



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
17 May 2018**

CONFLICTS OF INTEREST

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

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

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

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

The responsibility of determining whether or not the Mayor or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Mayor or 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 Mayor, 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 Mayor and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Mayor or 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 Country

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

Webcasting

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

**ORDINARY COUNCIL MEETING
TO BE HELD IN COMMUNITY CENTRE, 163 MAYBE STREET, BOMBALA NSW 2623**

**ON THURSDAY 17 MAY 2018
COMMENCING AT 5.00PM**

BUSINESS PAPER

- 1. APOLOGIES/REQUESTS OF LEAVE OF ABSENCE**
 - 2. CITIZENSHIP CEREMONY**
 - 3. PRESENTATIONS**
 - 4. PUBLIC FORUM**
 - 4.1 Alison Gimbert – Bombala & Delegate Water
 - 4.2 Virginia Burton-Stone – Bombala & Delegate Water
 - 4.3 Ossie Benson – Bombala & Delegate Water
 - 5. DISCLOSURE OF INTEREST**

(Declarations also to be made prior to discussions on each item)
 - 6. MATTERS DEALT WITH BY EXCEPTION**
 - 7. ADOPTION OF MINUTES FROM PREVIOUS COUNCIL MEETING**
 - 7.1 Ordinary Council Meeting held on 19 April 2018
 - 7.2 Ordinary Council Meeting held on 7 May 2018
 - 7.3 Closed Session of the Ordinary Council Meeting held on 7 May 2018
 - 8. DELEGATE'S REPORT (IF ANY)**
 - 9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**
 - 9.1 Snowy Monaro Region Biosecurity (Weeds) Advisory Committee Minutes 4
 - 10. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE**
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<i>Item 22.1 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
22.2 Church Creek Bridge Repairs and Upgrade	
<i>Item 22.2 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.</i>	
22.3 Proposed Closure of Public Footpath & Sale to Adjoining Neighbours	
<i>Item 22.3 is confidential in accordance with s10(A)(2)(c) of the Local Government Act</i>	

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.

22.4 REPLACEMENT OF TWO COUNCIL HEAVY RIGID TIPPERS PLANT NUMBERS 1843 and 9210

Item 22.4 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.

22.5 REPLACEMENT OF COUNCIL'S SMOOTH DRUM ROLLER PLANT NUMBER 1708

Item 22.5 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.

22.6 Award of Tender for Contract 006-2018 MR Combination Truck - Wastewater Vacuum Truck

Item 22.6 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.

9.1 SNOWY MONARO REGION BIOSECURITY (WEEDS) ADVISORY COMMITTEE MINUTES

Record No:

Responsible Officer: Director Environment & Sustainability
Author: Environmental Management Administration
Attachments: 1. Snowy Monaro Region Biosecurity (Weeds) Advisory
Committee [↓](#)

EXECUTIVE SUMMARY

The Snowy Monaro Region Biosecurity (Weeds) Advisory Committee met on 11 April 2018 at Bombala Council Chambers, Bombala. The Committee's recommendations are presented for Council's consideration and adoption.

OFFICER'S RECOMMENDATION

That the recommendations of the meeting of the Snowy Monaro Region Biosecurity (Weeds) Advisory Committee held on 11 April 2018 be adopted.

Snowy Monaro Region Biosecurity (Weeds) Advisory Committee Minutes



Address: Bombala Council Chambers

Date: 11 April 2018

Time: 2 p.m.

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1 Opening of the Meeting

The meeting opened at 2:05pm.

Nominations for Chair: Mr Bob Stewart

Nominated: Mrs Sue Haslingden Seconded: Mrs Anna Vincent

Vote: For – All Against - Nil

Nominations for Deputy Chair: Mrs Sue Haslingden

Nominated: Mr John Alcock Seconded: Mr Brett Jones

Vote: For – All Against - Nil

Attendees: Mrs Anna Vincent (Snowy River Interstate Landcare)

Mr Subash Wijesiri (Roads and Maritime Authority)

Mr Mark Chaplin (Snow River Interstate Landcare)

Mrs Sue Haslingden (SMRC Councillor Rep)

Mr Bob Stewart (SMRC Councillor Rep)

Mr John Turner (NSW Farmers Bombala)

Mr Brett Jones (SMRC)

Ms Rachael Butterworth (NPWS Bombala)

Mr John Alcock (Nimmitabel Advancement Group)

Mrs Belinda Cuzner (Minute Taker)

2 Apologies

Mr Michael Michelmore (NSW DPI), Mr Michael Green (NSW Farmers Cooma), Mr Lachlan Ingram (Upper Snowy Landcare), Ms Margaret Ning (Friends of Grasslands)

Moved: Mrs Sue Haslingden Seconded: Mr John Alcock

3 Other Business

3.1 Member reports – presented by Mr Brett Jones

3.1.1 Snowy Monaro Regional Council

3.1.1.1 Council merger

Mr Jones explained that this was the first meeting and basically a “where to”. An organisation structure for the Environmental Management Business Unit was handed out. Mr Jones explained the current situation noting that there are still positions that require recruiting. No numbers have been lost in the amalgamation / restructure.

3.1.1.2 Biosecurity Act 2015

This act was introduced in July 2017 and staff have worked hard to gain a full understanding of the implications. One major change is that there are no longer any declared noxious weeds, although there are some that are declared at state level. Locally important weeds are regulated by a local weed management plan.

The only State declared weed occurring locally is Orange Hawkweed.

There is now no “Noxious Weed Certificate” to inform prospective purchasers of land on weed matters specific to a property. Discussion on how weed related information can be shared to prospective purchasers followed.

3.1.1.3 Local Management Plan

The Local Management Plan has been developed and will be put to Council on 19 April 2018.

Mr Stewart questioned how we are managing infestations.

Mr Jones advised that the major component of the plan is to keep the clean country clean. Resources will be directed towards keeping areas that are currently clean and of high agricultural/environmental value clean rather than focussing on areas where there is already high infestation. In these areas it will be more of a containment strategy. In clean areas there will be zero tolerance for high priority weeds and in infested areas there will be buffers and containment strategies adopted.

Council have a General Biosecurity Duty to manage weeds and the Local Management Plan will give guidance on how to respond. It is rigid and will be defensible in Court and allows Council to come down hard on offenders.

3.1.1.4 Grant opportunities and coordinated programs

- \$117k received from Crown Land Grants during 2017-18. Projects for 2018-2019 have been submitted.
- \$224K received from DPI’s Weeds Action Program.
- Currently running a program using drones and weed detector dogs to locate Orange Hawkweed outliers. A further project has been submitted to the Environmental Trust to maintain this high level of surveillance.
- Aerial spraying for Serrated Tussock and African Lovegrass is scheduled to begin in late April.

3.1.1.5 Council weed control programs, priorities & budget

- Investment will be in keeping “clean areas clean”.
- There have been issues raised with African Lovegrass on Cooma Streets. Quotes have been sought from local contractors and a report will be submitted to Council to request additional funding.
- \$400k has been spent on roads and reserves to date this financial year. This excludes road verge boomspraying. Roadside boomspraying has been put on hold for now due to issues with Traffic Control Plans.
- Mr Jones advised that he will be going over procedures and policies, including Plant Hygiene.

4 Action Sheet

Reference	Date	Action	Assignee	Completed	Notes
1/2017	11/04/18	Write to NSW Farmers Association	Sue Haslingden		
	11/04/18	Contact waste management to ascertain if weed bins have been made available	Brett Jones		
	11/04/18	Email Charter and add to agenda for 11/07 meeting	Brett Jones Noelene Whiting		

5 General Business

Disposal of African Lovegrass

Mrs Vincent raised the issue of a landholder digging out African Lovegrass and placing it in plastic bags and then just leaving it on the property. She is concerned that these bags may degrade spreading the weed. Mr Jones advised that he has asked for three bins to be set up at Bombala Waste depot and a skip bin at Jindabyne to allow for bags of weeds to be disposed of. He will follow up with waste management to see if this has been done.

Inspections for purchasers of properties

Mr Stewart raised that Bombala Council used to do inspections on properties for purchasers to advise on weed issues. Mr Jones advised that Council has previously obtained legal advice on the matter and while weed related information, including property inspection reports, can be included with a 149(5) certificate; this information cannot be provided to the applicant of a 149(2) certificate as was the practice of the former Bombala Council; the problem being that few purchasers request a 149(5) certificate.

Motion:	1/2017
That the Weeds Committee writes to the Bombala / Delegate Branch of the NSW Farmers Association in relation to how we can have mandatory documentation with the conveyancing framework that identifies the weed status of land being sold.	
Move: Mrs Anna Vincent	Seconded: Mr John Alcock
Vote: For – All	Against - Nil

Update on NPWS restructure

Ms Butterworth advised that along with the restructure have come some boundary changes. Some former Monaro areas are now in the Snowy River Area. Bombala and Merimbula have merged and are now Sapphire. There is a new Area Manager. Ms Butterworth also noted that the main work undertaken by NPWS – Bombala in the Snowy Monaro Regional Council area is conducted in the Genoa River area and that due to terrain this is normally undertaken by contractors. This region never had a big budget; last year only around \$16k for all reserves.

Questions

Mr Chaplin

Question 1: Contract allocations. How do they allocate weedspraying contractors across the Council area?

Mr Jones noted that Council uses local contractors where possible and they are chosen on price, availability, proximity to the job etc.

Question 2: Native grass management with weeds continuing to spread, Crown Land Funding doesn't address river corridors.

Mr Jones responded that river corridors are Crown land and depending on the presence or otherwise of adjacent fencing, the Crown lands department does in fact fund weed control in these areas. Several Crown land grant funded projects currently being undertaken in river corridors (eg Bredbo, Numeralla, Murrumbidgee and Bombala rivers).

Question 3: Is there a charter yet for this committee.

Mr Jones advised there is and it will be emailed and put on the agenda for discussion at the next meeting.

Mr Alcock

Question 1: After the fire three years ago at Kybeyan with tankers attending from all over, have any weeds been detected in follow up inspections?

Mr Jones noted that it had been monitored early on – nothing now for about 18 months. Serrated Tussock infestations had spread post-fire but no other major implications had been identified.

Question 2: Should Vipers Bugloss be included in the LMP?

Mr Jones advised that Vipers Bugloss is generally a well-entrenched weed, though some areas are relatively free. Biological controls have been working well on this weed, though had reduced effectiveness this last season. Its control is more an issue of pasture / grazing management. Landholders with Vipers Bugloss problems often have higher priority weed issues to deal with so Vipers Bugloss tends to be a lower priority weed in terms of Biosecurity impact.

Mrs Haslingden

Question 1: Did the Minister put an Advisory Committee together for the Snowy River?

Mr Stewart advised that they had set this up. Mrs Haslingden thought it would be a good idea to invite them to be on the Committee.

6 Date of next Meeting

The next meeting will be held at 2:00pm on Wednesday 11 July at Cooma.

7 Close of Meeting

There being no further business the meeting concluded at 3:34pm

CHAIRPERSON

DATE

(The minutes are to be signed and dated here by the Chairperson at the next meeting, certifying the above as a correct record.)

**10.1 PROPOSED DOMESTIC WASTE AND RECYCLING KERBSIDE COLLECTION SERVICE
EXPANSION TO THE VILLAGES OF BREDBO, MICHELAGO AND NIMMITABEL**

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Group Manager Resource & Waste Management
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.4.1.1 Provide an integrated waste management service that is socially, economically and environmentally responsible.
Operational Plan Action:	OP1.21 Efficient operation of Domestic and Commercial Waste collection services.
Attachments:	Nil
Cost Centre	16-2210/2215
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

This report is seeking approval to commence kerbside waste and recycling collection services to the villages of Bredbo, Michelago and Nimmitabel and to participating residential properties along the main transport corridors to the north and south of Cooma Township.

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

OFFICER'S RECOMMENDATION

That Council

- A. Approve the extension of kerbside waste and recycling collection services to the villages of Bredbo, Michelago and Nimmitabel and participating residential properties along the main corridors to the north and south of Cooma Township.
 - B. Approve the purchase and distribution of the required Waste and Recycling bins from Sulo Australia from Project Account :PJ 220053 - Cooma Street Furniture and Recycle Bins
 - C. Note that subsequent to the rollout and commencement of the kerbside service investigations will be undertaken to examine options for collection of waste and recycling bins for residents around Michelago, which may include installation of Banks of Bins in suitable locations as an alternative service to the current collection point arrangement.
-

BACKGROUND

The residents of the Bredbo, Michelago and Nimmitabel village were recently surveyed to identify if they would support the introduction of kerbside waste and recycling service. This survey was conducted as a response to questions raised during community consultations sessions held in 2017 whereby some residents in these villages asked about the introduction of a kerbside waste and recycling collection service.

Survey forms were mailed directly to the postal address of properties within the village township areas of each location and to properties en-route who may be eligible for the service. Notification of the survey was also placed on the Council's social media page along with a media release being issued to the community.

Approximately 59% of total respondents indicated that they would support the introduction of such a service.

Results for the Extensions to Waste and Recyclables Kerbside Collection Survey – Bredbo, Michelago and Nimmitabel as at March 2018 are as follows.

Question:

Would you support the introduction of a kerbside service for both Waste and Recycling bin collection in your village?

Answer Choices	Responses	Number
Yes	58.78%	77
No	41.22%	54

For each Village the following level of responses were received

Village	% Support for Introduction of Service	Number Responses
Bredbo	62.16	37
Michelago	58.33	36
Nimmitabel	49.09	55

*3 responses also received from en-route properties

The proposed level of kerbside waste and recycling collection service will consist of the following, which is consistent with the service level provided in other SMRC village areas:

120 litre red lidded waste bin - serviced weekly and

360 litre yellow lidded recycling bin - serviced fortnightly.

The proposed MGB (mobile garbage bins) sizes will also form part of SMRC's process of harmonising and aligning services which is currently underway within the resource and waste management area.

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BREDBO, MICHELAGO AND NIMMITABEL

Quotes have been requested from three local manufacturers for the supply, assembly and distribution of bins prior to the commencement of the service. Whilst only two formal quotes have been received, the third supplier has indicated that they cannot supply the required bins for at least six to seven months.

Supplier	Total (GST Inc)	Comment
Sulo	\$70,890.60	supply, assemble and distribute to properties
Otto	\$71,280.00	supply ONLY
Mastec	Still awaiting quote	At this stage there is a 6-7 month wait on delivery from Mastec

All bins provided to the property for a kerbside service remain the property of Council and will be maintained for repair where it is deemed to be general wear and tear or is seen to be damaged by Council staff at time of collection. Residents will be charged for bin replacement if the bin is removed from the property or maliciously damaged.

If SMRC is to commence a kerbside service to Michelago there will be a direct impact on the current waste collections in town which occurs on a Saturday morning. The collection service does not meet the needs of all residents due to the limited time available to drop waste off on a Saturday morning. Council has also received a number of noise complaints in relation to this service as the service requires two trucks to be operating in town for 3 hours each Saturday morning.

The collection service does play an important part in the waste management arrangements for the rural residents who reside outside of Michelago. In order to ensure that these residents have access to waste disposal alternatives the Resource and Waste department will be investigating the placement of BOB's (Bank of Bins) to at a number of locations outside of the Michelago village. The Saturday morning collection service (i.e. the trucks standing in one location as a collection point) would then be phased out once BOB placements have been implemented to ensure that the rural residents have points of disposal available for waste and recyclable materials.

If Council determines to introduce the collection service, staff will contact relevant community associations to provide additional information regarding introduction of the service, and provide additional information to residents. The actual commencement date will be dependent on the delivery of the new recycle truck and will be confirmed with residents and publicised accordingly.

There is no intention to close the existing transfer stations should the collection service be introduced, as these provide access for waste and recycling options to residents who live outside the village areas. There will however, be an opportunity to review operation of these facilities in light of the expected lower volumes of waste and recyclables being received.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council is responsible for providing its residents with an environmentally and economically sound option for domestic waste and recycling disposal services. By Council extending these collection

10.1 PROPOSED DOMESTIC WASTE AND RECYCLING KERBSIDE COLLECTION SERVICE EXPANSION TO THE VILLAGES OF
BREDBO, MICHELAGO AND NIMMITABEL

services across the region this gives remote domestic residents the opportunity to alleviate travel and time associated with domestic waste and recycling disposal. The kerbside services will also allow residents to dispose and manage their household waste at a time which is more convenient to their circumstances.

The introduction of the kerbside service will have an impact on rural residents outside of Michelago as it is proposed to cease the Saturday morning waste collection service. To ensure that rural residents have alternatives available BOB's will be established at a number of locations which can be serviced by the waste collection vehicles, allowing for the rural residents to have access to waste disposal options.

It is also expected that there will be an impact on the number of users/income and costs associated with the operation of the Bredbo and Nimmitabel transfer stations through the diversion of waste and recyclables away from these facilities to the kerbside bin collections. The impact on these facilities will be monitored and changes to operations will be recommended based on community feedback and operational needs.

Provision of kerbside collection in the Bredbo village will minimise the amount of traffic movements into the Bredbo transfer station. Access into the facility requires Southbound traffic to cross on-coming traffic on the Monaro Highway from an overtaking lane. Safety concerns have been raised with this in the past.

2. Environmental

Council is committed to providing Snowy Monaro Regional Council residents with an effective and efficient waste and recycling disposal service through the use of regular kerbside collection services, landfill facilities, transfer stations, collection points and Bank of Bins (BOBs). This ensures that environmentally sustainable disposal habits can be developed thus reducing waste to landfill and increasing the recycling throughout the region.

The nominated bin sizes will allow residents to optimise their recycling disposal activities and encourage the minimisation of waste generation. There is a potential for the establishment of an organics collection service in the future which would further encourage the minimisation of waste disposal.

3. Economic

Based on quotes received there will be a capital outlay of \$70,890.60 (GST Inc) to issue bins to eligible properties. This will be a once off outlay and be accommodated from account PJ 220053 Cooma Street Furniture and Recycle Bins which currently has \$265,000 available. The purchase of kerbside collection bins will require \$65,000 (GST ex) leaving \$200,000 available for the purchase of 360Lt recycling bins in Cooma (separate project).

The service will also generate additional income and expenses to SMRC. The table below outlines the income and expense estimates to provide the new services on an annual basis.

Estimated Expenditure	Amount	Financial year	Ledger		Account string													
Domestic Waste Collection Expenses	\$94,138	Based on 17/18 FY	G	L	2	2	1	0	-	1	0	0	1					
Domestic Recycling Collection Expenses	\$83,191	Based on 17/18 FY	G	L	2	2	1	0	-	1	0	0	1					

10.1 PROPOSED DOMESTIC WASTE AND RECYCLING KERBSIDE COLLECTION SERVICE EXPANSION TO THE VILLAGES OF
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Funding (Income/reserves)	Amount		Ledger		Account string														
Domestic Waste Fees	\$130,626	Based on 17/18 FY	G	L	2	2	1	0	-	1	0	0	1	-	4	0	0	0	8
Domestic Waste Fees (Recycling)	\$53,631	Based on 17/18 FY	G	L	2	2	1	5	-	1	0	0	1	-	4	0	0	0	8

In addition there will be cost savings achieved when the Michelago Saturday collections are phased out. SMRC currently receives annual income of around \$10,000 for disposal fees associated with the collections. The costs to perform this service on the current arrangement is approximately \$118,000 P/A.

There will also be additional income and expenses allocated through the establishment and servicing of BOB's around Michelago. The total income will be dependent on the number of applications. The current service fee for a BOB user is \$200 P/A which costs SMRC around \$327 P/A to service. Whilst this service is conducted at a cost to SMRC the resource and waste department will be recommending the adjustment of fees for this service in subsequent years in order to obtain full cost recovery.

It is intended to introduce the collection service upon delivery of the new recycle truck (expected late July/early August). Accordingly, fees for the service will be applied on a pro-rata basis in line with the actual service commencement date.

4. Civic Leadership

Council has a strong focus on sustainability and as such, we aim to reduce the amount of household waste which is deposited into landfills.

Recycling is an important part of creating a sustainable community and by reducing waste to landfill and educating the community on what can be reused and recycled goes to ensuring the lifespan of our current landfill sites for future generations.

Residents of the villages were provided with the opportunity of providing input through return of the survey and direct contact with Council staff.

By Council offering these kerbside services to the villages this ensures that we supply waste and recycling services to residents that currently have limited access to proper waste and recycling collection services. Council would be demonstrating that we serious about reducing waste to landfill through our efficient recycling collection service and education programs.

Introduction of kerbside services to Michelago, Bredbo and Nimmitabel will mean that residents of those villages have access to the same services available in other villages including Adaminaby, Bibenluke, Cathcart, Dalgety, and Delegate.

11.1 NAMING OF ROADS IN JINDABYNE AND EAST JINDABYNE

Record No:

Responsible Officer:	Group Manager Governance
Author:	Land, Property & GIS Admin Officer
Key Direction:	2. Expanding Connections Within the Region and Beyond
Delivery Plan Strategy:	DP2.2.1.3 Continual maintenance and improvement of the road infrastructure network
Operational Plan Action:	OP2.10 Implement Council's transportation construction and maintenance program in accordance with the Strategic Transportation Asset Management
Attachments:	<ol style="list-style-type: none">1. Plan of Highview Estate Stage 6B ↓2. Grosvenor Heyson Kunama Ridge Road Names ↓3. Road Name Echidna Place Tyrolean Village ↓4. Highview Estate Stage 7A Updated Plan Rawson and Abbott Street ↓
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council is the authority for naming roads in its Local Government Area and the following road name proposals have arisen from developments in Jindabyne and East Jindabyne.

In Stage 6B of the Highview Estate in Jindabyne the developer has proposed the names Alice Street (after Alice Rawson peak), Abbot Street, and Rawson Street. In Kunama Ridge development developer has proposed names Grosvenor Place and Heyson Drive and in Tyrolean Village Development the developer has proposed the name Echidna Place.

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

OFFICER'S RECOMMENDATION

That Council

- a) endorses the road names Alice Street, Rawson Street and Abbott Street in Jindabyne, and
 - b) endorses the road names Heyson Drive, Grosvenor Place and Echidna Place in East Jindabyne, and
 - c) That once the road names are concurred by the Geographical Names Board, Council gazettes these road names.
-

BACKGROUND

The development Highview Estate in Jindabyne has involved the naming of a number of new roads using the theme of mountain peaks in Kosciuszko National Park. In Stage 6B of the Highview Estate in Jindabyne the developer has proposed the names Alice Street and Rawson Street (after Alice Rawson Peak) and Abbot Street (after Abbott Peak). These peaks are in the top 10 of highest peaks in Australia. Checks have been done to ensure these road names are not already in use in the region or in the national park. The location and extent of these proposed names is shown on the attached plan.

The latest stage of development in Tyrolean Village includes the creation of a new road and the name Echidna Place has been proposed as echidnas has been seen at the development site. The extent and location of this road are illustrated on the attached plan.

In the development at Kunama Ridge around the Snowy Mountains Centre for the Arts in East Jindabyne, the road names Grosvenor Place (named after artist Alan Grosvenor) and Heyson Drive (named after artist Hans Heyson). The location of these roads are illustrated in attached plan.

Council is the authority for naming roads in its Local Government Area. According to the NSW road naming procedures where new road names are proposed in a subdivision the developer must consult with Local Government on road names but where no other property owner is directly affected consultation on the road naming proposal is not required. Once Council has approved the road name and the Geographical Names Board (GNB) concurs with the name, Council can gazette the road name.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The use of names of local mountain peaks for new road names in Jindabyne celebrates features of the Snowy Mountains region

2. Environmental

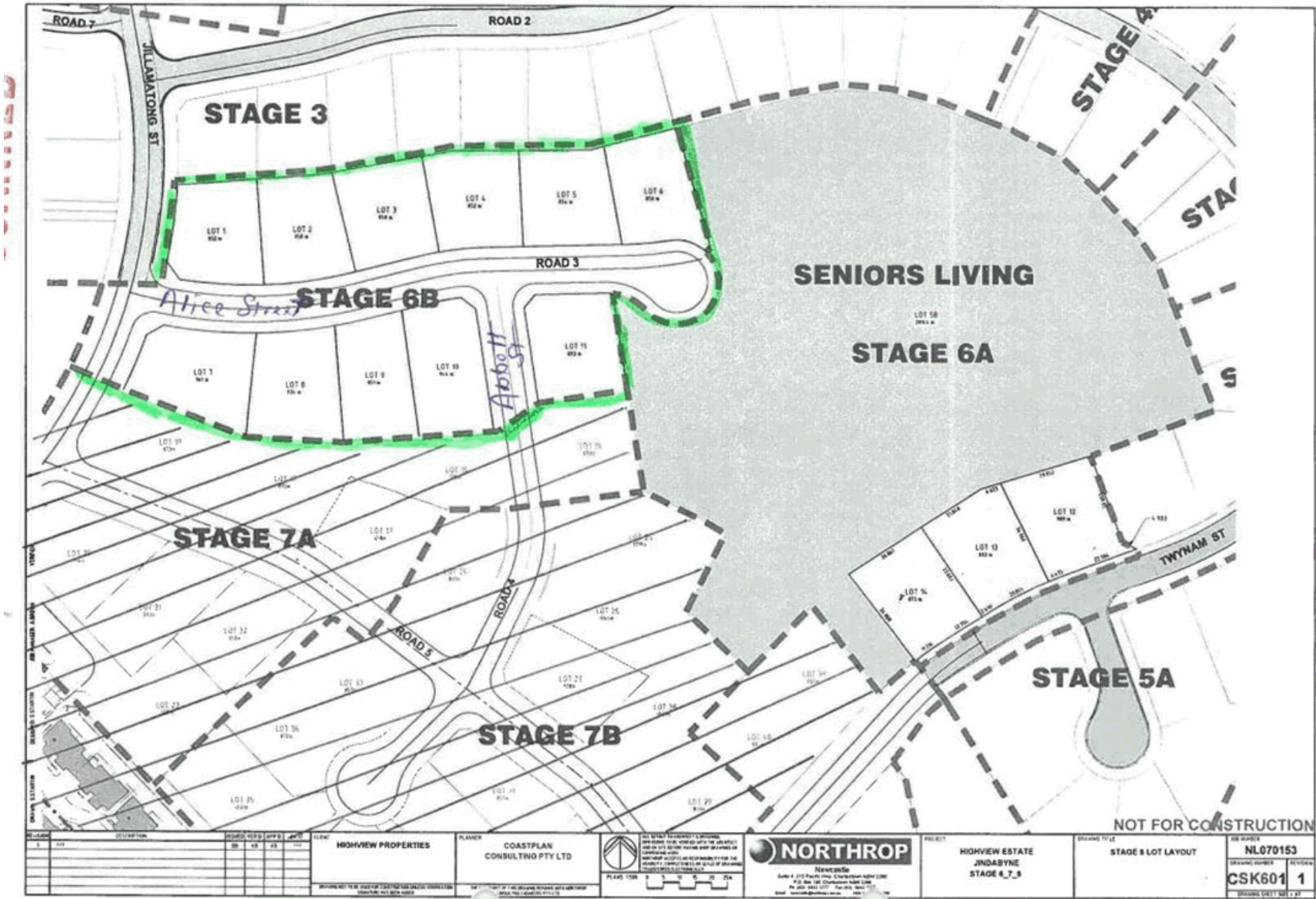
Nil

3. Economic

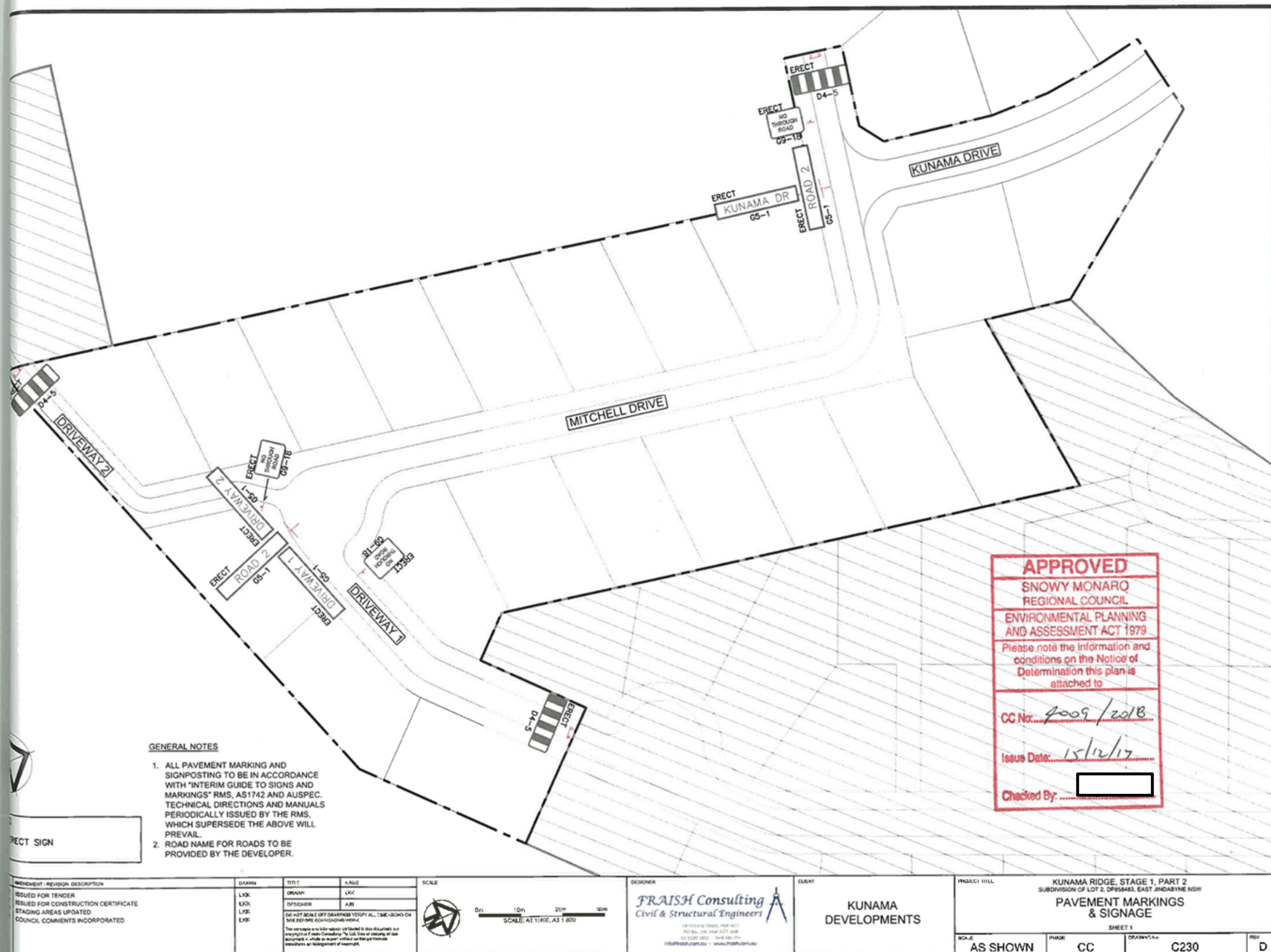
Nil. The developer is responsible for the provision of street name signs.

4. Civic Leadership

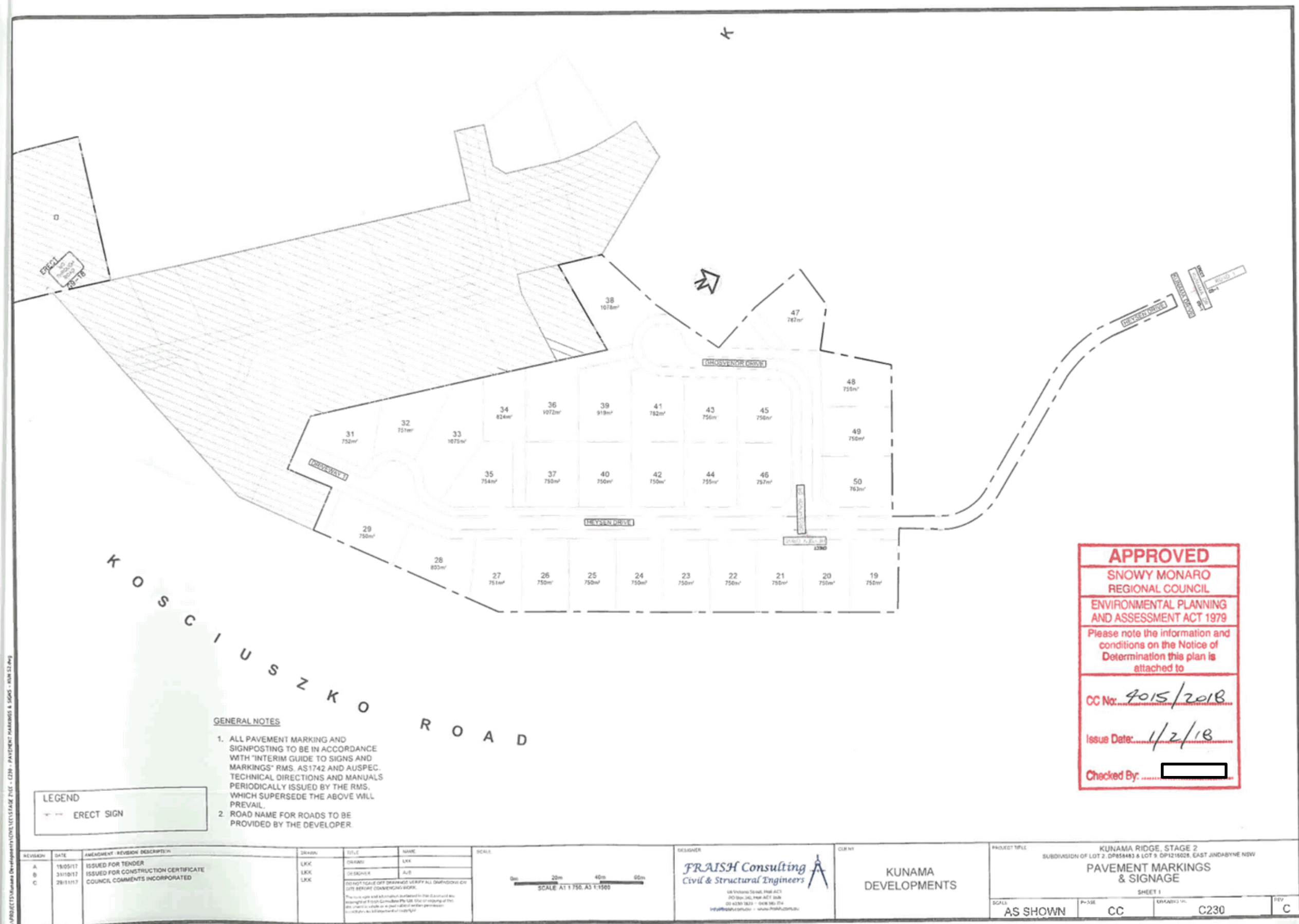
Council is the Authority for Naming all Roads, Paths, Right of Ways and tracks in its Local Government Area.

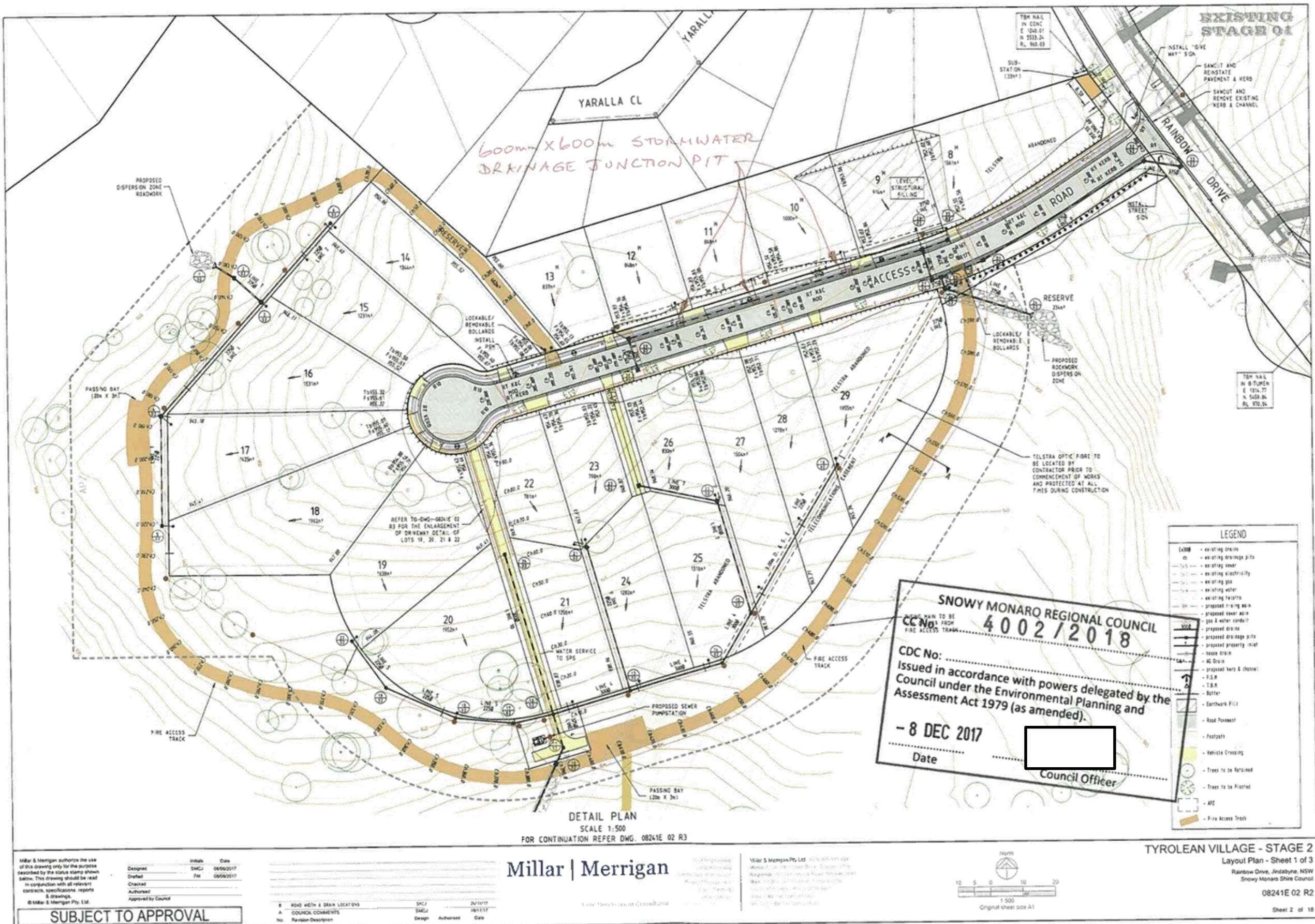


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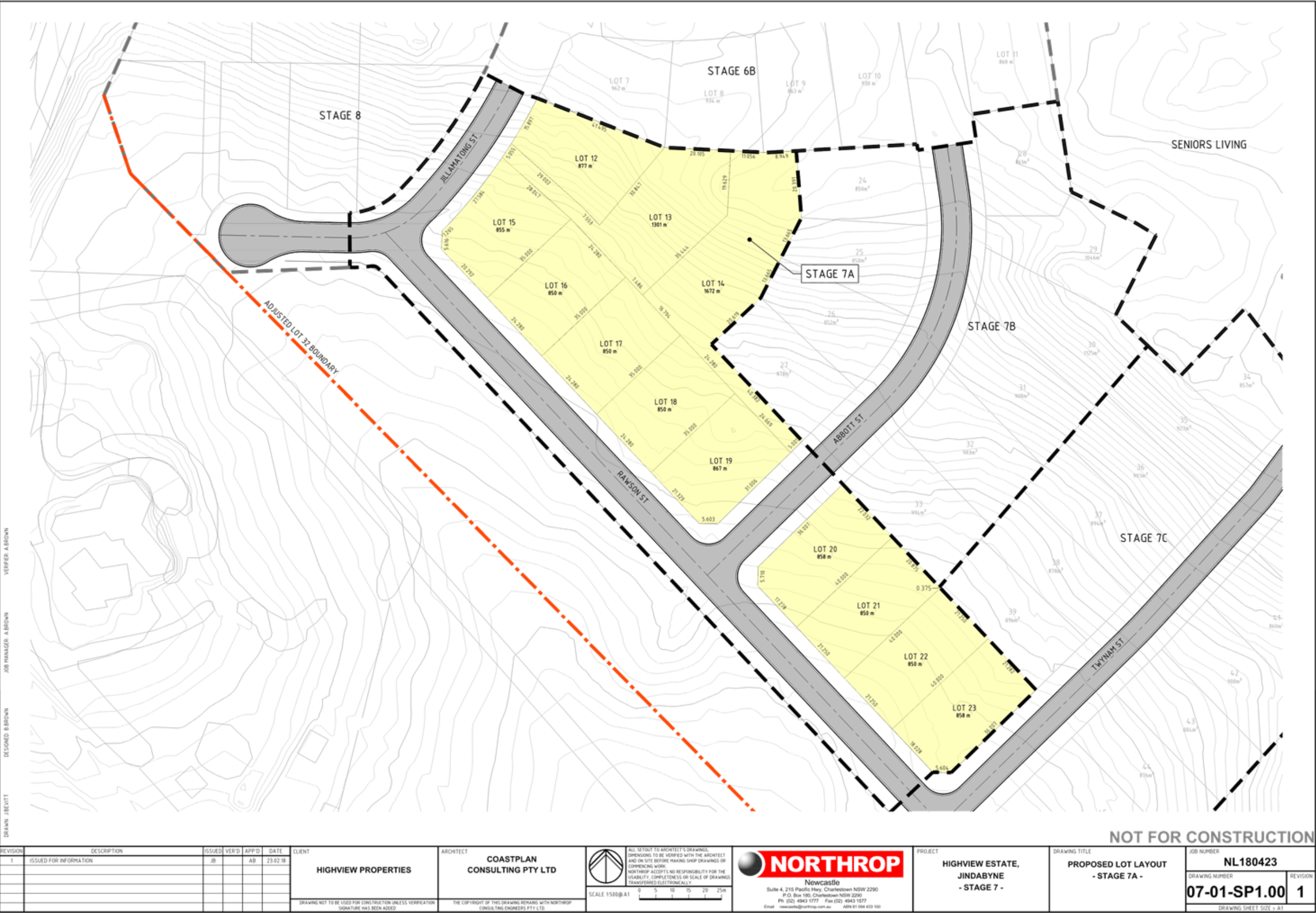


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15.1 CREATION OF FLOODPLAIN MANAGEMENT COMMITTEE

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Environmental Project Officer
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.2.1.1 Ensure that Council's land use planning and development policies enhance liveability.
Operational Plan Action:	OP6.12 Ensure that the local planning framework enhances amenity, safety and sustainability of community neighbourhoods
Attachments:	1. OEH Guidelines for Floodplain Risk Management ↓
Cost Centre	180340-Floodplain Studies
Project	Cooma/Bredbo/Michelago/Berridale Flood Study, Floodplain Risk Management Study and Plan
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The previous Snowy River and Cooma Monaro Shire Councils received funding from the Office of Environment and Heritage (OEH) for flood studies in Cooma, Bredbo, Michelago and Berridale. This funding has now been consolidated into one grant. A requirement of the grant guidelines is the formation of a Flood Risk Management Committee.

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

OFFICER'S RECOMMENDATION

That Council:

- A. Approve the formation of a Floodplain Risk Management Committee
- B. Nominate an elected member of Council to chair the committee
- C. Encourage membership of this committee from landholders, industry bodies, environmental groups, Department of Infrastructure, Planning and Natural Resources (DIPNR) and SES and call for public nominations.

BACKGROUND

Floodplain Management Program

Prior to amalgamation, the previous Snowy River and Cooma Monaro Shire Councils applied for funding under OEH 2016-2017 Floodplain Management Program. Both applications were successful, since amalgamation the grants have been consolidated. Total funding received from the OEH Program is for the sum of \$291,428.57 and the contract to undertake a Floodplain Management Study was awarded to GRChydro/SMEC.

As per the OEH Program guidelines (attached), a Floodplain Risk Management Committee needs to be established and chaired by Council.

“The establishment of a floodplain risk management committee is the first formal step in the floodplain risk management process. It may be formulated as a new committee or its role may be incorporated within an existing Council Committee. The management committee acts as both a focus and a forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possible differing viewpoints on these issues onto a management plan. It achieves this by ensuring that all stakeholders (often with competing desires) are equally represented. As such, the composition and roles of committee members are matters of key importance”

Membership of this committee is to be made up of Council representatives, relevant agencies and community representatives as set out in the ‘Floodplain Risk Management Committee’ exert from the OEH ‘Floodplain Development Manual’ (2005).

“The membership of the committee needs to be a balanced representation of stakeholders such as agencies, groups and/or individuals effecting, affected by or coordinating floodplain risk management. Membership should be flexible to ensure the right mix of interests are represented. Typically membership would include:

- *Elected Members of Council;*
- *Council staff from engineering, planning and environmental disciplines;*
- *An appropriate number of representatives of the local community; for example:*
 - *Local flood affected landholders (residential and business);*
 - *Relevant industry bodies (eg. Chamber of Commerce);*
 - *Environmental groups;*
 - *Representatives from the Department of Infrastructure, Planning and Natural Resources (DIPNR); and*
 - *Representatives from SES”*

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Cooma and Berridale have both been subject to flooding events which have impacted on Council and private residences/business. The study will recommend mitigation measures to alleviate impacts of flooding events.

Flood behaviour in Michelago and Bredbo has never been studied. The studies will identify if there are risks and what level of risks exists. This will be incorporated into the planning legislation as both villages are under development pressure.

The studies will assist Council to better prepare for significant rain events as flood risk areas will be categorised as high, medium or low. The category will help Council to allocate resources to high risk areas.

The primary end users of the studies are the Council Planners and the Emergency Services. Planners will be able to integrate planning controls within medium to high flood prone areas into development applications and the strategic planning processes.

Emergency Services will use the studies to assist with the preparation of local flood plans as set out under the NSW Emergency Management legislation.

2. Environmental

The purpose of the Floodplain Risk Management Study is to identify, assess and compare the various risk management options and to consider environmental opportunities for enhancement as part of the mitigation measures adopted. The data collection and information in the Study will provide the tools to determine environmental impacts in association with each mitigation measure.

The mitigation controls installed to reduce the impacts on flooding will have the potential to reduce erosion and sedimentation events associated with heavy rain events.

Environmental assessments will be undertaken for each mitigation control to be constructed.

3. Economic

The Flood Study and Management Plans are being funded by OEH at a ratio of 6:1.

Council will be able to apply for further funding under the OEH Program to implement mitigation measures recommended from the studies.

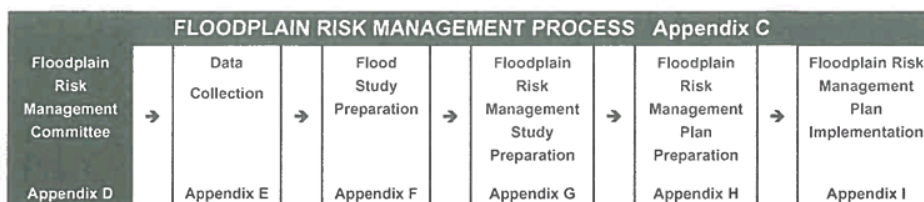
Recommended controls for flooding such as levees and bypass channels will reduce the social, economic and environmental impacts of major rain events.

4. Civic Leadership

Council will incorporate results of the studies into their statutory responsibilities under the *Environmental Planning and Assessment Act 1979*. Development proposed within identified flood prone land can be amended under Councils LEP and DCP to mediate risk to property and infrastructure.

The data included in the Flood Study Management Plans will provide Council and Emergency Services with the tools for robust future long term strategic and emergency planning.

APPENDIX D FLOODPLAIN RISK MANAGEMENT COMMITTEE



TECHNICAL SUPPORT APPENDICES (Those directly supporting this Appendix are highlighted)					
Floodplain Risk Management Measures Appendix J	Flood Planning Levels Appendix K	Hydraulic & Hazard Categorisation Appendix L	Flood Damages Appendix M	Emergency Response Planning for Floods Appendix N	

D1 Introduction

The establishment of a floodplain risk management committee by council is the first formal step in the floodplain risk management process. It may be formulated as a new committee or its role may be incorporated within an existing council committee. Council will need to decide on the appropriate approach to ensure the committee is effective for its area.

The management committee acts as both a focus and forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possibly differing viewpoints on these issues into a management plan. It achieves this by ensuring that all stakeholders (often with competing desires) are equally represented. As such, the composition and roles of committee members are matters of key importance.

D2 Need for a Committee

The development of a management plan, for either urban or rural areas must, take into consideration a number of diverse issues which include:

- the risk, danger to personal safety and property damage, imposed on existing land uses (the existing risk);
- the cumulative impact of flooding on potential future land uses and occupants

and of development on flooding (the future risk);

- the management of the continuing flood risk remaining in both existing and future development areas after works and controls are implemented;
- the environmental impact of existing and potential future developments and floodplain risk management measures;
- the broad scale catchment issues such as water quality, riverine and floodplain enhancement and land management;
- cumulative impacts as a result of changes in hydrology, floodplain geometry, or other factors;
- the potential economic cost and benefits to both the private and public sectors of floodplain occupation;
- the potential economic benefits of proposed risk management measures;
- potential intangible flood costs, including physical and psychological effects of flooding;
- social factors, including the needs and aspirations of the local community, both existing and in the future;
- planning options and restrictions, including special zonings and planning controls, opportunities; and

- ❑ the protection of Aboriginal sites and places and European heritage.

The expertise necessary to address these issues needs to be drawn from a variety of sources, including:

- ❑ the local council itself (both elected representatives and council staff);
- ❑ the local community;
- ❑ key industry groups;
- ❑ environmental interest groups;
- ❑ State and Commonwealth Government agencies; and
- ❑ specialist consultants, as engaged.

The development and implementation of a floodplain risk management plan is solely a local council responsibility in urban situations. The local government role is discussed in Section 3.1. The role of DIPNR in the rural areas in western New South Wales designated under Part VIII of the Water Act is outlined in Section 3.2.

Given the complexity and range of issues to be addressed in the process as outlined above, the committee needs to be able to coordinate and disseminate the interests, advice and expertise available from State and Commonwealth Government agencies and the local community. The committee should also consider the establishment of a specialist technical sub-committee (discussed in Section D6) to deal with complex technical issues, if required.

In certain circumstances it may be necessary to establish a single committee involving adjoining council(s) to effect coordinated planning. This may be appropriate where the floodplain under investigation embraces more than one local government area and where structural, land use or flood response measures in one council area are likely to influence the effectiveness of management measures or flood behaviour in other council areas. Consideration should also be given to the relationship with adjoining councils, and if necessary, the establishment of an overall committee to address the flooding problems on a catchment wide basis.

D3 Role of the Committee

The management committee does not have any formal powers. Rather, it has an advisory role, but an important one. The principal

objective of the committee is to assist the council in the development and implementation of a management plan for the area(s) under its jurisdiction. However, the committee also assists in:

- ❑ formulating objectives (in accordance with ESD principles), strategies and outcomes sought from the process (see Section C3);
- ❑ providing a link between the local community and council;
- ❑ identifying the flood problem to be assessed and the study area (see Section F2);
- ❑ considering and making recommendations to council on appropriate development controls for use until the management plan is completed, approved and implemented (see Section C9);
- ❑ supervising the collection of necessary data (Appendix E) and supervising and monitoring the progress and findings of studies being undertaken in the various stages of the management plan;
- ❑ providing input into known flood behaviour as part of the flood study;
- ❑ identifying management options and providing input into their consideration as part of the management study;
- ❑ identifying implementation strategies for the management plan;
- ❑ monitoring and assessing the effectiveness of the management plan during and after its implementation;
- ❑ coordinating and monitoring the public education programs essential to the long term viability of the management plan; and
- ❑ coordination with catchment management boards, emergency management planning and other advisory bodies.

Once the committee has completed the prime task of developing a management plan and associated implementation strategy, and the council has adopted these, it is suggested that a limited group remain to oversee implementation.

