not consider the proposed variation to be in the public interest as it is not consistent with the objectives of Clause 4.2B. Due to the significant precedent associated with this application the proposed variation will not minimise unplanned rural residential development within the shire.

This variation is considered to create a significant precedent within the RU1 Primary Production Zone. It has been calculated that at present there are a total of 2608 allotments within the RU1 Primary Production zone that are between 20 hectares and the required 80 hectares. Whilst at present it is not known how many of these allotments already contain dwelling houses, or whether the erection of a dwelling house would be permissible under other sections of Clause 4.2B, the potential precedent created by this substantial variation is considered to be significant. It is also noted that there is an abundance of similar sized allotments around Bredbo that are zoned R5 Large Lot Residential that would be more suited to this type of development.

Therefore it is recommended that Council refuse this development application.

16.1 MONTHLY FUNDS MANAGEMENT REPORT - FEBRUARY 2017

Record No:

Responsible Officer:	Director Service Support
Author:	Finance Manager
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action:	OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments:	Nil
Cost Centre	4010 – Financial Services
Project	Funds Management
Further Operational Plan Actions:	OP7.2 Completion of reporting requirements in accordance with legislation.

EXECUTIVE SUMMARY

The following details funds management position for the reporting period ending 28 February 2017. Cash and Investments as at 28 February 2017 are \$73,290,435.

Certification

I, Jo-Anne Mackay, Responsible Accounting Office of Snowy Monaro Regional Council hereby certify, as required by Regulation 212 of the Local Government (General) Regulation 2005, that investments as detailed in the attached listings were invested in accordance with Section 625 of the Local Government Act 1993, the Regulations and Council's Investment Policies.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the report indicating Council's Funds Management position as at 28 February 2017.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

BACKGROUND

Council's Cash and Investments 28 February 2017 consists of:

28/02/17	Cash at Bank	Investments	Total
Bombala	805,517	9,030,907	9,836,424
Cooma	198,458	26,606,351	26,804,809
Snowy	893,196	17,193,332	18,086,528

Merger Grant		18,562,674	18,562,674
Total	\$1,897,171	\$71,393,264	\$73,290,435

NB: The balance of the Merger Grant includes attributable expenditure to 31/1/2017

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Total Cash and Investments are available to provide services and Infrastructure to the community in accordance with the 2017 budget, Council resolutions and other external restrictions.

2. Environmental

It is considered that the recommendations contained herein will not have any environmental impacts.

3. Economic

Total investments for Snowy Monaro Regional Council were \$71,393,264 on 28 February 2017.