D4 Membership of the Committee

The membership of the committee needs to be a balanced representation of stakeholders such as agencies, groups and/or individuals effecting, affected by or coordinating floodplain risk management. Membership should be flexible to ensure the right mix of interests are represented. Typically, membership would include:

- ❑ elected members of council;
- ❑ council staff from engineering, planning and environmental disciplines;
- ❑ an appropriate number of representatives of the local community (for example, local flood affected landholders (residential and business), relevant industry bodies (eg the chamber of commerce), and environmental groups);
- ❑ representatives of relevant industry bodies;
- ❑ officers from the DIPNR; and
- ❑ representative(s) from the SES.

Officers from other relevant government agencies or departments or catchment management authorities may be co-opted to the committee as and when required.

Because the responsibility for planning matters lies with council, the committee should report either to council or to its appropriate standing committee, which has the final decision making power.

As discussed in Section D2, a single committee on a floodplain shared by a number of council areas may be desirable or necessary.

D5 Role of Committee Members

The primary role and responsibility of the various members on the management committee are described below. This outline does not aim to limit the contributions made by members, but rather attempts to ensure that all important aspects are given due consideration. It should be noted that the committee is tasked with seeking solutions to the existing, future and continuing flood risk issues, not solely on addressing the past.

It is also important to note that State Government agency representatives do not have committee voting rights but provide advice in relation to their departmental functions and their area of expertise.

D5.1 Elected Members of Council

Elected members of council are the leaders of this process and should assess the community, political and policy implications of any actions contemplated with the objective of producing an equitable result for the local government area served.

D5.2 Council Staff

Council staff must include a mix of engineering, strategic and development assessment planning, and environment representatives. They should provide local specialist advice and coordinate:

- ❑ input from council, the local community and other committee members;
- ❑ the production and presentation of agendas and reports;
- ❑ the management of consultants (including preparation of study briefs);
- ❑ the management of financial assistance for the project; and
- ❑ formulation of draft recommendations to the committee.

The recommended final management plan requires significant input from staff before submission to council.

D5.3 Local Community Representatives

Community representatives play an important role in the success of the committee and every attempt should be made to have representatives who can make the necessary commitment as indicated in Section D8. Local community representatives should:

- ❑ form a link between the committee and the local population in the flood prone area. They therefore need to be able to effectively inform the affected community of the deliberations of the committee and so foster a wider understanding of the process;
- ❑ provide historical advice on local problems and perceived solutions;
- ❑ consider in detail implications of matters which may impact on the local community; and
- ❑ facilitate formal representations to the committee on behalf of the public.

D5.4 Local Environmental Group Representatives

Local environmental group representatives should provide a link between environmental groups and the committee and enable adequate local environmental input into committee deliberations.

D5.5 Local Industry Body Representatives

Local industry body representatives should provide a link between the industry body and the committee, where necessary. These may be drawn from the chamber of commerce or other relevant local bodies.

D5.6 The DIPNR Representative

DIPNR provides representation from both a floodplain risk management and land use planning perspective.

From the floodplain risk management perspective DIPNR's representative should provide technical expertise and steering advice to ensure that the management plan is prepared in accordance with the principles of the NSW Government's Flood Prone Land Policy. The representative should also monitor the progress of the studies and plan, particularly as they relate to current and future government funding programs. A key role of the representative is to provide technical advice, to both council staff and the committee, throughout the process.

From a land use planning perspective DIPNR's representative should ensure that the planning approaches considered and adopted in the management plan are consistent with other areas within the region and State. In addition, DIPNR should provide technical advice to the committee on planning issues throughout the process, on the implications of State or regional planning policies and the provisions of the EP&AA Act.

DIPNR also provides advice on other natural resources policies, such as the State Rivers and Estuaries Policy and Wetlands Policy, that link with the Flood Prone Land Policy and the Water Management Act.

D5.7 The SES Representative

The SES representative (or controller) should consider the implications of any actions

contemplated in regard to risk assessment, flood warning and response plans for the management and evacuation of flood-prone areas, and with regard to the State Emergency Service Act 1989. The SES representative should also provide input from the emergency management viewpoint and ensure that the management plan is developed parallel to and complementary to the local flood plan (prepared under the guidance of the SES).

The SES representative must not be requested to:

- approve private or site specific flood plans or flood emergency response plans prepared for proposed developments (see Section N7); or
- approve incorporation of private or site specific flood plans prepared for proposed developments into the local flood plan.

Private or site specific flood plans or flood emergency response plans (Section N7), written for specific developments and separate from the local flood plan, are ineffectual and should not form the basis of development consent.

Inclusion of specific development proposals in the local flood plan is limited to those assessed and incorporated in the adopted floodplain risk management plan.

D5.8 The Bureau of Meteorology

The Bureau of Meteorology should provide advice with respect to flood forecasting and warning, as appropriate.

D5.9 Representative of Welfare Services

Representatives of welfare services (for example, the Department of Community Services) should provide advice regarding the plans in place to deal with flooding, their consistency with the proposed management plan and in the development of contingency plans for post-flood recovery.

D6 Technical Sub-Committee

The role of this sub-committee of the floodplain risk management committee should be to provide technical assistance to enable the committee to fulfil its advisory role to council efficiently, confident that studies and option

assessments are technically adequate and the options proposed are practical and feasible. The roles of the technical sub-committee may include:

- ❑ preliminary development of process and individual study objectives, as outlined in Appendices C through H for further consideration by the full committee;
- ❑ collection of background data for studies available to council, DIPNR and SES, as outlined in Appendix E;
- ❑ preparation of technical project briefs in consultation with the committee;
- ❑ review of proposals from consultants in consultation with the committee;
- ❑ review of modelling, management options, reports and presentations for technical adequacy prior to presentation and review by the full committee; and
- ❑ advice on any other technical matters upon request by the committee.

The technical sub-committee should have membership from council staff (both engineering and strategic planning) and DIPNR. A representative of SES may also be included when the sub-committee is considering emergency management issues.

D7 Community Consultation

The local community, both flood prone and otherwise, has a key role to play in the development, implementation and success of a management plan. If it is to be accepted and successful, it is essential that clear and concise communications flow between the committee and the community so that affected individuals and community groups can 'have their say' and learn of their roles and responsibilities.

The following format is suggested to establish and maintain communication between the council, committee and the local community.

Council should arrange to:

- ❑ involve and inform the community (through media releases, newsletters and public meetings) on a range of issues.
- These include the role and responsibilities of the committee, its intention to instigate a study/studies for preparation of a management plan, the work council is

undertaking for the flood study, and progress on the studies and plan.

Affected residents should also be informed of the length of time until finalisation of the management plan and implementation of management measures, and of the nature of development controls pending management plan completion;

- ❑ call for representatives of the general community and action groups to self nominate for the committee, clearly stating the expected role of members at this time;
- ❑ use established local community groups, where they exist, and encourage their representation on the committee;
- ❑ make one or two contact people known to the community, usually staff members of council, who can be contacted regarding questions relating to floodplain risk management, during the development and implementation of the management plan;
- ❑ define clear goals for each study and estimate the time to complete each investigation and when direct community consultation and feedback is proposed;
- ❑ release information to the community and members of the committee at regular intervals, rather than waiting until the completion of one of the formal stages of the management plan, or associated formal meetings of the committee;
- ❑ consider appropriate development controls for use until the management plan is completed (see Section C9) considering recommendations of the management committee;
- ❑ ensure that simple, clear messages are used to explain the situation in uncomplicated language and relate any implications to property owners and potential development applicants when disseminating information;
- ❑ formally adopt the management plan at the completion of the preparation and consideration process; and
- ❑ consider changes to the local flood risk management policy and council's strategic planning instruments and associated development controls

during the implementation phase, where strategies result in altered flood behaviour.

D8 Commitment of Committee Members

The floodplain risk management process is neither short nor simple, nor is it the singular responsibility of council officers, consultants or government officers to have input to the process.

The management committee must comprise members who are committed to and actively involved in the preparation and implementation of the management plan. It may take 3 to 5 years to develop the plan and the implementation of all recommendations may take much longer.

In view of the length of time involved the turnover of committee members, including both council staff and elected representatives, can be a problem. Whilst little can be done

with respect to the potential turnover of council and government officers, the structure of the committee should be decided with consideration of its long term viability and relationship with other committees in operation in the local area. Attempts should be made to co-opt local community members who are enthusiastic, energetic and likely to 'see the distance' to complete the management plan.

D9 Tradeoffs

By necessity, the adopted management plan will be a compromise involving trade-offs. Certain individuals may be disadvantaged, others advantaged, but the community as a whole will be better off.

An important role of the management committee will be to assist in the presentation and resolution of conflicting desires and requirements on the part of various community groups and individuals. Public meetings, often spirited, are an important part of this process.

15.2 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENTAL PLAN 2013 TO INTRODUCE ZONE SP2 - INFRASTRUCTURE

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Strategic Planner
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.2.1.1 Ensure that Council's land use planning and development policies enhance liveability.
Operational Plan Action:	OP6.14 Develop a detailed strategic Landuse Strategy for the Region.
Attachments:	<ol style="list-style-type: none">1. Planning Proposal (PP_SMONA_001_00) - BLEP2012 Amendment - Zone SP2 to Bombala and Coolumbooka Rivers ↓2. NSW Department of Planning and Environment letter regarding Alteration to Gateway Determination for Bombala LEP Planning Proposal (PP_SMONA_001_00) ↓3. Alteration of Gateway Determination for Bombala LEP Planning Proposal (PP_SMONA_001_00) ↓4. Envirokey biodiversity assessment accompanying Planning Proposal (PP_SMONA_001_00) ↓5. NSW Department of Primary Industries - Fisheries submission to Planning Proposal (PP_SMONA_001_00) ↓6. NSW Primary Industries - Water submission to Planning Proposal (PP_SMONA_001_00) ↓7. NSW Transport - Roads and Maritime Services submission to Planning Proposal (PP_SMONA_001_00) ↓8. Bombala Floodplain Risk Management Study and Floodplain Risk Management Plan (2013) excerpt ↓

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council considered this Planning Proposal (PP_SMONA_001_00) at Item 15.1 at its meeting on December 14, 2017. The Planning Proposal seeks to rezone land at Bombala to Zone SP2 – Infrastructure (Water Storage Facility). Council requested an extension to the expiry from the NSW Department of Planning and Environment. On April 3, 2018, the Department advised Council that a 12 month extension had been applied. March 29, 2019 is the new expiry for the Planning Proposal.

The Department suggests that “Council may wish to consider not proceeding with the current planning proposal and submit a fresh planning proposal when all issues have been addressed”. This report forms the view that the current Planning Proposal has failed and should be replaced

with holistic planning for water supply in Bombala. The background of this report contains discussion of the Planning Proposal and outstanding issues with the Planning Proposal.

The Planning Proposal is provided as an attachment in addition to Department of Planning and Environment advice, government agency submissions, and an excerpt from the Bombala Floodplain Risk Management Study and Floodplain Risk Management Plan.

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

OFFICER'S RECOMMENDATION

That Council:

- A. Note the Alteration to Gateway Determination and covering letter provided by the Department of Planning and Environment.
- B. Note the outstanding issues affecting the Planning Proposal and its process thus far, including those previously raised in submissions to the process (attached).
- C. Cease the current Planning Proposal PP_SMONA_001_00 in view of issues noted at B. Notify the Department of Planning and Environment accordingly.
- D. Collaborate with NSW Department of Primary Industries – Water on planning for Bombala water supply including development of Integrated Water Cycle Management (IWCM) Plan.
- E. Subject to Bombala water supply planning as at D, prepare a new Planning Proposal to make changes to the Bombala Local Environmental Plan (LEP) as needed to implement outcomes of water supply planning.

BACKGROUND

Former Bombala Shire Council resolved to pursue planning approval for a weir on the Bombala River at Bombala in March 2015. This required rezoning of land to Zone SP2 – Infrastructure (Water Storage Facility). A Planning Proposal intended to bring about this zoning change commenced in 2017 and was exhibited from April 19, 2017 to May 17, 2017. After exhibition, consideration of the Planning Proposal reverted to the strategic land use planning section (within the Economic Development and Tourism business unit) in the new Council structure. The Strategic Planning section evaluated the Planning Proposal and provided a further report to Council's meeting of December 14, 2017 (Item 15.1). The report recommended against the continued pursuit of the Planning Proposal, however the Council resolved that an extension to the Gateway determination be sought from the NSW Department of Planning and Environment and that further consideration be given at Council's May 2018 meeting. Following Council's request to the Department, the Department advised Council that a 12 month extension to the Gateway determination had been applied on April 3, 2018. The Gateway determination will now remain effective until March 29, 2019.

The Department's advice suggests: *"Council may wish to consider not proceeding with the current planning proposal and submit a fresh planning proposal when all issues have been addressed"*. The Department's advice requires that substantive progress be made in resolving issues before the revised expiry date. A further extension is unlikely to be issued.

15.2 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENTAL PLAN 2013 TO INTRODUCE ZONE SP2 -
INFRASTRUCTURE

It is the considered view of this report that the current Planning Proposal has failed and is highly unlikely to be recoverable. The portion of the Proposal affecting the existing Coolumbooka weir may be achievable after negotiation with stakeholders. The remainder of Planning Proposal affecting the Bombala River has no realistic prospect of enabling a sound planning outcome. This report strongly recommends that Council take up the Department's suggestion that the substantive issues be addressed first outside of a Planning Proposal process. This action may support a more appropriate and superior Planning Proposal if required at a later time.

This report forms this view based on the following reasoning. Any Planning Proposal should be evaluated on the basis of what development it will allow. The current Planning Proposal seeks to introduce an SP2 - Infrastructure Zone to allow a weir at the Bombala River. There is no other purpose to the zoning change at the Bombala River. Therefore changing the zone is reliant on the construction of that weir being demonstrated to be a broadly sound initiative. The fundamental issue at hand is that this has not been proven by Council or the former Bombala Shire Council to this time. It is not the case that a change to the LEP can be obtained and this question resolved later. A Planning Proposal should reference information already gathered and strategies or policies already developed by Council. This shows that a change to the LEP is a sensible and well-founded continuation of longer term, evidence-based planning. As put by NSW DPI – Water in their submission; *"The proposed rezoning should sit within a broader strategy for sustainable water use in Bombala"*. The Planning Proposal has failed to demonstrate this. This is suggested by the Planning Department's comment noted above. It is also the view of the report provided to Council at Item 15.1 at its meeting of December 14, 2017. No further information has emerged which advances the current Proposal.

To have succeeded, a Planning Proposal would be supported by, or incorporate, a greater level of pre-existing information on the following points:

- what Bombala future water supply requirements actually are
- the requirements of relevant State and Federal Government policies, in particular the New South Wales Weirs Policy
- demonstration that a weir is the superior option to meet water supply requirements in view of costs, risks, environmental outcomes
- if there is to be a weir, why the nominated location for rezoning is the appropriate location
- greater detail regarding broad impacts of that weir and its new zoning on existing development, infrastructure and other lands generally, including changed flood behaviour
- greater detail as to the likely environmental impact of the weir design and likely financial cost of any legally required offsets for this environmental impact

Following the Department's suggestion that issues be addressed, the remaining discussion details outstanding issues affecting the Planning Proposal. These issues originate from the lack of an adequate evidence base for the points above prior to the Planning Proposal being commenced. Direction as to how the issues should best be approached is also provided. The overarching recommendation to be drawn is that Council proceed to develop Bombala water supply in consultation with NSW DPI – Water. A Regional IWCM Plan as at Operational Plan Item OP6.4 should be developed to aid ongoing water supply development.

Water supply requirements and policy:

Issue: The Planning Proposal claims that the amendment to the LEP is required to provide adequate water supply for Bombala. The Planning Proposal does not provide or reference any evidence base to demonstrate that this is the case. There is also no evidence base provided or referenced that a weir is the superior solution to the suggested larger water supply requirement. If the Planning Proposal is to claim this as a rationale for the change to the BLEP then this must be substantiated by an evidence base. A full range of options for meeting water supply should also be considered before proceeding toward one option or another.

Response: Best practice for assessing and meeting water supply requirements in New South Wales local government is an Integrated Water Cycle Management Plan (IWCM Plan). Council's own Operational Plan states at Item OP6.4 to "Investigate a Regional Integrated Water Cycle Management Plan". Council should collaborate with NSW DPI – Water and complete an IWCM Plan which addresses water supply in Bombala. Council should then implement the recommendations of that IWCM Plan, rather than continuing the current Planning Proposal.

Raised water level may interfere with NSW Roads and Maritime Services (RMS) infrastructure:

Issue: RMS stated that they were unable to adequately assess the impact of the new weir pool and increased water level on the RMS bridge at the Bombala River. The bridge has been designed to withstand the water level which is currently existing. As stated, the sole purpose of the Planning Proposal is to allow a weir. The probable effects of a weir on the RMS bridge should be known within at least a reasonable margin before a Planning Proposal occurs. This would allow later refinement of the weir concept if the impacts were within acceptable tolerances at that preliminary stage. This investigation did not occur. It is unclear from the Planning Proposal materials whether a weir is at all viable in this regard.

Response: A full water supply planning process such as an IWCM Plan will enable consideration of all options for meeting Bombala future water supply requirements. This process will ensure that any affects to RMS bridge infrastructure are in fact necessary, and enable this to be appropriately addressed before embarking on LEP changes affecting specific locations.

Flood modelling and hydrology:

Issue: The current Planning Proposal states; "the impact of a weir up to 2m high had been modelled as one of the scenarios in the recent Bombala Floodplain Management Plan". The Bombala Floodplain Risk Management Study and Floodplain Risk Management Plan of May 2013 has been reviewed for guidance (extract of relevant section attached). A weir is modelled, but it is not the weir allowed for by this Planning Proposal. The weir as modelled was several kilometres upstream on the Bombala River outside the township. The Bombala FRMS/FRMP 2013 suggests that such a weir would normally operate at a low storage level and retain flood water upstream of Bombala during flood events. By contrast, the Planning Proposal states the current weir concept is intended to aid in water supply by storing water on an ongoing basis, with this storage located in the centre of Bombala township. The Bombala FRMS/FRMP 2013 document and the Planning Proposal do not provide modelling of flood impacts of a

weir located within Bombala. The previously modelled weir is not equivalent to that supported by the current Planning Proposal in usage, impact or flood risk.

Response: Any Planning Proposal is required to satisfactorily address the issue of Flood Prone Land, particularly where the Proposal directly affects such land. This is not aided by the approach taken thus far. The best option is to commence overarching planning for water supply planning in Bombala in the form of an IWCM Plan, followed by a new Planning Proposal if required by that IWCM Plan. If a new Planning Proposal is pursued, Council should procure more detailed information ahead of time. This must demonstrate that impacts to Flood Prone Land from whichever development is to be permitted have been properly considered.

Environmental impact, impact mitigation and impact offset requirements:

Issue: NSW Department of Primary Industries – both Fisheries and Water offices – have noted the likely environmental impacts of the weir concept. The Bombala River is noted as a highly sensitive key fish habitat. This river system is a part of the Endangered Ecological Community that is the Snowy River Catchment, as per the *Fisheries Management Act*. It is possible that environmental approvals may not be obtained for the eventual weir development. If approved, required offsets for these environmental features may carry significant financial costs. This will further undermine the benefit-cost ratio of a weir. Mitigation measures for environmental impacts in the Planning Proposal are noted by DPI – Fisheries as “brief and non-specific”. DPI Water also specifically notes the lack of consideration of the NSW Weirs Policy. Council should undertake water supply planning which considers these issues before further committing to a particular water supply solution.

Response: These issues go to the actual implementation of a weir. However, as detailed earlier in the report the success of the Planning Proposal rests upon a weir development being demonstrated as broadly sound. The current concept risks not obtaining approval given the affected habitat and ecological communities. Further, offset requirements may be significant in the event that approval is obtained. Greater consideration of water supply planning prior to a Planning Proposal would determine this and avoid an undesirable outcome. A weir should be considered as an option within the broader context of water supply planning. This may be achieved via consultation with DPI – Water and the IWCM Plan format as noted earlier in the report. These considerations should also take regard to the NSW Weirs Policy at the earliest possible stage.

Remaining issues:

By ceasing the current Planning Proposal and instead pursuing full investigations and planning as discussed in this report, Council will address several other issues with the Planning Proposal;

- SP2 – Infrastructure zone would allow development without Council consent, potentially resulting in development near RMS infrastructure without consultation of RMS. This issue should be resolved subsequent to water planning for Bombala outside the current Planning Proposal.
 - The current Planning Proposal improperly deems the weir to be an extension of the current water storage. It is a separate item of infrastructure. A Planning Proposal should accurately reflect what is to occur as a result of amendments to an LEP.
-

- The current Planning Proposal likely does not properly reflect the extent of the new weir pool, particularly nearby to the confluence of Bombala River and Coolumbooka River. Greater attention to hydrological effects and flood modelling would resolve this question.
- Impact to the local water table and load bearing stability of soils in the area is unknown. This should be determined alongside investigations of hydrology and flooding effects as detailed earlier in this report. These issues have potential implications for the maintenance and integrity of Council sewer infrastructure, RMS bridge infrastructure and the health of public parkland at Bombala River.

This report considers these four final issues to be secondary to the issues raised earlier. These issues would only be necessary to address if water supply planning found a weir to be worthy of further investigation. This would be determined after considering all available options in view of the key issues raised earlier in the report.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council is investing resources into improvements to Bombala and its surrounds including improvements to the public domain, study and preservation of local heritage and improvements to existing water and sewer infrastructure. These initiatives have and will have significant social benefit to the local community. Caution is warranted to ensure that poorly planned initiatives do not detract from Council's efforts in these other areas. Improving water supply for Bombala will have subsequent social benefits, but only if this is pursued in a sound manner. Instead of the current Planning Proposal, Council is urged to consider continued collaboration with DPI – Water and pursuit of an IWCM Plan. This is a best-practice approach and provides the greatest opportunity for good water supply outcomes to result, in turn allowing improved social outcomes.

2. Environmental

This report notes that there are several significant environmental factors which are to the detriment of the Planning Proposal. These include the inclusion of the Bombala River within the Snowy River Catchment Endangered Ecological Community and the Bombala River acting as a highly sensitive key fish habitat. It is possible that obtaining necessary environmental approvals for a weir will not be possible. If approval is obtained, environmental offsets required to undertake the project will add additional impost to the project. Incurring these added costs to pursue this initiative may not be a responsible deployment of funds. Adequate investigation of water supply alternatives which may improve upon the current weir concept is not provided by the Planning Proposal. In addition to this, state government agencies responsible for waterways (DPI – Water and DPI – Fisheries) have already expressed reservations about the weir concept being pursued. Council should expect continued opposition to this proposal. These risks to the environment, the organisation's financial resources and organisational reputation undermine the case for changing the BLEP via this Planning Proposal.

3. Economic

It is the view of this report that the current Planning Proposal will not succeed. Avoidance of further costs associated with progressing the Planning Proposal is the sound course. This report supports the use of Council funds to invest in holistic water supply planning which will enable Council to find superior outcomes other than persisting with the current Planning Proposal.

Council has incurred some costs to this time in preparing and exhibiting the current Planning Proposal. These include consultant fees, staff salaried hours, and materials costs to exhibit the proposal. It is deemed unlikely that commitment of further funds to the Planning Proposal will improve it to the standard needed to yield a positive outcome.

4. Civic Leadership

To demonstrate civic leadership, Council should seek to follow a best practice approach to its work tasks. This includes adherence to federal, state and local policy and thorough consideration of local policy and planning initiatives. This achieves good planning outcomes for land, resources, infrastructure and development and identifies, avoids and minimises risks and financial impost. The current Planning Proposal does not follow such an approach. The current Planning Proposal instead places the objective of installing a weir ahead of properly considering water supply and land use planning needs. These needs should be established in the first instance and then the best course of action may be identified. Proper planning in this case would involve developing an Integrated Water Cycle Management Plan for Bombala water supply, collaboration with DPI – Water to achieve enhanced water supply systems and planning, greater integration of water planning into broader land use planning for the area and properly considering all options available to meet identified requirements.



**PLANNING PROPOSAL TO AMEND BOMBALA LOCAL
ENVIRONMENTAL PLAN 2012**

To permit a water storage facility along sections of the
Bombala River, Bombala

Prepared for and on behalf of Snowy Monaro Regional Council

by Zenith Town Planning,

4 April 2017



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INTRODUCTION

This planning proposal has been prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979*.

The purpose of the planning proposal is to amend *Bombala Local Environmental Plan (LEP) 2012* to permit the expansion of a water storage facility on the Bombala River.

The scope of this planning proposal is to describe relevant attributes of the land and watercourse and to respond to matters for consideration outlined in *A guide to preparing planning proposals* issued by the Department of Planning & Environment in August 2016.

Proposed development

The settlement of Bombala is located 485km south of Sydney and 80km south of the town of Cooma. The water supply for the town of Bombala is sourced from an impoundment on the Coolumbooka River to the north of Bombala township which has a capacity of 245 megalitres.

It is proposed to expand this water storage facility by extending the impoundment for a length of approximately 2.7 to 2.8 kilometres from the existing impoundment of the Coolumbooka River into the Bombala River and extending to a new weir to be constructed between Caveat and Young Streets adjacent the town centre. The impoundment would raise the depth of the existing waterway by a variable amount but estimated to average about 2 metres and provide an additional 50 to 60 megalitres of storage capacity. The proposed impoundment would form a single storage area.

The properties that are affected by the existing impoundment are described in Table 1 below.

Table 1: Properties subject to the existing impoundment

Lot	Section	Deposited Plan
1		1122951
7		1161886
47		264454
2		1122951
46		264454
3		1161886



48		264454
5		1161886
45		264454
44		264454
3		1122951
49		264454
2		1161886
4		1122951
6		1161886
5		1122951
1		1161886
43		264454
42		264454
41		264454
Part 1		863574
Part 6		112091
50		264454
6		1122951
4		1161886

The properties that would be affected by the additional impoundment are described in Table 2 below.

Table 2: Properties subject to the proposed impoundment

Lot	Section	Deposited Plan
7017		94005
7018		94005
7024		1024462
7016		94006
7013		1026178
7		1161886
Part 53		264454
Part 511		1152280
Part 1		756819
Part 80		756819
Part 154		756819
Part 155		756819

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Lot	Section	Deposited Plan
Part 352		756819
7009		94007
Part 1	56	758129
7	56	758129
8	56	758129
Part 790		1150989
7303		1148011
Part 132		1166322
7501		1145394
701		1028120
Part 6		749463
Part 5		749463

The new weir is proposed to be constructed on Lot 7018 DP 94005 Bombala River which is in the ownership of the Crown.

Images of the existing impoundment and the proposed new impoundment are shown in figures below.

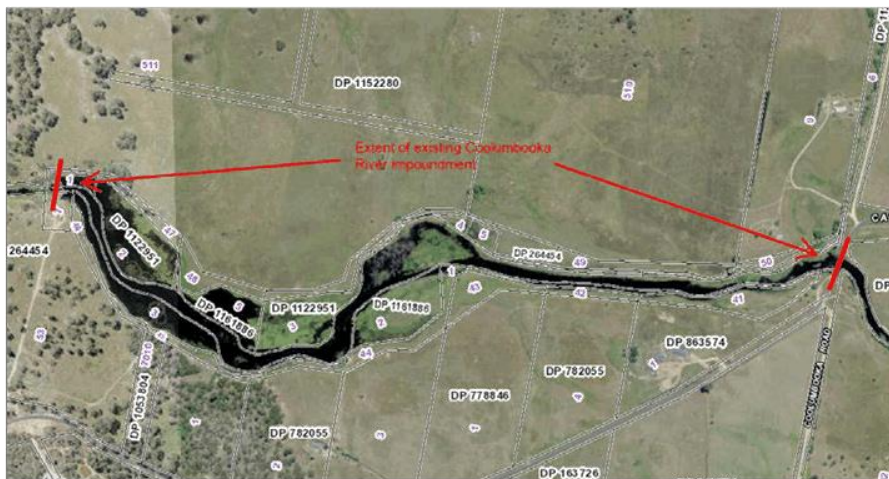


Figure 1: The existing impoundment. Source: SIX Maps

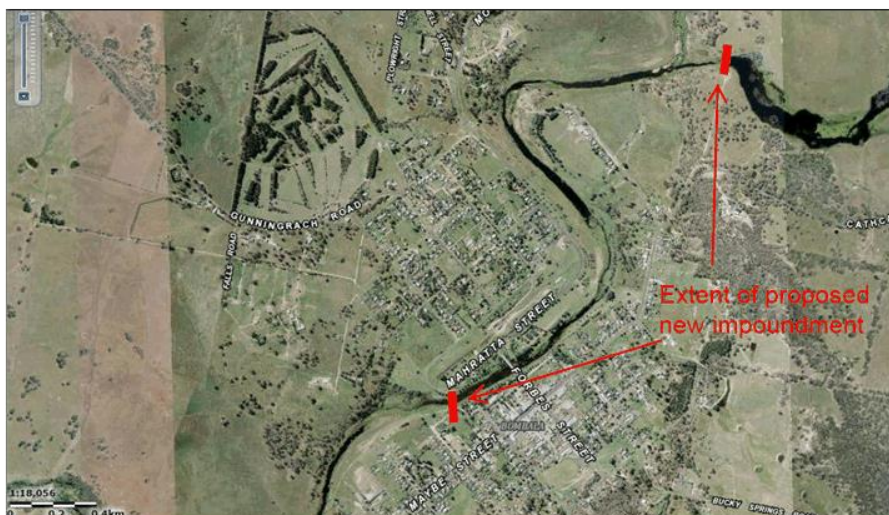


Figure 2: The proposed impoundment. Source: SIX Maps

Figures 3 and 4 below show the location of the proposed weir on the Bombala River adjacent the urban area as an image and the cadastral boundaries.

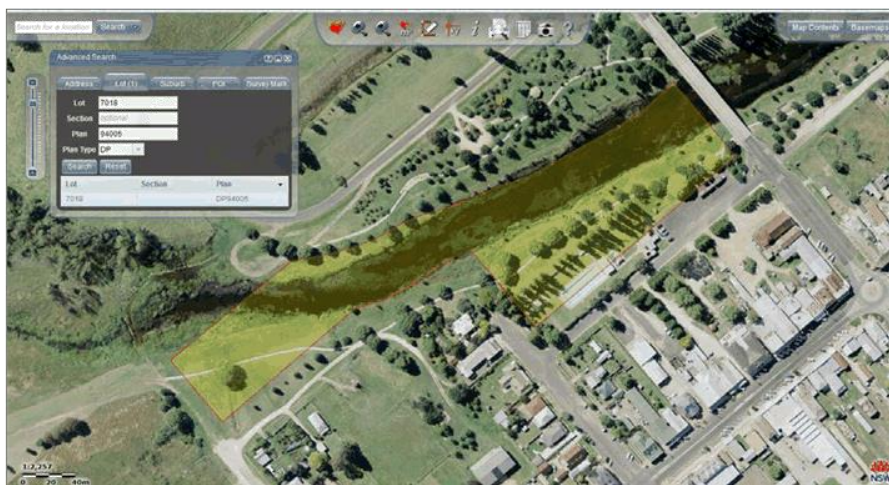


Figure 3: Image of Lot 7018 DP 94005 Bombala River. Source: SIX Maps



Figure 4: SIX Maps cadastral image of Lot 7018 DP 94005 Bombala River

The existing impoundment and the proposed impoundment are defined as water storage facilities. A water storage facility is defined in *Bombala LEP 2012* as *a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.*

Water storage facilities are a type of *water supply system* which means any of the following:

- (a) *a water reticulation system,*
- (b) *a water storage facility,*
- (c) *a water treatment facility,*
- (d) *a building or place that is a combination of any of the things referred to in paragraphs (a)–(c)*

The existing impoundment covers a section of the Coolumbooka River that is zoned RU1 Primary Production. The Coolumbooka River weir is currently zoned RU1 Primary Production and water supply systems are not permitted in that zone.

The section of the Coolumbooka River and Bombala River proposed to be impounded is variously zoned R1 General Residential, RE1 Public Recreation and R5 Large Lot Residential under *Bombala LEP 2012*. Water supply systems and hence water storage facilities are prohibited uses in each of the R1, RE1 and R5 zones.



State Environmental Planning Policy (Infrastructure) 2007 prevails over *Bombala LEP 2012* and permits water supply systems without consent in zone RU1 where carried out by or on behalf of a public authority.

SEPP (Infrastructure) 2007 does not list zones R1, RE1 and R5 as prescribed zones and, therefore, does not prevail over *Bombala LEP 2012* to permit water supply systems or any subordinate uses (water reticulation systems, water storage facilities or water treatment facilities) as permitted without consent.

It is proposed to apply zone SP2 Infrastructure to the properties affected by the proposed new impoundment so that a water supply system is a use that is permitted without consent.

It is also proposed to apply zone SP2 Infrastructure to the existing impoundment so that the zoning of the properties affected by the existing Coolumbooka River weir is consistent with the proposed zoning of the new impoundment area. Permitting the use within the zone will also serve to avoid any ambiguity.

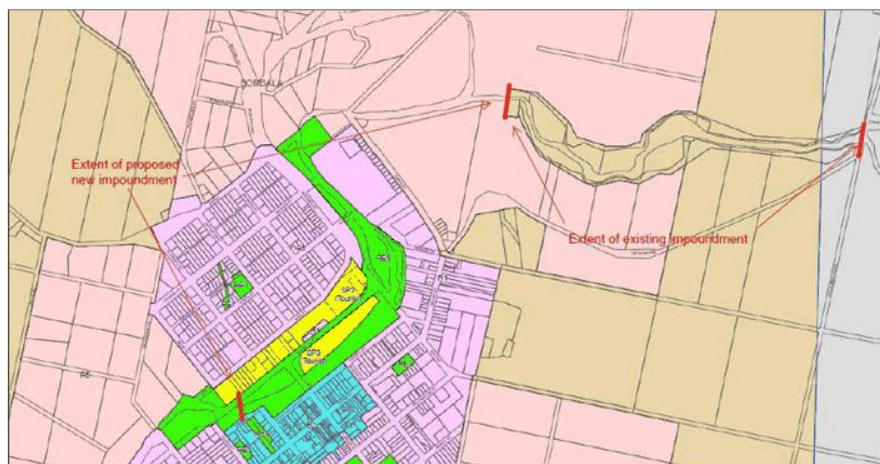


Figure 5: Extract from the Bombala LEP 2012 Land Zone Map Sheet LZN_004G

To effect the rezoning, this planning proposal has been prepared to amend *Bombala LEP 2012* to alter the Land Zoning Map to apply zone SP2 Infrastructure to the affected land – the properties affected by the existing impoundment and the properties affected by the proposed extension of the impoundment. Provisions of



Bombala LEP 2012 relevant to land zoned SP2, including the land use table, would then apply.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal to amend *Bombala Local Environmental Plan (LEP) 2012* is to permit water supply systems on the affected land described above to facilitate the extension of the impoundment that supplies the settlement of Bombala with potable town water.

PART 2: EXPLANATION OF PROVISIONS

The proposed outcomes will be achieved by an amendment to *Bombala Local Environmental Plan (LEP) 2012* to rezone the affected land described above, being properties affected by the existing impoundment and properties affected by the proposed extension of the impoundment, to SP2 Infrastructure through an amendment to the *Land Zoning Map Sheet LZN_004G*.

Amendments to *Lot Size Map Sheet LSZ_004G* will also be made to indicate that a 'nil' minimum lot size applies to the land proposed to rezoned SP2 Infrastructure.

PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL

Justification for the proposed amendment to *Bombala LEP 2012* is presented as a response to each of the questions posed in *A guide to preparing planning proposals*.

SECTION A- NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal has not resulted from a strategic study or report. However, Council resolved on the 18th March 2015 to commence the planning approval process for a new low level weir and road crossing on the Bombala River in the vicinity of Young Street. The purpose of this resolution is to expand the town water supply to ensure that potable water is available to the inhabitants of Bombala during drought events and to ensure that adequate potable water is available to support future expansion of the population.

Council resolved on 13 November 2016 to include the *proposed new weir to increase the standing water level by 2 metres across the Bombala River immediately upstream of the proposed truck route crossing* in the final version of the Bombala



Masterplan. This plan specifies improvements to the public domain of Bombala township.

Council resolved on 22 February 2017 to forward the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There are three possible methods to achieve an amendment to *Bombala LEP 2012* to permit the proposed works. These are:

1. Insert a clause in Schedule 1 Additional permitted uses to permit a water supply system on the subject section of the river
2. Rezone the subject section of the river as SP2 Infrastructure and show the subject section of the river as a water supply system
3. Amend the land use tables for zones R1, RE1 and R5 to permit water supply systems in these zones

Option 2 has been selected as rezoning to SP2 indicates the precise intended purpose of the zone. The sections of the waterway already used to collect and supply town water may also be zoned SP2.

Option 1 may also secure the waterway for the same purpose, however, Option 3 may have unintended consequences by permitting water supply systems on other areas of land zoned RU1, R1, RE1 or R5 which are not suited to such development.

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There is no adopted regional, sub-regional or district plan or strategy that applies to Bombala local government area.

The *draft South East and Tablelands Regional Plan* was released for public exhibition by the Department of Planning and Environment in May 2016. Direction 2.4 of the draft plan is to *protect and secure the region's water resources*. It is noted that the future growth and development of the region, coupled with the uncertainties of



drought and climate change, mean that long term planning for water supply must be an integral part of strategic planning.

Action 2.4.1 is to finalise water sharing plans. This has been achieved for the Snowy Genoa Unregulated and Alluvial Water Sources water sharing plan was made by the Minister for Primary Industries on 29 June 2016.

Action 2.2.2 is to *prepare integrated water cycle management strategies* that ascertain infrastructure needs over the next 30 years to accommodate population growth. The state government is committed to supporting councils prepare these strategies.

The planning proposal is consistent with the directions and actions of the *draft South East and Tablelands Regional Plan*.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Bombala Land Use Strategy

The *Bombala Land Use Strategy* was adopted by Bombala Council on 17 March 2010. It is noted in the strategy that reticulated potable water for the town of Bombala is sourced from the Coolumbooka River Weir.

There are no directions or actions in the strategy relating to the supply of town water, therefore the proposal is not inconsistent with the strategy.

Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016

The *Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016* was made on 29 June 2016 by the NSW Minister for Lands and Water. The plan contains the following section:

46 Granting or amending water supply work approvals

(1) *A water supply work must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:*

- (a) the Upper Snowy River Water Source,*
- (b) the Thredbo River Water Source,*
- (c) the Lower Snowy River Water Source,*
- (d) the Delegate River Water Source,*



- (e) the Bombala River Water Source,
- (f) the Tombong Creek to Little River Water Source,
- (g) the Matong Creek to Stony Creek Water Source,
- (h) the Pinch River Water Source,
- (i) the Genoa River Water Source.

***Note.** Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1), consistent with the NSW Weirs Policy, the principles of the Act, the Fisheries Management Act 1994 and any other relevant legislation*

- (2) *Subclause (1) does not apply where the in-river dam will be nominated by a local water utility access licence or an unregulated river (town water supply) access licence and the Minister is satisfied that the in-river dam is being constructed for the purpose of town water supply.*

***Note.** This subclause permits local water utility access licence holders and unregulated river (town water supply) access licence holders to apply for a water supply work approval for an in-river dam on any order of stream, however the provisions of the Act still apply and an application for a water supply work approval may be refused under section 95 of the Act.*

Section 46(2) of the *Water Sharing Plan* as printed above permits Council to amend the current license that is issued for the Coolumbooka River weir to increase extraction of water to augment town water supplies by way of a new weir to be constructed on the Bombala River.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against relevant SEPPs is provided below.

SEPP	Intent	Comment
SEPP (Infrastructure) 2007	To provide certainty and flexibility in the provision of public infrastructure	Section 125 (2) of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (2) permits the following development without consent when carried out by or on behalf of a public

SEPP	Intent	Comment
		<p>authority:</p> <ul style="list-style-type: none"> • water reticulation systems without consent on any land, • water storage facilities without consent on land in zones RU1 Primary Production, RU2 Rural Landscape, SP1 Special Activities, SP2 Infrastructure or an equivalent land use zone, • water treatment facilities without on land in zones RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holdings, IN1 General Industrial, IN3 Heavy Industrial, SP1 Special Activities, SP2 Infrastructure <p>Such development includes catchment management works and accessways associated with the water storage facility.</p> <p>The SEPP prevails over <i>Bombala LEP 2012</i> however only where the works are proposed in a prescribed zone.</p> <p>In this case, the existing impoundment is in zone RU1 and therefore permitted without consent by way of the SEPP.</p> <p>However, water supply systems are not permitted by <i>Bombala LEP 2012</i> or <i>SEPP (Infrastructure)</i></p>



SEPP	Intent	Comment
		on the properties affected by the proposed impoundment which are zoned R1, RE1 and R5. An amendment to <i>Bombala LEP 2012</i> is required to permit water supply systems in these zones. Following an amendment the works will be permitted without consent and subject to Part 5 of the <i>Environmental Planning and Assessment Act 1979</i>
SEPP (Rural Lands) 2008	<p>The relevant aims of this Policy are:</p> <p>(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes</p> <p>(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State</p> <p>(c) to implement measures designed to reduce land use conflicts</p>	<p>The planning proposal is satisfactory to the Rural Planning Principles of this policy. The proposal is to facilitate an extension to the impoundment that provides potable town water to Bombala.</p> <p>It is proposed to zone the land to be occupied by the new impoundment and the rural property occupied by the existing impoundment as SP2 Infrastructure.</p> <p>This will secure that land for the social and economic benefit of the community of Bombala by enabling the water resource to be protected by way of a special use zone. In doing so, the social, economic and environmental interests of the community are balanced</p>



Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against relevant Ministerial Directions is provided below.

Ministerial Direction	Objectives & application	Comment
1.2 Rural Zones	<p>The objective of this direction is to protect the agricultural production value of rural land. A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p>	<p>This planning proposal will amend Bombala LEP 2012 to allow a water storage facility to be carried out by rezoning the relevant section of the Bombala River from RU1 Primary Production to SP2 Infrastructure. The existing impoundment of the Bombala River occupies land zoned RU1 Primary Production. The existing impoundment, defined as a water storage facility, is permitted in zone RU1, however it is proposed to also rezone that property as SP2 for the sake of consistency. It is not proposed to rezone the property to a residential, industrial, village or tourist zone. The planning proposal is not inconsistent with this direction</p>
1.5 Rural Lands	<p>The objectives of this direction are to protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands</p>	<p>This direction is relevant as the planning proposal seeks to alter the zone boundary of rural land, i.e. to rezone rural land that is occupied by the existing impoundment to SP2</p>



Ministerial Direction	Objectives & application	Comment
	<p>for rural and related purposes</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone</p>	<p>Infrastructure. It will also apply a 'nil' minimum lot size to land currently zoned RU1 and to which a lot size of 40ha applies.</p> <p>As demonstrated in the response to question 5 above, the proposal is consistent with the Rural Planning Principles of <i>SEPP (Rural Lands) 2008</i> and is therefore consistent with this direction</p>
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies when</p>	<p>Part of the area of land that is subject to this planning proposal is mapped as Flood Planning Area on <i>Bombala LEP 2012 Flood Planning Map Sheet FLD_004G</i>.</p> <p>The impact of a weir up to 2m high had been modelled as one of the scenarios in the recent <i>Bombala Floodplain Management Plan</i>. This plan was prepared in accordance with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>.</p>



Ministerial Direction	Objectives & application	Comment
	an RPA prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	<p>The analysis of flood behaviour indicated that there would be no impact on the 1:100 flood level as the waterway restriction feature was actually some 1 km further downstream.</p> <p>It is likely that an improvement to water quality will result from the use of the Bombala River water over the existing Coolumbooka weir source. This is largely due to the nature of the parent geology characteristics in the catchments. The Bombala catchment is largely granite-based which provides substantial areas of sandy river bed which aids natural filtration. The Coolumbooka River catchment contains peat swamps elevated in the catchment which impart high levels of colour, taste and odour into the water making chemical treatment necessary. With such treatment comes the associated cost and environmental impacts.</p> <p>Although inconsistent with clause (5) of this direction by aiming to rezone land within a flood planning area from recreation and rural zones to a special use zone, the</p>



Ministerial Direction	Objectives & application	Comment
		inconsistency is minor given that the development that may proceed subject to an amendment to <i>Bombala LEP 2012</i> is in accordance with the <i>Bombala Floodplain Management Plan</i> and will bring benefits in terms of water quality without adverse impacts on flood behavior
6.1 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	The planning proposal is consistent with this direction as it does not contain provisions requiring the concurrence, consultation or referral of a Minister or public authority and does not identify development as designated development
6.2 Reserving Land for Public Purposes	<p>The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>This direction applies when an RPA prepares a planning proposal.</p>	The intention of the planning proposal prepared for and on behalf of the RPA is to rezone certain land to SP2 Infrastructure is to secure that land for the provision of the town water supply for Bombala. Council, as the relevant planning authority, has resolved to prepare the planning proposal and is expected to adopt the planning proposal following consultations with the community and agencies,



Ministerial Direction	Objectives & application	Comment
		<p>subject to any necessary changes. In doing so, Council would approve the creation of the SP2 Infrastructure zone to reserve the land for the public purpose of town water supply.</p> <p>The approval of the Secretary of the Department of Planning and Environment would be sought at the time the planning proposal is submitted to be made.</p> <p>Council is not intending to acquire any private land affected by the rezoning as the actual impact on the land is likely to be minimal given the minor increase in water levels and the topography of the land. However, this would be subject to negotiation with landowners depending on the consequences of raising water levels. It is understood that if Council does resolve to acquire land at some point in the future then an amendment would need to be made to the <i>Land Reservation Acquisition Map of Bombala LEP 2012</i>.</p> <p>The planning proposal is not</p>



Ministerial Direction	Objectives & application	Comment
		inconsistent with this direction
6.3 Site specific provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. It applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out</p>	<p>This planning proposal will amend Bombala LEP 2012 to allow a water storage facility to be carried out.</p> <p>By rezoning the relevant section of the Bombala River as SP2 Infrastructure, the planning proposal allows that use to be carried out in the zone without imposing any development standards or requirements. The planning proposal is consistent with this direction</p>

SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Terrestrial and Aquatic Biodiversity Assessment has been carried out by Envirokey Pty Ltd. The assessment found that the area of investigation (that area that is proposed to be impounded to extend the existing Coolumbooka River weir) is mostly dominated by non-native vegetation including four species of noxious weed. Two native vegetation communities were found to occur within the vicinity of the proposal which corresponded with the NSW Vegetation Types Database. These were *Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands* (SR637) and *Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps* (SR657). The biometric vegetation type SR637 meets with the identification guidelines for the threatened ecological community known as *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin*,



South East Corner and NSW South Western Slopes Bioregions - Southern Rivers (Tablelands Snow Gum Grassy Woodland) listed as endangered under the NSW Threatened Species Conservation Act 1995 (TSC Act). No threatened flora species were found within the vicinity of the proposal, nor are any expected to occur given the previous disturbance that has occurred. The Bombala River also forms part of the Endangered Ecological Community of the Snowy River Catchment listed under the Fisheries Management Act 1994 (FM Act) as the Aquatic Ecological Community in the Catchment of the Snowy River in NSW.

Three general habitats were found to occur: woodland/shrubland, aquatic habitat and introduced grassland/trees. The fauna species detected during the assessment are typical of those occurring in woodlands and adjacent to waterways in the South East Corner bioregion. No threatened fauna species listed under the schedules of the FM Act, TSC Act or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) were detected within the vicinity of the proposal. One migratory species listed under the EPBC Act was observed. A total of five threatened and migratory biota have a moderate to high potential or are known to occur in the vicinity of the proposal based on detailed habitat assessment.

It is anticipated that some introduced grassland/trees would be removed during the construction of the weir adjacent the urban area and some of the 0.845 hectares of native vegetation (not including planted natives) would be impacted by the elevated water levels associated with the weir should the proposal proceed.

Based on the concept design for the weir, the proposal is 'unlikely' to have a significant effect on any listed threatened flora and fauna species, communities, populations and their habitats in accordance with the TSC Act and FM Act. However, once the weir design is finalised and if the planning proposal proceeds, detailed assessment would be required as part of the Review of Environmental Factors of the proposed works. Additional assessment would also be required to determine whether the proposal is 'likely' to have a significant effect on any EPBC Act listed threatened and migratory biota and their habitats or other matters of national environmental significance. A series of mitigation measures are proposed to minimise potential impact to biodiversity.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed weir that will result in an extension of the existing impounded area to a location adjacent the urban area will cause ground disturbance during construction. The weir is proposed to be located on Lot 7018 DP 94005 Bombala River.



A search of the Aboriginal Heritage Information Management Service (AHIMS) database that is maintained by the Office of Environment & Heritage was carried out on 15 July 2016. The search of the site and immediate surrounding area was performed on 29 April 2016 and found that:

- There are no Aboriginal sites recorded in or near the selected location, and
- There are no Aboriginal places that have been declared in or near the selected location.

It is noted that surveys for Aboriginal objects have not been carried out in all parts of NSW and Aboriginal objects may exist on a parcel of land even though they have not been recorded in AHIMS. Further, not all known Aboriginal sites are registered on the AHIMS database and not all sites consist of physical evidence or remains, e.g. dreaming and ceremonial sites.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The extension of the impoundment through the construction of a new weir is expected to bring positive social and economic effects by the securing of an additional 50 to 60 megalitres of town water supply. This would support population growth and any consequent increases in commercial and industrial activity.

In accordance with the commitment of the NSW Government to support the preparation of an integrated water cycle management strategy, Snowy Monaro Regional Council intends to prepare such a strategy that will demonstrate water demand and establish an efficient water use framework. Council introduced water efficiency measures to new development through the *Bombala Development Control Plan 2012* as a first step towards demand management of potable water.

SECTION D- STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal aims to permit the construction of public infrastructure. There is no infrastructure required to facilitate the planning proposal.

Q11. What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

Council submitted an application in April 2016 with the NSW Department of Primary Industries – Water for a surface water license under section 10 of the *Water Act 1912*



to expand the existing impoundment to enable the collection of an additional 50 to 60 megalitres per annum on Lot 7018 DP 94005 Bombala River. A response dated 13 May 2016 was received by Council advising that the application is incomplete and cannot be registered without the following additional information:

- Owners consent. Lot 7018 DP 94005 is understood to be crown reserve managed by council. DPI Lands have advised that the proposed works would be subject to “crown” consent. Consequently, acceptance of the subject application requires crown consent.
- It is noted that the current land zoning of the site is RE1 Public Recreation. It is understood that the proposed works would not be permitted within zone under the current zoning. Land zoning would need to be consistent with the proposed development to warrant/justify any assessment of the water licence application.
- The proposed works are noted as requiring development consent, or an assessment and determination under the EP&A Act, Part V. DPI Water would not complete an assessment and make a determination on this water licence application prior to the broader determination under the EP&A Act.
- Further to this it is strongly recommended that the development assessment process include an integrated referral which would enable a comprehensive assessment of water licencing requirements and the provision of General terms of Approval for the required Water Licence.

DPI – Water also noted that *the application proposes an additional water entitlement for Bombala town water supply purposes. This needs to be justified in terms of demonstrated water demand within the provision of an efficient water supply system consistent with Best-Practice Management of Water Supply and Sewerage. Integrated Water Cycle Management Planning is considered a key element in demonstrating water requirements within an efficient water use framework.*

DPI Water advised that they *cannot hold an application as “pending” with matters such as owners consent, zoning changes and other approvals undetermined.*

Consultation with other public authorities and stakeholders will be carried out as specified in the Gateway determination.

PART 4: MAPPING

Bombala LEP 2012 Land Zone Map Sheet LZN_004G is to be amended to apply zone SP2 Infrastructure to the watercourse and land that is the subject of this planning proposal. The zone should be labelled 'SP2 Water supply system'.

Lot Size Map Sheet LSZ_004G is also to be amended to indicate that a 'nil' minimum lot size applies to land that is proposed to be zoned SP2.

Maps of affected land and the current zoning map are included in the description of the proposed development in the Introduction (Figures 1 to 5). The proposed alternative zone is shown in Figure 6. It is proposed that a split zoning be applied to some allotments.

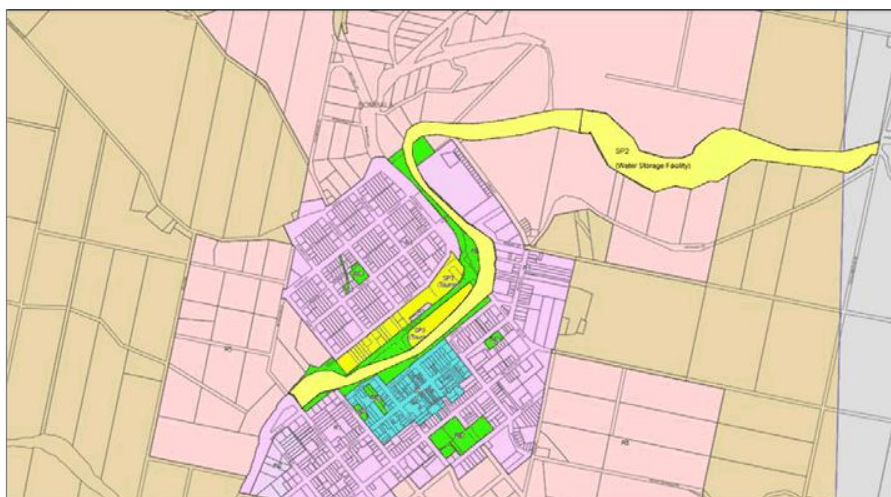


Figure 6: Indicative proposed land zoning of SP2 Water Storage Facility (extract from Land Zoning Map Sheet LZN_004G)

The proposed application of a 'nil' minimum lot size to land that is currently subject to a 2 hectare lot size in the case of land zoned R5 Large Lot Residential or 40 hectares in the case of land zoned RU1 Primary Production is shown in Figure 7.

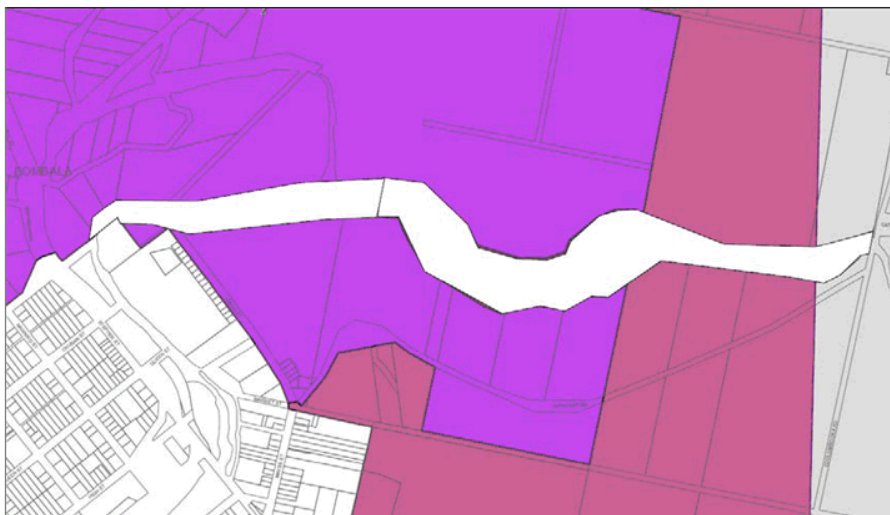


Figure 7: Indicative proposed 'nil' minimum lot size of SP2 Water Storage Facility (extract from Lot Size Map Sheet LSZ_004G)

PART 5: COMMUNITY CONSULTATION

Consultation will be carried out in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

Council intends to exhibit the planning proposal for a 28 day period following the issue of a Gateway determination and the following activities will be carried out:

- A notice is to be placed in local print media,
- Exhibition material and relevant documents are to be made available at public libraries and Council's Administration Building in Bega,
- Exhibition material and relevant documents are to be displayed on Council's website, and
- Letters are to be issued to adjoining landowners and other relevant stakeholders advising of the proposed amendments.

Any further consultation tasks as specified in the gateway determination would be carried out by Council.



After exhibition, all submissions are to be considered and reported to Council for endorsement before proceeding to finalisation of the planning proposal.

Relevant to this planning proposal, Council has undertaken substantial community consultation in relation to the preparation of the draft Bombala Masterplan. This has included public meetings and forums during which proposals to upgrade the public domain of Bombala township have been presented.

PART 6: PROJECT TIMELINE

Action	Indicative month & year
Gateway determination	29 March 2017
Agency consultation	May-June 2017
Community consultation exhibition period	May-June 2017
Consideration of submissions	July 2017
Council endorsement	July 2017
Provision to Department of Planning & Environment prepare instrument	July 2017
Date of notification	August 2017



Our ref: IRF18/1241



Group Manager - Economic Development and Tourism
Snowy Monaro Regional Council
Po Box 714
COOMA NSW 2630





Dear 

Planning proposal PP_2017_SMONA_001_00 – Alteration of Gateway determination

I refer to your letter seeking an extension of time to complete planning proposal PP_2017_SMONA_001_00 proposing to rezone land at Bombala to SP2 Infrastructure (Water storage facility).

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 29 March 2017 for PP_2017_SMONA_001_00 by extending the timeframe by 12 months. The Alteration of Gateway determination is enclosed.

Unless significant progress is made on the planning proposal before the revised timeframe for completion, it is unlikely that a further extension will be provided. Council may wish to consider not proceeding with the current planning proposal and submit a fresh proposal when all issues have been addressed.

If you have any questions in relation to this matter, I have arranged for Mr   to assist you. Mr  can be contacted on .

Yours sincerely



03/04/2018



**Acting Director Regions, Southern
Planning Services**

Encl: Alteration of Gateway determination



Planning &
Environment

Alteration of Gateway Determination

Planning proposal (Department Ref:PP_2017_SMONA_001_00)

I, Acting Director, Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 29 March 2017 for the proposed amendment to the Bombala Local Environmental Plan 2012 as follows:

1. Delete:

condition 9 "The time frame for completing the LEP is to be 12 months from the date of the Gateway determination"

and replace with:

a new condition 9 "The time frame for completing the LEP is to be 24 months from the date of the Gateway determination"

Dated 3rd day of April 2018.



Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



Terrestrial and Aquatic Biodiversity Assessment

Bombala Weir and Low-level Bridge



A report prepared for Zenith Town Planning

FEBRUARY 2016

Report No. 15.EcIA-104

Citation

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Project Title: Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge

Project Identifier : 15.EcIA.104

Project Location: \\ENVIROKEY\Public\Projects\Zenith

Revision	Date	Prepared by (name)	Reviewed by (name)	Approved by (name)
Draft	16.12.2015	JW, LS	SS	Steve Sass (CEnvP)
Final Draft	29.01.2016	JW	SS	Steve Sass (CEnvP)
Final	19.02.2016	JW	SS	Steve Sass (CEnvP)

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The scope of work for this report was defined by time and budgetary constraints and the availability of other reports and data.

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Envirokey Pty. Ltd
PO Box 7231 Tathra NSW 2550 t 02 6494 5422
www.envirokey.com.au info@envirokey.com.au
ABN 35150812570

Executive Summary

EnviroKey were engaged by Zenith Town Planning to carry out a Terrestrial and Aquatic Biodiversity Assessment (TABAs) that would be used to inform a planning proposal to rezone land that is subject to the Bombala Local Environmental Plan (LEP) 2012 for a proposal to construct a weir and low-level bridge at Bombala.

The area of investigation is mostly dominated by non-native vegetation including four species of noxious weed. Two native vegetation communities were found to occur within the vicinity of the proposal which corresponded with the NSW Vegetation Types Database. These were *Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands* (SR637) and *Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps* (SR657). The biometric vegetation type SR637 meets with the identification guidelines for the threatened ecological community known as *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions - Southern Rivers* (Tablelands Snow Gum Grassy Woodland) listed as endangered under the NSW *Threatened Species Conservation Act 1995* (TSC Act). No threatened flora species were found within the vicinity of the proposal, nor are any expected to occur given the previous disturbance that has occurred. The Bombala River also forms part of the Endangered Ecological Community of the Snowy River Catchment, listed under the *Fisheries Management Act 1994* (FM Act) as the *Aquatic Ecological Community in the Catchment of the Snowy River in NSW*.

Three general habitats were found to occur; woodland/shrubland, aquatic habitat and introduced grassland/trees. The fauna species detected are typical of those occurring in woodlands and adjacent to waterways in the South East Corner bioregion. No threatened fauna species listed under the schedules of the FM Act, TSC Act or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) were detected within the vicinity of the proposal. One migratory species listed under the EPBC Act was observed. A total of five threatened and migratory biota have a moderate to high potential or are known to occur in the vicinity of the proposal based on detailed habitat assessment.

The footprint of the proposal was not finalised therefore the direct and indirect impact of the proposal could not be calculated. However, it is anticipated that some introduced grassland/trees would be removed during the construction of the weir and low-level bridge and some of the 0.845 hectares of native vegetation (not including planted natives) would be impacted by the elevated water levels associated with the weir should the proposal proceed.

Based on the current concept design, the proposal is 'unlikely' to have a significant effect on any listed threatened flora and fauna species, communities, populations and their habitats in accordance with the TSC Act and FM Act. However, once a design is finalised and the rezoning proceeds, detailed assessment would be required as part of the Review of Environmental Factors of the proposed activities. Additional assessment would also be

required to determine whether the proposal is '*likely*' to have a significant effect on any EPBC Act listed threatened and migratory biota and their habitats or other matters of national environmental significance. A series of mitigation measures are proposed to minimise potential impact to biodiversity.

Definitions & Acronyms used within this report

Area of Investigation - includes the subject site and any additional areas that are likely to be affected by the proposal, either directly or indirectly

BBAM - Biometric/Biobanking Assessment Methodologies

BVT - Biometric Vegetation Type

CMA - Catchment Management Authority

DotE - Department of the Environment

EP&A Act - NSW *Environmental Planning and Assessment Act 1979*

EPBC Act - Commonwealth *Environment Protection and Biodiversity Conservation Act 1995*

FM Act - NSW *Fisheries Management Act 1994*

LGA - Local Government Area

Likely - taken to be a real chance or possibility

Locality - means the area within a 10 km radius of the proposal

migratory species - a species specified in the schedules of the EPBC Act

NV Act - NSW *Native Vegetation Act 2003*

OEHS - NSW Office of Environment & Heritage

region - means a biogeographical region that has been recognised and documented such as the Interim Biogeographical Regions of Australia (IBRA) (Thackway and Creswell 1995). The study area is located within the South Eastern Highlands Bioregion

RMS - Roads and Maritime Authority

SIS -Species Impact Statement

SPRAT - Species Profile and Threats Database for species listed in the schedules of the Commonwealth EPBC Act

TEC - Threatened Ecological Community

threatened biota - means those threatened species, endangered populations or endangered ecological communities considered known or likely to occur in the study area

threatened species - a species specified in the schedules of the TSC Act or the EPBC Act

TSC Act - NSW *Threatened Species Conservation Act 1995*

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1 INTRODUCTION

1.1 BACKGROUND

EnviroKey were engaged by Zenith Town Planning to carry out a Terrestrial and Aquatic Biodiversity Assessment (TABA) that would be used to advise an amendment to rezone land under the Bombala Local Environmental Plan (LEP) 2012 for a proposal to construct and operate a weir and low-level bridge at Bombala.

1.2 THE PROPOSAL

Bombala Council propose to carry out the construction of a two lane low-level bridge across Bombala River and the construction of a water storage weir on the Bombala River to augment the existing town water supply storage capacity. The bridge and weir would be constructed adjacent to each other on the Bombala River, at the location of the Bombala River Walk foot bridge about 360 metres west-south-west of the existing Monaro Highway road bridge. The weir would be located on top of a natural sandbar and would most likely incorporate a gabion rock basket and fish ladder. The structure would raise the level of the existing pool by about 1.5 metres, which would extend upriver to the existing weir on Coolumbooka River, where the elevation of the water level is not expected to exceed about 10 centimetres. The road bridge would be a two lane concrete bridge to meet with relevant Roads and Maritime Services (RMS) heavy vehicle specifications. The design span would be about 37 metres with a multi-span structure proposed. The abutment design style has not been finalised at this stage.

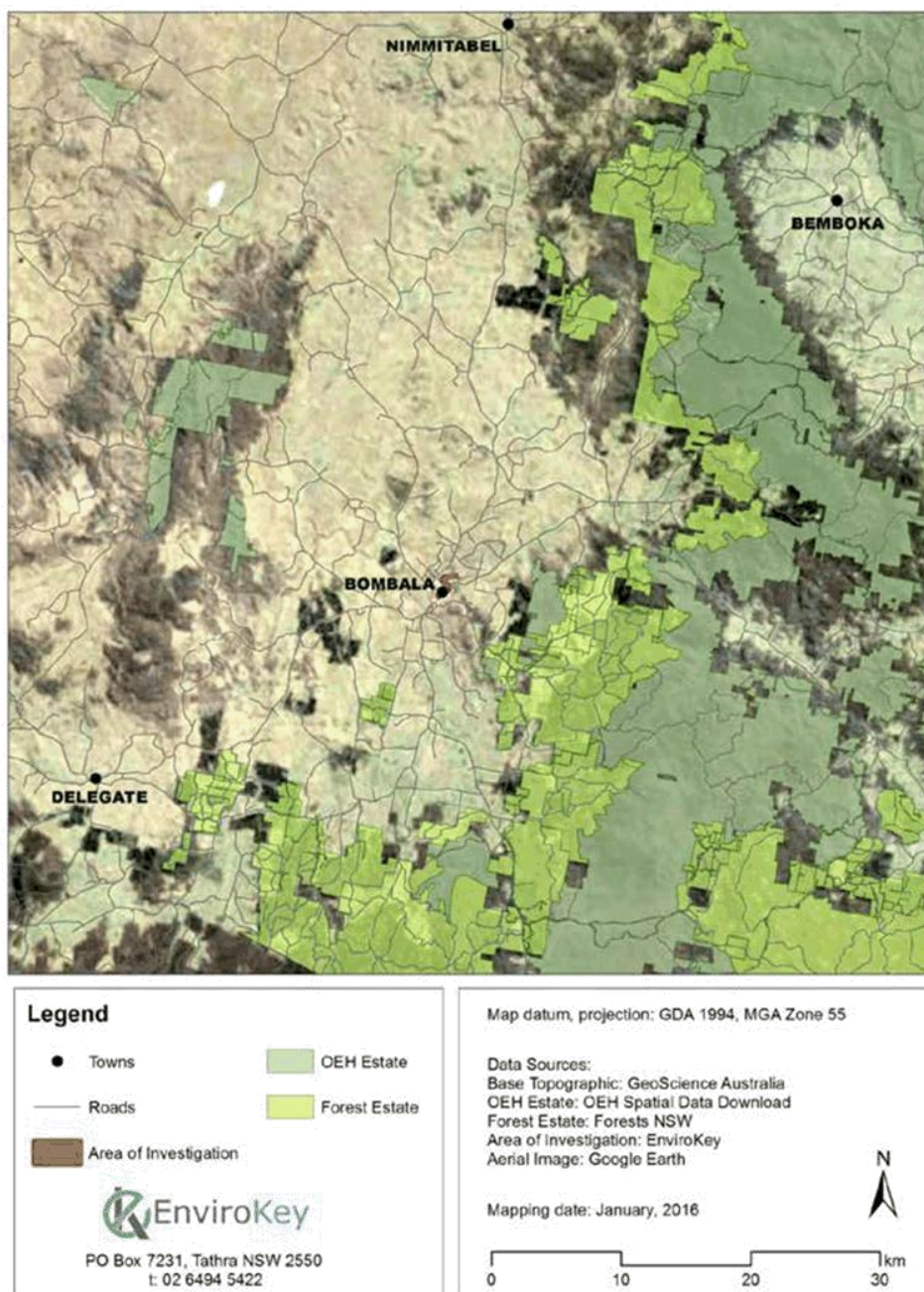
The regional location of the proposal is provided in **Map 1** while the proposal is identified on **Map 2**. The proposal is required to augment the existing water storage supply for the town of Bombala and also provide a bridge that may be able to provide a heavy vehicle bypass of the Bombala Town Centre.

1.3 AREA OF INVESTIGATION

The study area or area of investigation is located in Bombala adjacent to the Bombala River, in the South Eastern Highlands Bioregion (NPWS 2003; Thackway and Creswell 1995), Bombala local government area (LGA), South East Local Land Service (LLS) region (Previously Southern Rivers Catchment Management Authority (CMA), Monaro (Part C) sub-region) and the Monaro Plains Meta-sediments landscape system (Mitchell 2002). The regional location of the proposal is provided (**Map 1**).

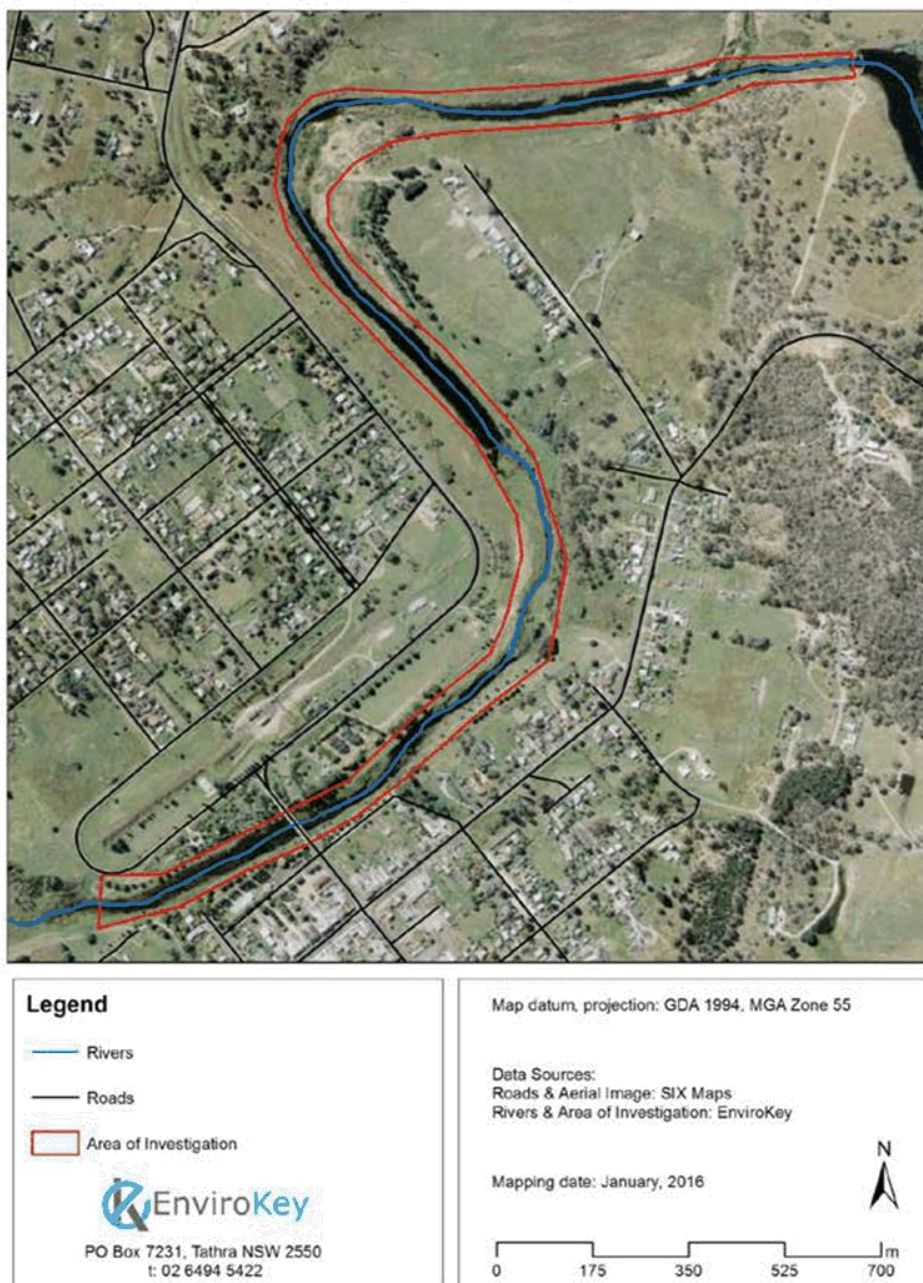
The extent of the area of investigation has been developed to allow flexibility in preparing the final design for the proposal by considering a larger area than required and to allow this TABA to consider any potential indirect impact of the proposal (**Map 2**).

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104



Map 1: Regional location of the area of investigation.

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104



Map 2: Location and extent of the area of investigation.

1.4 LEGISLATIVE CONTEXT

1.4.1 NSW Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for the assessment of Bombala Council activities. Council projects are assessed and approved or determined under the following regimes:

1. **Part 5** applies to the majority of council projects. Usually a review of environmental factors (REF) is prepared to assess the environmental impact of a project prior to commencing the work.
2. **Part 5.1** applies to State significant infrastructure. These major projects require approval from the Minister for Planning and Infrastructure. An environmental impact statement is prepared in accordance with the requirements of the Director-General of the Department of Planning and Infrastructure.
3. **Part 4** applies to projects that require development consent from a consent authority (usually a local council). A statement of environmental effects or environmental impact statement (for designated development) is prepared to assess environmental impact.
4. **Division 4.1 of Part 4** applies to State significant development. These major projects require approval from the Minister for Planning and Infrastructure. An environmental impact statement is prepared in accordance with the requirements of the Director-General of the Department of Planning and Infrastructure.

Clause 5A and 5C of the EP&A Act requires that the **significance** of the impact of the proposal on terrestrial and aquatic threatened species, populations and endangered ecological communities is assessed as follows:

1. **Part 5.1** – the proponent must demonstrate the proposal would improve or maintain biodiversity outcomes. Threatened species assessment guidelines have been developed to assist in making this assessment. Assessment of biodiversity issues is to be in accordance with the requirements of the Director-General of the Department of Planning and Infrastructure.
2. **Part 5** (and Part 4 where relevant) – a **seven-part test** is prepared in accordance with Clause 5A(2).

1.4.2 Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* (TSC Act) specifies seven factors which must be considered by decision-makers regarding the effect of a proposed development or activity on threatened species, populations or ecological communities, or their habitats (DECC 2007). These factors form part of the threatened species assessment process under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and are collectively referred to as the 'seven-part test' (DECC 2007).

Determining authorities have a statutory obligation, under Part 5 of the *EP&A Act*, to consider whether a proposal is likely to significantly affect threatened species, populations or ecological communities, or their habitats by applying the seven-part test. If the determination is made that there is likely to be a significant effect then either of the following must be carried out:

- ☐ A Species Impact Statement (SIS) must be prepared and the concurrence of the Director-General of the Office of Environment and Heritage (OEH) obtained prior to the consent authority making a determination
- ☐ The proposal may be modified such that a significant effect on threatened species, populations or ecological communities, or their habitats is unlikely (DEC 2004).

This TABA considers species, populations and communities listed under this act, which occur or have the potential to occur within the study area in order to characterise the potential impact (**Appendix 6**). As the final design has not yet been developed, the TABA provides a qualitative analysis rather than applying the 7-part test.

1.4.3 *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation.

Under the EPBC Act, actions that have, or are likely to have a significant impact on a matter of national environmental significance (NES) require approval from the Australian Government Minister for the Department of the Environment (DotE) (DotE 2013).

The nine matters of NES that are protected under the EPBC Act are:

- ☐ Listed threatened species and communities
- ☐ Listed migratory species
- ☐ Wetlands of international importance
- ☐ Commonwealth marine environment
- ☐ World heritage properties
- ☐ National heritage properties
- ☐ The Great Barrier Reef Marine Park
- ☐ Nuclear actions
- ☐ A water resource, in relation to coal seam gas development and large coal mining development.

This TABA considers species, populations and communities listed under this act which occur or have the potential to occur within the study area in order to characterise the potential impact (**Appendix 6**). As the final design has not yet been developed, the TABA provides a qualitative analysis rather than applying a EPBC Significance Assessment.

1.4.4 Fisheries Management Act 1994

The FM Act aims to conserve fish stocks, key habitats, threatened species, populations and ecological communities of fish and marine vegetation. It also aims to promote viable commercial fishing, aquaculture industries and recreational fishing.

The NSW *Fisheries Management Act 1994* aims to conserve fish stocks, key habitats, threatened species, populations and ecological communities of fish and marine vegetation. It also aims to promote viable commercial fishing, aquaculture industries and recreational fishing.

Under Part 7, Division 8, Clause 218 of the FM act, a public authority that proposes to construct, alter or modify a dam, weir or reservoir on a waterway (or to approve of any such construction, alteration or modification):

- (a) Must notify the Minister of the proposal, and
- (b) Must, if the Minister so requests, include as part of the works for the dam, weir or reservoir, or for its alteration or modification, a suitable fishway or fish by-pass.

This TABA considers the species, populations and communities listed under this Act which occur or have the potential to occur within the study area in order to characterise the potential impact of the proposal (**Appendix 6**).

1.4.5 State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure that permanent free-living populations will be maintained over their present range across 107 local government areas (LGA). Local councils listed under Schedule 1 of SEPP44 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.

SEPP 44 aims to identify areas of *potential* and *core* Koala Habitat. These are described as follows:

- ☐ *Potential Koala Habitat* is defined as areas of native vegetation where the trees listed in Schedule 2 of SEPP 44 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component
- ☐ *Core Koala Habitat* is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, and recent and historical records of a population.

Bombala LGA is listed within Schedule 1 of SEPP 44. Therefore the provisions of this SEPP are of relevance to the proposal and it is considered further within **Section 4.11** of this TABA.

1.4.6 Native Vegetation Act 2003

The objectives of the *Native Vegetation Act 2003* (NV Act) are to provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State, further, aims of the NV Act are:

- (a) to prevent broad scale clearing unless it improves or maintains environmental outcomes
- (b) to protect native vegetation of high conservation value having regard to its contribution to such matters as water quality, biodiversity, or the prevention of salinity or land degradation
- (c) to improve the condition of existing native vegetation, particularly where it has high conservation value
- (d) to encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation.

Vegetation that falls within the definition of this Act would be cleared as part of the proposed activity however, clearing that is excluded from the provisions of section 25 of the NV Act includes;

“(g) any clearing that is, or is part of, an activity carried out by a determining authority within the meaning of Part 5 of the Environmental Planning & Assessment Act 1979 if the determining authority has complied with that Part, ...”

The proposal would be assessed as a Part 5 development (under the *EP&A Act 1979*) and carried out by Bombala Council, a determining authority as defined by the Act. Therefore the work is not subject to this legislation. The proposal would result in some clearing or damage to native vegetation. The amount and location of clearing of native vegetation has not been finalised however the potential impact of the proposal has been given consideration within this TABA.

1.4.7 Noxious Weeds Act 1993

Part 3 of the *Noxious Weeds Act 1993* outlines the obligations of a public authority to control noxious weeds. Noxious Weeds are investigated within this TABA.

1.4.8 Ecologically Sustainable Development

Ecologically sustainable development (ESD) involves the effective integration of social, economic and environmental considerations in decision-making processes. In 1992, the Commonwealth and all state and territory governments endorsed the *National Strategy for Ecologically Sustainable Development*. In NSW, the concept has been incorporated in legislation such as the *EP&A Act and Regulation*.

For the purposes of the EP&A Act and other NSW legislation, the Intergovernmental Agreement on the Environment (1992) and the *Protection of the Environment Administration Act 1991* outline the following principles which can be used to achieve ESD.

- (a) The precautionary principle: that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation

In the application of the precautionary principle, public and private decisions can be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment
 - (ii) an assessment of the risk-weighted consequences of various options
- (b) Inter-generational equity: that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations
- (c) Conservation of biological diversity and ecological integrity: that conservation of biological diversity and ecological integrity should be a fundamental consideration.

The aims, structure and content of this TABA are guided by these principles. The precautionary principle has been adopted in the assessment of impact with all potential impact considered and mitigated where a risk is present. Where uncertainty exists, measures have been suggested to address it.

1.5 STUDY AIMS

This TABA aims to:

- ☐ Provide a brief description of the proposed activity
- ☐ Provide the results of the desktop analysis (legislative context, literature review, database searches)
- ☐ Identify and describe the flora and fauna values of the study area including descriptions of field methodologies used and the results of the field survey
- ☐ Identify species and communities of conservation significance which are present or have the potential to be present, including threatened flora, fauna, their habitats and threatened ecological communities
- ☐ Provide maps and photographs detailing vegetation communities, habitat extent and condition and the location of any significant flora and fauna species present.
- ☐ Identify the potential direct and indirect impact of the proposed work
- ☐ Undertake an evaluation of the potential for threatened and migratory biota listed within the schedules of the Commonwealth *Environment Protection and Biodiversity*

Conservation Act 1999, NSW Threatened Species Conservation Act 1995 and NSW Fisheries Management Act 1994 to occur in the study area

- ☐ Provide a series of recommendations designed to reduce risks and minimise the impact of the proposed work on flora and fauna.

In preparing this TABA, EnviroKey have considered the following documents that guide biodiversity assessments in NSW: '*Guidelines for threatened species assessment: draft*' (DEC/DPI 2005), '*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – working draft*' (DEC 2004), '*Threatened Species Assessment Guidelines – The Assessment of Significance*' (DECC 2007) and EPBC Act *Matters of National Environmental Significance: Significant Assessment Guidelines* (DotE 2013).

2 METHODOLOGY

2.1 QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The TABA was prepared by suitably qualified and experienced personnel under the authority of a Scientific Licence (SL100110) issued under Clause 22 of the *National Parks and Wildlife Regulation 2002* and section 132C of the *National Parks and Wildlife Act 1974* by the NSW OEH and an Animal Research Authority (09/2596) approved by, and in accordance with, the Animal Care and Ethics Committee (ACEC) of the Director-General of Industry and Investment NSW. Details of the qualifications and experience of these personnel are provided (**Appendix 1**).

2.2 DATABASE SEARCHES

2.2.1 *NSW Office of Environment & Heritage: Threatened Species Profile database*

While Catchment Management Authority's (CMA) now cease to exist (now replaced by Local Land Services), the NSW Office of Environment & Heritage (OEH) allow for the searching of a Catchment Management Authority (CMA) and subsequently CMA sub-regions for threatened biota that are known or predicted to occur in that region (OEH 2015c). The study area is located within the Monaro (Part C) CMA sub-region of what was formerly the Southern Rivers CMA.

A search conducted on the 16 November 2015 identified that 66 threatened biota, threatened ecological communities (TEC) and endangered populations are known to, or are predicted to occur within that CMA sub-region. These comprised:

- ☐ Seven species of amphibian
- ☐ Four species of bat
- ☐ Twenty-two species of bird
- ☐ Nine species of terrestrial mammal
- ☐ Five species of reptile
- ☐ Sixteen species of flora
- ☐ Three threatened ecological communities.

An evaluation of the likelihood of these biota occurring within the study area and the potential for them to be impacted by the proposal is considered further within **Chapter 4** and **Appendix 6**.

2.2.2 *NSW BioNet: A whole-of-government system for flora and fauna sightings*

BioNet is a portal for accessing a range of government-held information from several NSW government agencies (OEH 2015b). These being:

- ☐ NSW Office of Environment and Heritage
 - ☐ National Parks and Wildlife Service
 - ☐ Royal Botanic Gardens and Domain Trust
- ☐ Department of Primary Industries.
 - ☐ Forests NSW
 - ☐ Fisheries NSW
- ☐ Australian Museum.

A search of the BioNet database conducted on 19 November 2015 was completed for entities in the locality across a 10 kilometre radius within the following categories:

- ☐ Threatened in NSW
- ☐ Threatened Nationally
- ☐ CAMBA (migratory species)
- ☐ JAMBA (migratory species)
- ☐ ROKAMBA (migratory species).

That search revealed the presence of:

- ☐ Twenty-four species of threatened and migratory fauna
- ☐ Five species of threatened flora.

Under OEH data licence agreement (CON09007), the spatial locations of these records were mapped at a scale permissible by this agreement (1:250,000) within this assessment (**Map 3, 4 & 5**).

An evaluation of the likelihood of these biota occurring within the study area and the potential for them to be impacted by the proposal, is considered further within **Chapter 4**, **Appendix 6**.

2.2.3 Protected Matters Search Tool

The protected matters search tool identifies matters of national environmental significance (NES) or other matters protected by the EPBC Act that may occur within the nominated search area (DotE 2015).

A search using this tool was conducted on the 16 November 2015 for matters of NES within the locality (10 kilometre radius). This search revealed the following:

- ☐ Three listed threatened ecological communities
- ☐ Twenty-five listed threatened species
- ☐ Ten listed migratory species.

An evaluation of the likelihood of these biota occurring within the study area and the potential for them to be impacted by the proposal, is considered further within **Chapter 4** and **Appendix 6**.

Extra information provided by the search tool that may also have relevance to this assessment includes:

- ☐ Two areas of Commonwealth Land
- ☐ Thirteen listed marine species
- ☐ One State and Territory reserves
- ☐ Two regional forest agreement
- ☐ Twenty-seven invasive species.

The Protected Matters Search Tool results are provided in **Appendix 2**.

2.2.4 Records Viewer: Threatened and Protected Fish Species

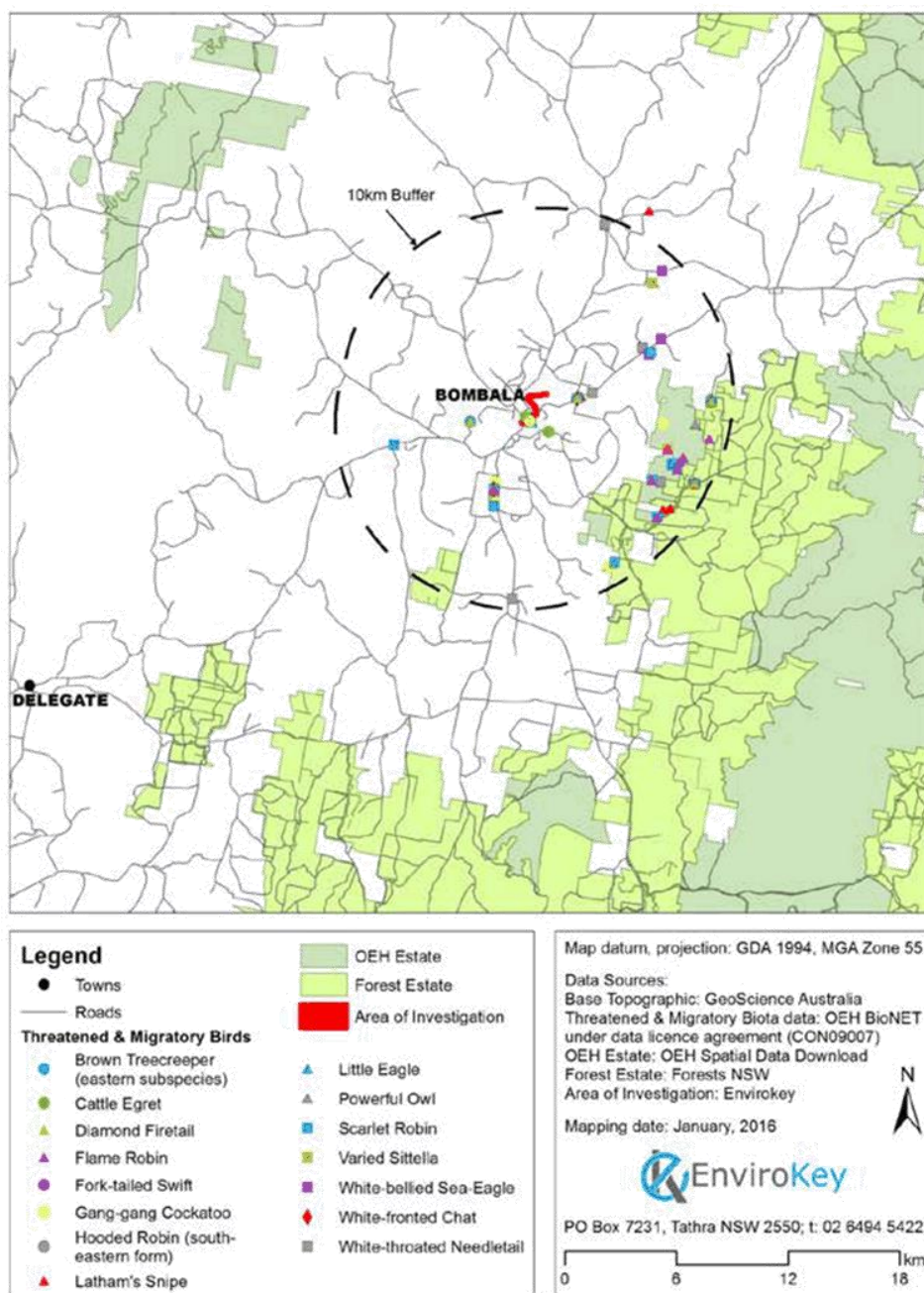
The Records Viewer has been developed to provide access to records of threatened and protected fish species held by Industry & Investment (I&I) NSW (I&INSW 2015). Records come from a variety of sources including:

- ☐ Field survey records by I&I NSW
- ☐ Data from specific I&I NSW research projects
- ☐ Community sightings from the Protected, Threatened and Pest Species Sighting Program
- ☐ Scientific literature and published reports
- ☐ Scientific, broodstock and aquarium collection permit returns.

A search of the Records Viewer conducted on 20 November 2015, revealed that there are eleven records of a threatened fish species, River Blackfish (*Gadopsis marmoratus*) in the Bombala LGA. These records occur mostly in the Delegate River, upstream of the confluence between Bombala River and Delegate River (also in Little Plains River). None of these records are within the locality (10 kilometre radius) of the proposal, the closest record is about 18 kilometres west of the study area, at the end of Quidong Road in the Delegate River. However there is an endangered population, River Blackfish in the Snowy River catchment. Bombala River flows into Delegate River which flows into Snowy River therefore the area subject to this proposal would be included as part of the Snowy River catchment and included as potential habitat for the endangered population of River Blackfish.

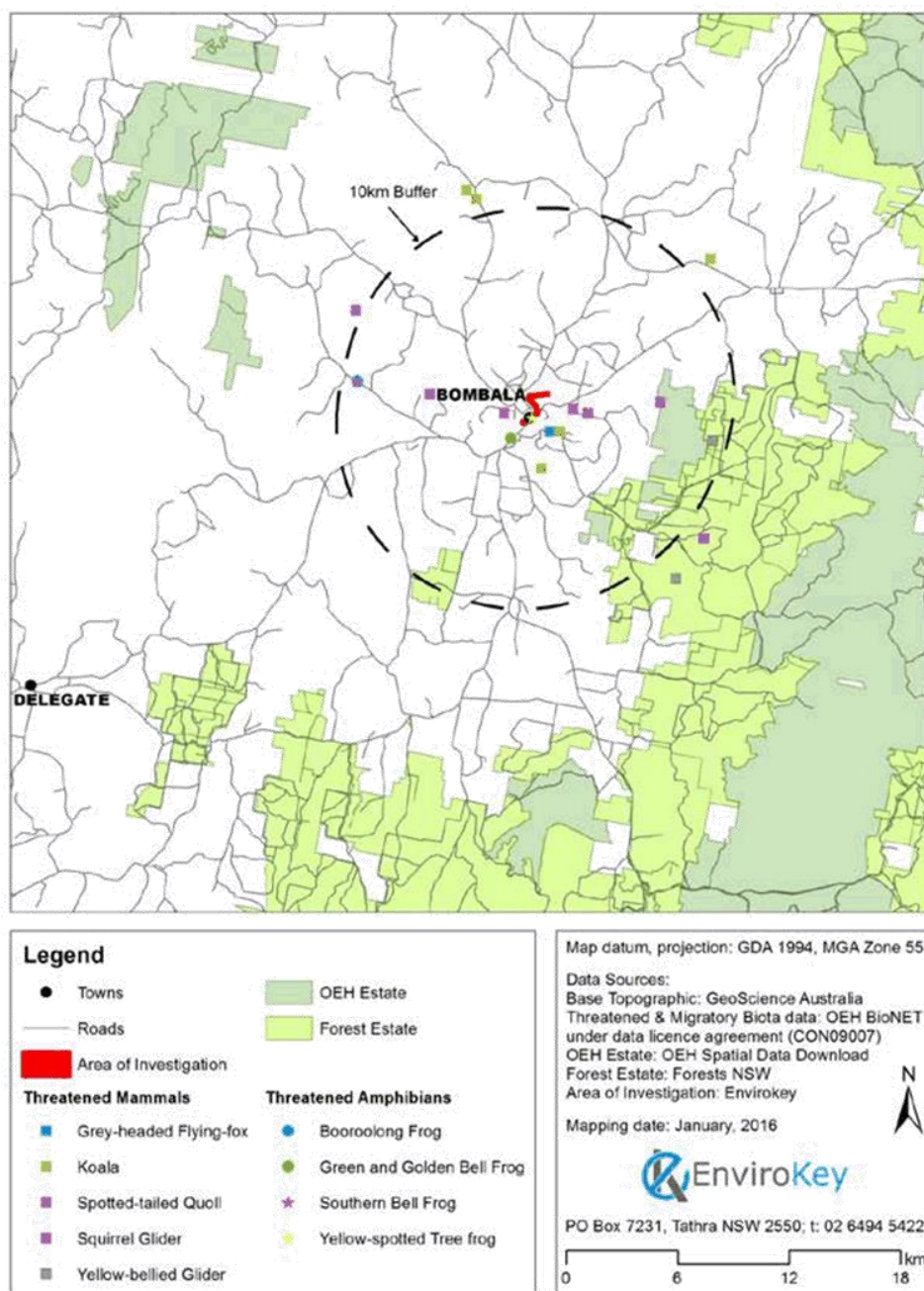
An evaluation of the likelihood of aquatic species occurring within the study area and the potential to be impacted by the proposal are considered further within **Chapter 4** and **Appendix 6** in accordance with the Policy and Guidelines for fish habitat conservation and management (DPI 2013).

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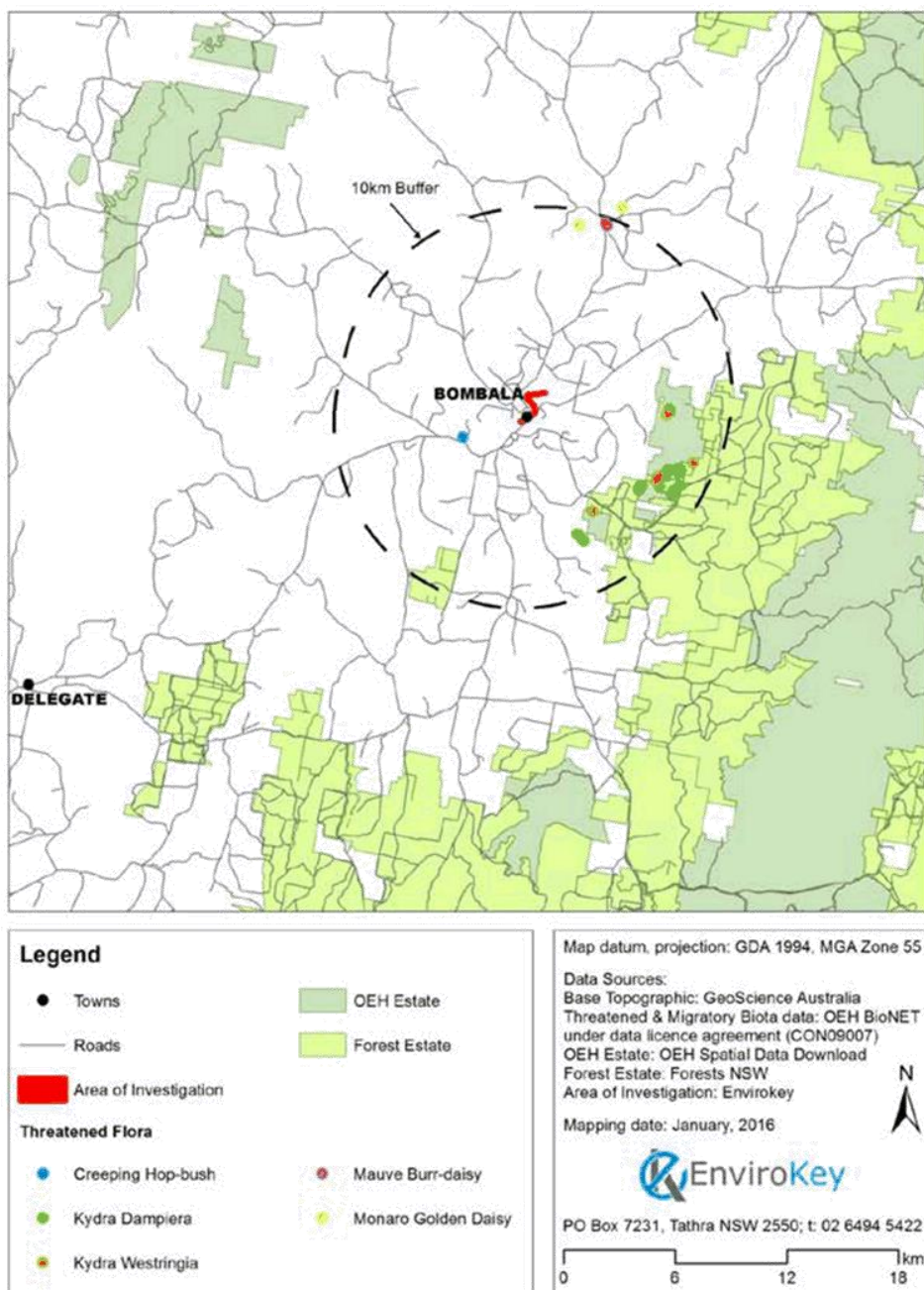


Map 3: Threatened birds previously recorded within the locality.

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Map 5: Threatened flora previously recorded in the locality.

2.2.5 DPI Noxious Weeds Declarations

A search of the Department of Primary Industries (DPI) Noxious Weeds Declarations for Bombala LGA was conducted. This search revealed 115 entries in that database (**Appendix 3**).

Noxious weeds are considered within **Section 3.3** and **4.4** of this TABA.

2.3 LITERATURE REVIEW

A literature review for any relevant local information was conducted on 20 November 2015 using the internet using the following key words: Bombala, Environmental Assessment, Terrestrial Biodiversity, Aquatic Biodiversity, Plan of Management. These searches revealed the following documents:

- ☐ Bombala Local Environmental Plan 2012
- ☐ Bombala State of the Environment Report 2004
- ☐ Bombala Community Strategic Plan 2013/2025

Where appropriate, the contents of these documents are considered throughout this TABA.

No previous environmental assessments from proposals or any work carried out near this proposal were identified.

2.4 SURVEY EFFORT

EnviroKey have carried out targeted field surveys to develop a comprehensive understanding of the flora, fauna, vegetation communities and fauna habitats in the vicinity of the proposal. This section provides the details of the survey effort completed while a summary is provided (**Table 1**). **Map 6 & 7** identifies the spatial locations of the fauna surveys.

2.4.1 Area of Investigation

An 'Area of Investigation' was defined as an area extending about 10 metres either side of the Bombala River to encompass the area that would most likely be inundated by rising water levels. The 'Area of Investigation' is shown on **Map 2**. Where any area of threatened ecological community (TEC) was identified, the total patch size was considered, even if it extended beyond the boundaries of the Area of Investigation.

2.4.2 Botanical Surveys

Botanical survey was carried out over 8 person hours on 16 November 2015. The vegetation communities of the study area were stratified into sampling units to ensure that the full range of potential vegetation types was systematically sampled. Within each unit, the 'random

meander' method (Cropper 1993) was conducted to enable a classification to the latest vegetation mapping for the region (Benson 2006; 2008).

The methodology used to classify vegetation as native or non-native was in accordance with the definitions of the NSW *Native Vegetation Act 2003* and as used within the NSW Biometric/Biobanking assessment methodologies (BBAM) (DECC 2008; DECCW 2010) and the published benchmarks for each vegetation type. Vegetation was classified as native where at least one of the following criteria was met:

- ☐ Groundcover comprised greater than 50 percent live indigenous species, and 10 percent or more of the area has some form of vegetative cover whether dead or alive
- ☐ Indigenous species overstorey percent cover is at least 25 percent of the corresponding vegetation class benchmark.

Vegetation condition was assigned based on the Vegetation Communities Database and associated benchmarks (OEH 2015a). Therefore, this TABA provides a quantitative assessment of vegetation condition in the study area to aid in the determination of potential impact of the proposal.

2.4.3 *Threatened Ecological Communities*

Vegetation communities were analysed and compared with the NSW Biometric Vegetation Communities database, determinations made by the NSW Scientific Committee in relation to the TSC Act, and information from Species Profile and Threats Database (SPRAT - EPBC Act) to determine if any were part of a threatened ecological community (TEC).

2.4.4 *Diurnal Birds*

Diurnal bird surveys were conducted using the widely accepted 'standardised method' (Watson 2003). Within the vicinity of the proposal, five 20 minute surveys were completed. Any species of bird observed or identified from call recognition, were recorded during the field survey period. Surveys were completed across a range of environmental variables including morning and afternoon periods to encompass the range of avifaunal assemblages and their periods of activity. Locations of diurnal bird surveys are provided in **Map 6**.

2.4.5 *Nocturnal Fauna Surveys*

Nocturnal fauna surveys consisted of spotlighting and echolocation call recording transects using an ANABAT SD1 detector unit. **Table 1** details the survey effort completed during the TABA. Call playback consisted of transmitting a pre-recorded call of an individual species, with a two minute listening period between each call. Spotlighting surveys were conducted by walking transects within the area of investigation, looking for eye shine and any moving nocturnal fauna. A 50W handheld spotlight was used for the duration of nocturnal fauna survey.

2.4.6 Systematic Reptile Search (Herpetofauna)

A systematic reptile search was conducted across the entire area of investigation. The survey consisted of searching for active and inactive reptiles. For active animals, any visible individuals were recorded. For inactive animals, hand searches comprised raking through leaf litter, inspections of cracks and crevices in rocks, trees and fallen timber, searches under rocks, and any other searchable items such as roadside litter. Survey effort totaled about two person hours.

2.4.7 Systematic Amphibian Search

A systematic amphibian search was conducted. Searches were completed after sunset with animals identified by aural identification. A total of one person hour was dedicated to this survey method.

2.4.8 Platypus Survey

A Platypus survey was undertaken focusing on the existing pool created by the natural sandbar within the Bombala River which would be subject to this proposal. The survey was carried out by static observation of the pool at dusk, looking for signs of Platypus including ripples on the surface or active animals coming to the surface to breathe after foraging on the bottom. The banks of the Bombala River were also observed opportunistically during the flora and fauna surveys for any active Platypus burrows.

2.4.9 Habitat Assessment

A general habitat assessment was conducted across the study area to develop an understanding of the proximate resources available to flora and fauna. A particular emphasis was given to those resources that are most likely to influence the likelihood of occurrence for threatened and migratory species. These included potential movement corridors, clusters of hollow-bearing trees and native grasslands.

2.4.10 Echolocation Call Analysis

Echolocation calls recorded during the field survey (see **Table 1** for survey effort) were identified using AnalookW software by visually comparing call traits with those within 'The Bat Calls of NSW: Region based guide to the echolocation calls of microchiropteran bats' (Pennay *et al.* 2004), 'Australian Bats 2nd Edition' (Churchill 2008) and a reference call collection held by EnviroKey. Analysis was completed by one of the authors (Steve Sass) given his extensive experience with the bats of the NSW southern tablelands and microchiropteran bat call analysis. Due to the lack of 'local' reference calls, and the high level of intra-specific variability and inter-specific overlap in call characteristics, a conservative approach was taken when analysing calls. It should be noted that members of the *Nyctophilus* genus were unable to be identified to species level due to a lack of differentiation between species and are identified to genus level only.

A call was defined as a sequence of three or more consecutive pulses of similar frequency. A pulse separated from another sequence by a period of five seconds was considered to be a separate call. Scattered sequences, where intermittent pulses were not separated by more than five seconds, were recognised as a single pass. Due to variability in the quality of calls and the difficulty in distinguishing some species, each file was assigned a confidence rating as follows:

D = Definite: Species identification not in doubt.