Consolidated interest income on investments

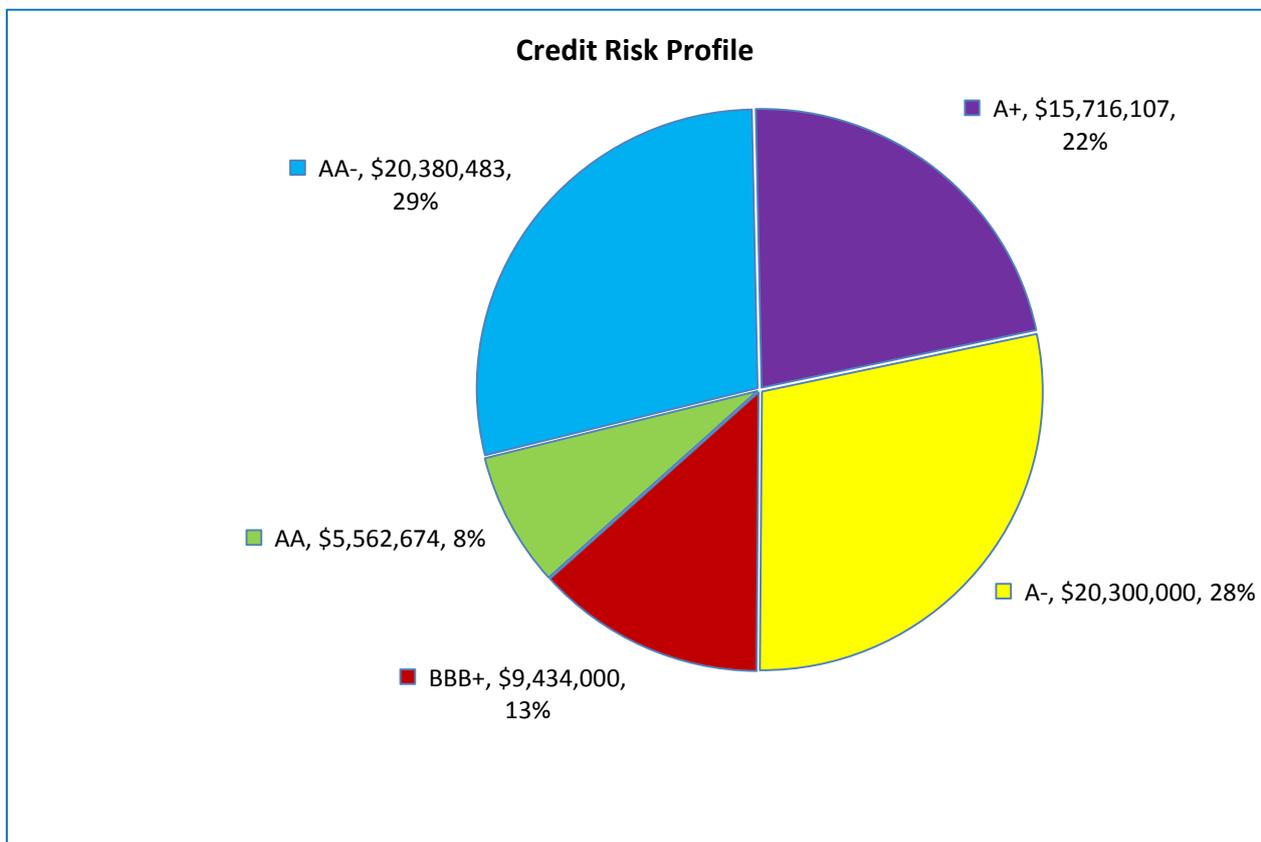
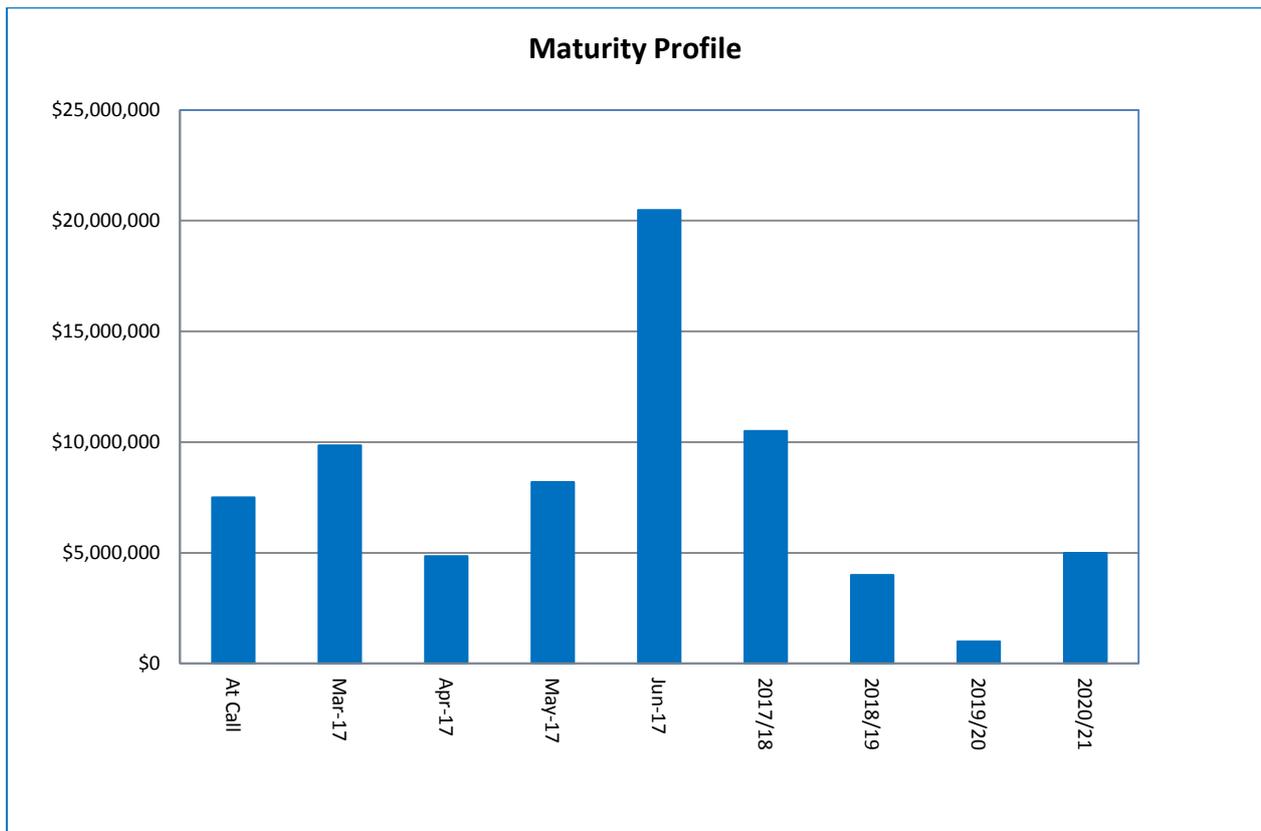
Adopted Budget	\$1,365,408
Annual Budget	\$1,655,048
Budget YTD	\$1,103,365
Interest YTD	\$1,322,716