PR = Probable: Call most likely to represent a particular species, but there exists a low probability of confusion with species of similar call types.

PO = Possible: Call characteristics are comparable with the species, but there exists a reasonable probability of confusion with one or more bat similar species or the quality or length of call prohibits a confident identification.

With regard to threatened species and in consideration of the precautionary principle, any file thought to be that of a threatened species regardless of confidence ranking was considered to be present.

2.4.11 Nomenclature

Nomenclature for fauna was guided by the following texts: Birds (Morcombe 2004), Mammals (except microchiropteran bats) (Menkhorst and Knight 2010), Microchiropteran Bats (Churchill 2008), Frogs (Tyler and Knight 2009) and Reptiles (Swan *et al.* 2004) except where modified by recent taxonomic review (Sass 2011a; b; Swan 2013). Where no common name is provided within these texts, a generally accepted name is used. For flora, nomenclature follows that of the Flora of NSW (PlantNET 2015).

2.5 LIMITATIONS

A common limitation of many biodiversity studies is the short period of time in which they are conducted. When combined with a lack of seasonal sampling this can lead to either low detection rates or false absences being reported. This is also particularly relevant to highly mobile species that may not have been in the study area at the time of the survey. Given this, further analysis was conducted to evaluate which threatened and migratory biota were likely to occur within the vicinity of the proposal based on the presence of habitat. This is detailed within **Appendix 6**.

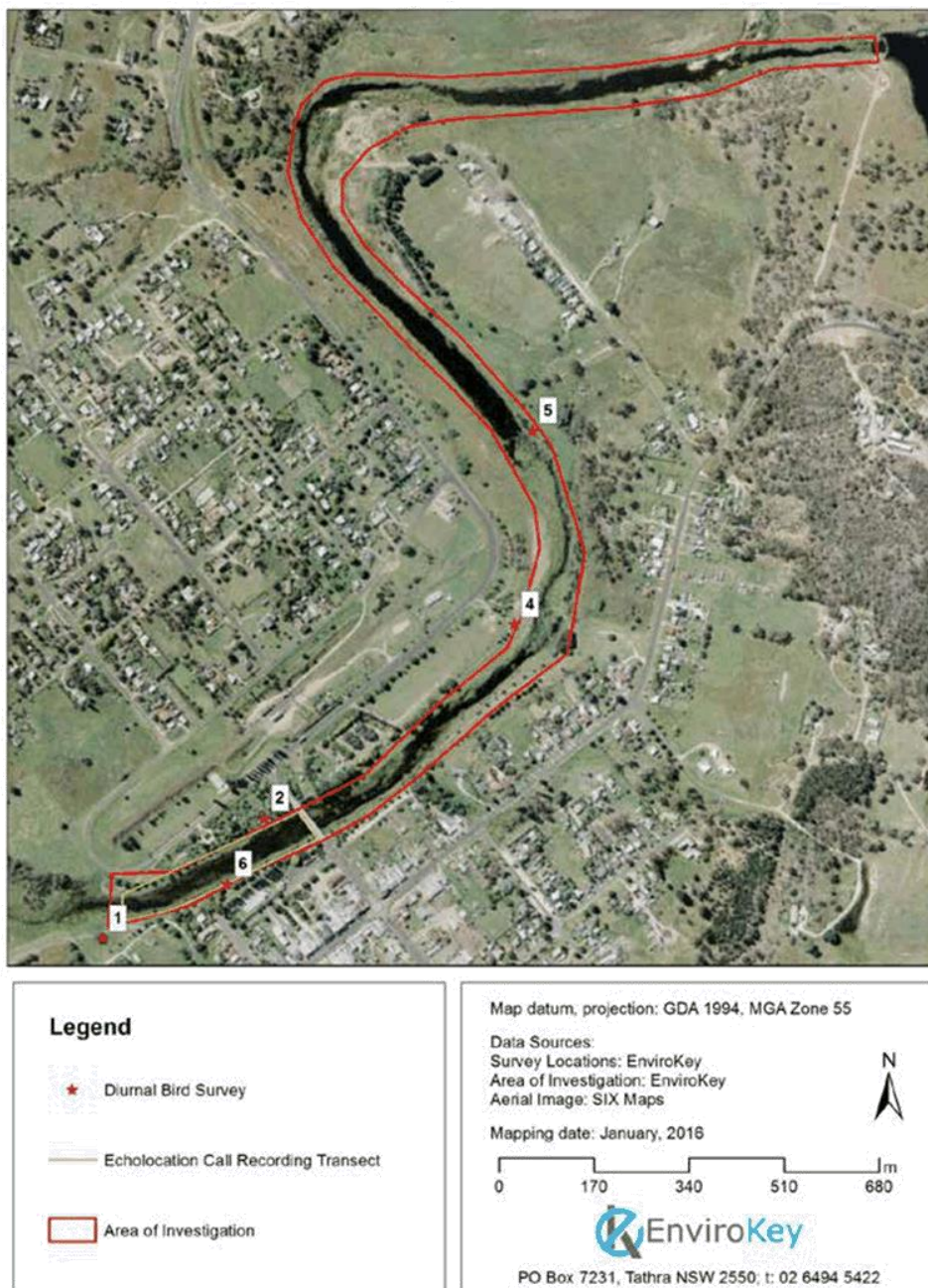
Table 1: Survey effort completed for this study.

Date	Survey type	Survey location and effort
16 November, 2015	Botanical survey	One person x eight hours
16 November, 2015	Bird surveys	Five x 20 minute bird surveys.

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Date	Survey type	Survey location and effort
16 November, 2015	Nocturnal surveys.	One person x two hours over one night including spotlighting and echolocation call recording (calling frogs also recorded).
16 November, 2015	Systematic Reptile search.	One person x two hours within the area of investigation.
16 November, 2015	Systematic Amphibian search	One person-hour in the vicinity of low-lying areas (amphibians were also recorded opportunistically over the area of investigation).
16 November, 2015	Platypus survey	One person-hour in the vicinity of the existing pool in Bombala River plus opportunistically during fauna and flora surveys.
16 November, 2015	Culvert Inspection (using a 50W spotlight to inspect for microchiropteran bats).	As culverts were encountered within the area of investigation.
16 November, 2015	Habitat Surveys including sign and scat searches	One person x two hours along the length of the proposal.

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Map 6: Locations of fauna surveys within the area of investigation.

3 EXISTING ENVIRONMENT

3.1 LANDSCAPE CONTEXT

The study area is located within the South Eastern Highlands Bioregion of NSW (Thackway and Creswell 1995). The bioregion lies just inland from the coastal bioregions of the South East Corner and the Sydney Basin, bounded by the Australian Alps and South Western Slopes bioregions to the south and west. The bioregion includes most of the ACT and extends south into Victoria. The total area of the bioregion is 8,749,155 hectares (Thackway and Creswell 1995). The study area is located within the South East LLS Region (previously Southern Rivers CMA region (OEH 2015c) and the Monaro (Part C) sub-region (NPWS 2003)).

The dissected ranges and plateau of the Great Dividing Range are topographically lower than the Australian Alps, which lie to the west. The bioregion extends to the Great Escarpment in the east and to the western slopes of the inland drainage basins. The highlands are part of the Lachlan fold belt that runs through the eastern states as a complex series of metamorphosed Ordovician to Devonian sandstones, shales and volcanic rocks intruded by numerous granite bodies. Topographically, the dominant features of the bioregion are plateau remnants, granite basins with prominent ridges formed on contact metamorphic rocks and the western ramp grading to the South Western Slopes (Thackway and Creswell 1995).

3.2 LANDUSE

Land use adjoining this section of the Bombala River and Coolumbooka River consisted predominately of landscaped parkland with introduced tree plantings and walking tracks which are part of the Bombala River Walk. There are two patches of native woodland on the southern side of Coolumbooka River, just downstream from the existing weir, with one patch part of a much larger patch extending outside of the study area. The Monaro Highway crosses the river with a two lane bridge in the middle of the area of investigation while there are two foot bridges within the area of investigation. The section between the river and Monaro Highway consisted mostly of vacant land adjacent to residential properties.

3.3 FLORA & VEGETATION COMMUNITIES

3.3.1 *Flora Species Richness*

The field survey identified a total of 87 flora species. These comprised:

- ☐ 23 native species (including two planted native species)
- ☐ 64 introduced species.

No threatened flora were identified during the field survey, nor are any expected to occur there given the current level of disturbance.

A full list of flora species recorded during the field survey is detailed within **Appendix 4**.

3.3.2 Vegetation Communities

In the vicinity of the proposal, non-native vegetation dominates. However, two native vegetation communities are present. This section provides details of the native vegetation community. Given the lack of habitat value of non-native vegetation, these areas are no longer considered.

SR637 Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands

Biometric Vegetation type (BVT) Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands (SR637) (in the Southern Rivers CMA) (OEH 2015a) occurs within a small portion of the area of investigation. This community corresponds with the vegetation description by Tozer *et al* (2006), vegetation unit Frost Hollow Grassy Woodland (GW p22). Frost Hollow Grassy Woodland (GW p22) represents a revision and extension of GW 22 identified by Tindall *et al* (2004). The woodland is best described as a low open eucalypt woodland with a sparse shrub layer and dense, diverse groundcover of grasses and forbs. However, the woodland within the study area is dominated by introduced flora species.

SR657 Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps

Biometric Vegetation type (BVT) Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps (SR657) (in the Southern Rivers CMA) (OEH 2015a) occurs within a small portion of the area of investigation. This community occurs mainly in riparian situations in montane to sub-alpine areas with a Tea-tree canopy dominant. The shrubland within the area of investigation was dominated by a Tea-tree (*Leptospermum spp.*) with a predominately native groundcover consisting mostly of Wallaby Grass (*Rytidosperma spp.*).

Table 2 provides a summary of these vegetation communities within the area of investigation. **Map 7** details the extent of SR637 and SR657 in the area of investigation.

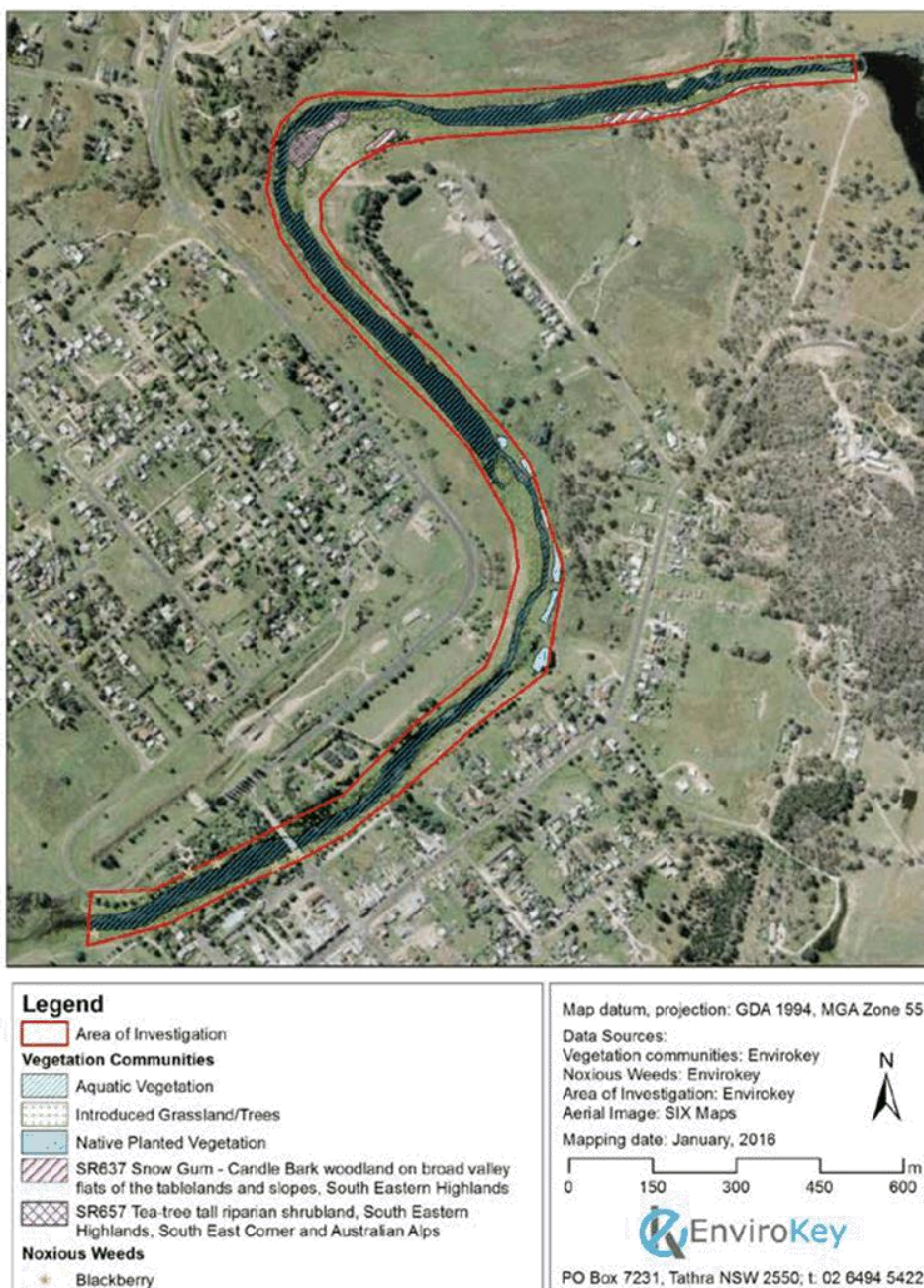
Table 2: Summary of BVT SR637 and SR657 within the study area.

BVT	Descriptor	Response
SR637	Extent within footprint (approx.)	About 0.432 hectares of this community occurs in the area of investigation (detailed in Map 7).
	Description	Canopy: An open woodland dominated by Ribbon Gum (<i>Eucalyptus viminalis</i>). Canopy height up to 15 metres. Understorey: Shrub or small tree layer absent in this patch of vegetation.

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BVT	Descriptor	Response
		Groundcover: Mostly dominated by introduced species including introduced grasses.
	Condition	Moderate to good condition due to canopy cover within 25 percent of the lowest benchmark in the BBAM benchmark database for this community.
	Threatened flora	None recorded and potential for threatened species to occur is considered to be low given groundcover mostly dominated by introduced flora.
	Threatened community?	Yes, this community corresponds with the description for the TSC Act listed threatened ecological community (TEC) <i>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions - Southern Rivers</i> . This community is listed as endangered under the TSC Act.
SR657	Extent within footprint (approx.)	About 0.403 hectares of this community occurs in the area of investigation (detailed in Map 7).
	Description	Canopy: There was no canopy species present. Understorey: A layer of Tea-tree (<i>Leptospermum spp.</i>) were present in this patch of vegetation. Groundcover: Mostly dominated by Wallaby Grasses (<i>Rytidosperma spp.</i>).
	Condition	Moderate to good condition due to canopy cover within 25 percent of the lowest benchmark in the BBAM benchmark database for this community.
	Threatened flora	None recorded and potential for threatened species to occur is considered to be low given the current and historic uses of this area.
	Threatened community?	No, this is not a threatened ecological community.

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Map 7: Vegetation communities present within the study area.

3.4 FAUNA AND THEIR HABITATS

3.4.1 Fauna Species Richness

A total of 47 fauna species were recorded during the field surveys which comprised:

- ☐ Three species of frog
- ☐ 33 species of bird
- ☐ Eight species of mammal (including two introduced species and two bats)
- ☐ Three species of reptile.

The fauna species detected in the surveys are typical of those occurring in highly modified landscapes such as in the vicinity of the proposal.

A list of all fauna species recorded during surveys is detailed within **Appendix 5**.

3.4.2 Fauna Habitats

Three general fauna habitats are present within the study area (woodland/shrubland, introduced grassland/trees and aquatic habitat) (**Map 8**). This section provides discussion on each of these fauna habitats.

Woodland/shrubland

Woodland habitat comprises a small proportion of the north-eastern end of the area of investigation downstream from the existing weir on Coolumbooka River and also native tree plantings in the middle of the area of investigation. The woodland areas consisted of a canopy of Ribbon Gum with a groundcover dominated by introduced flora. Given the size, quality and condition of the patch and the proximity to cleared, rural land, this is likely to provide important resources for woodland fauna at the landscape scale (Lindenmayer and Fischer 2006). Key microhabitat resources such as fallen timber and leaf litter were present, but in low quantities. No mistletoe plants were observed within the woodland. Mistletoe is considered a keystone resource for woodland and forest fauna (Watson 2001) and its absence is a likely determinant of low bird diversity (Watson 2002). In the case of the area of investigation, bird diversity was considered moderate but this was most likely as a result of the Bombala River which supplies a constant water source.

The shrubland part of this habitat type consisted of a shrub layer dominated by a Tea-tree with a mostly grassy groundcover. It was located on a broad, flat expanse on a sandy substrate on the inside of a broad curve in the Bombala River. Though the vegetation here was mostly native, there were numerous car tracks and evidence of a reasonably high traffic load, most likely from people accessing the river to swim. This habitat present is at best, in low to moderate condition.

The planted vegetation consists of numerous *Eucalyptus* species which have been planted along the banks of Bombala River. These were most likely planted at the time of or after the creation of Bicentennial Park in 1988; therefore they are relatively young trees. None of

these trees would develop hollows for a significant amount of time and there was little in the way of microhabitat features on the ground except in locations where high river flows had deposited debris brought downstream during flood events. The groundcover here was also dominated by introduced species. This habitat present is at best, in low condition.

Photographic examples of this fauna habitat are provided in **Figure 1**.



Figure 1: Woodland/shrubland habitat including planted native trees within the area of investigation.

Introduced Grassland/Trees

This habitat type consists of predominately introduced species of grasses and herbs in open areas with no canopy cover or with a canopy of planted trees. The cleared area adjacent to Bombala River is most likely a result of historic land practices such as clearing of canopy vegetation for agriculture in the area or the construction of roads and the town of Bombala. Additionally this part of Bombala River has been planted with various native trees for the creation of the Bicentennial Park which also includes various rotundas and seating areas. The Bicentennial Park was opened in 1988 and most of the introduced trees were planted at this time. Various maintenance activities including regular mowing mean that key microhabitat resources such as fallen timber, surface rocks and leaf litter are virtually non-existent. Two walking track bridges and the Monaro highway bridge cross the Bombala River within this habitat type. The cracks and crevices underneath these structures could potentially provide habitat for microbat species (see **Figure 2**).

Examples of the introduced grassland/trees are provided in **Figure 2**.



Figure 2: Introduced grassland/tree habitat within the area of investigation.

Aquatic Habitat

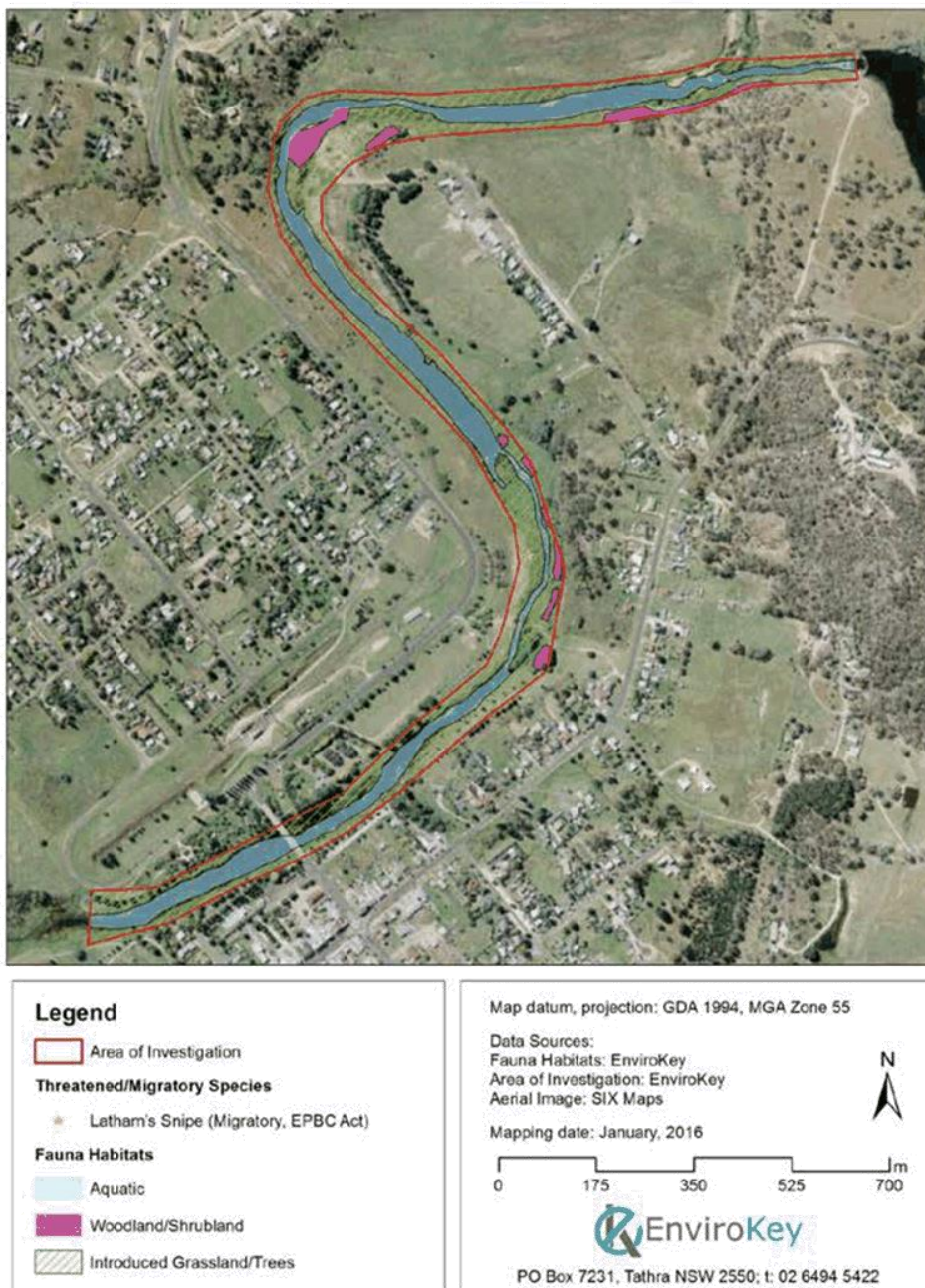
Aquatic habitat in the vicinity of the proposal is considered highly modified. Riparian areas are dominated by non-native vegetation. The river channel varies likely influenced by rain events, however, it is between 15-30 metres wide, with pool depth estimated at greater than three metres. The aquatic substrate is best described as gravelly sand. Aquatic vegetation was dominated by emergent and floating species. Where native species occurred, these included River Clubrush (*Schoenoplectus validus*), Marshwort (*Nymphoides monatana*) and Tall Sedge (*Carex appressa*). Though the water appeared to be moderately turbid, there was also evidence of recent flooding which would have contributed to the decreased water clarity. A small Billabong or Oxbow Lake like water body was present at the north-eastern end of the area of investigation. This water body was separate from the main river channel however it would most likely be inundated during times of flooding. The vegetation here was mostly dominated by introduced species however it was very dense and overhanging the water and there appeared to be a high density of Eastern Long-necked Turtles (*Chelodina longicollis*).

The banks of the Bombala River within the area of investigation were searched extensively for signs of Platypus burrows during the field surveys. Though no burrows were identified, two individual animals were observed within the large existing pool. Though the vegetation along the banks was dominated by introduced species, it was very dense therefore the Platypus burrows were probably well camouflaged. Generally, Platypus build a burrow under

the roots of a tree on the bank of a river which would assist in stopping erosion issues around the mouth of the burrow. However, the dense vegetation within the area of investigation appears to limit erosion. Very little erosion was observed during the field surveys. Generally ideal habitat for the Platypus is a fairly shallow river or stream with relatively steep earth banks consolidated by the roots of native vegetation and with its growth overhanging the bank (Scott and Grant 1997). However in this situation in the Bombala River, the Platypus have colonized an area which is dominated by introduced vegetation and with little root structures consolidating the river banks. According to Scott and Grant (1997), weirs with less than three metre wall heights do not prevent dispersal or movement of Platypus. However they are more prone to predation as they move around the wall by walking on land.

[Hollow-bearing trees](#)

No hollow bearing trees were observed within the area of investigation.



Map 8: Fauna Habitats within the area of investigation.

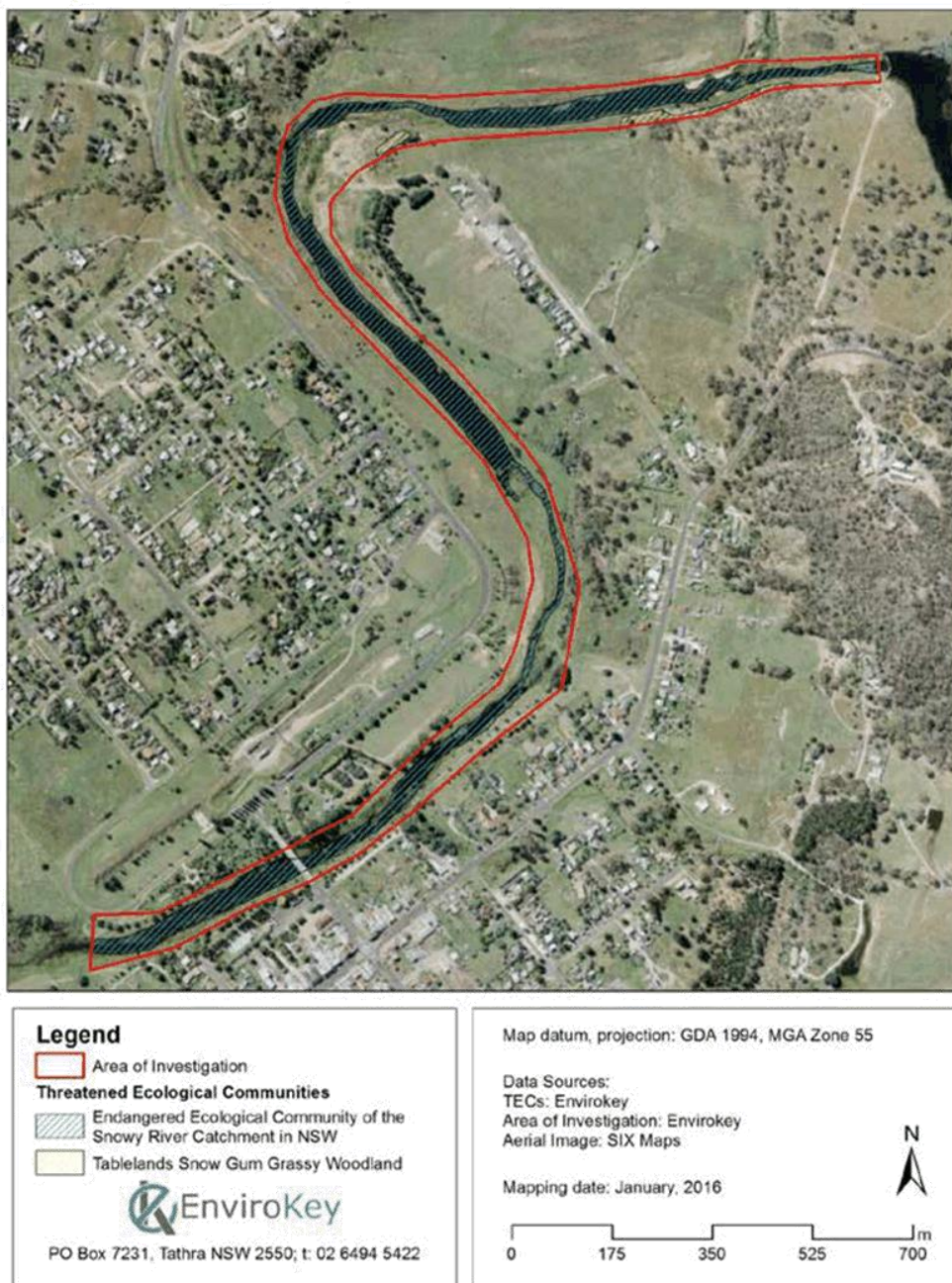
3.5 THREATENED ECOLOGICAL COMMUNITIES

Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions (Tablelands Snow Gum Grassy Woodland) threatened ecological community (TEC) is listed as 'endangered' under the *NSW Threatened Species Conservation Act 1995*. The field survey identified one patch of Tablelands Snow Gum Grassy TEC within the area of investigation. This community is described as an open-forest, woodland or open woodland and may also occur as a secondary grassland where the trees have been removed, but the groundlayer remains. The main tree species are *Eucalyptus pauciflora* (Snow Gum), *E. rubida* (Candlebark), *E. stellulata* (Black Sallee) and *E. viminalis* (Ribbon Gum), either alone or in various combinations. The community commonly occurs on valley floors, margins of frost hollows and on footslopes and undulating hills between approximately 600 and 1400 m in altitude on a variety of substrates, including basalt, sediments, granite, colluvium and alluvium (OEH 2015). The patch of existing vegetation consists of a canopy of Ribbon Gum on undulating hills at about 720 metres elevation. Weed invasion and disturbance and clearing of vegetation, are two key threats to this community. The proposal has the potential to increase these two threats to this community. Currently the existing patch is at threat from environmental weeds (English Hawthorn), aggressive pasture grasses (including Cocksfoot) and escapes from silviculture (including Cotoneaster and Radiata Pine). The extent of the Tablelands Snow Gum Grassy Woodland TEC (TSC Act) within the vicinity of the proposal is detailed in **Map 9**.

The Bombala River also forms part of the Endangered Ecological Community of the Snowy River Catchment, listed under the *Fisheries Management Act 1994* as the *Aquatic Ecological Community in the Catchment of the Snowy River in NSW* (DPI 2011). The area covered by this determination includes all rivers, creeks and streams of the Snowy River catchment within the State of New South Wales and including the Snowy River, Eucumbene River, Thredbo River, Gungahlin River, Mowamba River, Bombala River, MacLaughlin River, Delegate River, Pinch River and Jacobs River. This area includes the river bed channel inundated by the man-made lakes Jindabyne, Eucumbene, Island Bend and Guthega but excludes the ecological communities that have developed in the waters of the impounded man-made lakes (Final Determination 2011).

The extent of the Endangered Ecological Community of the Snowy River Catchment within the vicinity of the proposal is detailed in **Map 9**.

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Map 9: Extent of threatened ecological communities within the area of investigation.

3.6 GROUNDWATER DEPENDENT ECOSYSTEMS

Groundwater dependent ecosystems (GDE) are generally defined as natural ecosystems that require access to groundwater to meet all or some of their water requirements so as to maintain their ecological processes.

Bombala River flows through the middle of the area of investigation. Bombala River is classed as a 'river' ecosystem type and an 'ecosystem that relies on the surface expression of groundwater' with a 'high potential for groundwater interaction.'

3.7 THREATENED SPECIES AND ENDANGERED POPULATIONS

No threatened flora or fauna listed under the TSC Act, EPBC Act or FM Act were detected within the vicinity of the proposal during the field surveys. The desktop analysis conducted for this TABA indicates that there are a number of species that have been recorded in the locality (within a 10 kilometre radius of the proposal). **Map 3, 4 & 5** indicates the previous records of threatened species that have been recorded within the locality. There is a small cluster of records around Bombala where there would most likely have been a high level of historical surveys.

No endangered populations are listed within the Bombala LGA by the TSC Act, and none were identified during the field surveys.

An assessment for the potential of other threatened species to occur within the vicinity of the proposal, but went undetected in surveys, is provided in **Appendix 6**. Using the data collected during the desktop analysis and field surveys, the following criteria were applied to each entity to determine the likelihood of threatened and migratory species occurring within the study area:

- ☐ No (no suitable habitat present and the species not previously recorded within the locality; or for flora where suitable habitat is present, study area extensively searched during the appropriate time of year for detection and species not present)
- ☐ Unlikely (no suitable habitat is present, species has limited dispersal capability but previously recorded within the locality)
- ☐ Low (some suitable habitat present and the species known from the locality. Species may infrequently visit the study area enroute to foraging resources, but do not depend on the habitats of the study area for survival)
- ☐ Moderate (Study area contains habitat that could support a population of a species)
- ☐ High (Study area contains habitat that is likely to support a population of the species including roosting, breeding and foraging habitat)
- ☐ Yes (Species recorded during the field survey, or recently recorded in the study area).

This revealed that a total of five threatened and migratory biota with a moderate to high, or known potential to occur in the vicinity of the proposal.

3.8 MIGRATORY AND MARINE SPECIES

One migratory species as listed under the EPBC Act was detected during the field survey (**Map 8**). This being Latham's Snipe (*Gallinago hardwickii*).

An assessment for the potential for other migratory species to occur within the vicinity of the proposal but went undetected is provided in **Appendix 6**.

No marine species are expected to occur given the absence of habitat.

3.9 WILDLIFE CONNECTIVITY CORRIDORS

The field surveys and air photograph interpretation identified that there are no well-developed terrestrial wildlife corridors within the area of investigation. This is due to the barrier created by the presence of Bombala River and also the Monaro Highway.

Bombala River is considered a wildlife corridor for aquatic biota. However, this is minimised given that the existing weir upstream of Bombala (Coolumbooka River) is a significant barrier to fish and aquatic biota movement given the absence of a fish ladder. Platypus which were observed in the river would also use it for dispersal, particularly any immature animals which would move out from the home pool of their parents looking for new areas of habitat to colonise.

3.10 STATE ENVIRONMENTAL PLANNING POLICY NO. 44

State Environmental Planning Policy No 44 (SEPP44) – Koala Habitat Protection encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure that permanent free-living populations will be maintained over their present range across 107 council areas. SEPP44 aims to identify areas of *potential* and *core* Koala Habitat. These are described as follows:

- *Potential Koala Habitat* is defined as areas of native vegetation where the trees listed in Schedule 2 of SEPP44 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component
- *Core Koala Habitat* is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, and recent and historical records of a population.

Bombala LGA is listed within Schedule 1 of this planning instrument and one tree species, Ribbon Gum (*Eucalyptus viminalis*), listed in Schedule 2 of SEPP44 as a 'feed tree species' was identified within the potential footprint of the proposal. Therefore further consideration of SEPP44 is carried out in **Section 4.11** of this TABA.

4 POTENTIAL IMPACT

Bridge and weir construction and operation can have a range of potential impacts to biodiversity. The potential impact as a result of this proposal is summarised below and in the following sections. These include:

- ☐ Loss of native vegetation (including threatened ecological communities) and their habitats through clearance or flooding
- ☐ Loss of fauna habitats
- ☐ Direct mortality of protected and threatened fauna
- ☐ Loss of connectivity through the degradation of wildlife and habitat corridors
- ☐ Invasion and spread of weeds and pest fauna species
- ☐ Changes to water quality as a result of the work in or adjacent to aquatic habitats and alterations to natural hydrological flows
- ☐ Edge effects from noise, vibration and light
- ☐ Introduction or increased exposure to key threatening processes that may affect terrestrial and aquatic species, populations, ecological communities and their habitat (including threatened biota)
- ☐ Regional cumulative impact affecting the long-term viability and survival of common and threatened species, populations and ecological communities and their habitats.

With regard to the current proposal, Bombala Council should aim to:

- ☐ Avoid and minimise impact
- ☐ Mitigate impact where avoidance is not possible
- ☐ Offset where residual impact cannot be avoided.

Preliminary measures to mitigate impact during the construction and operation of the proposal are presented in **Chapter 5**.

4.1 LOSS OF VEGETATION AND HABITAT

Clearing of native vegetation is a key threatening process listed under the TSC Act and the EPBC Act (also refer to **Section 4.9**).

Though the footprint of the proposal has not been finalised, it would potentially result in the clearing of some vegetation though this would most likely be confined to introduced grassland or trees. Native vegetation and habitat, confined to the Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands (BVT SR637) and Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps (SR657) would potentially be impacted by rising water levels associated with the construction of the weir. The impact associated with rising water levels is expected to be minimal at this location due to the relatively small increase. The total area of these patches within the area of investigation is about 0.835 hectares. BVT SR637 subject to

potential impact, has been extensively cleared in the Southern Rivers CMA, up to 95 percent (OEH 2015). SR657 has an estimated clearance of about 10 percent and would also only be subject to minimal impact. The impact as a result of flooding within SR657 would be greater due to the location closer to the weir therefore the potential water rise would be greater however this is a riparian vegetation community and more likely to cope with the higher water levels. Further impact on the aquatic vegetation would occur as a result of bridge construction such as pylons and the construction of a weir within the Bombala River.

At this stage, ancillary facilities such as stockpile sites and machinery compounds for the bridge and weir construction have not been determined.

The construction works adjacent to and within the Bombala River has the potential to create a significant impact through erosion and sedimentation of the river. Clearing vegetation on the banks of the river would result in exposed and disturbed soil surfaces which could be exposed to increased runoff resulting in sedimentation. Work required within the river such as during the construction of pylons and the wall of the weir would also result in the potential for the creation of highly turbid water flowing downstream. This could potentially impact on flora and fauna species, for example, sedimentation reduces the quality of habitat for benthic invertebrates which could impact platypus abundance (Scott and Grant 1997).

Potential impacts on native vegetation are unlikely to result in a significant effect once applied through the Assessment of Significance (7-part test).

4.1.1 Threatened Ecological Communities

Of the 0.432 hectares of native vegetation within the area of investigation mapped as SR637, all of this is consistent with the description for Tablelands Snow Gum Grassy Woodland threatened ecological community (TEC). It is currently unknown how much of the Tablelands Snow Gum Grassy Woodland TEC would be impacted however it is unlikely to be a significant due extent of this community outside of the area of investigation and that the impact would be limited to some minor flooding.

There is also expected to be direct impact to the *Aquatic Ecological Community in the Catchment of the Snowy River in NSW* through the construction of a road bridge and a weir within the Bombala River. Additionally the construction of the weir would result in the water level being raised.

However, within consideration of the concept design, it is unlikely that the proposal would have a significant effect on these TEC's, such that their local extent would be placed at risk of extinction.

4.1.2 Threatened Species Habitat

Field surveys did not identify any threatened species within the immediate vicinity of the proposal. One migratory species listed under the EPBC Act was identified, Latham's Snipe (*Gallinago harwickii*). The habitats present are in low condition given the fragmented nature of the vegetation, the dominance of introduced flora, and the surrounding residential land.

Targeted surveys within the area of investigation failed to identify any threatened species within the area of investigation.

As discussed, the proposal would potentially result in impact to some native vegetation as a result of flooding however this would be minimal. Introduced vegetation would also be removed.

Thirteen threatened and migratory fauna species have some potential to occur in the study area as assessed in **Appendix 6**.

With consideration of the concept design, and the likely occurrence of threatened biota in the locality, it is unlikely that the proposal would have a significant effect on these biota, such that their local extent would be placed at risk of extinction.

4.2 WILDLIFE CONNECTIVITY AND HABITAT FRAGMENTATION

The proposal is unlikely to have a negative effect on terrestrial wildlife corridors or markedly increase habitat fragmentation.

Current connectivity between vegetation on either side of the existing Monaro Highway or Bombala River is very low. The proposal has the potential to impact on the connectivity of habitat within the Bombala River unless a fish ladder is incorporated into the weir design. Dispersal potential for immature Platypus searching for new habitat may also be negatively impacted.

4.3 INJURY AND MORTALITY

Fauna injury or mortality can occur during the clearing phase of construction during the removal of habitat and from collision with vehicles or juvenile platypus dispersal during the operation of the proposal.

4.3.1 Construction Impact

It is anticipated that some diurnal and mobile fauna species such as birds and larger reptiles may be able to move from the path of construction equipment during any clearing operations, other fauna species such as those that are less mobile and nocturnal, are less likely to move away from clearing and machinery movement activities. Construction impact would also apply in aquatic habitats dependent on the construction proposed.

4.3.2 Operational Impact

Operational impact would result in the flooding of an area of vegetation adjacent to the existing pool within the Bombala River. The vegetation here would most likely die as a result. However some may adapt and colonise the new edge of the river bank. The elevated water level would also potentially result in the flooding of existing Platypus burrows which would result in individuals needing to construct new burrows or move to new habitat areas.

4.4 WEEDS

A total of 64 weed species were recorded from field surveys within the area of investigation. Of these, four are listed as a declared noxious weeds in the Bombala LGA; African Lovegrass (*Eragrostis curvula*), Blackberry (*Rubus fruticosus sp. agg.*) and two species of Willow (*Salix spp.*) (DPI 2015). Blackberry and African Lovegrass is scattered through the area of investigation with only Blackberry able to be mapped given the sporadic nature of the grass. Willows are located along the banks of the Bombala River. There is some potential to disperse noxious and environmental weed plant material, with the most likely cause of which would be through the movement of soil by construction vehicles and machinery involved with the initial clearing and earthworks.

African Lovegrass and Blackberry are listed as a Class 4 Locally Controlled noxious weed. This means that the growth of this species must be managed in a manner that continuously inhibits the ability of the plant to spread. *Salix spp.* are Class 4 Locally Controlled noxious weed, which must not be sold, propagated or knowingly distributed.

The potential impact of weeds as a result of the proposal is considered manageable.

4.5 PESTS AND PATHOGENS

Red foxes and rabbits are all known from the locality (both were identified during field surveys). Two key threatening processes (KTP) as listed by the TSC Act and the EPBC Act relate to the invasion and establishment of these species. It is unlikely that the proposal, given the relatively minor nature of the clearing of native vegetation, would lead to increased levels of predation or competition by these species.

Pathogens result in disease in flora and fauna and can be found living in organisms such as fungus, bacteria and virus. One pathogen known from inland NSW and listed as a KTP is of relevance to this proposal, dieback caused by *Phytophthora*, which is listed under the TSC Act and EPBC Act.

Pathogen management should be implemented throughout all stages of the proposal where appropriate.

4.6 CHANGED HYDROLOGY

Changes to hydrology can be temporary or long-term. These may include the temporary diversion of a waterway and barriers that impede water flow. The proposal is likely to have some impact to hydrology given that the weir would impede water flow. However, the existing weir on the Coolumbooka River upstream of the confluence of the Bombala River already contributes to the changed hydrology of the Bombala River.

4.7 GROUNDWATER DEPENDENT ECOSYSTEMS

According to the Groundwater Dependent Ecosystems (GDE) Atlas, Bombala River is mapped as permanent water source. The design of the proposal is to restrict and impede water flow therefore there is the potential for impact to GDE downstream of the proposal. This would be especially relevant during periods of drought when the water level falls below that of the weir and the river downstream would potentially stop flowing resulting in a decrease of water supply for any GDE in the area.

4.8 NOISE, VIBRATION AND LIGHT

Noise, vibration and light impact already pre-exists on Monaro Highway from vehicular movements and light impact from adjacent residential properties and street lights is also present therefore potential impact is restricted to impact as a result of construction work.

Construction noise and vibration are likely to result from the proposal but would be limited to the construction period and during daylight hours. While it is important to remember that no multi-species study has found all species to be sensitive to noise and vibration, it is generally agreed that for species that vocalise frequently such as birds and amphibians, there is some potential for negative effects over the long-term. In the context of the proposal, the work is expected to be conducted over a relatively short time frame and confined to discrete areas. Potential impact, if any, is therefore considered to be relatively minor and temporary.

The proposal would not require the use of construction lighting, and it is likely that the proposal would not exacerbate existing light impact to that already pre-existing.

4.9 IMPACT ON RELEVANT KEY THREATENING PROCESSES

Key threatening processes are listed under the TSC Act, FM Act and EPBC Act that have the potential to either:

- ☐ Adversely affect threatened species, populations or ecological communities
- ☐ Causes common species, populations or ecological communities to become threatened.

There are a number of listed key threatening processes that are of relevance to aspects of the proposal. These are provided in summary in **Table 4**.

Table 3: Key threatening processes relevant to the proposal.

Key threatening process	Listed Act	Type of threat	Potential impact
Clearing of native vegetation	TSC Act	Habitat loss/change	The proposal would result in the clearing of native vegetation.
Land Clearance	EPBC Act		
Infection of native plants by <i>Phytophthora cinnamomi</i>	TSC Act	Pathogen	Infected root material can be dispersed by earth moving equipment

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Key threatening process	Listed Act	Type of threat	Potential impact
			and other vehicles.
Dieback caused by the root-rot fungus (<i>Phytophthora cinnamomi</i>)	EPBC Act		
Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands	FM Act	Habitat loss/change	The proposal would result in the alteration to the flow of Bombala and Coolumbooka Rivers.

4.10 CUMULATIVE IMPACT

There are a number of other projects that could potentially be carried out in the region, as listed on the NSW Department of Planning website. These include the Bombala Sawmill and Boco Rock Wind Farm.

The native vegetation to be impacted by the proposal is a threatened ecological community. It is considered an over-cleared vegetation type though according to the Biometric Vegetation Type (cleared by about 95 percent). It is expected that the proposal would have a minimal impact on the extent of this community.

There are no known projects that would involve impeding the flow of the Bombala River.

4.11 SEPP 44 KOALA HABITAT

As detailed in **Section 3.10**, Bombala LGA is listed within Schedule 1 of SEPP 44. SEPP 44 aims to identify areas of *potential* and *core* Koala Habitat. These are described as follows:

- *Potential Koala Habitat* is defined as areas of native vegetation where the trees listed in Schedule 2 of SEPP 44 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component
- *Core Koala Habitat* is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, and recent and historical records of a population

Given the presence a tree species listed under Schedule 2 of SEPP 44, Ribbon Gum (*Eucalyptus viminalis*) which occurs as part of the Tablelands Snow Gum Grassy Woodland onsite and it does constitute 15 percent of the canopy, the vegetation in the vicinity of the proposal is considered *Potential Koala Habitat*. A review of existing records indicated that there are Koala records within the locality of the proposal however there is no evidence of current occupation by Koalas. Given this, *Core Koala Habitat* as defined by SEPP 44 is not considered to occur.

In the context of the existing fragmentation of the landscape and that widespread clearing has already occurred in these landscapes, it is unlikely that Koala would even persist in the vicinity of the proposal should it occur in the wider locality. With consideration of these factors and the concept design, it is unlikely that the proposal would impact on Koala.

5 PRELIMINARY MITIGATION MEASURES

EnviroKey proposes a series of preliminary mitigation measures designed to address the potential impacts identified in **Chapter 4** which can be summarised as follows:

- ☐ Loss of vegetation and fauna habitat
- ☐ Fauna mortality during construction
- ☐ Spread of weeds.
- ☐ Changes to water quality as a result of the work in or adjacent to aquatic habitats and alterations to natural hydrological flows
- ☐ Alteration to flow of Bombala River.

In addressing the potential impact, the objectives of these mitigation measures are to:

- ☐ Maintain and protect biodiversity where possible including the minimisation of the loss of native vegetation and habitat
- ☐ Maintain existing water quality
- ☐ Minimise the potential for weed incursion
- ☐ Minimise fauna mortality.

Specific mitigation measures considered necessary for this proposal as follows:

Pre-clearing process

- ☐ If any unexpected threatened fauna or flora are discovered, work would stop and a consulting ecologist with relevant experience or the Office of Environment and Heritage (OEH) would be contacted.

Exclusion zones

- ☐ Any clearing required would be the smallest extent required to undertake the proposal.

Re-establishment of native vegetation

- ☐ Revegetation would be carried out using native plants grown from local provenance seed.
- ☐ Any canopy trees to be removed, introduced or native, would have the crowns (leaves and small branches) and trunks where possible, mulched and used to stabilise planting areas during the planting process.

Re-use of woody debris.

- ☐ Where possible, woody debris greater than 100 millimetres and less than 300 millimetres in diameter would be re-used

Weed management

- ☐ A weed management plan should be implemented
- ☐ Five declared noxious weeds for the Bombala LGA occur within the area of investigation. Noxious weeds should be removed, where possible, to an appropriate waste management facility
- ☐ Machinery should be cleaned using a high pressure water spray to remove any soil which could transfer weed propagules from the underside and tracks before beginning work onsite
- ☐ All machinery should be cleaned using a high pressure water spray to remove any soil which could transfer weed propagules from the underside and tracks before being transferred to be used on any other sites.

Aquatic habitats

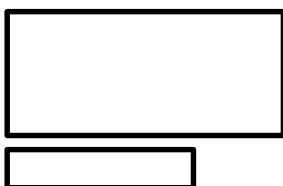
- ☐ Stormwater Monitoring would be put in place to monitor the flow for suspended particles. Ideally a system should be put in place to ensure that turbid stormwater flow does not reach the Bombala River
- ☐ A qualified ecologist would inspect the banks of the river where proposed bridge and weir construction would be undertaken prior to works beginning to ensure no platypus burrows are present. A contingency plan would be formulated to relocate a resident animal should one be found.
- ☐ A Platypus management plan would be created following the management guides set out by the Australian Platypus Conservancy (<http://www.platypus.asn.au>) and Platypus Spot (www.platypusspot.org).

6 CONCLUSION

This TABA has considered the biodiversity within the vicinity of the proposal by:

- ☐ Conducting a desktop analysis to consider biodiversity across the locality
- ☐ Conducting a field assessment that is consistent with OEH guidelines
- ☐ Adopting the precautionary principle in the general assessment of impact
- ☐ Providing appropriate recommendations to mitigate potential impact to an acceptable level.

In the absence of a detailed design, the current concept design has been considered throughout this TABA. EnviroKey concludes that the proposal is *unlikely* to have a 'significant effect' on any listed threatened species, communities, populations and their habitats and that the current rezoning proposal should proceed. Detailed assessment in accordance with s5A of the NSW *Environmental Planning & Assessment Act 1979* should be applied once a final design is confirmed as part of the Review of Environmental Factors. Preliminary mitigation measures detailed within **Chapter 5** should be adopted, implemented and maintained where appropriate and may change pending the final design and the mitigation required.



Director / Principal Ecologist, EnviroKey Pty. Ltd.

B.App.Sci (Env.Sci) (Hons)

Certified Environmental Practitioner, Environment Institute of Australia & New Zealand

Practicing Member, Ecological Consultants Association of NSW

OEH Accredited Biobanking Assessor

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8 APPENDICES

APPENDIX 1 – QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Name and Qualifications	Experience
Steve Sass B.App.Sci (Env.Sci) (Hons) Director / Principal Ecologist Certified Environmental Practitioner, EIANZ Member, Ecological Consultants Association of NSW	<p>Steve is a highly experienced Consulting Ecologist having undertaken hundreds of terrestrial and aquatic ecological surveys and assessments across Australia since 1992. He has an in-depth working knowledge of environmental and biodiversity legislation across all states and territories which allows him to provide detailed and accurate assessments and formulate practical solutions to clients and specific projects on a case-by-case basis.</p> <p>Steve is a past Councillor of the Ecological Consultants Association of NSW. Steve was recently invited by OEH to become a sitting member of a team to develop Priority Action Statements for a number of species listed as Endangered under the NSW <i>Threatened Species Conservation Act 1995</i>.</p> <p>Previous and current research holds Steve in high regard within both the scientific and ecological consultants' community. To date, Steve has published, submitted or has in preparation, twenty-nine manuscripts within peer-reviewed scientific journals, many of which are related to threatened reptile species survey, monitoring or management.</p> <p>Steve has extensive experience in southern NSW. Over the past eight years, he has completed or provided specialist biodiversity advice to more than 800 environmental assessments for projects such as residential and industrial developments, highway upgrades and telecommunications, water, sewerage, energy, mining and electricity network infrastructure projects. Recently, Steve completed a REF for a river restoration project on the Thredbo River, near Gaden Hatchery and a 25km shared track that follows the Thredbo River, between Bullocks Flat and Gaden Hatchery. Near Bombala, Steve prepared the Reptile Relocation Strategy for the Boco Rock Wind Farm for commonwealth listed threatened reptile species and his work was instrumental in the final approval and biodiversity offset strategy.</p> <p>Steve is the Principal Ecologist of EnviroKey. For the TABA, he was the project manager, assisted with report preparation and carried out a certification of the report.</p>
Joshua Wellington B. Sc (Environmental) Senior Project Manager / Ecologist	<p>Joshua is an experienced Ecologist having completed surveys in NSW, QLD and VIC since 2008.</p> <p>In the field, Joshua's fauna and flora skills make him a valuable part of the ecological impact assessment team. He is highly conversant with the fauna of the southern tablelands and Australian Alps having undertaken dozens of surveys in the region.</p> <p>Joshua's experience includes the field assessment and reporting for Review of Environmental Factors and Environmental Management Plans for various infrastructure projects within government and private industry.</p> <p>For this study, Joshua completed the fauna survey. Joshua was also the primary author of the TABA.</p>
Linda Sass	<p>Linda is an experienced ecologist having conducted flora and fauna surveys across NSW over the past 8 years. She has</p>

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Name and Qualifications	Experience
<p>B. Gn.St (Sci), B.A, Dip. Ed (Sec) Director / Senior Ecologist Member, Ecological Consultants Association of NSW (ECA)</p>	<p>extensive experience with the flora and fauna of southern and western NSW. In recent years, she has completed flora surveys for a proposed water pipeline in western NSW, a biodiversity study of an existing mining operation on the Cobar Peneplain, and extensive flora and fauna surveys along MR279 for numerous investigations and assessments as part of the Gocup Road Route Strategy. For this TABA, Linda completed the flora surveys and conducted an internal review of the report.</p>
<p>Stephanie Plattner B.Sc (Spatial Science) GIS Analyst</p>	<p>Stephanie has extensive experience in ArcGIS having worked in private industry and government agencies for the past 6 years. Stephanie produced the maps in this report.</p>

APPENDIX 2 – PROTECTED MATTERS SEARCH TOOL RESULTS



Australian Government
Department of the Environment

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 16/11/15 09:09:07

[Summary](#)

[Details](#)

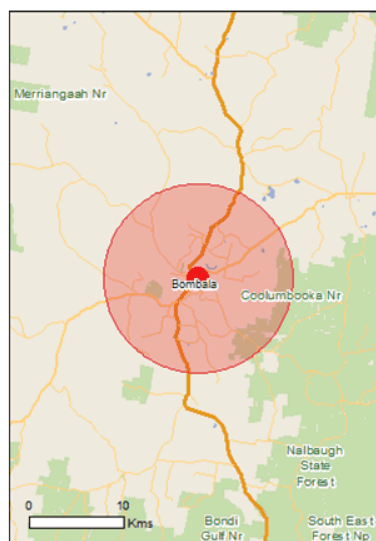
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

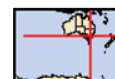
[Acknowledgements](#)



This map may contain data which are
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[Coordinates](#)

Buffer: 10.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	3
Listed Threatened Species:	25
Listed Migratory Species:	10

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	2
Commonwealth Heritage Places:	None
Listed Marine Species:	13
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Commonwealth Reserves Marine:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	1
Regional Forest Agreements:	2
Invasive Species:	27
Nationally Important Wetlands:	1
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory	Endangered	Community likely to occur within area
Upland Wetlands of the New England Tablelands and the Monaro Plateau	Endangered	Community likely to occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community may occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Foraging, feeding or related behaviour may occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat may occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
Fish		
Prototroctes maraena Australian Grayling [26179]	Vulnerable	Species or species habitat likely to occur within area
Frogs		
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area
Litoria castanea Yellow-spotted Tree Frog, Yellow-spotted Bell Frog [1848]	Endangered	Species or species habitat likely to occur within area
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog [1828]	Vulnerable	Species or species habitat may occur within area

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Name	Status	Type of Presence
Mammals		
<u>Dasyurus maculatus maculatus (SE mainland population)</u>		
Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area
<u>Isodon obesulus obesulus</u>		
Southern Brown Bandicoot (Eastern) [68050]	Endangered	Species or species habitat may occur within area
<u>Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</u>		
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat likely to occur within area
<u>Potorous tridactylus tridactylus</u>		
Long-nosed Potoroo (SE mainland) [66645]	Vulnerable	Species or species habitat may occur within area
<u>Pseudomys fumeus</u>		
Koonoom, Smoky Mouse [88]	Endangered	Species or species habitat may occur within area
<u>Pteropus poliocephalus</u>		
Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour may occur within area
Plants		
<u>Calotis glandulosa</u>		
Mauve Burr-daisy [7842]	Vulnerable	Species or species habitat likely to occur within area
<u>Dodonaea procumbens</u>		
Trailing Hop-bush [12149]	Vulnerable	Species or species habitat likely to occur within area
<u>Grevillea acanthifolia subsp. paludosa</u>		
Bog Grevillea [21872]	Endangered	Species or species habitat may occur within area
<u>Leucochrysum albicans var. tricolor</u>		
Hoary Sunray, Grassland Paper-daisy [56204]	Endangered	Species or species habitat likely to occur within area
<u>Pelargonium sp. Striatellum (G.W.Carr 10345)</u>		
Omeo Stork's-bill [84065]	Endangered	Species or species habitat likely to occur within area
<u>Prasophyllum petilum</u>		
Tarengo Leek Orchid [55144]	Endangered	Species or species habitat may occur within area
<u>Prasophyllum sp. Wybong (C.Phelps ORG 5269)</u>		
a leek-orchid [81964]	Critically Endangered	Species or species habitat may occur within area
<u>Thesium australe</u>		
Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat likely to occur within area
<u>Westringia kydrensis</u>		
[56456]	Endangered	Species or species habitat likely to occur within area
Reptiles		
<u>Tympanocryptis pinguicollis</u>		
Grassland Earless Dragon [66727]	Endangered	Species or species habitat likely to occur within area
Listed Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		

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Name	Threatened	Type of Presence
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat likely to occur within area
Migratory Wetlands Species		
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Commonwealth Land [Resource Information]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name
Commonwealth Land - Commonwealth Trading Bank of Australia
Commonwealth Land - Telstra Corporation Limited

Listed Marine Species [Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within

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Name	Threatened	Type of Presence area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat likely to occur within area
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat may occur within area

Extra Information

State and Territory Reserves	[Resource Information]	
Name	State	
Coolumbooka	NSW	
Regional Forest Agreements	[Resource Information]	
Note that all areas with completed RFAs have been included.		
Name	State	
Eden RFA	New South Wales	
Southern RFA	New South Wales	
Invasive Species	[Resource Information]	
Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.		
Name	Status	Type of Presence
Birds		

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Name	Status	Type of Presence
Alauda arvensis Skylark [656]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Capra hircus Goat [2]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Sus scrofa Pig [6]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area

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Name	Status	Type of Presence
Plants		
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]		Species or species habitat may occur within area
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat may occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Senecio madagascariensis Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area

Nationally Important Wetlands		[Resource Information]
Name		State
Monaro Lakes		NSW

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-36.907 149.242

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Parks and Wildlife Commission NT, Northern Territory Government](#)
- [Department of Environmental and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Atherton and Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [Geoscience Australia](#)
- [CSIRO](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

APPENDIX 3 – NOXIOUS WEED DECLARATIONS

11/20/2015

NSW WeedWise

Weeds declared in the Local Control Authority area of Bombala Council

[Select another Local Control Authority area](#)

Weed	Class	
African boxthorn <i>Lycium ferocissimum</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
African feather grass <i>Cenchrus macrourus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
African lovegrass <i>Eragrostis curvula</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
African turnip weed - eastern <i>Sisymbrium thellungii</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
African turnip weed - western <i>Sisymbrium runcinatum</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Alligator weed <i>Alternanthera philoxeroides</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Anchored water hyacinth <i>Eichhornia azurea</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Annual ragweed <i>Ambrosia artemisiifolia</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Arrowhead <i>Sagittaria calycina</i> var. <i>calycina</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Artichoke thistle <i>Cynara cardunculus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Asparagus - climbing asparagus fern <i>Asparagus plumosus</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Asparagus - ground asparagus <i>Asparagus aethiopicus</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Asparagus weeds <i>Asparagus</i> species	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Athel pine <i>Tamarix aphylla</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Bear-skin fescue <i>Festuca gautieri</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Black knapweed <i>Centaurea X moncktonii</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Black willow <i>Salix nigra</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Blackberry <i>Rubus fruticosus</i> species aggregate	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Boneseed <i>Chrysanthemoides monilifera</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of</i>

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subsp. <i>monilifera</i>		<i>the plant</i>
Bridal creeper	4	Locally Controlled Weed
<i>Asparagus asparagoides</i>		<i>The plant must not be sold, propagated or knowingly distributed</i>
Bridal veil creeper	1	State Prohibited Weed
<i>Asparagus declinatus</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Broomrapes	1	State Prohibited Weed
<i>Orobancha species</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Burr ragweed	5	Restricted Plant
<i>Ambrosia confertiflora</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Cabomba	5	Restricted Plant
<i>Cabomba caroliniana</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Cape broom	3	Regionally Controlled Weed
<i>Genista monspessulana</i>		<i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Cayenne snakeweed	5	Restricted Plant
<i>Stachytarpheta cayennensis</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Chilean needle grass	3	Regionally Controlled Weed
<i>Nassella neesiana</i>		<i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Chinese violet	1	State Prohibited Weed
<i>Asystasia gangetica</i> subsp. <i>micrantha</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Clockweed	5	Restricted Plant
<i>Oenothera curtiflora</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Corn sowthistle	5	Restricted Plant
<i>Sonchus arvensis</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Dodder	5	Restricted Plant
<i>Cuscuta species</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Espartillo - broad kernel	5	Restricted Plant
<i>Amelichloa caudata</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Espartillo - narrow kernel	5	Restricted Plant
<i>Amelichloa brachychaeta</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Eurasian water milfoil	1	State Prohibited Weed
<i>Myriophyllum spicatum</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Fine-bristled burr grass	5	Restricted Plant
<i>Cenchrus brownii</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Fireweed	3	Regionally Controlled Weed
<i>Senecio madagascariensis</i>		<i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Flax-leaf broom	4	Locally Controlled Weed
<i>Genista linifolia</i>		<i>The plant must not be sold, propagated or knowingly distributed</i>
Fountain grass	5	Restricted Plant
<i>Cenchrus setaceus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Frogbit	1	State Prohibited Weed
<i>Limnobium laevigatum</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Gallon's curse	5	Restricted Plant
<i>Cenchrus biflorus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Gamba grass	5	Restricted Plant

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<i>Andropogon gayanus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Giant reed	4	Locally Controlled Weed
<i>Arundo donax</i>		<i>The plant must not be sold, propagated or knowingly distributed</i>
Glaucous starthistle	5	Restricted Plant
<i>Carthamus leucocaulos</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Golden dodder	4	Locally Controlled Weed
<i>Cuscuta campestris</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Golden thistle	5	Restricted Plant
<i>Scolymus hispanicus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Gorse	2	Regionally Prohibited Weed
<i>Ulex europaeus</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Green cestrum	3	Regionally Controlled Weed
<i>Cestrum parqui</i>		<i>The plant must be fully and continuously suppressed and destroyed</i>
Grey willow	2	Regionally Prohibited Weed
<i>Salix cinerea</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Groundsel bush	2	Regionally Prohibited Weed
<i>Baccharis halimifolia</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Harrisia cactus	4	Locally Controlled Weed
<i>Harrisia species</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Hawkweeds	1	State Prohibited Weed
<i>Hieracium species</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Horehound	4	Locally Controlled Weed
<i>Marrubium vulgare</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Horsetails	1	State Prohibited Weed
<i>Equisetum species</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Hydrocotyl	1	State Prohibited Weed
<i>Hydrocotyle ranunculoides</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Hymenachne	1	State Prohibited Weed
<i>Hymenachne amplexicaulis</i> and hybrids		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Illyrian thistle	4	Locally Controlled Weed
<i>Onopordum illyricum</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Italian bugloss	4	Locally Controlled Weed
<i>Echium italicum</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Karoo thorn	1	State Prohibited Weed
<i>Vachellia karroo</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Kidney-leaf mud plantain	1	State Prohibited Weed
<i>Heteranthera reniformis</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Kochia	1	State Prohibited Weed
<i>Bassia scoparia</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Koster's curse	1	State Prohibited Weed
<i>Clidemia hirta</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Lagarosiphon	1	State Prohibited Weed
<i>Lagarosiphon major</i>		<i>The plant must be eradicated from the land and that land must be kept free of</i>

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		<i>the plant</i>
Leafy elodea	4	Locally Controlled Weed
<i>Egeria densa</i>		<i>The plant must not be sold, propagated or knowingly distributed</i>
Lippia	4	Locally Controlled Weed
<i>Phyla canescens</i>		<i>The plant must not be sold, propagated or knowingly distributed except incidentally in hay or lucerne</i>
Long-leaf willow primrose	3	Regionally Controlled Weed
<i>Ludwigia longifolia</i>		<i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Mexican feather grass	1	State Prohibited Weed
<i>Nassella tenuissima</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mexican poppy	5	Restricted Plant
<i>Argemone mexicana</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Miconia	1	State Prohibited Weed
<i>Miconia species</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mikania vine	1	State Prohibited Weed
<i>Mikania micrantha</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mimosa	1	State Prohibited Weed
<i>Mimosa pigra</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mossman River grass	5	Restricted Plant
<i>Cenchrus echinatus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Nodding thistle	4	Locally Controlled Weed
<i>Carduus nutans</i> subsp. <i>nutans</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Pampas grass	4	Locally Controlled Weed
<i>Cortaderia species</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Parthenium weed	1	State Prohibited Weed
<i>Parthenium hysterophorus</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Paterson's curse	4	Locally Controlled Weed
<i>Echium plantagineum</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Perennial thistle	3	Regionally Controlled Weed
<i>Cirsium arvense</i>		<i>The plant must be fully and continuously suppressed and destroyed</i>
Pond apple	1	State Prohibited Weed
<i>Annona glabra</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Prickly acacia	1	State Prohibited Weed
<i>Vachellia nilotica</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Prickly pear - common pear	4	Locally Controlled Weed
<i>Opuntia stricta</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Prickly pear - Hudson pear	4	Locally Controlled Weed
<i>Cylindropuntia rosea</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Prickly pear - smooth tree pear	4	Locally Controlled Weed
<i>Opuntia monacantha</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Prickly pear - tiger pear	4	Locally Controlled Weed
<i>Opuntia aurantiaca</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold,</i>

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			<i>propagated or knowingly distributed</i>
Prickly pear - velvety tree pear <i>Opuntia tomentosa</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Red rice <i>Oryza rufipogon</i>	5	Restricted Plant	<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Rhus tree <i>Toxicodendron succedaneum</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Rubber vine <i>Cryptostegia grandiflora</i>	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Sagittaria <i>Sagittaria platyphylla</i>	4	Locally Controlled Weed	<i>The plant must not be sold, propagated or knowingly distributed</i>
Salvinia <i>Salvinia molesta</i>	2	Regionally Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Scotch broom <i>Cytisus scoparius</i> subsp. <i>scoparius</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Scotch thistle <i>Onopordum acanthium</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Senegal tea plant <i>Gymnocoronis spilanthoides</i>	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Serrated tussock <i>Nassella trichotoma</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Siam weed <i>Chromolaena odorata</i>	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Silverleaf nightshade <i>Solanum elaeagnifolium</i>	4	Locally Controlled Weed	<i>The plant must not be sold, propagated or knowingly distributed</i>
Smooth-stemmed turnip <i>Brassica barrelieri</i> subsp. <i>oxyrrhina</i>	5	Restricted Plant	<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Soldier thistle <i>Picnomon acarna</i>	5	Restricted Plant	<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Spiny burrgrass - longispinus <i>Cenchrus longispinus</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Spiny burrgrass - spinifex <i>Cenchrus spinifex</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Spongeplant <i>Limnobia spongia</i>	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Spotted knapweed <i>Centaurea stoebe</i> subsp. <i>micranthos</i>	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
St. John's wort <i>Hypericum perforatum</i>	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Stemless thistle	4	Locally Controlled Weed	

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<i>Onopordum acaulon</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Sweet briar <i>Rosa rubiginosa</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Taurian thistle <i>Onopordum tauricum</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Texas blueweed <i>Helianthus ciliaris</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Tropical soda apple <i>Solanum viarum</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Viper's bugloss <i>Echium vulgare</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Water caltrop <i>Trapa species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Water hyacinth <i>Eichhornia crassipes</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Water lettuce <i>Pistia stratiotes</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Water soldier <i>Stratiotes aloides</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Willows <i>Salix species</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Witchweeds <i>Striga species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Yellow burrhead <i>Limncharis flava</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Yellow nutgrass <i>Cyperus esculentus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>

APPENDIX 4 – FLORA SPECIES RECORDED DURING THE FIELD SURVEY

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Key: C = Common, O = Occasional, U = Uncommon, **Bold** = Threatened Species, * = Listed Noxious.

Scientific Name	Common Name	Family
Native Species		
<i>Acacia linearifolia</i>	Narrow-leaved Wattle	Fabaceae
<i>Acacia mearnsii</i>	Black Wattle	Fabaceae
<i>Acacia sp. (planted)</i>	Wattle	Fabaceae
<i>Carex appressa</i>	Tall Sedge	Cyperaceae
<i>Cynodon dactylon</i>	Couch	Poaceae
<i>Eleocharis sp.</i>	A Spike-sedge	Cyperaceae
<i>Eragrostis sp</i>	A grass	Poaceae
<i>Eucalyptus elata</i>	River Peppermint	Myrtaceae
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	Myrtaceae
<i>Eucalyptus pauciflora</i>	Snow Gum	Myrtaceae
<i>Eucalyptus sp. (planted)</i>	Eucalyptus	Myrtaceae
<i>Eucalyptus stellulata</i>	Black Sallee	Myrtaceae
<i>Eucalyptus viminalis</i>	Manna Gum	Myrtaceae
<i>Juncus falcatus</i>	Rush	Juncaceae
<i>Leptospermum spp.</i>	Tea-tree	Myrtaceae
<i>Nymphoides monatanana</i>	Marshwort	Menyanthaceae
<i>Oxalis sp.</i>	Oxalis	Oxalidaceae
<i>Pultenaea sp.</i>	Pultenaea	Fabaceae
<i>Rytidosperma spp.</i>	Wallaby Grass	Poaceae
<i>Schoenoplectus validus</i>	River Clubrush	Juncaceae
<i>Triglochin procera</i>	Water Ribbons	Juncaginaceae
<i>Vittadinia cuneata</i>	Fuzzweed	Asteraceae
<i>Wahlenbergia littorcola</i>	Coastal Bluebell	Campanulaceae
Introduced Species		
<i>Acer buergerianum</i>	Trident Maple	Sapindaceae
<i>Acetosella vulgaris</i>	Sheep Sorrel	Polygonaceae
<i>Arctotheca calendula</i>	Capeweed	Asteraceae
<i>Avena fatua</i>	Wild Oats	Poaceae
<i>Brachypodium sylvaticum</i>	False Broome	Poaceae
<i>Brassica sp.</i>	Mustard	Brassicaceae

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Scientific Name	Common Name	Family
<i>Bromus catharticus</i>	Prairie Grass	Poaceae
<i>Bromus diandrus</i>	Great Brome	Poaceae
<i>Bromus sp.</i>	A grass	Poaceae
<i>Buglossoides arvensis</i>	Sheepweed	Boraginaceae
<i>Capsella bursa-pastoris</i>	Shepards Purse	Brassicaceae
<i>Cerastium glomeratum</i>	Mouse-ear Chickweed	Caryophyllaceae
<i>Conium maculatum</i>	Hemlock	Apiaceae
<i>Cotoneaster sp.</i>	Cotoneaster	Malaceae
<i>Crataegus monogyna</i>	Hawthorn	Malaceae
<i>Dactylis glomerata</i>	Cocksfoot	Poaceae
<i>Ehrharta erecta</i>	Panic Veld Grass	Poaceae
<i>Eragrostis curvula</i>	African Lovegrass	Poaceae
<i>Eschscholzia californica</i>	Californian Poppy	Papaveraceae
<i>Festuca arundinacea</i>	Tall Fescue	Poaceae
<i>Foeniculum vulgare</i>	Fennel	Apiaceae
<i>Fraxinus sp.</i>	Ash	Oleaceae
<i>Fumaria sp.</i>	Fumitory	Fumaricaceae
<i>Gallium aparine</i>	Goosegrass	Rubiaceae
<i>Gamochaeta sp.</i>	A Cudweed	Asteraceae
<i>Hedera helix</i>	English Ivy	Araliaceae
<i>Hirschfeldia incana</i>	Hairy Brassica	Brassicaceae
<i>Holcus lanatus</i>	Yorkshire Fog	Poaceae
<i>Iris germanica</i>	Bearded Iris	Iridaceae
<i>Lavendula sp.</i>	Lavender	Lamiaceae
<i>Lolium perenne</i>	Perennial Ryegrass	Poaceae
<i>Malus ioensis</i>	Bechtel Crab Apple	Rosaceae
<i>Medicago polymorpha</i>	Burr Medic	Fabaceae
<i>Medicago sp.</i>	Medicago	Fabaceae
<i>Modiola caroliniana</i>	Red-flowered Mallow	Malvaceae
<i>Oenothera stricta</i>	Common Evening Primrose	Onagraceae
<i>Pennisetum clandestinum</i>	Kikuyu	Poaceae
<i>Phalaris aquatica</i>	Phalaris	Poaceae

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Scientific Name	Common Name	Family
<i>Pinus radiata</i>	Radiata Pine	Pinaceae
<i>Plantago lanceolata</i>	Lamb's Tongues	Plantaginaceae
<i>Platanus × acerifolia</i>	London Plane	Platanaceae
<i>Ranunculus repens</i>	Creeping Buttercup	Ranunculaceae
<i>Rosa sp.</i>	Rose	Rosaceae
<i>Rubus fruticosus</i> agg.	Blackberry	Rosaceae
<i>Rumex crispus</i>	Curled Dock	Polygonaceae
<i>Salix fragilis</i>	Crack Willow	Salicaceae
<i>Salix matsudana</i>	Tortured Willow	Salicaceae
<i>Salvia aethiopis</i>	Woolly Sage	Lamiaceae
<i>Setaria parviflora</i>	Slender Pidgeon Grass	Poaceae
<i>Silene gallica</i> var. <i>gallica</i>	French Catchfly	Caryophyllaceae
<i>Silene gallica</i> var. <i>quinquevulnera</i>	Spotted Catchfly	Caryophyllaceae
<i>Silybum marianum</i>	Variegated Thistle	Asteraceae
<i>Solanum nigrum</i>	Black-berry Nightshade	Solanaceae
<i>Sonchus oleraceus</i>	Sow Thistle	Asteraceae
<i>Taraxacum officinale</i>	Dandelion	Asteraceae
<i>Tragopogon porrifolius</i>	Salsify	Asteraceae
<i>Trifolium arvense</i>	Haresfoot Clover	Fabaceae
<i>Trifolium dubium</i>	Yellow Suckling Clover	Fabaceae
<i>Trifolium repens</i>	White Clover	Fabaceae
<i>Trifolium sp</i>	A Clover	Fabaceae
<i>Ulmus americana</i>	American White Elm	Ulmaceae
<i>Ulmus parvifolia</i>	Chinese Elm	Ulmaceae
<i>Various Conifers (planted)</i>	Cypress Pine	Cupressaceae
<i>Vicia sativa</i>	Common Vetch	Fabaceae

APPENDIX 5 – FAUNA SPECIES RECORDED DURING THE FIELD SURVEYS

Legend

- Bird 1 Diurnal bird survey number
Opp Species detected opportunistically during field surveys
Plat Species observed during Platypus surveys
Herp Species detected during herpetological field surveys
Anabat Species detected by ANABAT recorder
Noct Species detected during nocturnal spotlight surveys
* Species detected
† Introduced species
Bold Threatened or migratory species

Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Amphibia	<i>Crinia signifera</i>	Clicking Froglet							*				
Amphibia	<i>Limnodynastes peronii</i>	Striped Marsh Frog							*				
Amphibia	<i>Litoria ewingii</i>	Ewing's Treefrog							*			*	
Aves	<i>Acanthiza chrysorrhoa</i>	Yellow-rumped Thornbill		*					*				
Aves	<i>Acrocephalus australis</i>	Australian Reed-Warbler	*	*		*		*					
Aves	<i>Anas castanea</i>	Chestnut Teal	*										
Aves	<i>Anas superciliosa</i>	Pacific Black Duck	*	*			*	*					
Aves	<i>Anthochaera carunculata</i>	Red Wattlebird	*	*	*	*	*						
Aves	<i>Ardea pacifica</i>	White-necked Heron					*						

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Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Aves	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo				*							
Aves	<i>Cacatua sanguinea</i>	Little Corella					*						
Aves	<i>Carduelis carduelis</i>	European Goldfinch				*	*						
Aves	<i>Chenonetta jubata</i>	Australian Wood Duck					*						
Aves	<i>Corvus mellori</i>	Little Raven	*	*	*		*	*					
Aves	<i>Cracticus tibicen</i>	Australian Magpie		*	*		*						
Aves	<i>Egretta novaehollandiae</i>	White-faced Heron				*	*						
Aves	<i>Eolophus roseicapillus</i>	Galah	*	*				*					
Aves	<i>Eurystomus orientalis</i>	Dollarbird			*								
Aves	<i>Fulica atra</i>	Eurasian Coot	*	*		*	*	*					
Aves	<i>Gallinago hardwickii</i>	Latham's Snipe					*						
Aves	<i>Gallinula tenebrosa</i>	Dusky Moorhen	*										
Aves	<i>Grallina cyanoleuca</i>	Magpie-lark	*										
Aves	<i>Hirundo neoxena</i>	Welcome Swallow	*	*		*		*					
Aves	<i>Lichenostomus chrysops</i>	Yellow-faced Honeyeater			*		*						
Aves	<i>Malurus cyaneus</i>	Superb Fairy-wren	*	*	*	*	*						
Aves	<i>Pachycephala rufiventris</i>	Rufous Whistler		*			*	*					

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Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Aves	<i>Pardalotus punctatus</i>	Spotted Pardalote		*									
Aves	<i>Pardalotus striatus</i>	Striated Pardalote	*		*	*	*						
Aves	<i>Passer domesticus</i> [†]	House Sparrow [†]			*								
Aves	<i>Phalacrocorax sulcirostris</i>	Little Black Cormorant					*						
Aves	<i>Platycercus elegans</i>	Crimson Rosella		*									
Aves	<i>Rhipidura albiscapa</i>	Grey Fantail			*		*	*					
Aves	<i>Rhipidura leucophrys</i>	Willie Wagtail	*										
Aves	<i>Smicromis brevirostris</i>	Weebill		*									
Aves	<i>Sturnus vulgaris</i> [†]	Common Starling [†]					*						
Aves	<i>Strepera graculina</i>	Pied Currawong	*			*	*	*					
Aves	<i>Turdus merula</i>	Common Blackbird	*	*			*	*					
Mammalia	<i>Austronomus australis</i>	White-striped Free-tailed Bat										*	
Mammalia	<i>Ornithorhynchus anatinus</i>	Platypus								*			
Mammalia	<i>Oryctolagus cuniculus</i>	Rabbit [†]							*				
Mammalia	<i>Tachyglossus aculeatus</i>	Short-beaked Echidna							*				
Mammalia	<i>Trichosurus vulpecula</i>	Common Brushtail Possum											*
Mammalia	<i>Vespadelus darlingtoni</i>	Large Forest Bat										*	

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Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Mammalia	<i>Vombatus ursinus</i>	Wombat							*				
Mammalia	<i>Vulpes vulpes</i> [†]	Fox [†]							*				
Reptilia	<i>Austrelaps ramsayi</i>	Highlands Copperhead							*				
Reptilia	<i>Chelodina longicollis</i>	Eastern Long-necked Turtle							*				
Reptilia	<i>Lampropholis delicata</i>	Grass Skink							*				

APPENDIX 6 – THREATENED AND MIGRATORY BIOTA EVALUATION

Legend for Table 5

V = Vulnerable
E = Endangered
CE = Critically Endangered
M = Migratory
POP = Endangered Population
TSC = NSW *Threatened Species Conservation Act 1995*
EPBC = Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
FM = NSW *Fisheries Management Act 1994*

Table 4: Assessment of the known or predicted threatened and migratory biota known from the Southern Rivers CMA, Monaro (Part C) subregion and their likelihood of occurrence within the vicinity of the proposal.

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
AMPHIBIANS				
Giant Burrowing Frog <i>Heleioporus australiacus</i> V TSC V EPBC	The Giant Burrowing Frog is distributed in south eastern NSW and Victoria, and appears to exist as two distinct populations: a northern population largely confined to the sandstone geology of the Sydney Basin and extending as far south as Ulladulla, and a southern population occurring from north of Narooma through to Walhalla, Victoria. In these areas, it is found in heath and forest on a variety of soil types except those that are clay based and required 2 nd or 3 rd order stream for breeding purposes.	No	No	No
Green and Golden Bell Frog <i>Litoria aurea</i> E TSC V EPBC	Inhabits marshes, dams and stream-sides, particularly those containing bulrushes (<i>Typha</i> spp.) or spikerushes (<i>Eleocharis</i> spp.).	No	Yes	Unlikely
Booroolong Frog	The Booroolong Frog is restricted to NSW and north-	No	Yes	Unlikely

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	habitat.			
Alpine Tree Frog <i>Litoria vereauxi alpina</i> E TSC V EPBC	The Alpine Tree Frog occurs mainly in woodland, heath, grassland and herb field at montane, subalpine and alpine altitudes.	No	No	No
Southern Corroboree Frog <i>Pseudophryne corroboree</i> CE TSC CE EPBC	The Southern Corroboree Frog is limited to sphagnum bogs of the northern Snowy Mountains, in a strip from the Maragle Range in the north-west, through Mt Jagungal to Smiggin Holes in the south. Its range is entirely within Kosciuszko National Park.	No	No	No
REPTILES				
Pink-tailed Worm Lizard <i>Aprasia parapulchella</i> V TSC V EPBC	The Pink-tailed Legless Lizard is only known from the Central and Southern Tablelands, and the South Western Slopes. Inhabits sloping, open woodland areas with predominantly native grassy groundlayers, particularly those dominated by Kangaroo Grass (<i>Themeda australis</i>).	No	No	No
Striped Legless Lizard <i>Delma impar</i> V TSC V EPBC	Found mainly in Natural Temperate Grassland but has also been captured in grasslands that have a high exotic component. Also found in secondary grassland near Natural Temperate Grassland and occasionally in open Box-Gum Woodland.	No	No	No
Little Whip Snake	The Little Whip Snake is found within an area	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
<i>Suta flagellum</i> V TSC	bounded by Crookwell in the north, Bombala in the south, Tumbarumba to the west and Braidwood to the east. Occurs in Natural Temperate Grasslands and grassy woodlands, including those dominated by Snow Gum <i>Eucalyptus pauciflora</i> or Yellow Box <i>E. melliodora</i> . Also occurs in secondary grasslands derived from clearing of woodlands. Found on well drained hillsides, mostly associated with scattered loose rocks.			
Grassland Earless Dragon <i>Tympanocryptis pinguicolla</i> E TSC E EPBC	Restricted to a small number of Natural Temperate Grassland sites dominated by wallaby grasses (<i>Rytidosperma spp.</i>), spear grasses (<i>Austrostipa spp.</i>), Poa Tussock (<i>Poa sieberiana</i>), Red Grass (<i>Bothriochloa macra</i>), and occasionally Kangaroo Grass (<i>Themeda australis</i>). Introduced pasture grasses occur at many of the sites supporting this species, which has also been captured in secondary grassland.	No	No	No
Rosenberg's Goanna <i>Varanus rosenbergi</i> V TSC	Found in heath, open forest and woodland. Associated with termites, the mounds of which this species nests in; termite mounds are a critical habitat component.	No	No	No

MICROCHIROPTERAN BATS

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
Eastern False Pipistrelle <i>Falsistrellus tasmaniensis</i> V TSC	Prefers moist habitats, with trees taller than 20m. Generally roosting in eucalypt hollows, but has also been found under loose bark on trees and buildings.	No	No	No
Eastern Bentwing-bat <i>Miniopterus schreibersii oceanensis</i> V TSC	Caves are the primary roosting habitat, but also use derelict mines, storm-water tunnels, buildings and other man-made structures.	No	No	No
Southern Myotis <i>Myotis macropus</i> V TSC	Generally roost in groups of 10 - 15 close to water in caves, mine shafts, hollow- bearing trees, storm water channels, buildings, under bridges and in dense foliage. Forage over open streams and open pools catching insects and small fish by raking their feet across the water surface.	No	No	No

BIRDS

Fork-tailed Swift <i>Apus pacificus</i> M EPBC	Mostly occur over inland plains but sometimes above foothills or in coastal areas. They often occur over cliffs and beaches and also over islands and sometimes well out to sea.	No	Yes	No
Great Egret <i>Ardea alba</i> M EPBC	Great Egrets prefer shallow water, particularly when flowing, but may be seen on any watered area.	No	No	No
Cattle Egret <i>Ardea ibis</i> M EPBC	The Cattle Egret is found in grasslands, woodlands and wetlands, and is not common in arid areas. It also uses	No	Yes	Moderate

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	pastures and croplands, especially where drainage is poor. It will also forage at garbage dumps, and is often seen with cattle and other stock.			
Australasian Bittern <i>Botaurus poiciloptilus</i> V TSC E EPBC	Favours permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes (<i>Typha spp.</i>) and spikerushes (<i>Eleocharis spp.</i>).	No	No	No
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i> V TSC	In summer, generally found in tall mountain forests and woodlands, particularly in heavily timbered and mature wet sclerophyll forests. In winter, may occur at lower altitudes in drier more open eucalypt forests and woodlands, and often found in urban areas.	No	Yes	Unlikely
Glossy Black-Cockatoo <i>Calyptorhynchus lathami</i> V TSC	Inhabits open forest and woodlands of the coast and the Great Dividing Range up to 1000 m in which stands of she-oak species, particularly Black She-oak (<i>Allocasuarina littoralis</i>), Forest She-oak (<i>A. torulosa</i>) or Drooping She-oak (<i>A. verticillata</i>) occur.	No	No	No
Speckled Warbler <i>Chthonicola sagittata</i> V TSC	The Speckled Warbler lives in a wide range of <i>Eucalyptus</i> dominated communities that have a grassy understorey, often on rocky ridges or in gullies.	No	No	No
Spotted harrier <i>Circus assimilis</i>	Occurs in grassy open woodland including <i>Acacia</i> and mallee remnants, inland	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
V TSC	riparian woodland, grassland and shrub steppe. It is found most commonly in native grassland, but also occurs in agricultural land, foraging over open habitats including edges of inland wetlands.			
Brown Treecreeper <i>Climacteris picumnus victoriae</i> V TSC	Found in eucalypt woodlands (including Box-Gum Woodland) and dry open forest of the inland slopes and plains inland of the Great Dividing Range; mainly inhabits woodlands dominated by Stringybarks or other rough-barked eucalypts, usually with an open grassy understorey, sometimes with one or more shrub species; also found in mallee and River Red Gum (<i>Eucalyptus camaldulensis</i>) Forest bordering wetlands with an open understorey of acacias, saltbush, lignum, cumbungi and grasses; usually not found in woodlands with a dense shrub layer; fallen timber is an important habitat component for foraging; also recorded, though less commonly, in similar woodland habitats on the coastal ranges and plains.	No	Yes	Unlikely, woodland patch has no native shrub layer.
Varied Sittella <i>Daphoenositta chrysoptera</i> V TSC	The Varied Sittella is sedentary and inhabits most of mainland Australia except the treeless deserts and open grasslands. They inhabit eucalypt woodlands	No	Yes	Low

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	and prefer rough-barked trees and mature trees with hollows or dead branches.			
White-fronted Chat <i>Epthianura albifrons</i> V TSC	It occurs mostly in the southern half of the state, in damp open habitats along the coast, and near waterways in the western part of the state. Along the coastline, it is found predominantly in saltmarsh vegetation but also in open grasslands and sometimes in low shrubs bordering wetland areas.	No	Yes	No
Latham's Snipe <i>Gallinago hardwickii</i> M EPBC	Latham's Snipe are seen in small groups or singly in freshwater wetlands on or near the coast, generally among dense cover. They are found in any vegetation around wetlands, in sedges, grasses, lignum, reeds and rushes and also in saltmarsh and creek edges on migration. They also use crops and pasture.	Yes	Yes	Yes
Little Lorikeet <i>Glossopsitta pusilla</i> V TSC	Forages primarily in the canopy of open Eucalyptus forest and woodland, yet also finds food in Angophoras, Melaleucas and other tree species. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity.	No	No	No
Painted Honeyeater <i>Grantiella picta</i> V TSC	Inhabits Boree, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests. A specialist feeder on the fruits	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
V EPBC	of mistletoes growing on woodland eucalypts and acacias. Prefers mistletoes of the genus <i>Amyema</i> .			
White-bellied Sea-eagle <i>Haliaeetus leucogaster</i> M EPBC	The species is normally seen perched high in a tree, or soaring over waterways and adjacent land, particularly along coastlines, lakes and rivers.	No	Yes	Unlikely
Little Eagle <i>Hieraaetus morphnoides</i> V TSC	Occupies open eucalypt forest, woodland or open woodland. Sheoak or <i>Acacia</i> woodlands and riparian woodlands of interior NSW are also used.	No	Yes	Unlikely
White-throated Needletail <i>Hirundapus caudacutus</i> M EPBC	For a time it was commonly believed that they did not land while in Australia. It has now been observed that birds will roost in trees, and radio-tracking has since confirmed that this is a regular activity.	No	Yes	Unlikely
Swift Parrot <i>Lathamus discolor</i> E TSC E EPBC	Migrates to the Australian south-east mainland between March and October. On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations. Favoured feed trees include winter flowering species such as Swamp Mahogany <i>Eucalyptus robusta</i> , Spotted Gum <i>Corymbia maculata</i> , Red Bloodwood <i>C. Gummifera</i> , Mugga Ironbark <i>E. Sideroxylon</i> , and White Box	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	<i>E. Albens.</i>			
Square-tailed Kite <i>Lophoictinia isura</i> V TSC	Found in a variety of timbered habitats including dry woodlands and open forests. Shows a particular preference for timbered watercourses. In arid north-western NSW, has been observed in stony country with a ground cover of chenopods and grasses, open acacia scrub and patches of low open eucalypt woodland.	No	No	No
Hooded Robin <i>Melanodryas cucullata cucullata</i> V TSC	Prefers lightly wooded country, usually open eucalypt woodland, acacia scrub and mallee, often in or near clearings or open areas. Requires structurally diverse habitats featuring mature eucalypts, saplings, some small shrubs and a ground layer of moderately tall native grasses.	No	Yes	No
Rainbow Bee-eater <i>Merops ornatus</i> M EPBC	It is most often found in open forests, woodlands and shrublands, and cleared areas, usually near water. It will be found on farmland with remnant vegetation and in orchards and vineyards. It will use disturbed sites such as quarries, cuttings and mines to build its nesting tunnels.	No	No	No
Black-faced Monarch <i>Monarcha melanopsis</i> M EPBC	They are found in rainforests, eucalypt woodlands, coastal scrub and damp gullies. It may be found in more open	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	woodland when migrating			
Satin Flycatcher <i>Myiagra cyanoleuca</i> M EPBC	The Satin Flycatcher is found in tall forests, preferring wetter habitats such as heavily forested gullies, but not rainforests.	No	No	No
Turquoise Parrot <i>Neophema pulchella</i> V TSC	Lives on the edges of eucalypt woodland adjoining clearings, timbered ridges and creeks in farmland.	No	No	No
Barking Owl <i>Ninox connivens</i> V TSC	Inhabits woodland and open forest, including fragmented remnants and partly cleared farmland. It is flexible in its habitat use, and hunting can extend in to closed forest and more open areas. Sometimes able to successfully breed along timbered watercourses in heavily cleared habitats (e.g. western NSW) due to the higher density of prey on these fertile soils.	No	No	No
Powerful Owl <i>Ninox strenua</i> V TSC	Inhabits a range of vegetation types, from woodland and open sclerophyll forest to tall open wet forest and rainforest. The Powerful Owl requires large tracts of forest or woodland habitat but can occur in fragmented landscapes as well. The species breeds and hunts in open or closed sclerophyll forest or woodlands and occasionally hunts in open habitats.	No	Yes	No
Blue-billed duck <i>Oxyura australis</i>	Prefers deep water in large permanent wetlands and swamps with dense aquatic	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
V TSC	vegetation. The species is completely aquatic, swimming low in the water along the edge of dense cover. Blue-billed Ducks usually nest solitarily in Cumbungi over deep water between September and February. Partly migratory.			
Olive Whistler <i>Pachycephala olivacea</i> V TSC	The Olive Whistler inhabits the wet forests on the ranges of the east coast. Mostly inhabit wet forests above about 500m however, in winter months they may move to lower altitudes.	No	No	No
Eastern Osprey <i>Pandion haliaetus</i> V TSC M EPBC	Eastern Osprey are generally found only on the coast in south-eastern Australia, but occasionally ranging inland on rivers.	No	No	No
Scarlet Robin <i>Petroica boodang</i> V TSC	The Scarlet Robin lives in dry eucalypt forests and woodlands. The understorey is usually open and grassy with few scattered shrubs.	No	Yes	Unlikely
Flame Robin <i>Petroica phoenicea</i> V TSC	Breeds in upland tall moist eucalypt forests and woodlands, often on ridges and slopes. Prefers clearings or areas with open understoreys.	No	Yes	Moderate
Pink Robin <i>Petroica rodinogaster</i> V TSC	Inhabits rainforest and tall, open eucalypt forest, particularly in densely vegetated gullies.	No	No	No
Rufous Fantail <i>Rhipidura rufifrons</i>	A rainforest and wet sclerophyll inhabitant.	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
M EPBC				
Australian Painted Snipe <i>Rostratula australis</i> E TSC V EPBC	Prefers fringes of swamps, dams and nearby marshy areas where there is a cover of grasses, lignum, low scrub or open timber.	No	No	No
Painted Snipe <i>Rostratula benghalensis s. Lat</i> M EPBC	In NSW, this species has been recorded at the Paroo wetlands, Lake Cowell, Macquarie Marshes and Hexham Swamp. Most common in the Murray- Darling Basin. Prefers fringes of swamps, dams and nearby marshy areas where there is a cover of grasses, lignum, low scrub or open timber.	No	No	No
Diamond Firetail <i>Stagonopleura guttata</i> V TSC	Found in grassy eucalypt woodlands, including Box- Gum Woodlands and Snow Gum <i>Eucalyptus pauciflora</i> Woodlands.	No	Yes	Low, patch size small
Masked Owl <i>Tyto novaehollandiae</i> V TSC	Pairs have a large home- range of 500 to 1000 hectares. Lives in dry eucalypt forests and woodlands from sea level to 1100 m. A forest owl, but often hunts along the edges of forests, including roadsides.	No	No	No
Regent Honeyeater <i>Xanthomyza phrygia</i> CE TSC E EPBC M EPBC	Regent Honeyeaters inhabit woodlands that support a significantly high abundance and species richness of bird species. These woodlands have significantly large numbers of mature trees, high canopy cover and	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	abundance of mistletoes.			
MAMMALS				
Eastern Pygmy-possum <i>Cercartetus nanus</i> V TSC	Found in a broad range of habitats from rainforest through sclerophyll (including Box-Ironbark) forest and woodland to heath, but in most areas woodlands and heath appear to be preferred.	No	No	No
Spotted-tailed Quoll <i>Dasyurus maculatus</i> V TSC E EPBC	Recorded across a range of habitat types, including rainforest, open forest, woodland, coastal heath and inland riparian forest, from the sub-alpine zone to the coastline.	No	Yes	Unlikely (patch size small)
Southern Brown Bandicoot (eastern) <i>Isoodon obesulus obesulus</i> E TSC E EPBC	The species is largely crepuscular (active mainly after dusk and/or before dawn). They are generally only found in heath or open forest with a heathy understorey on sandy or friable soils. They occur in a variety of habitats in south-eastern Australia including heathland, swamp habitat, open forest, dry sclerophyll forest with heathy understorey and grasslands.	No	No	No
Broad-toothed Rat <i>Mastacomys fuscus</i> V TSC	The Broad-toothed Rat lives in a complex of runways through the dense vegetation of its wet grass, sedge or heath environment, and under the snow in winter. This relatively warm under-snow space enables it to be active throughout winter.	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
Yellow-bellied Glider <i>Petaurus australis</i> V TSC	Occur in tall mature eucalypt forest generally in areas with high rainfall and nutrient rich soils.	No	Yes	No
Squirrel Glider <i>Petaurus norfolcensis</i> V TSC	Inhabits mature or old growth Box, Box-Ironbark woodlands and River Red Gum forest west of the Great Dividing Range and Blackbutt-Bloodwood forest with heath understorey in coastal areas. Prefers mixed species stands with a shrub or Acacia midstorey.	No	No	No
Brush-tailed Rock-wallaby <i>Petrogale penicillata</i> E TSC V EPBC	Occupy rocky escarpments, outcrops and cliffs with a preference for complex structures with fissures, caves and ledges, often facing north.	No	No	No
Brush-tailed phascogale <i>Phascogale tapoatafa</i> V TSC	Prefer dry sclerophyll open forest with sparse groundcover of herbs, grasses, shrubs or leaf litter. Also inhabit heath, swamps, rainforest and wet sclerophyll forest.	No	No	No
Koala (combined populations of QLD, NSW and ACT) <i>Phascolarctos cinereus</i> V TSC V EPBC	Inhabit eucalypt woodlands and forests. Home range size varies with quality of habitat, ranging from less than two ha to several hundred hectares in size.	No	Yes	Unlikely, patch size too small.
Long-nosed Potoroo <i>Potorous tridactylus</i> V TSC V EPBC	Inhabits coastal heaths and dry and wet sclerophyll forests. Dense understorey with occasional open areas is an essential part of habitat, and may consist of grass-	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	trees, sedges, ferns or heath, or of low shrubs of tea-trees or melaleucas. A sandy loam soil is also a common feature.			
Smoky Mouse <i>Pseudomys fumeus</i> CE TSC E EPBC	Prefers heath habitat on ridge tops and slopes in sclerophyll forest, heathland and open-forest from the coast (in Victoria) to sub-alpine regions of up to 1800 metres, but sometimes occurs in ferny gullies.	No	No	No
Grey-headed Flying-fox <i>Pteropus poliocephalus</i> V TSC V EPBC	Occur in subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps as well as urban gardens and cultivated fruit crops. Roosting camps are generally located within 20 km of a regular food source and are commonly found in gullies, close to water, in vegetation with a dense canopy.	No	Yes	Unlikely
FISH				
Australian Grayling <i>Prototroctes maraena</i> V EPBC	Occurs in clear, gravel-bottomed streams with alternating pools and riffles, and granite outcrops.	No	No	No
FLORA				
Mauve Burr-daisy <i>Calotis glandulosa</i> V TSC V EPBC	Found in subalpine grassland (dominated by <i>Poa</i> spp.), and montane or natural temperate grassland dominated by Kangaroo Grass (<i>Themeda australis</i>) and Snow Gum (<i>Eucalyptus</i>	No	Yes	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	<i>pauciflora</i>) Woodlands on the Monaro and Shoalhaven area.			
Kydra Dampiera <i>Dampiera fusca</i> E TSC	Recorded in montane heath, also amongst rock platform and tors interspersed with closed heath. Habitat in the Canberra area is generally restricted to granite ridgetops and plateaux on very shallow soils supporting heath, scrub and heathy snow gum and/or mallee woodland.	No	Yes	No
Leafy Anchor Plant <i>Discaria nitida</i> V TSC	Generally occurs on or close to stream banks and on rocky areas near small waterfalls. The species occurs in both woodland with heathy riparian vegetation and on treeless grassy sub-alpine plains. In NSW the Leafy Anchor Plant grows mostly within Kosciuszko National Park, south from the Blue Water Holes - Yarrangobilly Caves area to south-west of Jindabyne, at altitudes above 900 m.	No	No	No
Creeping Hop-bush <i>Dodonaea procumbens</i> V TSC V EPBC	Grows in Natural Temperate Grassland or fringing eucalypt woodland of Snow Gum (<i>Eucalyptus pauciflora</i>).	No	Yes	No
Small-leaved Gum <i>Eucalyptus parvula</i> E TSC V EPBC	This species has a very small distribution in the eastern edge of the Monaro, in a narrow 100km strip from Big Badja Mountain (north-east of Cooma) to Nunnock	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	Swamp in South-East Forests National Park, north-east of Bombala. Grows at and above an elevation of 1100 m in acidic soil on cold wet grassy flats.			
Silver-leafed Gum <i>Eucalyptus pulverulenta</i> V TSC V EPBC	The Silver-leafed Gum is found in two quite separate areas, the Lithgow to Bathurst area and the Monaro (Bredbo to Bombala). Grows in shallow soils as an understorey plant in open forest, typically dominated by Brittle Gum (<i>Eucalyptus mannifera</i>), Red Stringybark (<i>E. macrorhynca</i>), Broad-leafed Peppermint (<i>E. dives</i>), Silvertop Ash (<i>E. sieberi</i>) and Apple Box (<i>E. bridgesiana</i>).	No	No	No
Rough Eyebright <i>Euphrasia scabra</i> E TSC	Occurs in or at the margins of swampy grassland or in sphagnum bogs, often in wet, peaty soil.	No	No	No
Baeuerlen's Gentian <i>Gentiana baeuerlenii</i> E TSC E EPBC	The original collection was made in the 1890s from 'Quidong', west of Bombala, however the species has not been recorded again in NSW. In the late 1980s a small population of less than 20 plants was discovered in Namadgi National Park in the ACT. This population has not been observed since the early 1990s and the last time it was found the population had declined to only four plants. In Namadgi National Park the species grows as an	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	inter-tussock herb of grassland and sedgeland (<i>Poa labillardieri</i> and <i>Carex gaudichaudii</i>) in a moist area on the lower slope of a broad valley.			
Bog Grevillea <i>Grevillea acanthifolia</i> <i>subsp. paludosa</i> E TSC E EPBC	Bog Grevillea is known from two small populations: Nalbaugh National Park south-east of Bombala; Bega Swamp near Bemboka. The species is found in peaty swamps. Within such habitat it grows on densely vegetated low hummocks.	No	No	No
Hoary Sunray <i>Leucochrysum</i> <i>albicans</i> var. <i>tricolor</i> E EPBC	The Hoary Sunray occurs at relatively high elevations in woodland and open forest communities, in an area roughly bounded by Goulburn, Albury and Bega. Associated with Grassland and grassy woodland	No	No	No
Omeo Stork's-bill <i>Pelargonium</i> sp. <i>Striatellum</i> E TSC E EPBC	Known from only 3 locations in NSW, with two on lake-beds on the basalt plains of the Monaro and one at Lake Bathurst. A population at a fourth known site on the Monaro has not been seen in recent years. It has a narrow habitat that is usually just above the high-water level of irregularly inundated or ephemeral lakes, in the transition zone between surrounding grasslands or pasture and the wetland or aquatic communities.	No	No	No
Tarengo Leek Orchid	Grows in open sites within	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
<i>Prasophyllum petilum</i> E TSC E EPBC	Natural Temperate Grassland at the Boorowa and Delegate sites. Also grows in grassy woodland in association with River Tussock (<i>Poa labillardieri</i>), Black Gum (<i>Eucalyptus aggregata</i>) and tea-trees (<i>Leptospermum spp.</i>) at Captains Flat and within the grassy groundlayer dominated by Kangaroo Grass under Box-Gum Woodland at Ilford (and Hall, ACT).			
Majors Creek Leek Orchid <i>Prasophyllum sp.</i> Majors Creek CE TSC	Currently only known from one site at Majors Creek south of Braidwood. Grows in the groundlayer of grassy woodland dominated by Swamp Gum (<i>Eucalyptus ovata</i>).	No	No	No
A Leek-orchid <i>Prasophyllum sp.</i> Wybong CE EPBC	Known to occur in open eucalypt woodland and grassland.	No	No	No
Monaro Golden Daisy <i>Rutidosia leiolepis</i> V TSC V EPBC	Found in Natural Temperate Grassland on the Monaro. Occurs in sub-alpine grasslands in Kosciuszko National Park. Grows on basalt, granite and sedimentary substrates.	No	Yes	No
Silky Swainson-pea <i>Swainsona sericea</i> V TSC	Found in Natural Temperate Grassland and Snow Gum Eucalyptus pauciflora Woodland on the Monaro. Found in Box-Gum Woodland in the Southern Tablelands and South West	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	Slopes.			
<i>Thelymitra alpicola</i> <i>Thelymitra alpicola</i> V TSC	Grows in subalpine and montane heathlands in moist to wet sites around the edges of sphagnum bogs, beside streams or in soaks and swamps	No	No	No
Austral Toadflax <i>Thesium australe</i> V TSC V EPBC	Occurs in grassland or grassy woodland often in association with Kangaroo Grass.	No	No	No
Kydra Westringia <i>Westringia kydrensis</i> E TSC E EPBC	The species occurs in heath on rocky areas at Kydra Reefs, south-east of Cooma. Occurs in heathland with larger shrubs of <i>Allocasuarina nana</i> and <i>Banksia canei</i> . Grows on shallow rocky granite or quartzite soils.	No	Yes	No

THREATENED ECOLOGICAL COMMUNITIES

Aquatic Ecological Community in the Catchment of the Snowy River in NSW E FM	The area covered by this determination includes all rivers, creeks and streams of the Snowy River catchment within the State of New South Wales and including the Snowy River, Eucumbene River, Thredbo River, Gungahlin River, Mowamba River, Bombala River, MacLaughlin River, Delegate River, Pinch River and Jacobs River.	Yes	Yes	Yes
Montane Peatlands and Swamps E TSC	Montane Peatlands and Swamps comprises a dense, open or sparse layer of shrubs with soft-leaved	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	sedges, grasses and forbs. It is the only type of wetland that may contain more than trace amounts of <i>Sphagnum</i> spp., the hummock peat-forming mosses. Small trees may be present as scattered emergents or absent.			
Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory E EPBC	Natural Temperate Grassland is a natural grassland community dominated by a range of perennial grass species and, in highly intact sites, containing a large range of herbaceous species including daisies, peas, lilies, and orchids.	No	Yes	No
Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions E TSC	Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland mainly occurs on valley floors, margins of frost hollows, footslopes and undulating hills between approximately 600 and 1400 m in altitude. It occurs on a variety of substrates including granite, basalt, metasediments and Quaternary alluvium.	Yes	Yes	Yes
Upland Wetlands of the New England Tablelands and the Monaro Plateau E TSC E EPBC	This community is composed of a series of high altitude wetlands in the New England Tablelands of Northern NSW and the Monaro Plateau. Generally above 900m altitude and associated with basalt soils.	No	No	No
White Box-Yellow Box-	White Box Yellow Box	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
Blakely's Red Gum Grassy Woodland and Derived Native Grassland E TSC CE EPBC	Blakely's Red Gum Woodland is an open woodland community (sometimes occurring as a forest formation), in which the most obvious species are one or more of the following: White Box <i>Eucalyptus albens</i> , Yellow Box <i>E. melliodora</i> and Blakely's Red Gum <i>E. blakelyi</i> .			