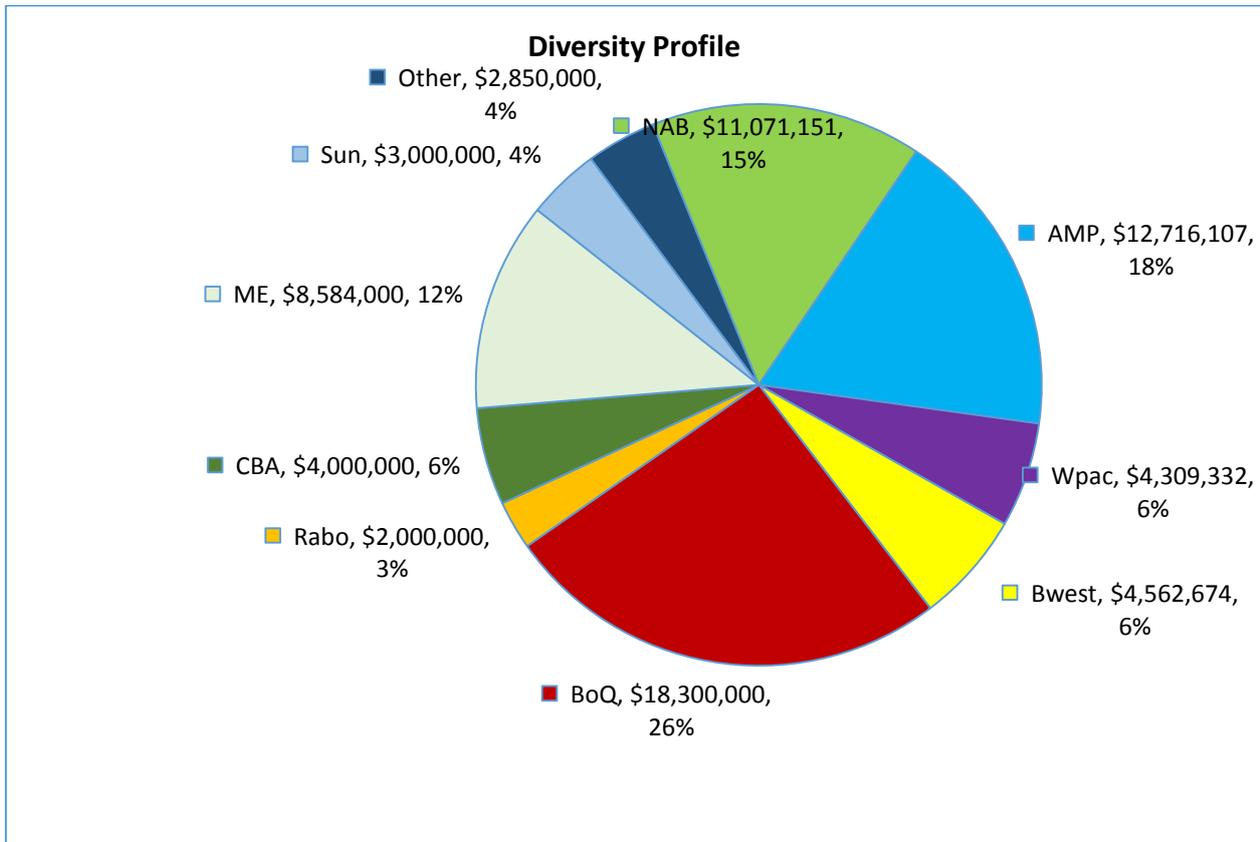
Council's investment portfolio returns

Month	Annualised Return	90 Day Bank Bill	Margin
February	2.46%	1.78%	0.68%
January	2.75%	1.78%	0.97%
December	2.76%	1.76%	1.00%
November	2.71%	1.77%	0.94%
October	2.86%	1.75%	1.11%
September	2.79%	1.73%	1.06%
August	2.90%	1.74%	1.16%
July	3.03%	1.86%	1.17%

The table below lists the invested funds.