Department of Primary Industries

OUT17/21143

The General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630
Council@snowymonaro.nsw.gov.au

Dear Sir/Madam,

Planning Proposal: PP 2017 SMONA 001 00. Amend Bombala Local Environmental Plan 2012

Thank you for your referral of 18 April 2017, received on 27 April 2017, seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture and marine protected areas within NSW.

The Department understands that the 'Planning Proposal' is to enable the construction of a new weir (approximately 2m high) on the Bombala River between Caveat and Young Streets Bombala. The resulting weir pool/lake is expected to inundate the beds of the Bombala River and the Coolumbooka River to beyond the confluence of the two rivers and up to the existing Coolumbooka Weir.

Please note that the Department's assessment does not concur with the way the project has been characterised as "an extension of the existing weir pool". The proposal involves the construction of a new weir which will create a new weir pool and inundate a previously un-impacted section of river channel. The Department considers that the footprint of the proposal, as shown in the Planning Proposal (Zenith) and Biodiversity Assessment (Envirokey), is likely to be incorrect. The diagrams show the weir pool/lake extending up the Coolumbooka River from the Bombala/Coolumbooka confluence but do not show the weir pool/lake extending up the Bombala River from the Bombala/Coolumbooka confluence. The weir pool is likely to extend further up the Bombala River than shown and is therefore likely to affect additional properties.

Both the Bombala and Coolumbooka Rivers are considered by the Department to be Type 1 (highly sensitive), Class 1 (major) key fish habitats under the *Policy and*

Guidelines for Fish Habitat Conservation and Management (2013). Both are also highly valued as recreational fishing areas.

As identified by both the Planning Proposal (prepared by Zenith) and Biodiversity Assessment (prepared by Envirokey), the Bombala and Coolumbooka Rivers are included as part of the Endangered Ecological Community (EEC) of the Snowy River Catchment in NSW under Schedule 4 of the FM Act. The proposal for amending the Bombala LEP 2017 to permit the construction of a new weir and creation of a water storage facility on the Bombala River and to rezone land associated with the existing Coolumbooka weir pool/lake is therefore of significant interest to the Department. It should also be noted that the provisions of section 34A of the *Environmental Planning and Assessment Act 1979* are applicable to this proposal.

A new weir across the Bombala River would obstruct fish passage to in excess of 50km of the upper reaches of the river. The Department would require a high quality fishway to be included in the design of the weir in accordance with section 218 of the FM Act. Significant offsets to compensate for the loss of flowing river habitat, likely impacts on the EEC and recreational fishing would also be required. Additionally, the "installation and operation of instream structures and other mechanisms that alter natural flow regimes of rivers and streams" is listed as a key threatening process under the FM Act. Construction and operation of the proposed weir would fall within this classification. It should be noted that approval to construct a weir (i.e. undertake a Key Threatening Process) within a core area of a listed EEC will require a Species Impact Statement to be prepared under the FM Act.

While the Department acknowledges the need to rezone the land to enable a weir to be constructed, we note that "the planning proposal has not resulted from a strategic study or report". The Department's view is that Council needs to consider completing an Integrated Water Cycle Management Study to:

1. demonstrate that additional Town Water Supply is required to meet future demand,
2. canvass the full range of options for supplying additional demand and
3. settle on a preferred option which balances economic, social and environmental considerations.

In light of the fact that the main purpose of the proposal is to allow for the construction of a new weir for town water supply, the Department recommends the issues raised above should be adequately addressed by the planning proposal.

If you require any further information, please contact Senior Fisheries Manager, Allan Lugg, on (02) 4428 3401.

Yours sincerely

A rectangular box with a black border, intended for a signature.

Dr Geoff Allan
Deputy Director General DPI Fisheries

Date: 30 May 2017



Contact: Bob Britten
Phone: 02 6491 7809
Email: bob.britten@dpi.nsw.gov.au

Our ref: V15/3876#69,
File No:
Your Ref:

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

16 May 2017

Attention: Grantley Ingram

Dear Grantley,

**Re: DPI Water Consultation – Planning Proposal (PP_2017_SMONA_001_00) to
amend Bombala LEP**

Thank you for seeking comments on the proposed amendment to Bombala Local
Environmental Plan 2012 – to permit the expansion of a water storage facility on a
section of the Bombala River to facilitate town water supply.

DPI Water has reviewed the information and reports provided. The proposed rezoning of
the Bombala River (Lot 7018 DP 94005) component is not supported, on the basis of
significant reservation with regard to the suitability of the intended purpose of the
rezoning, which is to enable the construction of a storage weir on the Bombala River.
The proposed development of the Bombala River channel within the town precinct as a
town water supply storage is not adequately justified or supported. The submitted
information does not adequately demonstrate that the proposed use of the site and
intended works are likely to be within the objectives and principles of the Water
Management Act 2000 (WMA).

The Department recognises issues which have arisen with regard to meeting Bombala's
town water supply requirements during serious drought periods. Advice has been
provided in line with future water supply development should be based on both a justified
water requirement and development within a framework of water use efficiency and best
management practice for TWS. It is to be noted that the [NSW Government's Best-
Practice Management of Water Supply and Sewerage Framework \(PDF, 23.9
KB\)](#) requires local water utilities to prepare and implement a sound 30-year Integrated
Water Cycle Management (IWCM) Strategy.

Key elements which should be addressed include:

- The proposed rezoning should sit within a broader strategy for the sustainable
water use in Bombala, consistent with the principles of the Water Management
Act 2000 and DWE guidelines including NSW Best- Practice Management (BPM)
of Water Supply and Sewerage Framework incorporating:
 - Integrated Water Cycle Management Planning (IWCM) recommended as
an appropriate planning mechanism to manage the urban water services
in an integrated manner. Council's overall water requirements and the
best integrated solutions will not be fully realised until the IWCM is

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3rd Floor, Sapphire Market Place, Upper Street, PO Box 48 Bega NSW 2550 Australia t 1800 353 104 | e
water.enquiries@dpi.nsw.gov.au

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underway or completed. At this stage the overall economics / benefits / costs of proposals remains unclear.

- Environmental Assessment is considered preliminary with a number of issues identified, but not effectively addressed at this stage. Identified issues include "Loss of vegetation and Habitat", impacts to Threatened Ecological Communities (*Tablelands Snow Gum Grassy Woodland* and the *"Aquatic Ecological Community in the Catchment of the Snowy River in NSW"*), Connectivity of habitat within the Bombala River and dispersal potential of immature platypus. Mitigation measures discussed are brief and considered non-specific with regard to environmental outcomes. Viable outcomes should align with the objectives of the WMA.
- The NSW Weirs Policy is a key document for consideration in the future development of the site. The goal of the State Weirs Policy is to halt and, where possible, reduce and remediate the environmental impact of weirs. The Principles of this policy should be addressed and incorporated at this early stage of development planning. A copy of this policy is attached.

For further information please contact Bob Britten, Water Regulation Officer at DPI Water (Bega office) on t: (02) 6491 7809; e: bob.britten@dpi.nsw.gov.au

Yours sincerely



for :

Vickie Chatfield
Regional Manager
Water Regulation



NSW Weirs Policy



NSW Weirs Policy

CONTEXT

In 1994 the Council of Australian Governments recognised that widespread natural resource degradation has occurred in Australia that has impacted on the quality and/or quantity of the nation's water resources. It adopted a framework for the efficient and sustainable reform of the water industry that included making formal allocations to the environment, based on the best scientific information available.

In September 1995, the Minister for Land and Water Conservation announced that a State-wide review of weirs would take place as part of the water industry reforms. The State Weirs Policy provides the framework for that review and establishes the goals and principles for the ongoing approval and management of weirs.

The State Weirs Policy is a further component of the *State Rivers and Estuaries Policy*, which was approved by the NSW Government in 1991. The *State Rivers and Estuaries Policy* establishes the framework for the management of rivers and estuaries of NSW and related ecosystems, such as wetlands. It is based on the Total Catchment Management philosophy, defined in the Catchment Management Act 1989 as "the coordinated and sustainable use and management of land, water, vegetation and other natural resources on a catchment basis so as to balance resource utilisation and conservation". Other policies under this framework include the State Wetlands Policy, Estuaries Policy and the Sand and Gravel Extraction Policy.

BACKGROUND

WHAT IS A WEIR ?

A weir is a structure (including a dam, lock, regulator, barrage or causeway) across a defined watercourse that will pond water, restrict flow or hinder the movement of fish along natural flow paths, in normal flow conditions.

THE ROLE OF WEIRS

There are estimated to be over 3,000 weirs on rivers in New South Wales. In some rivers significant lengths of stream are impounded behind weirs. For example 40% of the Barwon-Darling River is in weir pools.

Most weirs were originally built to provide a reserve of water for towns or properties to carry them through dry periods. Others were built to facilitate diversion of water into effluent streams or onto floodplains to spread the productive benefits of water over a wider area. In more recent years, weirs have been built to help river operators manage releases from dams or to increase water depth for pumps and diversion channels in major irrigation developments. In a few cases weirs have been built for purely recreational or aesthetic purposes. Some weirs in the Murray River were built to improve navigation.

WHY ARE WEIRS A PROBLEM ?

Weirs have served an important role in the amenity of the towns and properties they serve, but in recent years it has become apparent that this has been at a significant environmental cost. For example:

- the still waters in weir pools are less biologically productive than natural river channels, as native species adapted to diverse and free-flowing stream conditions are disadvantaged;
- riparian vegetation is drowned in the weir pool or killed by water-logging in low-lying areas of adjoining floodplains;
- weirs act as a trap for sediments, nutrients and pollutants;

- invertebrate and detrital drift is reduced, reducing biological productivity and diversity below weirs;
- weir conditions favour water stratification in summer and the growth of algae and development of algal blooms;
- weirs obstruct native fish migration and reduce native fish populations;
- the relatively stable conditions in weir pools give alien species, such as carp, an advantage over native species;
- weir pools may affect groundwater systems by maintaining artificially high water levels, resulting in groundwater mounding;
- inundation of surrounding areas destroys flora and fauna habitat, including that of threatened species;
- weirs accumulate sediments and prevent their downstream flow, resulting in erosion and scouring downstream of the weir;
- a constant level of discharge from weirs can result in geomorphological changes to rivers, tending to make them wider and shallower; and
- weirs can alter temperature regimes downstream, resulting in an adverse impact on native flora and fauna.

Another issue is that circumstances and community needs may have changed over the years since a weir was constructed. For example, an alternative water supply may now be available and an old weir may no longer serve its original purpose. Some of these, particularly those near towns, may have developed secondary uses as recreational and visual amenities for local communities, but others are now redundant and could be removed.

A number of older weirs need major maintenance or refurbishment. Before significant expenditure is incurred, the owners and the community should consider if the cost would be better spent on an alternative supply, or significant design changes, which will reduce the environmental impact of the weir.

Because of changing circumstances and the growing awareness of the adverse impacts most weirs have on the environment, it is time to evaluate the need for existing weirs, to remove redundant weirs, to devise ways to minimise the impact of weirs retained and to critically consider any proposals for new construction.

GOAL AND PRINCIPLES

GOAL

The goal of the State Weirs Policy is to halt and, where possible, reduce and remediate the environmental impact of weirs.

PRINCIPLES

The goal is to be supported by the adoption of the following management principles:

1. *The construction of new weirs, or enlargement of existing weirs, shall be discouraged.*
2. *Weirs that are no longer providing significant benefits to the owner or user shall be removed, taking into consideration the environmental impact of removal.*
3. *Where retained, owners shall be encouraged to undertake structural changes to weirs to reduce their environmental impact on the environment.*

For example:

- reducing the crest level and pool storage volume to the minimum necessary to satisfy the purposes for which the weir is required;
- modification of the weir to reduce its impact. For example, installing a larger outlet to permit the release of environmental flows or water level variation, or installing a dropboard or gated opening to allow free flow when the weir is not needed; and
- constructing a fishway or modifying an existing fishway to reduce the weir's impact on fish passage.

4. *Where retained, owners of weirs with regulatory works shall prepare and adhere to operational plans to reduce the environmental impact of those weirs.*

For example:

- achieving water level variations;
- setting minimum rates of change for discharge and storage draw-down to mimic natural changes of water level within and downstream of the weir;
- raising gates fully during any portion of the year when a weir is not needed, such as in the non-irrigation season or during significant unregulated flows; and
- raising gates at times critical to maintenance of river health, wetlands, fish etc

5. *Where retained, gates, offtake structures and fishways on all weirs shall be maintained in good working order.*

6. *Wetlands and riparian vegetation adjacent to weirs should be protected from permanent inundation.*

7. *Areas of environmental degradation caused by the impacts of weirs upstream and downstream of weir pools, should where possible be rehabilitated.*

8. *A respect for the environmental impact of weirs should be encouraged in all agencies and individuals who own, manage or derive benefits from weirs.*

The State Weirs Policy will have three components. The first relates to the approval to build a new, or expand an existing weir. The second is a review of all existing weirs (Weir Review Program). The third addresses the provision of fishways.

APPROVALS FOR NEW OR EXPANDED WEIRS

For the purposes of this part of the policy, weir means a licensable “work” as described under the Water Act 1912, and could include any dam, lock, weir, regulator, barrage or causeway which effects the quantity or flow of water in a river or lake. This part of the policy applies to privately owned and publicly owned weirs. This does not, however, include off-river storages or farm dams on small, ephemeral streams.

Note that the State Weirs Policy does not act to the exclusion of any applicable EIA or heritage protection legislation, notably the *Environmental Planning and Assessment Act 1979*.

A proposal to build a new weir or enlarge an existing weir should not be approved unless it can be demonstrated that the primary component of the proposal is necessary to maintaining the essential social and economic needs of the affected community.

In determining the need for a new or expanded weir, the following general principles apply:

- Provision for fish passage cannot be used as a sole justification to approve a proposal to enlarge an existing weir.
- An increase in town water supply for the purposes of meeting projected population demand cannot be used as a justification to approve a proposal to build a new, or expand an existing weir, if environmentally friendlier alternatives to meeting that demand exist, which are also economically feasible.
- Provision for future industrial expansion (such as, but not limited to, tourism) cannot be used as a justification to build a new, or expand an existing weir.
- Subject to the usual EIA process, a proposal for the construction of new, or expansion of an existing weir, that will result in a net environmental benefit may be approved

(eg. this may include options to offset the impact of new or enlarged structures by the removal of existing ones).

(ie those weirs not requiring to be licensed under the *Water Act 1912*) and other in-stream structures such as road crossings, which have the hydraulic effect of a weir. Information about some of these weirs and structures, especially riparian rights weirs and road crossings, will be acquired through local knowledge.

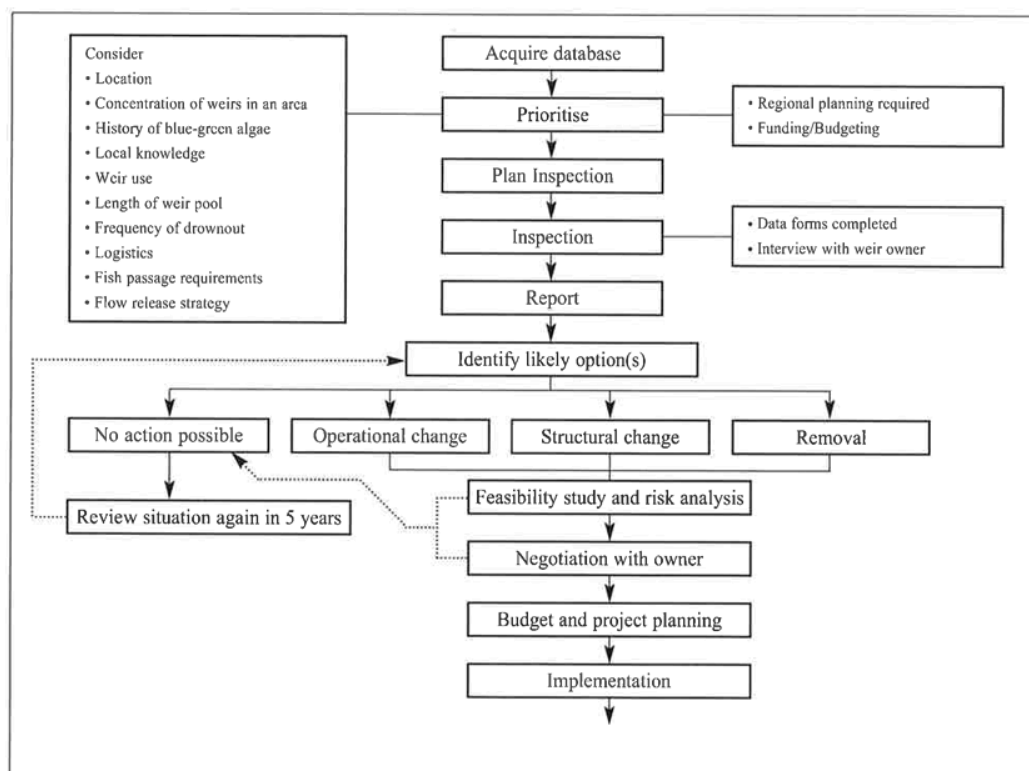
WEIR REVIEW PROGRAM

The aim of the Weir Review program is to examine the impacts of existing works and to develop a strategy which would lead to an enhanced environmental outcome. It will be achieved through undertaking an environmental audit of all weirs throughout the State, and assessing the appropriateness of the existence and/or operation of each weir, against a set of established criteria.

The review process will also cover all publicly and privately owned licensed weirs, and unlicensed weirs, including riparian rights weirs

The program will be implemented in two stages - an inventory and a review stage. The inventory will provide a comprehensive database on the weirs in each region. The review stage will evaluate the environmental impact of each weir against its socio-economic value.

From the results of the review, options for modifications to a weir will be explored. These might include structural changes, changes in weir operation rules or even removal of the weir. However, weirs will not be removed or changes made without consideration of the needs of the communities they serve and the socio-economic impact of removal. Following is the process of weir review. See Figure 1 below.



WEIR IDENTIFICATION

The first step in the weir review process will be to identify the number, location, purpose and size of the weirs in each region. A Weir Inventory Database has been adapted by the Department of Land and Water Conservation (DLWC) from a database developed by the Murray-Darling Basin Commission.

The database will record information on weir ownership, mode of operation, purpose, licensing and weir type, location, structural characteristics, some hydrological characteristics and environmental data.

TRIGGERS FOR REVIEW

A review of a weir may be triggered by any of the following:

- license renewal;
- consideration of a weir for modification under the Algal Management Program;
- consideration of a weir for inclusion of a fishway;
- weirs identified as having a serious environmental impact eg. groundwater, wetlands, water quality, etc.;
- weirs whose purpose is now redundant; and
- DLWC operational structures.

LICENCE RENEWAL

Licences for weirs are renewed every five years, or ten years for town water supplies. This gives the DLWC an opportunity to ask the owner to show cause why the licence for the structure should be renewed and for additional conditions to be imposed. The process would be:

- When the renewal notice is issued, the licensee will be forwarded background information on the environmental impact of weirs and the review process, and a pro-forma requesting updated information on the weir's structure, its current use, operating rules and justification for its retention. It will be the owner's responsibility to provide this information to the satisfaction of the DLWC.

- The information will be used to update the database on weirs, and for a review of the weir by DLWC regional staff, who may also draw on expertise from other government agencies.
- If a clear need for the weir can be established and no significant adverse impacts are identified, the licence will be renewed, subject to normal licensing procedures.
- If a significant impact is apparent or no clear and strong need for the weir is identified, follow up field inspection and discussion with the owners and other interested parties will occur. This will aim to determine if:
 - the weir can be removed,
 - the weir should be modified, or
 - additional conditions should be imposed on its use.

Where there is significant public use or interest in a weir, wider community consultation should be included in the investigation.

- On the basis of this investigation the DLWC may either refuse to renew the licence, or issue the renewal with conditions prescribing modifications or changed operating rules, or renew with existing conditions.

Weirs which are subject to licensing under the Water Act but not licensed, should be the subject of ongoing action to bring them into line with the Act's requirements. Before any licence is issued to authorise a structure, it should be subject to the same review process outlined above for renewal of existing licences.

ALGAL MANAGEMENT PROGRAM

Weirs being identified as structures of concern under the Algal Management Program shall be subject to a full review before a decision is made about an appropriate algal management strategy.

FISHWAYS

Once a weir is being seriously considered for inclusion of a fishway, a comprehensive review shall be included in the initial evaluation of the site before any significant expenditure on design or construction of a fishway is incurred.

WEIR ASSESSMENT

Each weir should be evaluated to determine the options for modification. Options may include doing nothing, weir removal, operational modifications or structural modifications such as lowering the crest height, constructing a larger diameter flow through pipe or installation of syphons, or fitting a fishway.

Consideration must be given to whether or not there is a realistic chance of effecting some change, either operational or structural on the weir. The likelihood of any action being taken must be assessed within the context of the current dependence and importance of the weir.

If it is likely that an operational or structural change, or removal may occur, a more detailed feasibility study should be undertaken and should include:

- socio-economic impact assessment of options;
- negotiation with owners/users;
- considerations regarding cumulative impacts of weirs in a locality; and
- environmental impact assessment of options including:
 - continuous impact of “do nothing” option
 - environmental benefits of options
 - environmental risks of options.

PROVISION OF FISHWAYS

Where necessary, weirs considered to have a significant impact on the movement of fish shall be formally considered for inclusion of a fishway.

The Fisheries Management Act 1994 requires that NSW Fisheries must be notified whenever a weir or any barrier to fish movement is constructed, altered or modified. If the Minister for Fisheries requests it, a fishway must be included in the design. Where the DLWC or NSW Fisheries identifies a weir as having a significant impact on the movement of fish, licensees should be advised and the weir review

process commenced without waiting for the normal renewal process.

A State Government program has been established, coordinated by the DLWC and NSW Fisheries to provide adequate fish passage in rivers to ensure the maintenance of native fish stocks for species conservation, ecosystem maintenance, and economic and cultural uses. The Fishways program seeks to identify weirs which are a significant barrier to fish passage. It will also design and trial a range of structural and operational solutions for fish passage.

The fishways program is strongly linked to the Weir Review program through the Weir Inventory, which is currently being developed by DLWC. Weirs targeted by either program will automatically trigger a broader review of options, as well as specific consideration of fishway requirements.

STATE WEIR REVIEW COMMITTEE

Progress on the weir review will be reported through the existing *State of the Rivers and Estuaries* Reports, and the proposed *State of the Catchment* Reports. A State Weir Review Committee will be established to further develop the weir review program and to give feedback on the approval process for new or expanded weirs. This committee will be comprised of representatives of:

- DLWC Resource Management;
- DLWC Water Business;
- EPA;
- NSW Fisheries;
- NSW Agriculture;
- Local Government Association;
- Catchment Management Committees;
- NSW Farmers Association;

- NSW Irrigators Council; and
- NSW Conservation interests (eg, Australian Conservation Foundation, Nature Conservation Council).

The role of the Committee will be, amongst other things:

- to review and refine criteria for weir review;
- to review and refine criteria for approval to construct new or expanded weirs;
- to provide advice on State priorities for weir management;
- to recommend on funding priorities;
- to promote the goal and principles of the State Weirs Policy; and
- to conduct an annual audit over the implementation and performance of the State Weirs Policy.

WHOLE OF GOVERNMENT APPROACH

DEPARTMENT OF LAND AND WATER CONSERVATION

The Department of Land and Water Conservation is the agency responsible for coordinating the implementation of the water reforms. The department will work closely with the community and other government agencies to define the mix of environmental, economic and social outcomes it wants, then manage the development, use and protection of our natural resources to achieve these outcomes.

ENVIRONMENT PROTECTION AUTHORITY

The Environment Protection Authority (EPA) is leading the process for recommending to the Government interim environmental (river flow and water quality) objectives for New South Wales intrastate rivers.

The EPA will audit the achievement of environmental objectives.

NSW AGRICULTURE

NSW Agriculture is committed to helping NSW food and fibre industries and our rural communities to be economically viable and environmentally sustainable.

NATIONAL PARKS AND WILDLIFE SERVICE

The National Parks and Wildlife Service is concerned with ensuring healthy and sustainable water resources in the future, including an equitable share of water for the environment.

NSW FISHERIES

NSW Fisheries will use the findings of its NSW Rivers Survey to pinpoint areas where there are problems - especially with carp - and seek remedial action to improve conditions for native fish and fish habitat, e.g. better water quality, increased water flows and removal of impediments to flow.

HEALTHY RIVERS COMMISSION

The Healthy Rivers Commission is holding independent public inquiries into individual rivers. The Commission will recommend longer term environmental objectives for each river and strategies to achieve them.

Our Ref: STH12/00088/02
Contact: Andrew Lissenden 4221 2769
Your Ref: PP_2017_SMONA_001_00



Transport
Roads & Maritime
Services

6 June 2017

Grantley Ingham
Snowy Monaro Regional Council
BY EMAIL: council@snowymonaro.nsw.gov.au

**PLANNING PROPOSAL – TO AMEND BOMBALA LOCAL ENVIRONMENTAL PLAN 2012
TO PERMIT A WATER STORAGE FACILITY ALONG SECTIONS OF THE BOMBALA RIVER
(PP_2017_SMONA_001_00)**

Dear Grantley

Roads and Maritime Services (RMS) refers to your email to Transport for NSW dated 18 April 2017 regarding the above planning proposal (PP) and subsequent email from Transport for NSW dated 15 May 2017 seeking RMS comment.

RMS has reviewed the information provided and wishes to seek clarification of the following in order to provide an informed comment:

- **SP2 Infrastructure Zoning:** The proposal seeks to rezone land inclusive of the lot that contains the Classified Road and associated bridge that crosses the Bombala River to SP2 Infrastructure (refer to Attachment 1). This bridge as well as a separate bridge over the Coolumbooka River at Bombala/Crankkies Plains, which adjoins the PP area (refer to Attachment 2) are controlled, inspected and maintained by the RMS.

RMS acknowledges the intent of the proposed rezoning so as to allow water supply systems and permit the expansion of a water storage facility on the affected land which, based on the submitted PP, includes the above lot on which the bridge that crosses the Bombala River is located. It is also acknowledged that the rezoning will allow a range of works in the proposed SP2 zone as 'development permitted without consent' or as 'exempt development'.

Concern is therefore raised that works could occur within close proximity to the existing bridges without any consultation with RMS. A review of the submitted PP and the provisions of *State Environmental Planning Policy (Infrastructure) 2007* has failed to locate any requirement for consultation to occur with RMS. Noting this concern, RMS seeks advice on what measures will be put in place to ensure that consultation with RMS is undertaken prior to the commencement of any works that may impact on the Classified Road and associated bridge structures that cross the Bombala River and Coolumbooka River (i.e. no works shall be carried out within either bridges footprint

Roads & Maritime Services

unless it is authorised by RMS – refer to comments below under the heading 'Existing Bridges' for details on each bridge's footprint).

- *Flooding Impacts/assessment:* Noting the above comments and the general comments provided below in relation to each of the bridge structures that may be impacted upon, RMS at this time is unclear as to what impacts the PP will have on each structure. The main concern relates to the existing bridge over Bombala River at Bombala (RMS Bridge No. 7585). The RMS drawings for this bridge do not contain Australia Height Datum (AHD) details. As such, the levels provided can't be correlated with the proposed weir structure and resultant maximum water level. As this bridge has not been designed to be submerged, additional flood information is required to satisfy RMS that the bridge will not be impacted upon.

In addition to the above, RMS provides the following general comments for Council's consideration:

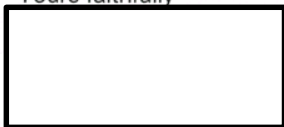
- *Existing Bridges:* There are currently two bridges that are controlled, inspected and maintained by RMS that may be affected by the PP (refer to Attachment 2). Additional details on each is provided below:
 - Bridge over Bombala River at Bombala (RMS Bridge No. 7585):
 - o This is a plank concrete bridge with eight spans with a total bridge length of 121m and overall width of 13m. The bridge was built in 1986;
 - o The bridge is suitable for Higher Mass Limit (HML) loading;
 - o No works should be carried out within the bridge footprint unless is authorised by RMS. The total bridge footprint is defined by its length and width that is 121 m and 15m;
 - o The bridge drawings that RMS have do not have Australia Height Datum (AHD). As such, the levels can't be correlated with the proposed weir structure. A survey will be required.
 - o The latest inspection conducted on the bridge in March 2107 noted a flood level on Pier 1 which was one metre down from the soffit of the headstock. The river level was 6.5m during the inspection; and
 - o The bridge hasn't been designed to submerged, so a flood study/assessment required for the proposed area so as to clearly identify any impacts of the proposal on the bridge.
 - Timber Truss Bridge over Coolumbooka River at Bombala (RMS Bridge No. 6129):
 - o It has a two timber-truss span and four timber girder span. The total length and width of the bridge are 87m and 6m. The bridge was built in 1893 and under the timber truss strategic the bridge has been identified for replacement within 10 years.
 - o The bridge is suitable only for General Access (ST42.5 and TDT50T);
 - o No works shall be carried out within the bridge footprint unless is authorised by RMS. The total bridge footprint is defined by its length and width that is 87m and 10m;
 - o The bridge drawings doesn't have Australia Height Datum (AHD) so the levels can't be correlated with the proposed weir structure; and
 - o Flood in 2011 reported water level 300mm over the top of the bridge deck.

Roads & Maritime Services

RMS will reconsider the PP once the above issues/clarification is provided. Please ensure all future correspondence relating to this matter is sent to development.southern@rms.nsw.gov.au and quote RMS reference STH12/00088/02.

If you have any questions please contact Andrew Lissenden on 4221 2769.

Yours faithfully



Andrew Lissenden
A/Manager Land Use
Southern Region

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520
T 02 4221 2460 | F 02 4221 2777 | www.rmsservices.nsw.gov.au |

Attachment 1



RMS bridge/asset that it is proposed to rezone SP2
– Water Storage Facility – Bridge No. 7585



Roads & Maritime Services

Attachment 2



Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520
T 02 4221 2460 | F 02 4221 2777 | www.rmservices.nsw.gov.au |



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BOMBALA COUNCIL

BOMBALA FLOODPLAIN RISK MANAGEMENT STUDY

EcoNomics

The construction of Option S4 would result in a decrease in damages resulting from the 1% AEP flood of approximately **\$88,380**. While a detailed cost – benefit analysis considering all flood events has not been calculated, this suggests that this option is unlikely to be cost effective. At such a low payoff, Option S4 is not considered a viable flood risk management measure.

One of the significant costs associated with Option S4 involves off-site disposal of any excavated material. It is likely that some portion of the cost of disposing of the excavated bank material could be offset if both Options S3 and S4 were implemented. This is because material cut from the banks in Option S4 could be deposited as fill for the levee in Option S4. This option has not been investigated in detail, but it could be considered as a potential measure to improve the cost effectiveness of the Option S3.

7.4.4 Option S5 – Flood Detention Structure on the Bombala River

Option Description

Option S5 involves the construction of a flood detention structure on the Bombala River upstream of the Bombala township. The structure would operate at low storage levels under normal operating conditions in order to provide capacity to retain floodwaters in the event of a large flood. The structure would best be described as a dam, given the volume of flow required to be stored.

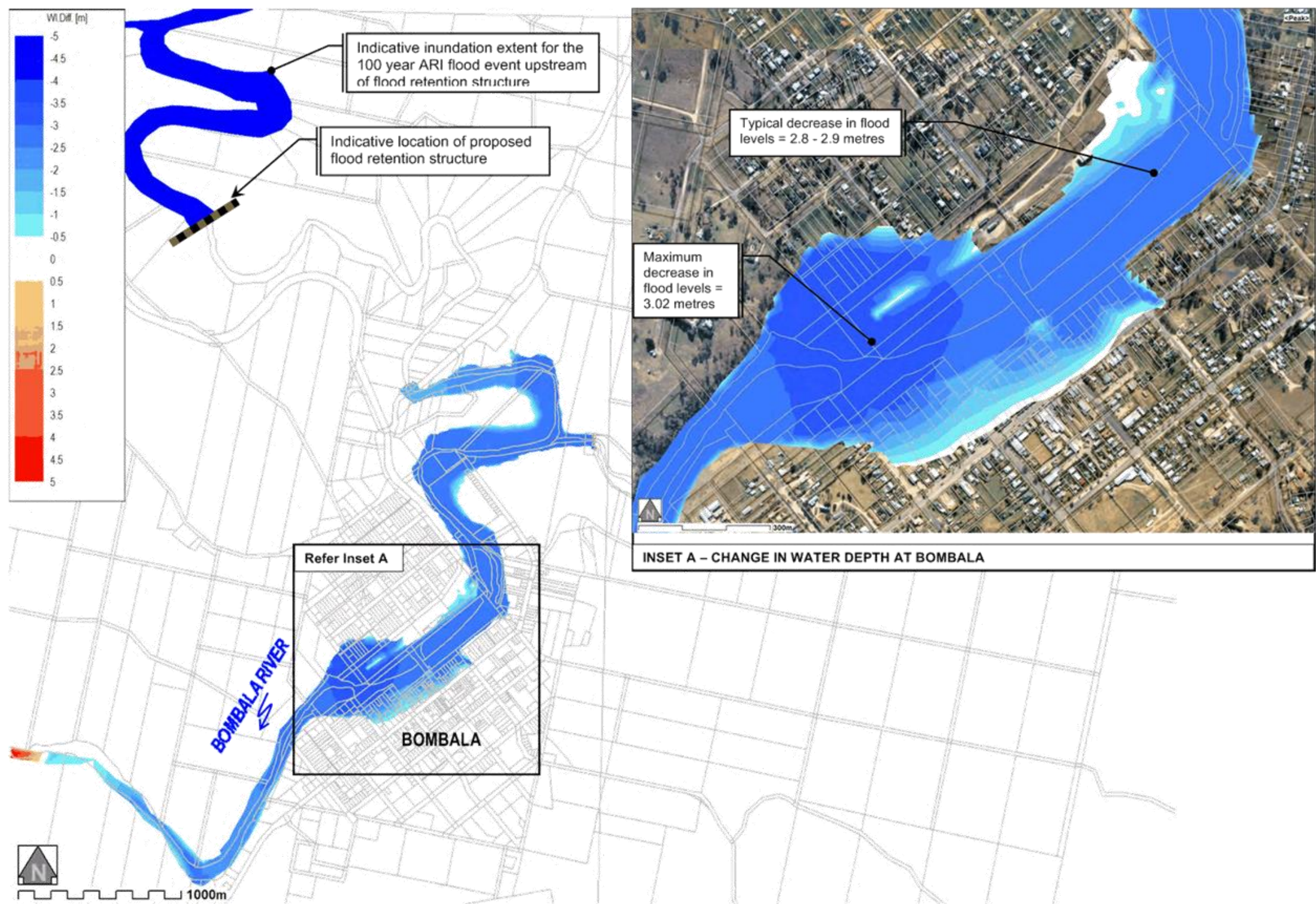
An indicative location was adopted for the proposed dam, which is shown on **Figure 12**. It was necessary to adopt an indicative location since it is necessary to understand the likely potential for the dam to store water.

However, the location of the dam would be contingent upon a comprehensive investigation of the upstream river reach to identify the most cost effective location to build the structure. This would include geological field surveys to identify appropriate base and abutments for the weir/dam structure, locations where storage could be optimised for a minimum height and consideration of suitable crown land.

The proposed dam was investigated assuming a Full Supply Level (FSL) of 720.0 mAHD. The proposed FSL is approximately 13 metres above the current minimum level of the river bed at the proposed location. This proposed FSL corresponds to a storage volume of approximately 5,475.0 ML, which would be sufficient to capture run-off from the sub-catchment draining to the dam site which is equivalent to a 20% AEP storm event. The approximate length of the crest of the dam is 165 metres.

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FIGURE 12



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BOMBALA COUNCIL

BOMBALA FLOODPLAIN RISK MANAGEMENT STUDY

EcoNomics

Impact on Flooding

The proposed dam would normally operate with a low storage volume. Since the purpose of the dam is to store floodwater during extreme flood events, the dam must operate with sufficient excess storage capacity to retain significant volumes of flow from the Bombala River.

The hydrologic model of the Bombala River catchment upstream of the township was refined to include the retention capacity of the proposed dam. The updated RAFTS model was used to re-simulate the 1% AEP flood with the proposed dam in place. From the results of the modelling, the new discharge hydrograph for the 100 year design flood in the Bombala River sub-catchment was extracted from the model, included as an upstream boundary condition in the hydraulic model. The model was then used to re-simulate the 1% AEP flood event.

The results of the modelling show that the dam would significantly reduce the flood impacts in the Bombala. The results of the modelling suggest that only the rear of particular properties along Maybe Street would continue to be affected by flooding during the peak of the 1% AEP event.

Benefit-Cost Assessment

The cost of constructing the flood detention structure at the indicative location to a maximum level of 720 mAHD is estimated to be in the order of \$15 to \$30 million. This estimate is based on the actual construction costs of several comparably sized dam structures together with an estimate of the volume of fill required to construct the proposed structure.

Construction of the proposed dam is estimated to result in a decrease in 1% AEP damage from \$4,730,000 to \$16,300. While all the flood events have not been modelled, it is estimated that the reduction in annual average damages would be in the order of at least \$225,000 per year, meaning the proposed structure will provide significant benefit. The present value of the reduction in annual average damage is in the order of \$3.6 million (assuming a discount rate of 5% over 50 years).

However, given the cost associated with construction, this suggests the cost-benefit ratio for Option S5 is between 0.1 and 0.2 (assuming a cost of \$15 million and \$30 million respectively).

For this reason, this option does not appear to be viable. It is noted that a smaller structure, could be constructed, however this would lead to a reduction in the effectiveness of flood damages. Due to the nature of the cost of constructing major river works, it is expected that a smaller structure would lead to a comparatively lower cost benefit to flooding. However, there may be merit in this option if it were considered in conjunction with another objective, for example improving water security for Bombala and/or other towns.

15.3 DA10.2017.1186.1 DWELLING HOUSE (TRANSPORTABLE DWELLING)

Record No:

Responsible Officer:	Group Manager Development & Building Certification
Author:	Manager Development Assessment
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.2.1.1 Ensure that Council's land use planning and development policies enhance liveability.
Operational Plan Action:	OP6.11 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. Assessment Report ↓2. Draft conditions of consent DA10.2017.1186.1 ↓3. Site Plan ↓4. Floor Plan ↓5. Elevations ↓6. Window Schedule ↓7. Landscape and Services Plan ↓8. BASIX Certificate ↓9. Statement of Environmental Effects ↓10. Application Form ↓

Applicant Number:	10.2017.1186.1
Applicant:	PE & TA SMITH
Owner:	PE & TA SMITH
DA Registered:	22/12/2017
Property Description:	LOT 1 DP 795557 / LOT 298 DP750535
Address:	255 CALAMINDA ROAD COOMA
Zone:	RU1 – Primary Production
Current Use:	Vacant Land
Proposed Use:	Single Dwelling House (transportable dwelling)
Permitted in Zone:	Yes – with use of the existing holding provision of the Cooma Monaro Local Environmental Plan 2013, 1997 Holding.
Recommendation:	That the development application be approved subject to conditions attached.

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of a dwelling house (transportable dwelling) on lot 1 DP79557 under the provisions of the Cooma Monaro Local Environmental Plan 2013. The land forms part of an existing holding and as such the erection of a dwelling house is permitted with the consent of Council. The property is owned by a senior Council staff member and as such the determination of the application is required to be made by Council and not under delegated authority. The application was not assessed by Council staff and was referred to a third party for assessment. That assessment report is included as an attachment to this report.

The recommendation of the external assessment officer is that the development application be approved with conditions.

RECOMMENDATION

That

- A. Pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that consent for a dwelling house (transportable dwelling) on lot 1 DP 795557 is granted subject to the conditions attached;
- B. If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018; and
- C. Any person who made a submission is notified according to the regulations.

BACKGROUND

Council has received an application for a single dwelling house on a rural property under the existing holding provisions of the Cooma Monaro Local Environmental Plan (LEP) 2013 on 22/12/2017. The property is considered a 1997 holding over which the Cooma Local Environmental Plan (rural) 1999 applied.

Clause 4.2B (6) of the Cooma Monaro LEP 2013 imposed a sunset on the application of the existing holding provisions of the plan. This clause required that an application for development consent which requires the use of the existing holding provisions to be made prior to 31/12/2017. The subject development application was submitted to Council and deemed to have been properly made by this date and as such the application can be assessed in accordance with these provisions.

The site is rural land that has coinciding legal and practical access and is consistent with the surrounding rural/residential uses.

The application was assessed by an external planning consultant who made a recommendation that the development be approved subject to conditions.

ASSESSMENT

A full assessment of the development application against section 4.15 of the EP&A Act has been carried out by an external planner and is attached to this report

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The development will have no adverse social impacts it is for the construction of a single dwelling house on a rural property that fronts an existing Council maintained public road.

2. Environmental

The potential environmental impacts of the development have been assessed under the provisions of s4.15 of the EP&A Act and a full report of this assessment against the matters for consideration under this section has been attached.

3. Economic

There are no adverse economic impacts for Council with respect to this development application.

4. Civic Leadership

The application is on land owned by a senior staff member of Council and therefore it cannot be determined by staff under delegated authority and is being brought before Council for determination. In order to further ensure transparency the application was assessed by an external town planning consultant and the assessment report presented to Council as an attachment to this report.



79C ASSESSMENT REPORT

Cooma Monaro LEP

1.0 APPLICATION SUMMARY

Application	10.2017.1186.1
Date of lodgement:	22/12/2017
Development proposal:	Single transportable dwelling to be constructed on an "existing Holding"
On land comprising:	LOT 1 DP 795557 / LOT 298 DP750535 255 CALAMINDA ROAD COOMA
Applicant's details:	<div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Owner's details:	<div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Zone	RU 1 Primary Production
Notification/Advertising:	Neighbour notification completed with no submissions received
Type of development:	Local Development
Integrated approval bodies:	N/A
External Referrals/Concurrence Authorities:	N/A
Internal Referrals:	<input type="checkbox"/> Building Surveyor <input checked="" type="checkbox"/> Development Engineer <input type="checkbox"/> Water/Waste Engineer <input type="checkbox"/> Environmental Health Officer <input type="checkbox"/> Heritage Officer <input type="checkbox"/> Strategic Planner
Additional information submitted:	Additional information submitted a: <ul style="list-style-type: none"> • Ownership history (Recd 22/12/2017) with letters from the NSW Dept of Lands (27 July 1989) • 1997 HOLDINGS DOCUMENT (4623) • NOTICE OF SALE/TRANSFER REPORT (28/7/2004) • Site Plan (Recd 22/12/2017) • SOIL TEST (LOT 1)
Compliance with the EPAA 1979:	The application has been considered with regard to the matters raised in section 4.15 of the Act. On balance, it is considered that the proposed development is acceptable

	and that development consent be granted.
Assessing Officer	<div style="border: 1px solid black; width: 100px; height: 1.2em;"></div>

2.0 PROPOSED DEVELOPMENT IN DETAIL

To erect a Single Dwelling (transportable dwelling) in single storey on LOT1 DP 795557 (26.99 Ha) that forms an “existing holding” with the adjoining LOT 298 DP 750535 (common northern boundary)

LOT1 DP 795557 (26.99 Ha, frontage to Carlaminda Road 335m, Depth 790.4/834.02m))

3.0 ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

The following report is an assessment of development application having regard to those matters to be considered under section 4.15 of the EP&A Act 1979 which are:

- (a)(i) the provisions of any environmental planning instrument
- (a)(ii) the provision of any draft environmental planning instrument
- (a)(iii) an development control plan
- (a)(iia) any planning agreement or draft planning agreement
- (a)(iv) any matters prescribed by the regulations
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- (c) the suitability of the site for the development
- (d) any submissions made in accordance with this Act or the regulations
- (e) the public interest

3.1 The suitability of the site for the development

The Subject Site

- Site Area: 201 sqm
- Site coverage 35.8%
- Setbacks to boundaries shown on Dwg Scale 1: 10000:
 - Western 100m,
 - Southern (Carlaminda Road) 210m



Slope	6m fall from south to north slope exists – no impediment to development exists
Significant vegetation	Nil on-site evident
Adjoining development 500m away	of a similar nature, scale and design to proposal
Suitability of proposed works / building	Generally acceptable having regard to constraints of the land
Streetscape	Proposal generally compatible with adjoining development
Stormwater disposal	On-site via detention/dispersal
Services	Electricity / telephone
Views	Nil impact to and from site
Contamination	Nil identified
Bushfire	The subject site is not classified as bushfire prone
Flooding	Nil impact
Vehicular access	Acceptable subject to conditions
Aboriginal sites	Nil identified on-site
Threatened species	Nil identified on-site
Grasslands	Nil identified on-site
Rivers/streams	Not applicable

Effluent disposal	Connection On site disposal system
Prevailing winds	Nil impact
Easements	Nil affected by this proposal
Other matters	Nil

Previous Development History

Lot 1 is vacant land cleared grazing land with no improvements

NOTE: There is no dwelling erected on the adjoining LOT 298 which is also of the same character

3.2 The provisions of any environmental planning instrument

State Environmental Planning Policies

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

State Environmental Planning Policies	Compliance/Relevance
SEPP – Building Sustainability Index: BASIX 2004	<i>The application complies, a compliant BASIX Certificate was submitted with the application.</i>
SEPP (Rural Lands) 2008 10 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	COMPLIES <i>(3) matters to be taken into consideration</i> <i>(a) The land in the general vicinity is farmland with dwelling houses. The inclusion of an additional dwelling fits within the general landscape character of the locality.</i> <i>(b) The development is of a scale and type which is unlikely to have a significant impact on the surrounding landuses.</i> <i>(c) The development is not considered to be incompatible to the surrounding landuses.</i> <i>(d) The land is not situated in a rural residential zone.</i>

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).	
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Cooma Monaro Local Environmental Plan 2013

The subject land is zoned: **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.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Horticulture; Viticulture

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 dwellings; Any other development not specified in item 2 or 4

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

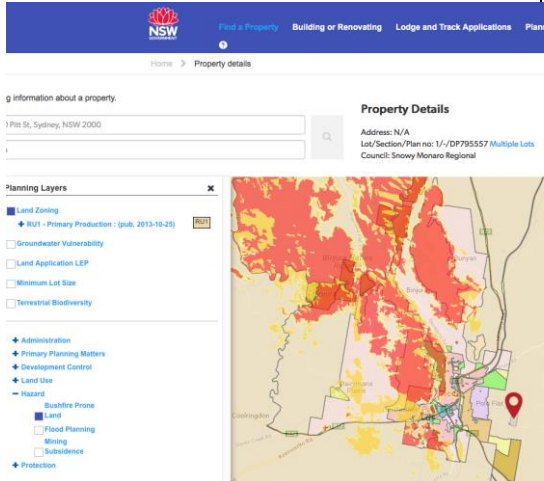
The proposal is considered to be consistent with the aims and objectives of the plan.


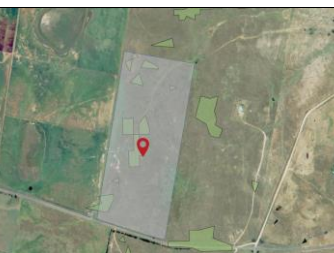
In the assessment of this application, the following special provisions from **Cooma-Monaro Local Environmental Plan 2013** are of relevance and have been assessed for compliance:

Provision	Response/Acceptable Solution
PART 1 Preliminary	<i>Noted</i>
PART 2 Permitted or prohibited development	<i>Zone RU1 Dwellings are permitted with consent</i>
PART 3 Exempt and Complying Development	<i>Not Relevant</i>
PART 4 Principal development standards	

Clause 4.1 Minimum subdivision lot size	<i>Not Relevant</i>
Clause 4.1AA Minimum subdivision lot size for community title schemes	<i>Not Relevant</i>
Clause 4.1A Minimum lot size for dual occupancies, multi dwelling housing and residential buildings in certain rural and residential zones	<i>Not Relevant</i>
Clause 4.1B Subdivision using average lot sizes	<i>Not Relevant</i>
Clause 4.1C Minimum subdivision lot sizes for certain split zones	<i>Not Relevant</i>
Clause 4.2 Rural Subdivision	<i>Not Relevant</i>
Clause 4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	<i>Not Relevant</i>
<p>Clause 4.2B Minimal subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones</p> <p>4.2B Erection of dual occupancies and dwelling houses on land in certain rural, residential and environment protection zones</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in rural, residential and environment protection zones.</p> <p>(2) This clause applies to land in the following zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone E3 Environmental Management,</p> <p>(d) Zone E4 Environmental Living.</p> <p>(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:</p> <p>(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</p> <p>(b) is a lot created under clause 4.1, 4.1AA, 4.1B or 4.1C (3) (a) or (5) (b), or</p> <p>(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</p> <p>(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</p> <p>(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</p>	<p><i>Not Relevant</i></p> <p>COMPLIES</p> <p><i>RU 1 Zone applies to the land</i></p>

<p>registered before that commencement, or</p> <p>(f) is a 1995 holding, or</p> <p>(g) is a 1997 holding, or</p> <p>(6) Land ceases to be a 1995 holding or a 1997 holding for the purpose of subclause (3) (f) or (g) if an application for development consent referred to in that subclause is not made in relation to that land before 31 December 2017.</p> <p>(7) In this clause:</p> <p>1995 holding means land to which <i>Yarrowlumla Local Environmental Plan 2002</i> applied immediately before the commencement of this Plan that:</p> <p>(a) was in Zone No 1 (a) (General Rural Zone) immediately before the commencement of this Plan, and</p> <p>(b) was a holding that did not include Crown land (within the meaning of the <i>Crown Lands Act 1989</i>) on 13 October 1995, and</p> <p>(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.</p> <p>1997 holding means land to which <i>Cooma-Monaro Local Environmental Plan 1999—(Rural)</i> applied immediately before the commencement of this Plan that:</p> <p>(a) was in Zone No 1 (a) (Rural Zone) immediately before the commencement of this Plan, and</p> <p>(b) was a holding on 3 March 1997, and</p> <p>(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.</p> <p>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.</p> <p>Note.</p> <p>The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.</p>	<p>COMPLIES</p> <p><i>The application was received by Council on 22/12/2017</i></p> <p><i>The application is a 1997 holding</i></p> <p>COMPLIES</p> <p>THE INFORMATION SUBMITTED WITH DEVELOPMENT APPLICATION ESTABLISHES THAT THE ADJOINING LOT 1 DP 795557 AND LOT 298 DP750535 ARE AN “EXISTING HOLDING”</p> <p>NOTE THE OWNERSHIP HAS CHANGED TO [REDACTED] FORMERLY ONLY [REDACTED]</p>
Clause 4.2C Erection of rural workers’ dwellings on land in Zone RU1	<i>Not Relevant</i>
Clause 4.2D Exceptions to minimum lot sizes for subdivisions in Zone RU1 and Zone E4	<i>Not Relevant</i>
Clause 4.3 Height of building	<i>Not Relevant</i>
Clause 4.4 Floor space ratio	<i>Not Relevant</i>
Clause 4.5 Calculation of Floor Space Ratio	<i>Not Relevant</i>
Clause 4.6 Exception to development standards	<i>Not Relevant</i>
PART 5 Miscellaneous provisions	

Clause 5.1 Relevant acquisition authority	<i>Not Relevant</i>
Clause 5.2 Classification and reclassification of public land	<i>Not Relevant</i>
Clause 5.3 Development near zone boundaries	<i>Not Relevant</i>
Clause 5.4 Controls relating to miscellaneous permissible uses	<i>Not Relevant</i>
Clause 5.5 Development within the coastal zone	<i>Not Relevant</i>
Clause 5.6 Architectural roof features	<i>Not Relevant</i>
Clause 5.7 Development below mean high water mark	<i>Not Relevant</i>
Clause 5.8 Conversion of Fire Alarms	<i>Not Relevant</i>
Clause 5.9AA	<i>Repealed</i>
Clause 5.10 Heritage conservation	<i>Not Relevant</i>
Clause 5.11 Bushfire hazard reduction	<p><i>Not identified as “Bushfire prone land” NSW DOP MAPS</i></p> 
Clause 5.12 Infrastructure development and use of existing buildings of the crown	<i>Not Relevant</i>
Clause 5.13 Eco-tourism facility	
5.14 Siding Spring Observatory—maintaining dark sky	<i>Not Adopted</i>
5.15 Defence communications facility	<i>Not Adopted</i>
Part 6 Additional local provisions	<i>Not Relevant</i>
6.1 Earthworks Clause	<i>Not Relevant</i>
6.2 Flood planning	<i>Not Relevant</i>
6.3 Terrestrial biodiversity	
6.4 Groundwater vulnerability	<p><i>The land on which the development is proposed is identified as “ground water vulnerable” on the Groundwater Vulnerability Map.</i></p>
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</p> <p>(2) This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</p>	

<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact</p>	 <p><i>It is considered that a small single dwelling house on the land would not have an adverse impact on groundwater and the minor impacts of any onsite sewerage management facility could be managed through appropriate systems approved for the dwelling.</i></p>
6.5 Drinking water catchments	Not Relevant
6.6 Riparian land and watercourses	Not Relevant
6.7 Wetlands	Not Relevant
6.8 Landslide risk and karst areas	Not Relevant
6.9 Scenic protection area	Not Relevant
6.10 Essential services	The development complies
6.11 Location of sex services premises	Not Relevant
6.2 Flood planning	Not Relevant
<p>6.3 Terrestrial biodiversity</p> <p>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>Before determining a development application for development on land to which this clause applies, the consent authority must consider:</p> <p>(a) whether the development is likely to have:</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p>	 <p><i>Whilst the lot on which the development is proposed has some land identified on the terrestrial biodiversity map the land on which the development is proposed outside of these areas as such this clause does not apply.</i></p>

(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.	
SCHEDULE 1 Additional permitted uses	<i>Not Relevant</i>
SCHEDULE 2 Exempt development	<i>Not Relevant</i>
SCHEDULE 3 Complying development	<i>Not Relevant</i>
SCHEDULE 4 Classification and reclassification of public land	<i>Not Relevant</i>
SCHEDULE 5 Environmental heritage	<i>Not Relevant</i>
Dictionary	

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

3.3 Provision of any proposed Environmental Planning Instruments

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

3.4 Any Development Control Plan (Cooma Monaro)

Development Control Plan 2014 (Amendment 1)

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

Cooma-Monaro Shire Development Control Plan 2014 (Amendment 1)	
<i>Chapter 1 Introduction</i> Comprises relevant statutory requirements, explains what the purpose of the Plan is and where it applies. It also explains how to use the DCP and under what	
<i>Chapter 2 General Development Controls</i> Provides the development controls which apply to all development types across the Cooma-Monaro local government area. Any of these provisions may	

apply to any particular development, although because of their general nature every provision may not apply to every development	
<p><i>Chapters 3-5 Specific Development Types, Subdivision and Development Involving Works</i></p> <p>These Chapters contain development controls for specific types of development. Only the controls for the specific development type being proposed need to be consulted in these Chapters</p> <p>3 Controls for Specific Types of Development</p> <p>3.1 Alterations & Demolitions</p> <p>3.2.1 Bulky goods premises and commercial premises over 500 square metres</p> <p>3.2.2 Child care centres (including pre-schools)</p> <p>3.2.3 Development involving the keeping of animals for commercial or business purposes</p> <p>3.2.4 Footpath dining and sales</p> <p>3.2.5 Laundromats</p> <p>3.3 Residential Accommodation</p> <p>Dwelling houses</p> <p>This clause applies to the following types of development as defined in the <i>Cooma-Monaro Local Environmental Plan 2013</i>:</p> <p><i>dwelling</i> 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.</p> <p><i>dwelling house</i> means a building containing only one dwelling.</p> <p><i>semi-detached dwelling</i> means a dwelling that is on its own lot of land and is attached to only one other dwelling.</p> <p>Council has a checklist available which lists the information required with an application for a dwelling house. In some landuse zones the erection of a dwelling house may be Complying Development, refer to <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	<p>3.1 to 3.2.3 and 3.2.4, 3.2.5 Not Relevant</p> <p>COMPLIES</p> <p>Rural area nearest dwelling 500m away see aerial photo</p> <p>COMPLIES</p>

3.3.1.1 Objectives

- To ensure the efficient use of land and infrastructure.
- To maintain the amenity, character and environmental values of the area.
- To maximise privacy between existing and proposed developments.
- To provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.

3.3.1.2 Performance based requirements

- New development is to minimise direct overlooking into living rooms of adjacent dwellings. Factors to consider include building layout, location and design of windows and balconies, screening devices and landscaping.
- Living rooms and balconies for entertaining purposes are not permitted above ground-floor level in a dwelling where they would be located behind the rear building line of a dwelling on an adjoining block.
- New dwellings are not to be located on the top of ridgelines, hills or other elevated locations where they will stand out against the skyline when viewed from public roads in the vicinity of the site.
- Where dwellings are built on hillsides visual scarring by cutting into the hillside is to be minimised.

3.3.1.3 Prescriptive requirements

- Parking space on-site sufficient to accommodate two (2) cars is to be provided.
- When constructed in a location without a reticulated water supply, a minimum 45,000 litre rainwater tank is to be provided for a two bedroom or smaller dwelling and a minimum 90,000 litre rainwater tank is to be provided for all other dwellings as the primary source of potable water. This is in addition to any

COMPLIES

90,000 litre rainwater tank is to be provided
condition of consent or Construction certificate

Not relevant RU1 zone

<p>water supply required for bushfire safety purposes.</p> <ul style="list-style-type: none"> In R1, R2, RU5 and Business Zones a minimum of 50 square metres of private open spaces is to be provided on-site behind the front building setback. Private open space must have a minimum dimension of at least 3 metres and provide outdoor space for clothes drying facilities hidden from view from the street. Private open space does not include car parking areas, driveways, verandahs or balconies. If an attached garage is provided in the development with direct internal access from living areas, an access door must be installed to separate the garage from the living space. Any such access door must swing inwards into the house, not into the garage. The door knob on any such access door must also be located at a minimum height of 1500mm above floor level. The purpose of these provisions is to prevent unassisted toddler access to the garage space. If any other type of access door is proposed, it is only permitted if it meets this objective. <p>Note: Although not a requirement of this clause, it is recommended that a grade 2 or better self closer also be installed on the garage access door as a further measure to prevent toddler access to the garage.</p> <p>3.4 Restricted premises 64</p> <p>3.5 Depots, Farm buildings, outbuildings associated with a residential use and shipping containers</p> <p>3.6 Short-term Holiday Rental Accommodation</p> <p>3.7 Mixed use development</p>	<p>Condition of consent or Construction certificate</p> <p>Not relevant</p> <p>Not relevant</p> <p>Not relevant</p>
<p>4 Requirements for Subdivision</p>	<p>Not relevant</p>
<p>5 Development Involving Works</p> <p>This Section contains the following types of development:</p> <ul style="list-style-type: none"> Culture and Public Art. 	<p>Not relevant</p>

<ul style="list-style-type: none"> • Extractive Industries and Mining. • Signage. • Motor bike tracks on private land. 	
<p><i>Chapter 6 Provisions for Specific Locations</i> Identifies the particular controls which only apply to developments occurring in the specific areas identified in this chapter.</p> <p>6.6 Groundwater vulnerable land</p> <p>In recent years there has been increasing concern across NSW regarding the over extraction and the contamination of groundwater. Effective protection should be primarily aimed at the prevention of these problems. Groundwater vulnerability maps are used as a guide for the location of future developments in an area, in order to minimise the impact the proposed development will have on the surrounding water resources.</p> <p>The NSW State government has prepared a 'groundwater vulnerability' map which covers the Cooma-Monaro local government area. This map has been used to prepare the <i>Cooma-Monaro Local Environmental Plan 2013</i> Groundwater Vulnerability Maps and the associated clause (6.4). The map identifies areas of groundwater which are considered to be vulnerable. These are areas which are highly susceptible to groundwater contamination, or, are likely to have high value for supply of water to town, stock and domestic, irrigation and commercial uses, where contamination cannot be tolerated. The terms and their meanings used in the mapping are:</p> <p><i>High</i> – the potential risk is so great as to warrant a demonstrated remedial action plan for clean-up which analyses the effectiveness of the remediation approach in achieving designated water quality criteria.</p> <p><i>Moderately high</i> – contamination cannot be tolerated. Detailed studies and monitoring will be required. A groundwater protection system will be necessary.</p> <p>Developments which will penetrate or interfere with an aquifer need an approval under the <i>Water Management Act 2000</i> and will be Integrated Development.</p>	<p>COMPLIES</p> <p>The development is considered to be of a scale that will have minimal impact on groundwater and any impacts can be managed through appropriate siting and sizing of onsite sewerage management systems. A groundwater impact report is not deemed necessary for this development.</p>

<p>6.6.1 Objectives</p> <p>To assist in the prevention of the over-extraction of groundwater.</p> <p>To protect groundwater quality and drainage patterns during demolition, construction and the ongoing operation phases of a development.</p> <p>To ensure that groundwater to be used for potable purposes is safe for such uses.</p> <p>6.6.2 Performance based requirements</p> <p>If any part of a development falls in an area identified on the <i>Cooma-Monaro Local Environmental Plan 2013</i> Groundwater Vulnerability Map it may be necessary to provide additional information such as a Groundwater Impact Report to Council which addresses the matters outlined in clause 6.4(3) of the LEP in relation to the development proposal.</p> <p>When assessing an application for subdivision in an area identified on the maps as groundwater vulnerable, the basic water right afforded by the <i>Water Management Act 2000</i> to each new lot in the subdivision for stock and domestic purposes will be taken into account by Council in determining the impacts of the proposed development on groundwater, along with the suitability of the site for on-site effluent disposal.</p> <p>6.6.3 Developments which involve basements or substantial excavation for other purposes in groundwater vulnerable areas must provide justification in the application as to why other options to avoid such basements or excavations are not being utilised.</p> <p>6.6.4 Further information</p> <p>NSW Office of Water</p>	
<p><i>Chapter 7 Non-design Provisions</i></p> <p>Information is provided on various issues that may need to be addressed in a development application. Development Control Plan 2014 (Amendment 1)</p> <p>7 Non-Design Related Provisions</p> <p>This section contains the following provisions:</p> <ul style="list-style-type: none"> • Tree Preservation (clause 5.9 of the LEP) 	<p>COMPLIES</p> <ul style="list-style-type: none"> ▪ No vegetation (trees) on the site ▪ Rural Addressing already exist for this lot. ▪ On-site Waste Management Systems will be required as a condition of consent and be a separate application to Council

<ul style="list-style-type: none">• Addresses and Street Numbers• Fire Prevention and Fire Hydrants• Food Handling• On-site Waste Management Systems																	
<p><i>Chapter 8 Public Notification</i></p> <p>Explains when development applications are notified or advertised.</p> <table><tr><th>Type of development</th><th>Minimum notification requirement</th><th>Advertise in paper</th><th>Additional comments</th></tr><tr><td>Residential flat buildings townhouse/villa developments (including seniors/disabled housing) of more than 10 dwellings</td><td>6 properties each side of the site on the same side of street 4 properties to the rear 6 properties on the opposite side of the street</td><td>Yes</td><td>Notification range may be varied if the circumstances of the site mean it is unnecessary to notify the minimum number of properties as impact from proposal is highly unlikely</td></tr><tr><td>Dwelling house, dual occupancy or secondary dwelling (granny flat) in Cooma or villages</td><td>Adjoining properties including those on the opposite side of the street to the site.</td><td>No</td><td>If two storey may extend notification range depending on circumstances</td></tr><tr><td>Rural dwelling houses or dual occupancy</td><td>Adjoining properties only unless the site is accessed by a Right-of-Way (see below)</td><td>No</td><td></td></tr></table>	Type of development	Minimum notification requirement	Advertise in paper	Additional comments	Residential flat buildings townhouse/villa developments (including seniors/disabled housing) of more than 10 dwellings	6 properties each side of the site on the same side of street 4 properties to the rear 6 properties on the opposite side of the street	Yes	Notification range may be varied if the circumstances of the site mean it is unnecessary to notify the minimum number of properties as impact from proposal is highly unlikely	Dwelling house, dual occupancy or secondary dwelling (granny flat) in Cooma or villages	Adjoining properties including those on the opposite side of the street to the site.	No	If two storey may extend notification range depending on circumstances	Rural dwelling houses or dual occupancy	Adjoining properties only unless the site is accessed by a Right-of-Way (see below)	No		<p>COMPLIES</p> <p>The application was notified and no submissions received.</p>
Type of development	Minimum notification requirement	Advertise in paper	Additional comments														
Residential flat buildings townhouse/villa developments (including seniors/disabled housing) of more than 10 dwellings	6 properties each side of the site on the same side of street 4 properties to the rear 6 properties on the opposite side of the street	Yes	Notification range may be varied if the circumstances of the site mean it is unnecessary to notify the minimum number of properties as impact from proposal is highly unlikely														
Dwelling house, dual occupancy or secondary dwelling (granny flat) in Cooma or villages	Adjoining properties including those on the opposite side of the street to the site.	No	If two storey may extend notification range depending on circumstances														
Rural dwelling houses or dual occupancy	Adjoining properties only unless the site is accessed by a Right-of-Way (see below)	No															

The proposal has also been examined in detail against the provisions of Council's relevant Development Control Plan (Section 79(C)(a)(iii) of the Act) and has been found to achieve an acceptable level of compliance.

3.5 Planning Agreement

There are no planning agreements in place in relation to the proposed development.

3.6 Any Matters prescribed by the Regulations

Nothing in clauses 92-94A of the Regulations directly apply to the proposal.

3.7 Impacts of the Development – Environmental, Social & Economic

Environmental factors	Comment / response to identified impact
<p>Access, transport and traffic</p> <p>Public domain</p> <p>Impacts on supply of utilities</p> <p>Heritage</p> <p>Natural and other land resources</p> <p>Water supply and potential impacts on surface and ground water</p>	<p>ACCEPTABLE IMPACTS</p> <p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Current version for 22 December 2017 to date (accessed 7 February 2018 at 21:31) Part 1 Division 1 Clause 1.3 1.3 Aims of Policy This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by: (a) providing exempt and complying development codes that have State-wide application, and</p>

Soils	<p>(b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</p> <p>(c) identifying, in <u>the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and</u></p> <p>THE PROPOSED DEVELOPMENT WOULD HAVE BEEN ACCEPTABLE AS COMPLYING DEVELOPMENT under Part 3A Rural Housing Code other than for:</p> <p>3A.2 New single storey and two storey dwelling houses <i>the size of the lot is less than the minimum lot size for the erection of a dwelling house under the environmental planning instrument applying to the lot.</i></p> <p><i>The proposed development would have proceed to construction certificate with the conditions imposed by Schedule 6 Conditions applying to complying development certificates under the Housing Code and the Rural Housing Code.</i></p> <p><i>The impacts listed in the left column would have been considered acceptable.</i></p> <p><i>Notwithstanding that the existing holding of 44.1 Ha is less than the minimum size of 80 Ha the proposed development with substantial boundary setbacks and the physical characteristics of the site will have no unacceptable environmental impacts</i></p>
Air quality, pollution and microclimate impacts (eg odour)	
Flora and fauna & Consideration of Threatened Species	
Waste facilities and controls	
Energy efficiency and greenhouse gas emissions	
Noise and vibration	
Technological hazards and other risks to people, property and the environment	
Safety, security and crime prevention	
Social impact in locality	
Economic impact in locality	
Site and internal design issues	
Impacts during construction	
Cumulative impacts	
Impact on pedestrian movements and safety	
Mineral resources and/or deposits in the vicinity	
Impacts on aboriginal heritage	
Environmental impacts as a consequence of the development (whether direct or indirect)	
Health Impacts of High Voltage Power Lines	

3.8 Public Submissions

The submission was notified to adjoining owners and no submissions were received.

3.9 The public interest

The proposal is not contrary to the public interest.

4.0 OTHER MATTERS

Developer Contributions	The Cooma Monaro S94 Contributions Plan applies to the land however no contributions are payable for a single dwelling house
Approvals under other Acts	NONE IDENTIFIED
Explanation of certain conditions to be imposed	The conditions imposed ensure compliance with the Environmental planning controls and development standards applying to the site as setout in the Environmental Planning & Assessment Act 1979 and regulations
Enforcement of conditions	The responsibility of The Snowy Monaro Regional Council
Internal Referrals	Nil

5.0 CONCLUSION:

The Snowy Monaro Regional Council is the consent authority for this application.

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, DCPs and Policies and it is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural & built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent.

6.0 RECOMMENDATION

Pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that **the consent be granted for a dwelling (transportable home) to be erected on LOT 1 DP 795557 291 Carlaminda Road be approved**, subject to conditions attached.

7.0 DECLARATION BY DELEGATED DEVELOPMENT ASSESSMENT OFFICER

I have assessed the Development Application for compliance with all relevant statutory documents. The above Development Assessment Report contains a summary of the applicable development standards and a compliance checklist relative to this development proposal, which has been considered in the assessment of this application.

Delegated Officer:

Draft Conditions of Consent DA10.2017.1186.1

Conditions

ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA10.2017.1186.1 as submitted to Council on 22/12/2017 with supporting documentation including, but not limited to the development plans being:
 - Site plan
 - Floor Plan
 - Elevations
 - Statement of Environmental Effects
 - Services and Landscape Plan
 - Window Schedule
 - BASIX Certificateas 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.

Section 68 Local Government Act (LGA)

3. The development is to comply with Section 68 of the Local Government Act 1993 and with the requirements of Section 68 of the LGA and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Prescribed Conditions

4. 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:
 - The work must be carried out in accordance with the requirements of the Building Code of Australia
 - Residential building work within the meaning of the *Home Building Act*

1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
In the case of work for which a **principal contractor** is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

In the case of work to be done by an **owner-builder**:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 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.

OTHER APPROVALS

Separate Section 138 Permit - Roads Act 1993

5. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access) and prior to the issue of either an interim occupation certificate or a final occupation certificate. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

Internal Plumbing and Drainage - Approval to Carry Out Stormwater, Water Supply and Sewerage Works

6. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 must be obtained prior to commencement of internal plumbing and drainage works relating to stormwater, water supply or sewerage works within the property boundary. In this regard, a S68 Application to Carry Out Stormwater, Water Supply and Sewerage Works must be submitted on councils standard application form and be accompanied by the required attachments and prescribed fee, prior to release of the Construction Certificate.

Separate Section 68 Approval to Install On-site Sewage Management System

7. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to install on-site sewage management system must be obtained prior to release of the Construction Certificate. Application for approval under Section 68 to Install On-site Sewage Management System must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

PRIOR TO THE COMMENCEMENT OF WORKS

Separate Section 68 Approval to Install a Relocatable Home

8. Notwithstanding the issue of this development consent, separate approval from Council under Section 68 of the Local Government Act 1993 must be obtained prior to installation of the relocatable home. In this regard, a S68 Application to Install a Relocatable Home must be submitted on councils standard application form be accompanied by the required attachments and prescribed fee and approved prior to installation.

Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

9. Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates
-

(a) in the case of work to be done by a licensee under that Act:

- i) has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
- ii) is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or

(b) in the case of work to be done by any other person:

- i) has been informed in writing of the persons name, contact address details and owner-builder permit number; and
- ii) has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

Temporary Sanitary Facilities

10. 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.

Termite Control

11. Prior to the commencement of works, the Applicant will submit to the satisfaction of the PCA (i.e. Council or Private Certifier) documentation confirming the building will be protected from termite attack in accordance with the provisions of Australian Standard AS 3660.1. The submitted documentation will include:
 - (a) details of the proposed methods to be used; and
 - (b) certification of works performed;
12. A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:
 - (a) the method of protection;
 - (b) the date of installation;
 - (c) where a chemical barrier is used, its life expectancy as listed on the National
 - (d) Registration Authority label; and.
 - (e) the need to maintain and inspect the system on a regular basis.

NOTE: Under slab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

DURING WORKS

Approved Plans to be On-site

13. 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

14. 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.
15. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geofabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 – the Blue Book".

16. The developer shall ensure that erosion and siltation control measures shall be undertaken in accordance with the approved *Erosion and Sediment Control Plan* in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.
17. The developer is to ensure that all works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.

All-weather Access

18. An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Site Management

19. The developer is to ensure that all builder' sheds, including temporary sanitary closets, must at all times be:
 - (a) located wholly within the site;
 - (b) properly constructed and maintained to industry standards;
 - (c) securely anchored to the ground, and
 - (d) removed upon completion of the project.

Trade Waste

20.
 - (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) Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
 - (c) The burning of builders waste on site by open fire is prohibited

Construction Noise

21. The developer is to ensure that all construction noise associated with the development (including power tools, machinery, hammers, staff etc.) is strictly limited to the following hours:

Mon - Fri	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
No work to occur on Sundays or Public Holidays	

Inspection Notification

22. 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

23. 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 for all construction sites in accordance with Work Health and Safety Regulation 2011.

Excavation

24. 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.
25. 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.

Plumbing & Draining

26. The developer is to ensure that prior to any plumbing work being commenced the licensed plumber / drainer must lodge with Council a Notice of Work two (2) working days prior to commencement of the work. AND Prior to covering any new Plumbing & Drainage work arrange for the work to be inspected by Council Officers by phoning the Jindabyne Council Office on 02 64511550 and paying the appropriate inspection fee. (An additional inspection fee will apply for all work required to be re-inspected) AND Within two (2) working days of the final inspection being completed the Licensed Plumber & Drainer is to provide to the Council and the property owner:- A Certificate of Compliance to AS3500. A sewer service diagram. Notes:- The Plumbing and Drainage Act 2011 has substantial fines for non-compliance.
27. All plumbing and drainage work is to be installed by a Licensed Plumber & Drainer in accordance with the Australian Standard 3500 and the provisions of the Plumbing and Drainage Act 2011 and BASIX requirements.
28. The developer shall ensure that a licensed plumber and drainer undertakes the connection to Council sewer system. The sewer riser is to be flush with the finished surface levels of the land and provided with a cap and concrete collar.
-

Hot Water Installation

29. All new heated water installations shall deliver heated water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

(a) 45°C for aged, the sick, children or people with disabilities in healthcare or aged care buildings, early childcare centres, primary & secondary schools & nursing homes or similar facilities for the aged, the sick, children or people with disabilities, and

(b) 50°C for all other situations.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of the works.

Retaining Walls

30. All retaining walls in excess of 1.0 metres in height must be certified by a qualified structural engineer. In this regard, an engineer must also verify the structural integrity of the retaining wall after construction and a copy of this certification is provided to Council prior to release of Occupancy Certificate.

Revegetation Works

31. 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. The hay mulching is to be undertaken by a suitable contractor.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Final Completion Certificate Inspection

32. Prior to occupying the relocatable home, the developer shall arrange for a final inspection by Council and obtain written Final Completion Certificate confirmation of satisfactory completion and installation from Council.

Separate Section 68 Approval to Operate On-site Sewage Management System

33. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to operate on-site sewage management system must be obtained prior to release of the Occupancy Certificate. Application for approval under Section 68 to Operate On-site Sewage Management System must be submitted on council's standard

application form and be accompanied by the required attachments and prescribed fee.

USE OF SITE

Rainwater Tanks

34. All fixtures connected to the supply system are marked 'RAINWATER'.
35. The developer shall ensure that rainwater tanks are de-sludged every three years.
36. For Non Charged Systems

The developer shall ensure that rainwater tanks are fitted with a first flush device and filter sock to prevent potential contaminants from entering the tank.

Or

For Charged Systems

The developer shall ensure that the charged line has a flush out drain point.
37. The developer shall ensure that rainwater tanks are fitted with the following:
 - a) Impervious covers and all access points, except for inlet and overflow, are fitted with close fitting lids.
 - b) The inlet and overflow shall incorporate a mesh covering and/or strainer.
38. The tank is enclosed and inlets screened, so as to prevent the entry of foreign matter and to prevent mosquito breeding.
39. The developer shall ensure that the roof catchment area is kept clear of overhanging vegetation.
40. Pumps are to be covered or screened to avoid noise nuisances to neighbouring properties.
41. The developer shall ensure that all storm water that is not collected by the tank is directed away from tank foundations, buildings or other structures onto gardens or into rubble pits or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

Rural Property Address

42. The developer shall attach to the front of the development a house number that is clearly visible from the street frontage of the property. To ascertain the correct house number for the site, the developer shall contact Council's Revenue Officer on (02) 6451 1195 during business hours. A fee applies to the

provision of a new house number and plate.

Degree of Permanency

43. The development is occupied with a degree of permanency. In this regard, separate consent from Council is required to use the development for short term holiday accommodation.

Commencement of Works Notice

44. At least 2 days prior to commencement of works on-site, a notice of commencement (refer attached form) is to be submitted to Council in accordance with the provisions of section 81(2)(c) of the Environmental Planning & Assessment Act 1979. Failure to notify Council prior to commencement may lead to the instigation of legal action.

Water Supply

45. The developer shall ensure that all stormwater is directed from the roof to rainwater storage tanks of not less than 90,000 litres.

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.
-

Received
Snowy Monaro Regional Council
22/12/2017

Site Plan

Lot 1 DP 795557 Carlaminda Road Cooma



Scale 1:10,000

Received
Snowy Monaro Regional Council
22/12/2017

LT2/16

PLAN OF PART PORTION 301 COMPRISED
IN VOL. 15438 FOL. 165

D P 795557

Registered: **26-9-1989**

C.A.: _____

Title System: **TORRENS**

Purpose: **DEPARTMENTAL**

Ref. Map: **Q 0982-2 ***
CO. BERESFORD 13

Last Plan: **D. P. 252954**

Man/Shire/City: **COOMA - MONARO**

Town or Locality: **POLO FLATS**

Parish: **COOMA**

County: **BERESFORD**

Reduction Ratio 1: **N.T.S.** Lengths are in metres

ROAD 20.115 WIDE

ROAD AND 20.115 WIDE VARIABLE

26.99ha

332.13

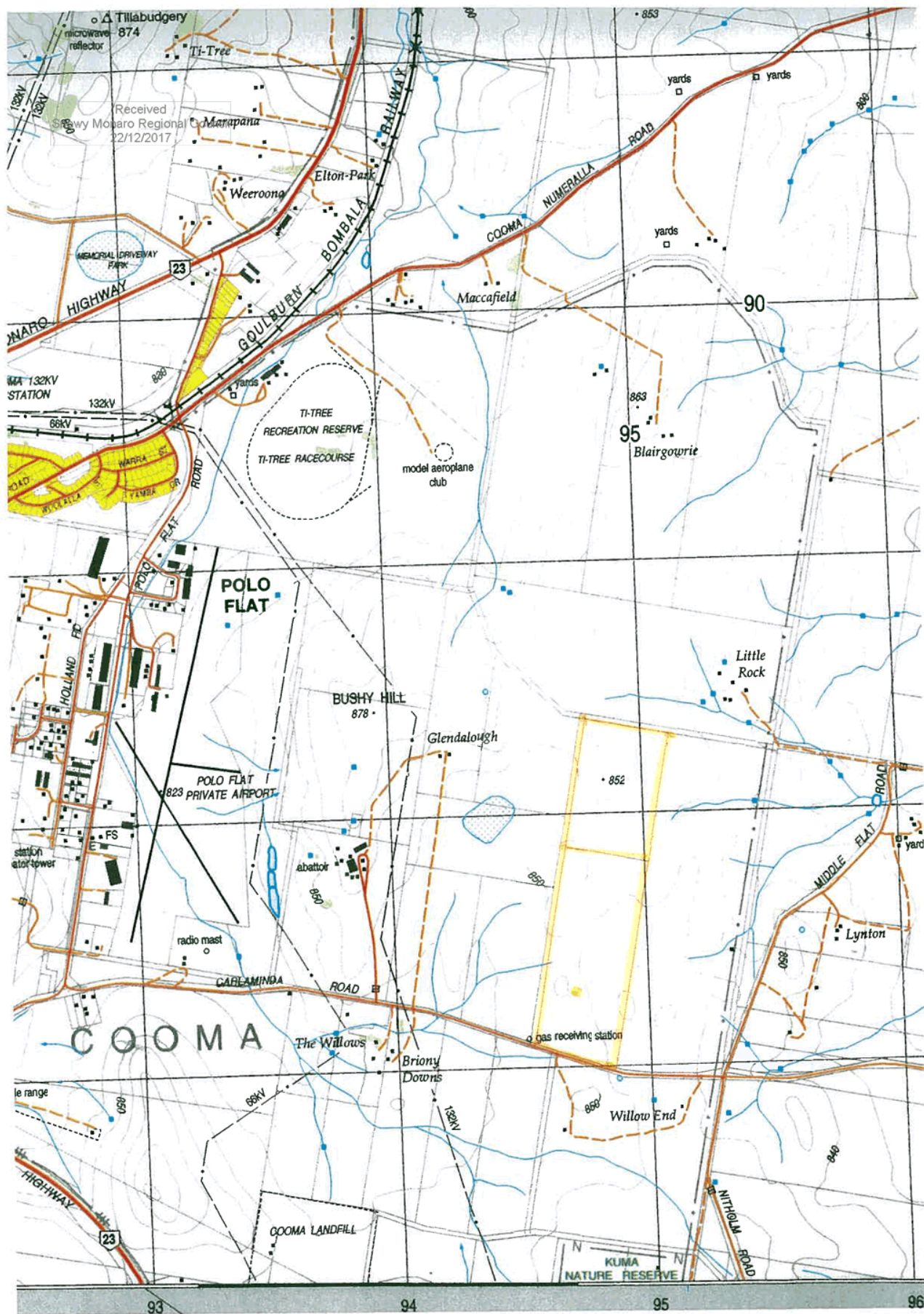
298

299

D. P. 795557

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 27th September, 1989

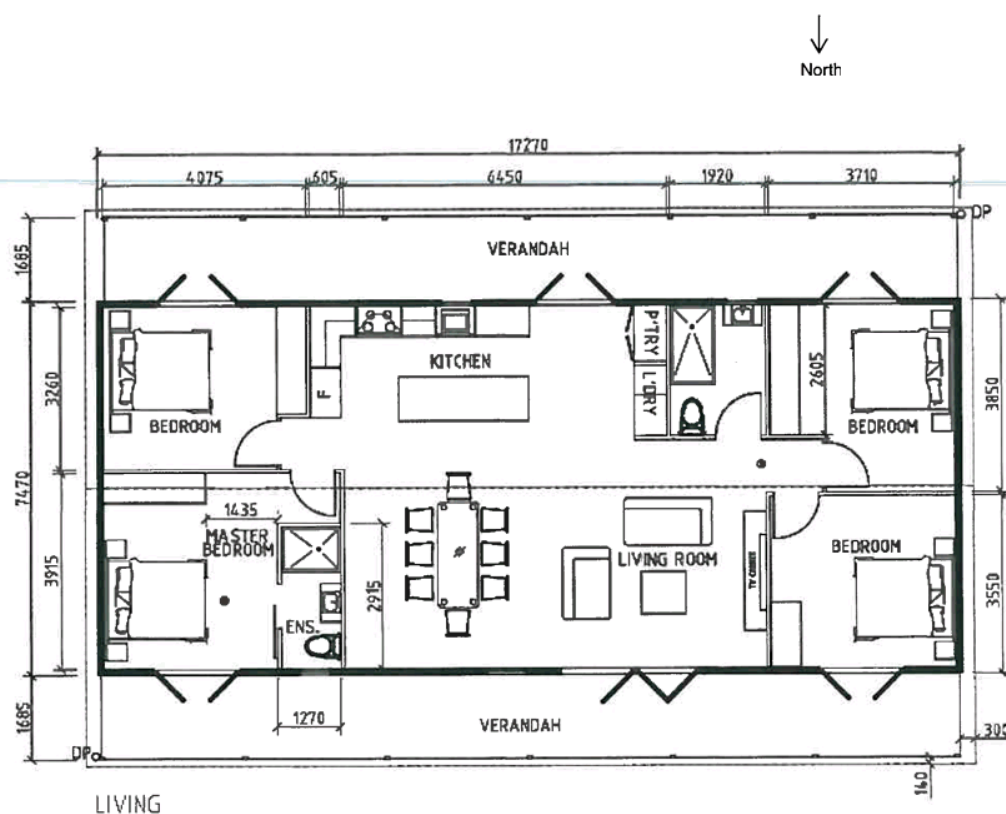
10 20 30 40 50 60 70 Table of mm 110 120 130 140



Received
Snowy Monaro Regional Council
30/1/2018

Lot 1 DP 795557 Carlaminda Road Cooma

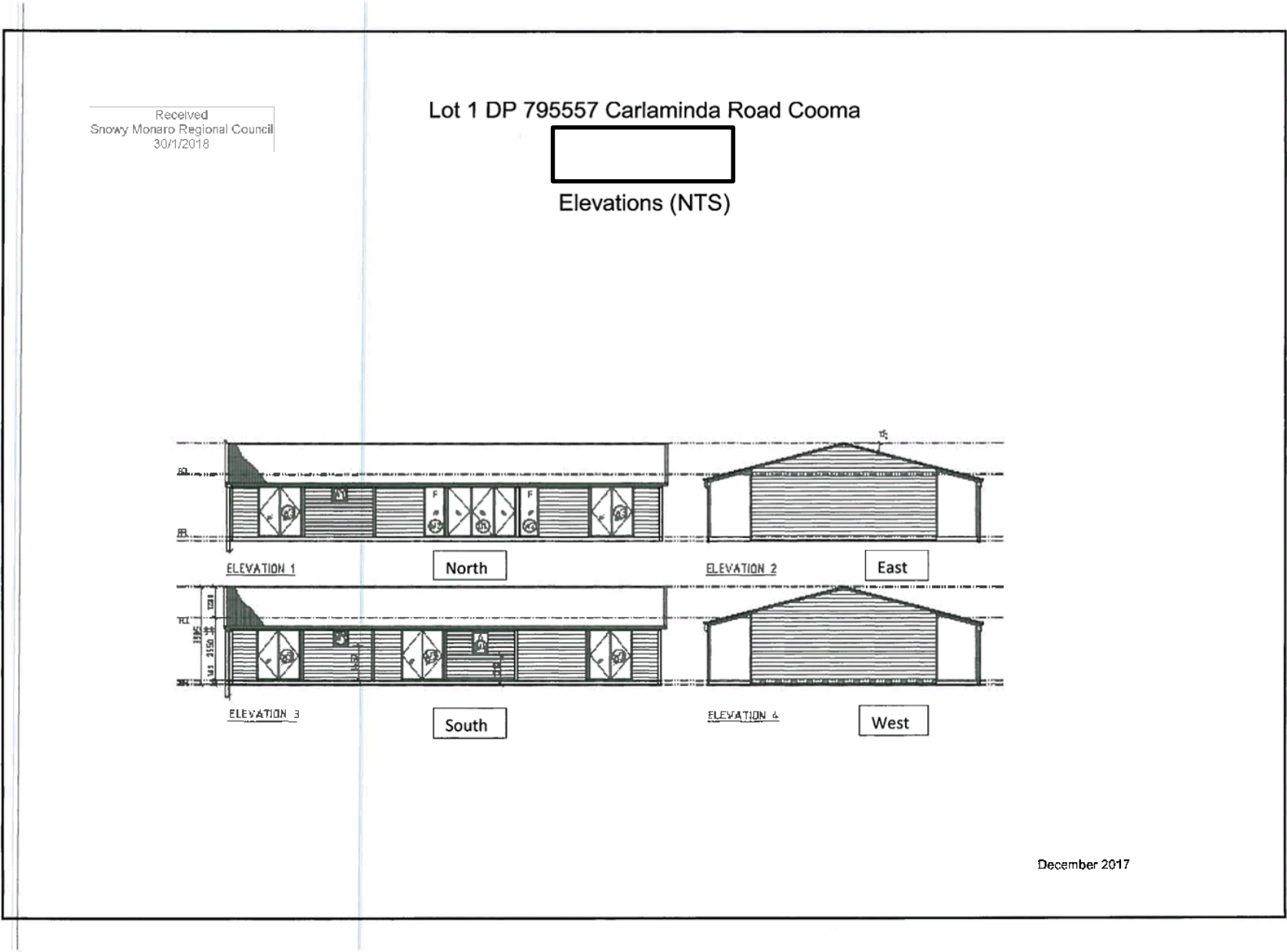
Floor Plan (NTS)



Basix Commitments

Landscaping	100m ² Low Water use species
Rainwater Tank	Minimum 100,000 litre
Floor	100mm Slab on ground (details at CC stage)
External walls	Weatherboard or FC sheet, + additional R2.4 insulation
Ceiling	Flat ceiling, minimum R3.5 insulation
Roof	Pitched roof, 75mm Foil Backed Blanket insulation
Hot Water System	Solar (electric boost)
Alternative energy	3.5Kw PV system installed on roof
Windows	Refer attached window schedule
Roof Colour	Light colour – solar absorptance <0.475
Roof vents	Gable end vents

December 2017



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Snowy Monaro Regional Council
30/1/2018

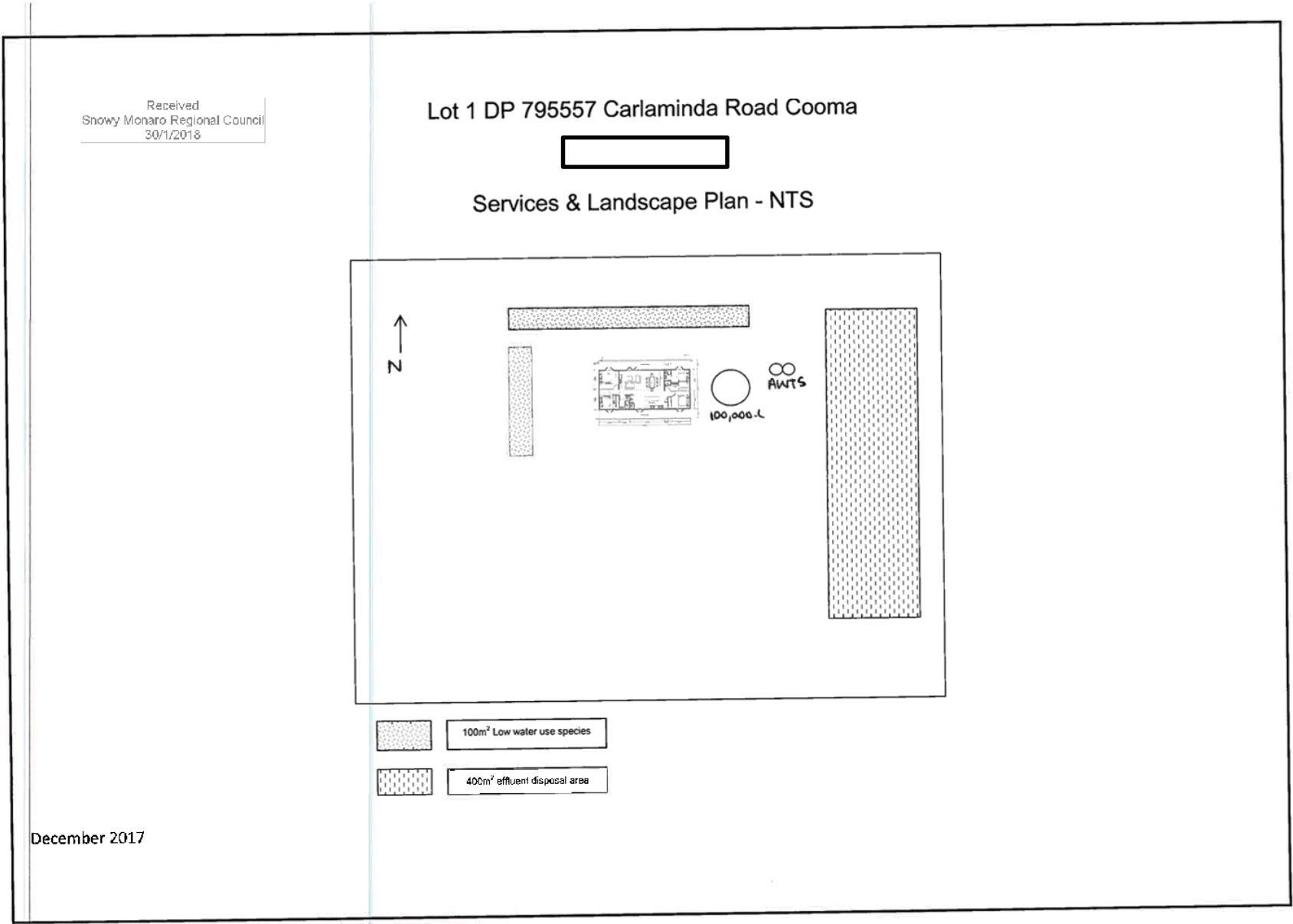
Proposed Dwelling
Lot 1 DP 795557 Carlaminda Road Cooma



Window Schedule

Window	Size (HxW)	U-value	SHGC	Type	Shading
W01	2040x1800	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W02	600x450	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W03	2040x4500	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W04	2040x1800	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W05	2040x1800	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W06	600x450	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W07	2040x1800	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W08	900x450	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door
W09	2040x1800	3.6	0.486 - 0.594	(aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door

December 2017



Received
Snowy Monaro Regional Council
30/1/2018

BASIX[®] Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 892650S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Friday, 26 January 2018

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning &
Environment

Project summary

Project name	[REDACTED]
Street address	[REDACTED]
Local Government Area	Snowy Monaro Regional Council
Plan type and plan number	deposited 795557
Lot no.	1
Section no.	-
Project type	separate dwelling house
No. of bedrooms	4

Project score

Water	✓ 74	Target 30
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 91	Target 40

Certificate Prepared by

Name / Company Name: Tracey Smith

ABN (if applicable): N/A

Description of project

Project address		Assessor details and thermal loads	
Project name		Assessor number	n/a
Street address		Certificate number	n/a
Local Government Area	Snowy Monaro Regional Council	Climate zone	n/a
Plan type and plan number	Deposited Plan 795557	Area adjusted cooling load (MJ/m ² .year)	n/a
Lot no.	1	Area adjusted heating load (MJ/m ² .year)	n/a
Section no.	-	Project score	
Project type		Water	✓ 74 Target 30
Project type	separate dwelling house	Thermal Comfort	✓ Pass Target Pass
No. of bedrooms	4	Energy	✓ 91 Target 40
Site details			
Site area (m ²)	1000		
Roof area (m ²)	187		
Conditioned floor area (m2)	123.0		
Unconditioned floor area (m2)	6.0		
Total area of garden and lawn (m2)	400		

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 100 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 6 but ≤ 7.5 L/min plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 90000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 187.2 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to:			
• all toilets in the development		✓	✓
• the cold water tap that supplies each clothes washer in the development		✓	✓
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✓	✓
• all hot water systems in the development		✓	✓

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none"> all indoor cold water taps (not including taps that supply clothes washers) in the development 		✓	✓
Greywater treatment system			
The applicant must install a greywater treatment system on the site. This system must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.		✓	✓
The applicant must configure the greywater treatment system so that greywater for recycling is collected from:			
<ul style="list-style-type: none"> the laundry 		✓	✓
<ul style="list-style-type: none"> each bathroom (but not the toilets) 		✓	✓
<ul style="list-style-type: none"> the entire household 		✓	✓
The applicant must connect the greywater treatment system to:			
<ul style="list-style-type: none"> a sub-surface or non-aerosol irrigation system, or if the greywater has been appropriately treated in accordance with applicable regulatory requirements, to at least one outdoor tap in the development (Note: NSWHealth does not recommend that greywater be used to irrigate edible plants which are consumed raw.) 		✓	✓

Thermal Comfort Commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
General features				
The dwelling must be a Class 1 dwelling according to the Building Code of Australia, and must not have more than 2 storeys.		✓	✓	✓
The conditioned floor area of the dwelling must not exceed 300 square metres.		✓	✓	✓
The dwelling must not contain open mezzanine area exceeding 25 square metres.		✓	✓	✓
The dwelling must not contain third level habitable attic room.		✓	✓	✓
Floor, walls and ceiling/roof				
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.		✓	✓	✓
Construction	Additional insulation required (R-Value)	Other specifications		
floor - concrete slab on ground	nil			
external wall - framed (weatherboard, fibre cement, metal clad)	2.40 (or 2.80 including construction)			
ceiling and roof - flat ceiling / pitched roof	ceiling: 1.7 (up), roof: foil backed blanket (75 mm)	gable end vents: light (solar absorptance < 0.475)		
Note	• Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.			
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.			


Thermal Comfort Commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed doors and skylights				
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.		✓	✓	✓
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.		✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓	✓
<ul style="list-style-type: none"> For the following glass and frame types, the certifier check can be performed by visual inspection. <ul style="list-style-type: none"> - Aluminium single clear - Aluminium double (air) clear - Timber/uPVC/fibreglass single clear - Timber/uPVC/fibreglass double (air) clear For other glass or frame types, each window and glazed door must be accompanied with certification showing a U value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range of those listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. Frame and glass types shown in the table below are for reference only. 				✓

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading (Dimension within 10%)	Overshadowing
North facing					
W01	2040	1800	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
W02	600	450	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
W03	2040	4500	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading (Dimension within 10%)	Overshadowing
W04	2040	1800	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
South facing					
W05	2040	1800	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
W06	600	450	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
W07	2040	1800	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
W08	900	450	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed
W09	2040	1800	U-value: 3.6, SHGC: 0.486 - 0.594 (aluminium: thermally broken, double (air), clear)	verandah 1650 mm, 1800 mm above base of window or glazed door	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (electric boosted).	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans; Energy rating: n/a		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans; Energy rating: n/a		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: wood heater; Energy rating: n/a		✓	✓
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		✓	✓
The wood heater must have a compliance plate confirming that it complies with the relevant Australian standards, and must be installed in accordance with the requirements of all applicable regulatory authorities.			✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, not ducted; Operation control: interlocked to light		✓	✓
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• at least 4 of the bedrooms / study; dedicated		✓	✓
• at least 2 of the living / dining rooms; dedicated		✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• the kitchen; dedicated		✓	✓
• all bathrooms/toilets; dedicated		✓	✓
• the laundry; dedicated		✓	✓
• all hallways; dedicated		✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓
The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
Alternative energy			
The applicant must install a photovoltaic system with the capacity to generate at least 3.5 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓
Other			
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

BASIX Planning & Environment www.basix.nsw.gov.au Version 3.0 | DAR-VIN-A_3_5_7 Certificate No. 892690S Friday, 26 January 2018 page 10/10



Received
Snowy Monaro Regional Council
22/12/2017

SNOWY MONARO
REGIONAL COUNCIL

Statement of Environmental Effects

A Statement of Environmental Effects must be submitted with all Development Applications in accordance with Schedule 1 of the *Environmental Planning & Assessment Regulations 2000*.

If an answer requires additional details to be provided on likely impact(s) and the proposed means of mitigating or reducing such impact(s), additional space is provided on the last page. This Statement of Environmental Effects is not exhaustive and should be expanded where appropriate. *If more space is required, attach additional sheets.* In accordance with Section 148B of the *Environmental Planning and Assessment Act*, it is an offence to provide information that is false or misleading.

1 Author

Name:

Company (if applicable):

2 Proposal

Proposal:	<input checked="" type="checkbox"/> New Dwelling <input type="checkbox"/> Dual Occupancy or Secondary Dwelling <input type="checkbox"/> Residential Flat Building <input type="checkbox"/> Multi Dwelling Housing	<input type="checkbox"/> Ancillary Outbuilding (ie garages and sheds) <input type="checkbox"/> Additions and Alterations <input type="checkbox"/> Change of Use (not involving building works) <input type="checkbox"/> Other:
Number of dwellings/units proposed:	1	
Area of dwellings/units proposed:	T.B.C.	
Number of bedrooms proposed:	3 or 4 - T.B.C.	
Number of storeys proposed:	1	
Proposed parking arrangements:	On site	
Type and extent of landscaping proposed:	Minimal	
Proposed materials:	External Wall finishes Roof finishes Internal driveways/parking Fences/privacy screens Others	} To be confirmed

Application is to get site approval for future transportable dwelling.
Site is a '1997 Holding' (CMLEP 2013).

Statement of Environmental Effects

3 Site & Surrounding Area

3.1 Site Analysis

Property address	<input type="checkbox"/> Carlaminda Rd
Lot/DP/SP	Lot 1 DP 795557
Site area (m ² /ha)	
Existing vegetation cover	Grassland
Existing structures	Nil
Existing access arrangements	Existing entry to Carlaminda Rd
Describe how water is supplied to the site	Roofwater
Describe how effluent is currently managed	Nil - proposed AWTs
Describe how stormwater is currently managed	Nil - to be collected in tank (100,000L)
Describe how electricity and/or gas is supplied to the site	Nil Electricity is adjacent to site May use solar / storage - T.B.C.

Note: This information is also to be shown the submitted plans

Statement of Environmental Effects

3.2 Surrounding Area Analysis

Describe the types of development within the surrounding area

Several dwellings in near vicinity

Outline the distances to neighboring dwellings/structures

> 500m to nearest

Describe any Heritage items within the surrounding area

Nil

Describe the existing streetscape (ie landscaping, fences and building facades)

Rural

If applicable outline the predominant Heritage style within any conservation areas

N/A.

Note: This information is also to be shown the submitted plans

4 Environmental Impacts

4.1 Traffic & Utility Services

Describe the type/number of vehicles expected to be parked on-site

1 or 2

Describe how the development will gain legal vehicular access

Existing entrance - upgrading may be required.