INVESTMENTS REGISTER							
28-February-2017							
Branch	DATE INVEST	FIN INST.	Rating	TYPE	CURRENT INVESTMENT	INT RATE	MATURITY
Bombala	n/a	NAB Maxi Account	A1+/AA-	At Call	30,907	Variable	At Call
Bombala	14-Oct-16	NAB	A1+/AA-	TD	2,000,000	2.72%	15-Mar-17
Bombala	17-Nov-16	NAB	A1+/AA-	TD	1,500,000	2.74%	14-Jun-17
Bombala	16-Dec-16	Bank of Qld	A2/A-	TD	2,500,000	2.80%	20-Sep-17
Bombala	16-Dec-16	Bank of Qld	A2/A-	TD	1,000,000	2.80%	20-Jun-17
Bombala	12-Jan-17	Bank of Qld	A2/A-	TD	1,000,000	2.80%	11-Jul-17
Bombala	16-Feb-17	AMP	A+	TD	1,000,000	2.75%	15-Aug-17
Cooma	n/a	National Australia Bank	A1+/AA-	At Call	890,244	1.20%	At Call
Cooma	n/a	AMP Bank - At Call	A1/A+	At Call	1,643,638	2.05%	At Call
Cooma	n/a	AMP Bank - 31 days Noti	A1/A+	31 days	1,072,469	2.15%	31 days
Cooma	03-Mar-15	AMP Bank	A1/A+	TD	1,000,000	3.20%	02-Mar-17
Cooma	10-Mar-16	National Australia Bank	A1+/AA-	TD	2,000,000	3.07%	10-Mar-17
Cooma	09-Jan-17	Bankwest	A1+/AA-	TD	1,000,000	2.50%	10-Apr-17
Cooma	26-Oct-16	Bank of Queensland	A2/A-	TD	1,000,000	2.70%	24-Apr-17
Cooma	06-Feb-17	National Australia Bank	A1+/AA-	TD	1,000,000	2.50%	08-May-17
Cooma	23-May-16	AMP Bank	A1/A+	TD	1,000,000	3.00%	23-May-17
Cooma	06-Jan-17	Suncorp Bank	A1/A+	TD	1,000,000	2.60%	05-Jul-17
Cooma	07-Feb-17	AMP Bank	A1/A+	TD	1,000,000	2.75%	08-Aug-17
Cooma	13-Feb-17	Suncorp Bank	A1/A+	TD	2,000,000	2.65%	14-Aug-17
Cooma	29-Aug-16	Westpac Bank	A1+/AA-	TD	2,000,000	3.00%	29-Aug-17
Cooma	12-Sep-14	RaboDirect	P-1/Aa2 Moo	TD	2,000,000	4.10%	11-Sep-18
Cooma	22-Feb-17	Westpac Bank	A1+/AA-	TD	2,000,000	2.80%	22-Feb-19
Cooma	16-Sep-15	Bank of Queensland	A2/A-	TD	1,000,000	3.20%	17-Sep-19
Cooma	23-Mar-16	ING Bank	A2/A-	TD	1,000,000	3.66%	22-Mar-21
Cooma	23-Jun-16	Commonwealth Bank	A1+/AA-	TD	4,000,000	3.47%	23-Jun-21
Snowy	05-Oct-16	NAB	A1+/AA-	TD	500,000	2.91%	08-Mar-17
Snowy	26-Oct-16	ME Bank	BBB+	TD	1,200,000	2.65%	01-Mar-17
Snowy	02-Nov-16	NAB	A1+/AA-	TD	750,000	2.75%	31-May-17
Snowy	16-Nov-16	NAB	A1+/AA-	TD	750,000	2.74%	15-Mar-17
Snowy	23-Nov-16	ME Bank	BBB+	TD	1,984,000	2.75%	21-Jun-17
Snowy	23-Nov-16	NAB	A1+/AA-	TD	1,200,000	2.75%	22-Mar-17
Snowy	30-Nov-16	AMP Bank	A1/A+	TD	500,000	2.75%	24-May-17
Snowy	01-Dec-16	ME Bank	BBB+	TD	1,000,000	2.75%	24-May-17
Snowy	07-Dec-16	ME Bank	BBB+	TD	1,200,000	2.75%	29-Mar-17
Snowy	07-Dec-16	Beyond Bank	BBB+	TD	850,000	2.80%	31-May-17
Snowy	12-Dec-16	NAB	A1+/AA-	TD	450,000	2.67%	05-Apr-17
Snowy	21-Dec-16	AMP Bank	A1/A+	TD	1,000,000	2.80%	21-Jun-17
Snowy	21-Dec-16	Bank QLD	A2/A-	TD	1,300,000	2.72%	24-May-17
Snowy	18-Jan-17	ME Bank	BBB+	TD	1,400,000	2.70%	19-Apr-17
Snowy	25-Jan-17	Rural Bank	A2/A-	TD	1,000,000	2.45%	26-Apr-17
Snowy	22-Feb-17	ME Bank	BBB+	TD	1,800,000	2.60%	17-May-17
Snowy	n/a	Westpac Maxi-Account	A1+/AA-	At-Call	309,332	0.70%	n/a
Merger Grant	n/a	Bankwest	A1+/AA	At-Call	3,562,674	2.00%	n/a
Merger Grant	21-Dec-16	AMP	A1/A+	TD	4,500,000	2.80%	21-Jun-17
Merger Grant	09-Jan-17	Bank QLD	A2/A-	TD	10,500,000	2.73%	28-Jun-17
TOTAL					71,393,264		





4. Civic Leadership

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.

Council's Fund Management Reporting exceeds minimum regulatory requirements and demonstrates a commitment to accountability and transparent leadership. It provides the Council, Executive and Community with timely, accurate and relevant reports on which to base decisions.

22. 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:

22.1 General Manager's Application for Contract Renewal

Item 22.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

22.2 General Manager's Annual Performance Review

Item 22.2 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) 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.