Describe how water will be supplied to the development

Roofwater

Statement of Environmental Effects

Describe how effluent associated with the development will be managed

On-site - AWTs

Describe how stormwater associated with the development will be managed

Rainwater tank(s)

Describe how electricity and/or gas will be supplied to the development

To be determined - electricity adjacent or solar/storage

Note: This information is also to be shown the submitted plans

4.2 Neighbourhood Amenity

Describe proposed measures to minimise privacy, noise and security impacts (ie fencing/privacy screens, landscaping, etc)

Minimal impact

Describe proposed measures to minimise the overshadowing of neighbouring living areas (shadow diagram must be supplied for buildings over two storeys)

N/A due to setbacks

Describe how the proposed development will address the existing streetscape (ie front fences, landscaping, building facade etc)

N/A
future landscaping to include suitable species for wind breaks etc. while still meeting PBP requirements

If applicable describe how development will complement the existing Heritage items or conservation area

N/A

Note: This information is also to be shown the submitted plans

Statement of Environmental Effects

4.3 Natural Environment

Describe how the proposed development will impact upon native flora and fauna (including the removal of vegetation for bushfire protection etc)

Minimal Impact but will require surrounds to be managed (<10m)
for bush fire protection

Describe proposed measures to minimise the impacts outlined above (ie Property Vegetation Plan, Biobanking etc)

N/A

Outline proposed measures to minimise any impacts on natural waterways (i.e. diversion banks, separation etc)

N/A - no nearby water courses

Outline proposed measures to minimise any potential contamination (i.e. storage of chemicals, bunded areas etc)

N/A

Outline the levels of excavation/fill associated with the development

Minimal cut/fill
Excavation for AWTs

If applicable/appropriate describe how the development will manage flood waters (levy banks, construction etc)

N/A

If applicable/appropriate describe how the development will manage bushfire events (asset protection zones, construction etc)

Surrounds to be managed to PBP requirements

Note: This information is also to be shown the submitted plans

Statement of Environmental Effects

4.4 Construction Issues

Describe erosion and sediment control measures proposed (ie silt fences, hay bales etc)

Silt fences to protect site during construction

Outline the expected duration of construction

Total Days:	Not known			
Hours:	Monday - Friday		Saturday - Sunday	
	8 am	5 pm	am	pm

Outline how the site will be secured during the construction process

Locked gates

Outline any demolition proposed as part of the development (including the removal of any asbestos materials)

Nil

Outline how building materials will be stored on the site during construction (ie storage sheds/containers etc)

Minimal -

Describe how waste generated during construction will be managed

Waste Management Plan

Complete a Waste Disposal Plan for all developments that include construction and/or demolition works. You may attach a Plan or use the table below. Waste includes, but is not limited to vegetation, trees, soil, construction waste, demolition waste, timber, asbestos, metals

Minimal

Note: This information is also to be shown the submitted plans



Statement of Environmental Effects

4.5 Waste Management Plan

Type of waste	Estimated Amount/Volume	Where/how it will be stored on site	Where it will be disposed	Method of transportation/disposal
Building material waste	Minimal		Recycle where possible - Lauma landfill	Trailer

PRIVACY INFORMATION: The information you provide in this Statement will enable your application to be assessed by Council and any relevant state agency. If the information is NOT provided, your application may not be accepted. Your application will be publicly notified in accordance with Clause 8 of Snowy Monaro Regional Council's Development Control Plan 2013. The application details will also be kept by Council in a register that may be viewed by the public at any time. The Act provides that for the purposes of public notification, specific internal layouts of a dwelling maybe excluded from a plan prepared for such exhibition.

5 Additional Notes



Development Application

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

Office Use Only	
DA Number	10. 2017-11861

PLEASE COMPLETE ALL SECTIONS

APPLICANT			
Name/Company:		Phone:	
Contact Name (if Company):		Fax:	
Postal Address:		Mobile:	
Town:		State: NSW	Postcode: 2630
		Email:	

OWNER			
Name/Company:		Phone:	
Contact Name (if Company):		Fax:	
Postal Address:	As above	Mobile:	
Town:		State:	Postcode:
		Email:	
Is the subject land Crown Land <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> → Please attach Authority			
OFFICE USE ONLY	NAR Numbers		

LAND TO BE DEVELOPED (Please attach additional sheet if inadequate space provided)					
No:		Street:	CARLAMINDA RD	Town:	LOOM A
Lot:	1	Section:		DP/SP:	795557
Lot:		Section:		DP/SP:	
Lot:		Section:		DP/SP:	
OFFICE USE ONLY	Parcel Numbers				

PROPOSED DEVELOPMENT		
Description of development: Use of land for transportable dwelling		
<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 checked="" type="checkbox"/> Single dwelling	<input type="checkbox"/> Storage Shed	<input type="checkbox"/> Tourist
<input type="checkbox"/> Residential alterations/additions	<input type="checkbox"/> 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 residential	<input type="checkbox"/> Office	<input type="checkbox"/> Event
<input type="checkbox"/> Mixed	<input type="checkbox"/> Food Premises	<input type="checkbox"/> Other

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):	\$190,000

STAGED DEVELOPMENT	
Are you lodging a Staged Development Application ? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Section 83B of the <i>Environmental Planning and Assessment Act 1979</i> 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 Integrated Development ? <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 BASIX Certificate ?	<input type="checkbox"/> <input checked="" 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 checked="" 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 checked="" type="checkbox"/> <input type="checkbox"/>
Biodiversity compliant development ⁺ ? If yes, please specify the reason in your Statement of Environmental Effects	<input type="checkbox"/> <input checked="" type="checkbox"/>
Require Concurrence ⁺ from any authorities?	<input type="checkbox"/> No
Is the proposal State significant development ? 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 checked="" 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>	
* TO BE APPLIED FOR SEPARATELY	
<p>A Structures</p> <p><input checked="" 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 checked="" type="checkbox"/> B1 Carrying out water supply work. Please choose: <input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Aerated Waste Treatment System (AWTS) <input type="checkbox"/> 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 checked="" 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>⁺ Private 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>[*] Public 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).		
Applicants Signature	Name	Date
[Signature]	TRACEY SMITH	21/12/17

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 in 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 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 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.		
Signature	Name	Date
[Signature]	Peter Smith	21/12/17
Signature	Name	Date
[Signature]	TRACEY SMITH	21/12/17

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.		
Signature	Name	Date
[Signature]	Peter Smith	21/12/17
Signature	Name	Date
[Signature]	TRACEY SMITH	21/12/17

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).

15.4 DA10.2016.1065.2 MODIFICATION TO ROTARY MARKETS CONSENT

Record No:

Responsible Officer:	Director Environment & Sustainability
Authors:	Urban and Rural Planner Director Environment & Sustainability
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.2.1.1 Ensure that Council's land use planning and development policies enhance liveability.
Operational Plan Action:	OP6.11 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 consent notice 10.2016.1065.2 ↓ 2. Revised stall location plan ↓ 3. Site Plan ↓ 4. Additional information submitted by applicant ↓ 5. Applicant proposed conditions of consent ↓ 6. Applicants proposed changes to conditions relating to damage to Council property ↓ 7. Application form - Rotary Markets ↓

Applicant Number:	10.2016.1065.2
Applicant:	The Rotary Club of Cooma Inc
Owner:	Snowy Monaro Regional Council and Land & Property Management
DA Registered:	10.2016.1065.2
Property Description:	Centennial Park – 91 Sharp St COOMA
Property Number:	15890
Area:	Cooma
Zone:	RE1- Public Recreation
Current Use:	Public Recreation
Proposed Use:	Event- Market (Modification of approved DA)
Permitted in Zone:	<p>2 Permitted without consent Environmental protection works</p> <p>3 Permitted with consent Car parks; Community facilities; Environmental facilities; Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads</p>

	4 Prohibited Any development not specified in item 2 or 3
Recommendation:	Partial Approval

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for a modified development application submitted by Cooma Rotary for monthly markets in Centennial Park. The application under s4.55 (1A) of the Environmental Planning and Assessment Act 1979 ("the Act"). The proposed modified development application 10.2016.1065.2 seeks to amend several conditions from the original consent approved by Council in May 2017. This application is being submitted to council as the original consent was determined at a Council meeting in May 2017 as it was considered to be an application of community importance.

This report is a follow up from that which was put to Council's meeting of 19 April 2018. At the open forum of that meeting, Mr Carlo Botto addressed Council and sought to have some of the recommended conditions changed. A revised plan was also submitted at that time showing the location of individual stalls (attached), which provided more clarity as to the areas to be used than the previously submitted plans.

Council resolved (Stewart/Last) as follows (Resolution 124/18):

"That Council receive a report from staff on the four (4) key conditions: Clause 2, Clause 7, Clause 8, and Clause 13 the Rotary Club has outlined as unreasonable in the modification."

Comments regarding those conditions are included below.

It is recommended that the modified development application be approved as per the attached "draft determination"

RECOMMENDATION

That

- A. That pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that a modification to DA 10.2016.1065.1 for the temporary use of Centennial Park for monthly Rotary Markets being 10.2016.1065.2 on Lot: 701 DP: 1023496 , is granted subject to the amended conditions attached.
- B. Any person who made a submission is notified according to the regulations.

BACKGROUND

This development application is for a modification of the consent for the Rotary Club of Cooma's monthly markets held in Centennial Park under section 4.55 (1A) of the Act. These markets have been in operation for over twenty years; however, DA 10.2016.1065.1 was the first formal approval for their running.

Following the Council meeting, staff from Council's Facilities and Recreation sections (who are responsible for the maintenance and management of Centennial Park) were consulted regarding the conditions queried by Mr Botto, as the conditions in question relate to the operation and management of the Park, being a unique and iconic community facility, and not the Development Assessment aspects of the application.

In the absence of a "Plan of Management" or similar for the Park, management controls are being applied through the Development Consent.

Comments regarding the requested changes to conditions are provided for Councillors consideration (and amendment to proposed conditions as suitable) as follows:

Condition 2: The request for any additional markets to be subject to separate approval was to ensure that management of park bookings would be adequate to avoid an entity "missing out" on a preferred date due to a prior booking. The Rotary markets have traditionally been on the 3rd Sunday of each month, with other bookings managed around those as "set" dates.

There is no issue with the re-use or re-submission of documentation such as risk management/traffic management plans. It was never suggested that Rotary would need to "*unnecessarily develop new ones under a new consent*" as stated. If Council agrees to add the wording "*...plus any special markets as agreed*" as suggested, then it is recommended that it also includes a requirement for Rotary to seek the additional approval (or 'agreement') for the additional date(s) at least six (6) weeks prior to the proposed event(s).

Condition 7: Council's Facilities and Recreation staff have agreed to forego the requirement for a dilapidation report. Accordingly, it is suggested that the proposed wording might be amended to:

"The event organiser shall notify Council within one (1) business day following the market of any damage observed."

It is recommended to not include wording usually found in commercial contract arrangements such as "reasonable endeavours" or "best endeavours".

Condition 8: Facilities and Recreation staff are willing to accept modification to the proposed condition, including the proposed wording requiring that Council staff carry out an inspection of the Park on the first business day following the Markets, which will be a similar requirement to that as recommended in Condition 7 (above).

Whether Rotary should be provided an opportunity to rectify any damage agreed to have occurred due to market activities would need to be assessed on a case by case basis, and may depend on the level of risk to the public (i.e. Council) of leaving any damage in an unrepaired state while repair works were being negotiated. Accordingly, wording could be considered as follows:

"Upon notification or identification of damage from market activities, Council will discuss rectification options with Rotary, based on the nature of the damage and risk to the public. Council reserves the right to effect immediate repairs where necessary due to public safety concerns, and to invoice Rotary for such repairs as necessary."

It is pointed out that although significant damage is considered unlikely, there have been isolated instances in the past where park infrastructure has been damaged due to vehicle movements within the park curtilage. Having a mechanism in place to readily identify and address damage issues is considered to be important.

Condition 13: The updated “stall plan” as provided at the Council meeting on 19 April now shows that access to the toilets at either side of the bandshell is not impeded by the “stall area”. The plan as submitted with the modification application (referred to as “Figure 1 Rev B” and attached as “Site Plan”) depicted the stall area (shown in red hatching across the entire toilet & Bandshell area) as impeding direct access to the toilet facilities. The revised plan, which will form part of the Development Approval, is considered to have addressed the access to the toilets. The original version of “Figure 1 Rev B” is attached for reference.

It is recommended, however, that heavy vehicles be restricted from the area in front of the bandshell and any paved areas to minimise potential damage in these areas. It is understood this can be achieved through the Traffic Management Plan.

These changes have been included in the assessment report below.

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

ASSESSMENT

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

State Environment Planning Policies (SEPPs)	Nil
Local Environmental Plan (LEP) (including draft LEPs)	Cooma Monaro Local Environment Plan 2013
Development Control Plans	Cooma Monaro Development Control Plan 2014

SECTION 79C

Application:	10.2016.1065.2
Officer:	Quinn Maguire
Date Lodged:	28/11/2017
Land:	Centennial Park/91 Sharp Street COOMA 2630 Lot: 701 DP: 1023496
Zone:	RE1 - Public Recreation
Proposal:	Markets - 3rd Sunday of Month (Modify Various Conditions of Consent)
Modification:	Proposed modification of conditions- see details below (Table 1)

This application was submitted as a modification to the approved **10.2016.1065.1**

An assessment has been conducted under the provision of Section 96 (1A) of the Environmental Planning and Assessment Act, 1979 ('the Act'). The following matters require the consideration of the Council.

1 Existing Site Features

Location	Centennial Park/91 Sharp Street COOMA 2630 - Lot: 701 DP: 1023496
Site Inspection	First Inspection for initial DA 19/12/2016
Size	9948.186
Topography	The site is relatively level, with little to no slope
Existing buildings	Band stand, bus shelter and playground equipment
Existing vegetation cover	Maintained lawn grasses, mature established trees and minimal shrubs
Access arrangements	No formal vehicular access locations, site has frontage to Sharp St, Massie St and Bombala St. Proposed access via Sharp st over paved section of park.
Existing/available utility services	Existing connections to power, Council water and Council sewage
Any easements and/or restrictions of note	Site is identified as being a heritage item
Crown ownership	Yes- Lot: 701 DP: 1023496 is Crown Owned Land
Other	Site for development is owned and maintained by Council
Surrounding development	Located within the Cooma CBD, predominantly business and community development surrounding

2 Proposal

The proposed development involves the modification to the approved **10.2016.1065.1** – changes proposed to multiple conditions by the applicant are shown in the table 1 below. Existing wording in black text, proposed removals shown with strikethrough, proposed new additions noted in bold red.

Table 1 – changes proposed by the applicant to approved conditions of consent

Condition	Proposed Changes	Notes
2	The organiser is advised that this consent is for 12 Markets per year for 5 years plus any other special markets as agreed (consecutive) being held on the third Sunday in each Month.	Modification proposed to include additional markets on top of the approved monthly market
2	Note - As this consent rests with the land, this condition may be amended by Snowy Monaro Regional Council as the owner trustee of the land on which the event is to be held thereby having the effect of cancelling the event should it deem necessary the organiser will be provided one month's notification of revocation of owners consent.	Request to change wording from "owner" to "trustee"
6	The organiser shall ensure that any food stall holders and operators of amusement devices hold the relevant insurances and registrations. Public liability Insurances in this	Proposal to change insurance limits from twenty million to ten million

	respect must be a minimum of twenty (20) ten (10) million dollars covering the dates of the event.	
6	A copy of these current policies are to be submitted to Council 14 days prior to the event held by the applicant and made available to Council on request	Proposal to remove requirement to provide certificates of currency to Council unless expressly requested
7	A dilapidation report is to be completed by Council and the Market Organisers prior to the commencement of the first market of each year approved under this consent. This report will be updated monthly by Council. The report shall include all areas on which the markets are to be held and indicate the condition of the park prior to the use commencing. The Applicant will make reasonable endeavours to avoid damaging Centennial Park infrastructure subject to this approval. If the Applicant damages or observes damage that may have occurred, they will report it to Council as soon as practicable.	Proposal to remove condition and replace with new wording including the term " <i>reasonable endeavours</i> "
8	Council will inspect the area with the two business days following each market to ensure that no damage to infrastructure (including grass surface, equipment and paved areas) has occurred, should any rectification works be required then the market organiser shall pay for such works at the full commercial rate. Council will undertake the works and issue an invoice for the recovery of these costs Council may inspect the area for material damage (excluding wear-and-tear) to infrastructure (including grass surface, equipment and paved areas subject to this approval) that may have occurred as a direct result of Market operations. Any inspection specifically for damage attributable to Market operations will be no more than one (1) business day following each Market event. If the Council determines there is material damage resulting directly from Market operations, Council will prepare a report detailing damage and include any recommended rectification works required. The applicant will be notified and be provided with a detailed report describing damage and recommended rectification work, including an estimate of costs. The applicant will be given the opportunity to rectify the damage whenever possible. If Council performs the rectification work, it will undertake the works at the lowest cost and issue an invoice to the Applicant for the recovery of costs for the works.	Proposal to remove condition and replace with new wording
13	Stalls are only permitted within zones 1 to 4 as shown on the approved plan. Subject to prior Council approval, Zone 1A may be used for stalls where there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area.	Proposal to remove condition
14	The applicant shall ensure adequate traffic management	Proposed changes to match

	processes are in place at all times. A traffic/vehicle management plan, Incorporating any required Section 138 Roads Act approvals for vehicle movement across public roads and footpaths, shall be submitted for Council approval to include the following items: vehicular access from Sharp 5t along the designated path shown is figure 1 (Rev 2 B); Vehicular access from Massie 5t along the designated path shown is figure 1 (Rev 2 B), any other vehicle movement within the park area.	plans
18	<p>The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.</p> <p>If the park is deemed to be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.</p> <p>If the Council determines the park be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.</p> <p>The Council will make best endeavours to provide sufficient notice to allow the Applicant to inform Stallholders and others of the cancellation or re-location.</p> <p>Council will ensure sprinklers or other irrigation does not occur within 24 hours of a Market day</p> <p>Reason: To ensure the ongoing integrity of the facility, and public safety using the facility.</p>	Proposal to change wording of condition to include onus on Council to provide " <i>sufficient notice</i> ", and proposed inclusion of the term " <i>best endeavours</i> "
21	<p>The location of Zone 3 is to be adjusted so stalls are to, where possible, it aligns align with the active verge of Centennial Park.</p> <p>Reason: To ensure development is in keeping with the Cooma CBD Structure Plan 2009.</p>	Proposed change of wording
23	<p>The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works: Working within a road reserve, including using road reserve as an access point.</p> <p>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 with former Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.</p> <p>The Section 138 approval must be sought prior to the commencement of works within a reasonable period after approval as agreed with Council.</p> <p>All works shall be carried out in accordance with the Section 138 Approval.</p> <p>Reason: In accordance with Roads Act 1993.</p>	Proposed change wording to commence activities prior to approval

3 Background/History

The site of the proposed market events is known as Centennial Park, this site is Crown reserve which is managed by Council as an area for public recreation. The Rotary Markets have occurred on this site in excess of two decades. The original consent for this application was granted at the 2017 May Council Meeting held in Cooma. This is the first proposed modification of this approval.

4 Modification Substantially the Same - (involving minimal environmental impact (S.4.55(1A)(b)) or other modifications (S.4.55(2)(a)))

Council is required under Section 4.55 (1A) of the Act to determine if the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted before that consent was modified.

The word substantially means *essentially or materially or having the same essence*. In assessing whether the test is met a factual comparison between the approved development and the proposed modifications is required. The question must be asked and answered with respect to the particular circumstances of the individual modification application. It is for the decision maker to decide the relevant range of facts to assist in determining the question. Even though certain modifications of a development may be described as significant this does not mean that the modified development could not necessarily remain substantially the same as the approved development. The comparison process involves an appreciation both qualitative and quantitative of the development being compared in its proper context. Any planning appraisal of the modified development is not relevant to the threshold question.

In applying these principles to the question of whether the proposal the subject of this application is substantially the same as that for which consent was originally granted, it has been considered that the proposed modified development is substantially the same.

5 Public Notification (S.4.55 (1A)(c))

Council is required under Section 4.55 (1A) of the Act to notify the application in accordance with Council's development control plan. The modification was notified for a period of 14 days in accordance with Chapter 8 of the Cooma-Monaro Shire Development Control Plan 2014.

6 Consideration of Public Submissions (S.4.55(1A)(d))

Council is required under Section 4.55 (1A) of the Act to consider any submissions made concerning the proposed modification received within 14 days after being notified. The results of Council's notification process and the consideration of any submissions received is undertaken in Section 15 of this assessment.

7 Matters referred to in section 4.15(1) (S.4.55 (3))

A consideration of the provisions of Section 4.15 (1) of the Act is provided under the subsequent sections of this report.

8 Provision of any Environmental Planning Instruments (S4.15(1)(a)(i))

No specific State Environmental Planning Policies apply to this proposed development

Cooma Monaro Local Environmental Plan 2014

The proposed development site is zoned RE1 Public Recreation under the Cooma-Monaro Local Environmental Plan 2013 (LEP). The approved Rotary Markets are deemed to meet the definition of a 'market' (under the CMLEP 2013) which is permitted with consent.

***market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.*

The proposed modification is not considered to change to the development's ability to comply with this definition.

In accordance with Clause 2.3 of the LEP before determining a development application the consent authority is to have regard to the objectives for development in a zone. The objectives of the RE1 zone read as follows:

Zone RE1 Public Recreation

1 Objectives of zone

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

The approved development is considered to be in character with the surrounding town development and consistent with the objectives of the RE1 Public Recreation zone.

Also applicable to this application is **Clause 6.10 Essential Services** which states:

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 existing development is considered to be compliant with this clause, the proposed modification is not considered to affect compliance for the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation.

Changes to condition 23 may potentially impact the development's availability of suitable vehicular access.

9 Provision of any proposed Environmental Planning Instruments (S.4.15(1)(a)(ii))

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

10 Provision of any Development Control Plan (S.4.15 (1)(a)(iii))

Cooma-Monaro Development Control Plan 2014

Cooma-Monaro Development Control Plan 2014 (Amendment 1) (DCP) is applicable to Lot 701 DP 1023496 and outlines a number of general development standards that require consideration of all applications.

Upon review it was determined that there are no provisions relating to 'markets' and none of the General Development Controls identified in Chapter 2

In lieu of this a merits base assessment of the proposed modification has been undertaken below in table 2.

Table 2 – Changes to conditions proposed by the applicant and Council Officer suggested action and condition to be included in the draft amended conditions of consent

Note - As in table 1 above existing wording of the approved condition are in black text, proposed removals shown with strikethrough, proposed new additions noted in bold red.

Condition		Suggested Action by Officer
2	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>The organiser is advised that this consent is for 12 Markets per year for 5 years plus any other special markets as agreed (consecutive) being held on the third Sunday in each Month.</p>	
	<p><u>Condition to be included in modified consent</u></p> <p>The organiser is advised that this consent is for 12 Markets per year for 5 years (consecutive) being held on the third Sunday in each Month.</p>	<p><u>Comments-</u> Determination was for one market day, once a month for 5 years. Any additional special markets or events would require their own consent.</p> <p>There is no issue with the re-use or re-submission of documentation such as risk management/traffic management plans. It was never suggested that Rotary would need to <i>"unnecessarily develop new ones under a new consent"</i> as stated.</p> <p>If Council agrees to add the wording <i>"...plus any special markets as agreed"</i> as suggested, then it is recommended that it also includes a requirement for Rotary to seek the additional approval (or 'agreement') for the additional date(s) at least six (6) weeks prior to the proposed event(s).</p>
2	<p><u>Changes to approved note as proposed by the applicant</u></p> <p>As this consent rests with the land, this condition may be amended by Snowy Monaro Regional Council as the owner trustee of the land on which the event is to be held thereby having the effect of cancelling the event should it deem necessary the organiser will be provided one month's notification of revocation of owners consent.</p>	<p><u>No change</u> should be made to original condition</p>

	<p><u>Condition to be included in modified consent</u></p> <p>As this consent rests with the land, this condition may be amended by Snowy Monaro Regional Council as the owner of the land on which the event is to be held thereby having the effect of cancelling the event should it deem necessary the organiser will be provided one month's notification of revocation of owners consent.</p>	<p><u>Comments-</u> Wording for this condition is considered to be suitable. While the land is Crown owned both terms are considered to be correct in context of Council's agreement with Crown lands for use of the site. Owners consent for the application was granted by Council per the rights and responsibilities vested in them via agreement with Crown Lands.</p>
6	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>The organiser shall ensure that any food stall holders and operators of amusement devices hold the relevant insurances and registrations. Public liability Insurances in this respect must be a minimum of twenty (20) ten (10) million dollars covering the dates of the event.</p>	<p><u>Partial Approval-</u> Remove specific limit to allow flexibility in use arrangement, keep requirement for cover as standard requirement from Council's insurers.</p>
	<p><u>Condition to be included in modified consent</u></p> <p>The organiser shall ensure that any food stall holders and operators of amusement devices hold the relevant insurances and registrations.</p>	<p><u>Comments-</u> As this is Council policy (and in accordance with advice from Council's insurers) it is not considered appropriate to change this condition to reduce the liability limit required as it would potentially create a precedent for other events. What has been recommended is that the wording be changed to require relevant insurances which will be in association with the 20 million liability cover required to be held by Rotary. This matter was checked with Council's insurer and the following advice was provided to the applicant on 22 November 2017:</p> <p><i>"Our Risk Officer obtained advice from our insurer re the public liability amount for Food and Amusement device stall holders, their response was that they always recommend a minimum indemnity limit of \$20m.</i></p> <p><i>We advised our insurers that Rotary are the organisers of the event/markets and Rotary holds more than this minimum limit. Our insurers advised that Council inform Rotary it is preferable all stallholders and amusement rides hold \$20m cover and leave it with Rotary to administer."</i></p>
6	<p><u>Changes to approved condition as proposed by the applicant</u></p>	<p><u>Partial Approval-</u> minor wording changes</p>

	<p>A copy of these current policies are to be submitted to Council 14days prior to the event held by the applicant and made available to Council on request</p>	
	<p><u>Condition to be included in modified consent</u></p> <p>A copy of these current policies are to be held by the applicant and made available to Council immediately upon request</p>	<p><u>Comments-</u> It is considered reasonable to modify this condition so that there is some flexibility; however, it is suggested that the wording be altered to state that the certificates of currency be provided <u>immediately</u> upon council request.</p>
7	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>A dilapidation report is to be completed by Council and the Market Organisers prior to the commencement of the first market of each year approved under this consent. This report will be updated monthly by Council. The report shall include all areas on which the markets are to be held and indicate the condition of the park prior to the use commencing.</p> <p>The Applicant will make reasonable endeavours to avoid damaging Centennial Park infrastructure subject to this approval. If the Applicant damages or observes damage that may have occurred, they will report it to Council as soon as practicable.</p>	<p><u>Condition to be amended</u> should be made to original condition</p> <p>Note that the term “<i>reasonable endeavours</i>” is a term commonly used in commercial contracts, and as such it is recommended that such terms be avoided in the Development Consent. It is noted that the applicant seeks to impose a lower standard on itself than what it later suggests is required of Council for other aspects (proposed for Council to apply “<i>best endeavours</i>”). Explanations regarding the application of such terms is available on the internet in articles published by reputable Australian legal firms including Piper Alderman and Sparke Helmore.</p> <p>Use of a dilapidation report provides a benchmark for comparison purposes in the unlikely (but possible, and not unprecedented) event that damage occurs to community infrastructure from market activities however Council’s Facilities and Recreation staff have agreed to forego the requirement for a dilapidation report. The condition of consent is to be amended to allow for notification to Council damage is observed.</p>
	<p><u>Condition to be included in modified consent</u></p> <p>The Applicant will make all reasonable endeavours to avoid damaging Centennial Park infrastructure subject to this approval. If the event organiser damages or observes damage that may have occurred during the market and/or as a result of market activities,</p>	<p><u>Comments-</u></p> <p>Council’s Facilities and Recreation staff have agreed to forego the requirement for a dilapidation report.</p>

	the event organiser shall notify Council within one (1) business day following the market of any damage observed.	
8	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>Council will inspect the area with the two business days following each market to ensure that no damage to infrastructure (including grass surface, equipment and paved areas) has occurred, should any rectification works be required then the market organiser shall pay for such works at the full commercial rate. Council will undertake the works and issue an invoice for the recovery of these costs</p> <p>Council may inspect the area for material damage (excluding wear-and-tear) to infrastructure (including grass surface, equipment and paved areas subject to this approval) that may have occurred as a direct result of Market operations. Any inspection specifically for damage attributable to Market operations will be no more than one (1) business day following each Market event.</p> <p>If the Council determines there is material damage resulting directly from Market operations, Council will prepare a report detailing damage and include any recommended rectification works required. The applicant will be notified and be provided with a detailed report describing damage and recommended rectification work, including an estimate of costs. The applicant will be given the opportunity to rectify the damage whenever possible.</p> <p>If Council performs the rectification work, it will undertake the works at the lowest cost and issue an invoice to the Applicant for the recovery of costs for the works.</p>	<p><u>Condition Amended:</u> Facilities and Recreation staff are willing to accept modification to the proposed condition, including the proposed wording requiring that Council staff carry out an inspection of the Park on the first business day following the Markets, which will be a similar requirement to that as recommended in Condition 7 (above).</p> <p>Whether Rotary should be provided an opportunity to rectify any damage agreed to have occurred due to market activities would need to be assessed on a case by case basis, and may depend on the level of risk to the public (i.e. Council) of leaving any damage in an unrepaired state while repair works were being negotiated.</p> <p>It is pointed out that although significant damage is considered unlikely, there have been isolated instances in the past where park infrastructure has been damaged due to vehicle movements within the park curtilage. Having a mechanism in place to readily identify and address damage issues is considered to be important.</p>
	<p><u>Condition to be included in modified consent</u></p> <p>Council will inspect the area within the one (1) business day following each market to ensure that no damage to infrastructure (including grass surface, equipment and paved areas) has occurred. Upon notification or identification of damage from market activities, Council will discuss rectification options with Rotary, based on the nature of the damage and risk to the public. Council reserves the right to effect immediate repairs where necessary due to public safety</p>	<p><u>Comments-</u> Condition to be amended</p>

	concerns, and to invoice Rotary for such repairs as necessary.	
13	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>Stalls are only permitted within zones 1 to 4 as shown on the approved plan. Subject to prior Council approval, Zone 1A may be used for stalls where there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area.</p>	<p><u>Condition to be amended:</u></p> <p>The updated “stall plan” as provided at the Council meeting on 19 April now shows that access to the toilets at either side of the bandshell is not impeded by the “stall area”. This plan will be referenced as one of the “approved plans”.</p> <p>The plan original as submitted with the modification application (referred to as “Figure 1 Rev B”) depicted the stall area (shown in red hatching across the entire toilet & Bandshell area) as impeding direct access to the toilet facilities. The revised plan, which will form part of the Development Approval, is considered to have addressed the access to the toilets. The original version of “Figure 1 Rev B” is also attached for reference.</p> <p>It is recommended, however, that heavy vehicles be restricted from the area in front of the bandshell and any paved areas to minimise potential damage in these areas. It is understood this can be achieved through the Traffic Management Plan.</p>
	<p><u>Condition to be included in modified consent</u></p> <p>Stalls are only permitted in the locations shown on the approved plan. The area in front of the bandshell may be used for stalls where there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area.</p>	<p><u>Comments-</u> Condition to be amended to reflect revised plan.</p>
14	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>The applicant shall ensure adequate traffic management processes are in place at all times. A traffic/vehicle management plan, Incorporating any required Section 138 Roads Act approvals for vehicle movement across public roads and footpaths, shall be submitted for Council approval to include the following items: vehicular access from Sharp St along the designated path shown in figure 1 (Rev 2 B); Vehicular access from Massie St</p>	<p><u>Approval condition to be amended as requested</u></p>

	<p>along the designated path shown is figure 1 (Rev 2 B), any other vehicle movement within the park area.</p>	
	<p><u>Condition to be included in modified consent</u></p> <p>The applicant shall ensure adequate traffic management processes are in place at all times. A traffic/vehicle management plan, incorporating any required Section 138 Roads Act approvals for vehicle movement across public roads and footpaths, shall be submitted for Council approval to include the following items: Vehicular access from Sharp St along the designated path shown is figure 1 (Rev B); Vehicular access from Massie St along the designated path shown is figure 1 (Rev B); any other vehicle movement within the park area.</p>	<p><u>Comments-</u> Proposed modification considered to be appropriate.</p>
18	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.</p> <p>If the park is deemed to If the Council determines the park be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.</p> <p>The Council will make best endeavours to provide sufficient notice to allow the Applicant to inform Stallholders and others of the cancellation or re-location.</p> <p>Council will ensure sprinklers or other irrigation does not occur within 24 hours of a Market day</p> <p>Reason: To ensure the ongoing integrity of the facility, and public safety using the facility.</p>	<p><u>Partial approval</u></p>
	<p><u>Condition to be included in modified consent</u></p> <p>The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.</p> <p>If the Council determines the park be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.</p>	<p><u>Comments-</u> Change of wording to “<i>If the Council determines the park</i>” is considered to be appropriate and also provides additional clarity in the condition.</p> <p>As Council is the land owner and not the applicant, the addition of “<i>The Council will make best endeavours to provide sufficient notice to allow the Applicant to inform Stallholders and others of the cancellation or re-location</i>” and “<i>Council will ensure sprinklers or other irrigation does not occur within 24 hours</i>”</p>

	Reason: To ensure the ongoing integrity of the facility, and public safety using the facility.	<i>of a Market day”</i> is not considered to be an appropriate condition. Again it is recommended to avoid using terms such as “ <i>best endeavours</i> ” as detailed in item 7.
21	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>The location of Zone 3 is to be adjusted so stalls are to, where possible, it aligns align with the active verge of Centennial Park.</p> <p>Reason: To ensure development is in keeping with the Cooma CBD Structure Plan 2009.</p>	Approval condition to be amended as requested
	<p><u>Condition to be included in modified consent</u></p> <p>The location of stalls are to, where possible, align with the active verge of Centennial Park.</p> <p>Reason: To ensure development is in keeping with the Cooma CBD Structure Plan 2009.</p>	<u>Comments-</u> This condition specifically references Zone 3 the on the approved plans. New plans provided by the applicant show a modified layout where Zone 3 has been adjusted to align with the active verge of the park. As Zone 3 has been adjusted it is considered that the new wording is appropriate.
23	<p><u>Changes to approved condition as proposed by the applicant</u></p> <p>The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works: Working within a road reserve, including using road reserve as an access point. 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 with former Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent. The Section 138 approval must be sought prior to the commencement of works within a reasonable period after approval as agreed with Council. All works shall be carried out in accordance with the Section 138 Approval.</p> <p>Reason: In accordance with Roads Act 1993.</p>	No change should be made to original condition as change would not comply with Roads Act 1993
	<p><u>Condition to be included in modified consent</u></p> <p>The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works: Working within a road reserve, including using road reserve as an access point. The applicant shall make application to Council for</p>	<p><u>Comments-</u> Under the Roads Act 1993 Section 138; “(1) A person must not: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure,</p>

	<p>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 with former Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent. The Section 138 approval must be sought prior to the commencement of works</p> <p>All works shall be carried out in accordance with the Section 138 Approval.</p> <p>Reason: In accordance with Roads Act 1993.</p>	<p><i>work or tree on a public road, or</i> <i>(d) pump water into a public road from any land adjoining the road, or</i> <i>(e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.</i> <i>Maximum penalty: 10 penalty units."</i></p> <p>This condition was written in accordance with the requirements of the Roads Act 1993, any change to this condition to allow for works to occur prior to Section 138 approval being granted would be illegal.</p>
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11 Provision of any Planning Agreement (S.4.15(1)(a)(iia))

There are no planning agreements in place in relation to the proposed development.

12 Provision of the Regulations (S.4.15(1)(a)(iv))

This subsection refers to clauses 92-94A of the Regulations. *None of these clauses directly apply to the proposal.*

13 Impacts of the Development – Environmental, Social & Economic (S.4.15(1)(b))

Context and setting	<p>Centennial Park is a Council managed and maintained asset, used for public recreation located within the town's central business district. The context and setting is deemed suitable for a market development.</p> <p>The proposed modification is not foreseen to impact this.</p>
Access, transport and traffic	<p>There is direct pedestrians access to the site via paved pathways along the boundaries of Sharp St, Bombala St and Massie St</p> <p>Per the original DA approval vehicular access to the park is to be gained via Sharp/Massie street. Prior to commencement of this use the applicant is to obtain a section 138 approval for works/activities in the road reserve- this approval is to ensure safety and suitability of this access.</p>
Public domain	<p>The proposed markets are to be conducted on the Crown Reserve (Centennial Park) and are not envisaged to have a negative impact on pedestrian movements or access to public open space.</p> <p>The proposed modification is not foreseen to impact this.</p>
Impacts on supply of utilities	<p>No changes from original report-</p> <p>Water, sewer and electricity are available to the site. No impact on the supply of utilities is envisaged.</p>

Heritage	<p>No changes from original report-</p> <p>Centennial Park is noted as being a heritage listed item (#1117); because of this the development was referred to council's heritage officer. Due to the nature of the item it is considered that the use of the site for markets will not have a negative impact on its heritage value, instead it is deemed to be a continuation of the site's use for public recreation purposes.</p> <p><i>"The operation of Markets in Centennial Park is appropriate from a heritage perspective. The only concern, and one that has been identified by others, is the risk of compaction and damage to grass. Ideally, vehicles would be limited to only those with a genuine need to access the park, and those vehicles should remain on the hardstand paved area. Furthermore, the need for vehicle use should not be used to pressure Council to enlarge the area of paving that presently exists."</i>- Council's Heritage Officer</p>
Soils	<p>No impact foreseen from proposed modification-</p> <p>Referring Council officers have expressed concerns over potential impacts of the development on soils due to compaction from vehicular access. The park is considered to be one of Council's most prominent assets and it is considered that if the markets are expected to grow in stall holder number and attendance that in the future that these potential issues will only increase in severity.</p>
Air quality, pollution and microclimate impacts (eg odour)	<p>No changes from original report-</p> <p>Due to the nature of the development, no impacts are envisaged.</p>
Flora and fauna	<p>No changes from original report-</p> <p>Potential impacts on flora (predominantly maintained lawn grasses) if driving/parking is permitted on the grassed area of the park.</p>
Waste facilities and controls	<p>No changes from original report-</p> <p>Public facilities are currently utilised, it will be conditioned that in certain circumstances extra facilities are to be provided by or at a cost to the organisers.</p>
Energy efficiency and greenhouse gas emissions	<p>No changes from original report-</p> <p>Due to the nature of the development, no significant impacts are envisaged.</p>
Noise and vibration	<p>No changes from original report-</p> <p>Due to the nature of the development, no significant impacts are envisaged.</p>
Technological hazards and other risks to people, property and the environment	<p>No changes from original report-</p> <p>Due to the nature of the development, no impacts are envisaged.</p>
Safety, security and crime prevention	<p>No changes from original report-</p> <p>Any approval is to stipulate the event organisers are responsible for making satisfactory security arrangements to ensure crowd control and inform the local police of the event prior to occurrence.</p>

<i>Social impact in locality</i>	No changes from original report- The proposed markets offer an opportunity for the surrounding local residents to socialise, increase patronage to the town and advertise the local area to the broader community.
<i>Economic impact in locality</i>	No changes from original report- It is considered that some local businesses may lose sales to the stall holders on the day of the event, but sales may also increase due to the people visiting the town due to the markets. There is potential for increased economy for the town as a whole via the funds raised by the Association. It is noted that while council may consider economic impacts as part of the assessment, it is not Council's role, nor is it within the scope of their power in assessing development applications to prevent competition within the market.
<i>Site and internal design issues</i>	Previous consent references lack of use of the active verge as a potential issue, new proposed site plans and modified condition considered to mitigate this potential issue.
<i>Cumulative impacts</i>	The proposed markets do have some potential negative cumulative impacts due to prolonged vehicular access to the park; these are in original development report.
<i>Impact on pedestrian movements and safety</i>	Potential for significant negative impacts on pedestrian safety if vehicles are to access the park via footpath/road reserve area without appropriate approval (section 138).
<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.

14 Suitability of the Site (S.4.15(1)(c))

<i>Natural Hazards</i>	Land slip, flooding and subsidence are not envisaged. The site is not bushfire prone land.
<i>Potential contamination</i>	Nil
<i>Availability of utility services</i>	Existing water and electricity services are available. Portable generators are also proposed.
<i>Potential land use conflicts with surrounding development</i>	It is proposed to conduct the Rotary Markets from 8.30 am till 1.30 pm, with set-up commencing from 6.30 am and clean-up concluded by 2.00 pm, on the third Sunday of the month. Due to the distance from surrounding residential development, it's positioning within the Cooma CBD, and given the event is for one day per month only, no potential land use conflicts are envisaged.
<i>Effluent disposal</i>	Existing public toilets on site, conditions will include a provision for additional toilets based on expected market attendance.
<i>Topography</i>	The site is level with little to no slope.
<i>Suitability of the access</i>	Site has strong pedestrian access links for stall holders, volunteers and

arrangements	attendees. Vehicular access to be allowed (subject to 138 approvals) on paved areas.
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15 Public Submissions (S.4.15(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 Shire Development Control Plan 2014. The public exhibition period was 14 days and the period for receiving submissions closed on 12/12/2017. No submissions were received.

16 Public Interest (S.4.15(1)(e))

Impact on public infrastructure	There is considered to be sufficient public parking for stall holders, volunteers and attendees. Given that the Rotary Markets are proposed to run from 8.30 am till 1.30 pm it is assumed vehicles will be staggered throughout the day, and any impact on public parking will be short-term and minimal. It has been suggested to market organisers that stallholders should be advised to not park vehicles in spots immediately adjacent to park during the market open hours, in order to free up spaces for potential attendees. Council's Property and Recreation manager has expressed concerns regarding potential damage to irrigation infrastructure in the park
Disabled Access	Disabled parking available in public carparks, located within close proximity to proposed development.
Federal or State government policies	Consideration has been given to the NSW Premier's Department <i>Event starter guide – A resource for organising events in New South Wales</i> September 2005, and Premier & Cabinet – Division of Local Government <i>Developing a Council Community Events Policy – A toolkit for NSW councils</i> December 2011
Planning studies, strategies or guidelines	Cooma CBD Structure Plan (2009)
Management Plans	Cooma-Monaro Shire Council (Recreation and Property) Asset Management Plan 2012
Restrictions on the title and/or easements upon the land	Nil
Credible research findings applicable to the proposal	Nil

17 Other Matters

Developer Contributions	Nil
Property Vegetation Plan (PVP)	N/A

Crown Land	Centennial Park is crown land managed by Council for recreation.
Approvals under other Acts	<i>Liquor Act 2007 (potentially), Food Act 2003, Roads Act 1993</i>
Explanation of certain conditions to be imposed	N/A
Enforcement of conditions	Standard enforcement measures. In the case of a breach the applicant/s are to be held responsible as they are identified as organisers of the proposed event and therefore have accepted duty of care for its undertaking.
Internal Referrals	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 comments	-	-
Roads and Stormwater Engineer	No comments	-	-
Water and Wastewater Engineer	No comments	-	-
Property Manager	No comments	-	-

18 RECOMMENDATION

Pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the partial consent for a modification to DA 10.2016.1065.1 on Lot: 701 DP: 1023496 , is granted subject to conditions attached.

19 DECLARATION BY DELEGATED DEVELOPMENT ASSESSMENT OFFICER

I have assessed the Development Application for compliance with all relevant statutory documents. The above Development Assessment Report contains a summary of the applicable development standards and a compliance checklist relative to this development proposal which has been considered in the assessment of this application.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The approved market development is expected to have a positive social impact within the locality of the development. The markets offer an opportunity for the surrounding local residents to socialise, increase

patronage to the town and advertise the local area to the broader community, the proposed modifications are not considered to impact this.

2. Environmental

The approved development was considered to result in minimal environmental impact within the locality of the development, with measures in place to manage any such impacts appropriately. It is considered that the proposed removal and replacement of conditions 7 and 8 may potentially remove some onus from the developer to minimise their potential environmental impacts.

3. Economic

The approved markets are expected to have a positive economic impact within the locality of the development, the proposed modification is not considered to have significant impacts on this.

4. Civic Leadership

In determining this modification 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. As the original consent was approved at a Council meeting it is appropriate to bring back to Council any amendments proposed to that consent.

Enquiries Quinn Maguire
Our Ref Service Planning – Cooma Office
Your Ref 10.2016.1065.2

The Rotary Club of Cooma Inc
PO Box 14
COOMA NSW 2630

Notice of Determination of an Application to Modify a Development Consent

Issued under the *Environmental Planning and Assessment Act 1979* (the 'Act')

Application Number	10.2016.1065.2 Original Development Application Number: 10.2016.1065.1
Property Description	Centennial Park/91 Sharp Street COOMA 2630 Lot: 701 DP: 1023496
Development Description	Markets - 3rd Sunday of Month (Modify Various Conditions of Consent)
Modification Description	Applied for: Modifications to conditions 2,6,7,8,13,14,18,21,23 Determined: Approval and partial approval for changes to conditions 6, 7, 8, 13, 14, 18 and 21; Refusal for proposed changes to conditions 2 and 23

Determination

Pursuant to Section 96 of the *Act*

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application 10.2016.1065.2 relating to the land described above.

The Modification has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Council

Modification Determination Date: _____

Original Determination Date: 19/09/2017

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 developer is to ensure that the development complies fully DA 10.2016.1065.1 (original) as submitted to Council in 2016 with supporting documentation including, but not limited to the development plans as stamped by the Snowy Monaro Regional Council and attached to the original notice of consent, except where amended by 10.2016.1065.2 including supporting documentation listed below and any amended conditions of consent.

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
-	Site Plan	Applicant	18/04/2018

Reason: Requirement that the development is completed in accordance with Council's consent.

Limits of Consent

2. The organiser is advised that this consent is for 12 Markets per year for 5 years (consecutive) being held on the third Sunday in each Month.

Note – As this consent rests with the land, this condition may be amended by Snowy Monaro Regional Council as the owner of the land on which the event is to be held thereby having the effect of cancelling the event should it deem necessary the organiser will be provided one month's notification of revocation of owners consent.

Hours of Operation

3. The hours of operation of the market are limited to the following (this includes the set up and removal of any structures)
6.30 am to 3.00 pm.

Inconsistency between documents

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

Insurance

5. The organiser is to ensure that they hold public liability with the following requirements:

Any insurance coverage for this event must note Snowy Monaro Regional Council as an interested party and is covered for the dates of the festivities and activities. Minimum of twenty (20) million dollars covering the dates of the event.

A copy of the current policy is to be submitted to Council 14 days prior to the event.

6. **The organiser shall ensure that any food stall holders and operators of amusement devices hold the relevant insurances and registrations.**
A copy of these current policies are to be held by the applicant and made available

to Council immediately upon request

Damage to Council Property

7. **The Applicant will make reasonable endeavours to avoid damaging Centennial Park infrastructure subject to this approval. If the event organiser damages or observes damage that may have occurred during the market and/or as a result of market activities, the event organiser shall notify Council within one (1) business day following the market of any damage observed.**
8. **Council will inspect the area within the one (1) business day following each market to ensure that no damage to infrastructure (including grass surface, equipment and paved areas) has occurred. Upon notification or identification of damage from market activities, Council will discuss rectification options with Rotary, based on the nature of the damage and risk to the public. Council reserves the right to effect immediate repairs where necessary due to public safety concerns, and to invoice Rotary for such repairs as necessary.**

Food Vending

9. All temporary food stalls selling food during the Market shall comply with the NSW Food Authority – Guidelines for Food Businesses at Temporary Events.
Reason: To ensure guideline requirements are met.
10. All Mobile Food Vending vehicles selling food at the Market shall comply with the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles.
Reason: To ensure compliance with the Mobile Food Vending Guidelines.
11. All for-profit food stalls or mobile food vending vehicles must submit to Council a copy of their food business registration from their usual local government area place of trade. If Snowy Monaro Regional Council is the stall holder usual place of trade, the stall holder must notify their business details with Snowy Monaro Regional Council prior to selling food.
Reason: To ensure compliance Food Act 2003.

Waste Facilities

12. Council will provide waste and recycling bins in a compound behind the band shell. The applicant is responsible to distribute the waste and recycling bins for waste and recycling generated by the monthly special event attendees and stall holders. The applicant is also responsible for managing the waste and recycling bin levels during the event and returning the bins to the compound at the completion of the event.

Reason: To ensure adequate Waste Management is provide for the community during each special event.

Location of Stalls

13. **Stalls are only permitted in the locations shown on the approved plan. The area in front of the bandshell may be used for stalls where there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area.**
14. **The applicant shall ensure adequate traffic management processes are in place at all times. A traffic/vehicle management plan, incorporating any required Section 138 Roads Act approvals for vehicle movement across public roads and footpaths, shall be submitted for Council approval to include the following items: Vehicular access from Sharp St along the designated path shown in figure 1 (Rev B); Vehicular access from Massie St along the designated path shown in figure 1 (Rev B); any other vehicle movement within the park area.**
15. The applicant shall ensure pedestrian access paths, as identified on the site plan, remain free and clear at all time.
- An Emergency Management Plan is to be developed and submitted to Council for review and approval.
- Reason: To ensure safety of stall holder and general public during an emergency.
16. A water service is available for stall holders use, this tap is located adjacent to the Band shell at the front of the park only. This service is available for all stall holders to use and the applicant shall ensure that all stall holders have access to this water source. The applicant to ensure that stall holders do not use taps in other locations.
- The applicant shall ensure that water use is minimised, and only used for essential requirements directly related to the stall holder on that day.
- Reason: To ensure water supply is available to all stall holders during the event.

Information to be provided to Stall Holders

17. The applicant shall ensure that stall holders are made aware of the conditions of this consent by providing them access to the document either via hard or digital copy prior to their first market attendance.
- Reason: To ensure all stall holders are aware of their obligations to meeting conditions.

Inclement Weather Provisions

18. **The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.**

If the Council determines the park be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.

Reason: To ensure the ongoing integrity of the facility, and public safety using the facility.

Temporary Structures

19. The event organiser/co-ordinator is to ensure all temporary buildings and structures, vendors' stalls, tents, marquees, and the like are erected in accordance with the manufacturers' details/instructions and are secured to the ground and structurally sound at all times.
Reason: To ensure temporary structures do not constitute a safety hazard to the public, volunteers and stallholders using the site.
20. The maximum combined floor area of all temporary structures, being tents, booths and marquees, is limited to 1000m². Any individual tent, booth or marquee must meet the requirements of Clause 2.120 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
Note- if additional temporary structures are required at any time during the period of this Consent, the applicant may request a Modification of the Consent.
Reason: To ensure minimal environmental impact from the event, based on the information provided in the application.

Design Related Conditions

21. **The location of stalls are to, where possible, align with the active verge of Centennial Park.**
Reason: To ensure development is in keeping with the Cooma CBD Structure Plan 2009.

Conditions to be met prior to commencement of work

22. All for-profit temporary food stalls and mobile food vans selling potentially hazardous food (i.e. requires temperature control), ready-to-eat and any unpackaged (i.e. **NOT** sold and served in the suppliers original packaging) must appoint a Food Safety Supervisor. A copy of the certificate must be kept at the stall.
Reason: To ensure compliance with Food Act 2003.
23. The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works:

Working within a road reserve, including using road reserve as an access point.

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 with former Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.

The Section 138 approval must be sought prior to commencement of the works.
All works shall be carried out in accordance with the Section 138 Approval.
Reason: In accordance with Roads Act 1993.

24. The application under Section 138 of the Roads Act is to include the following details:
- Design details of the proposed vehicular footpath crossing complying with Council
 - A Traffic Control Plan authorised by an accredited person
 - A plan for the safe management of pedestrians past the access points during the utilisation.

Reason: To ensure effective traffic management and pedestrian interface.

Modified Conditions

Conditions 1, 6, 7, 8, 13, 14, 18 and 21 have been modified

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. Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.

Reason: Requirement of Council that all expenses associated with the development are borne by the applicant. [WWW_1_02](#)

Notes

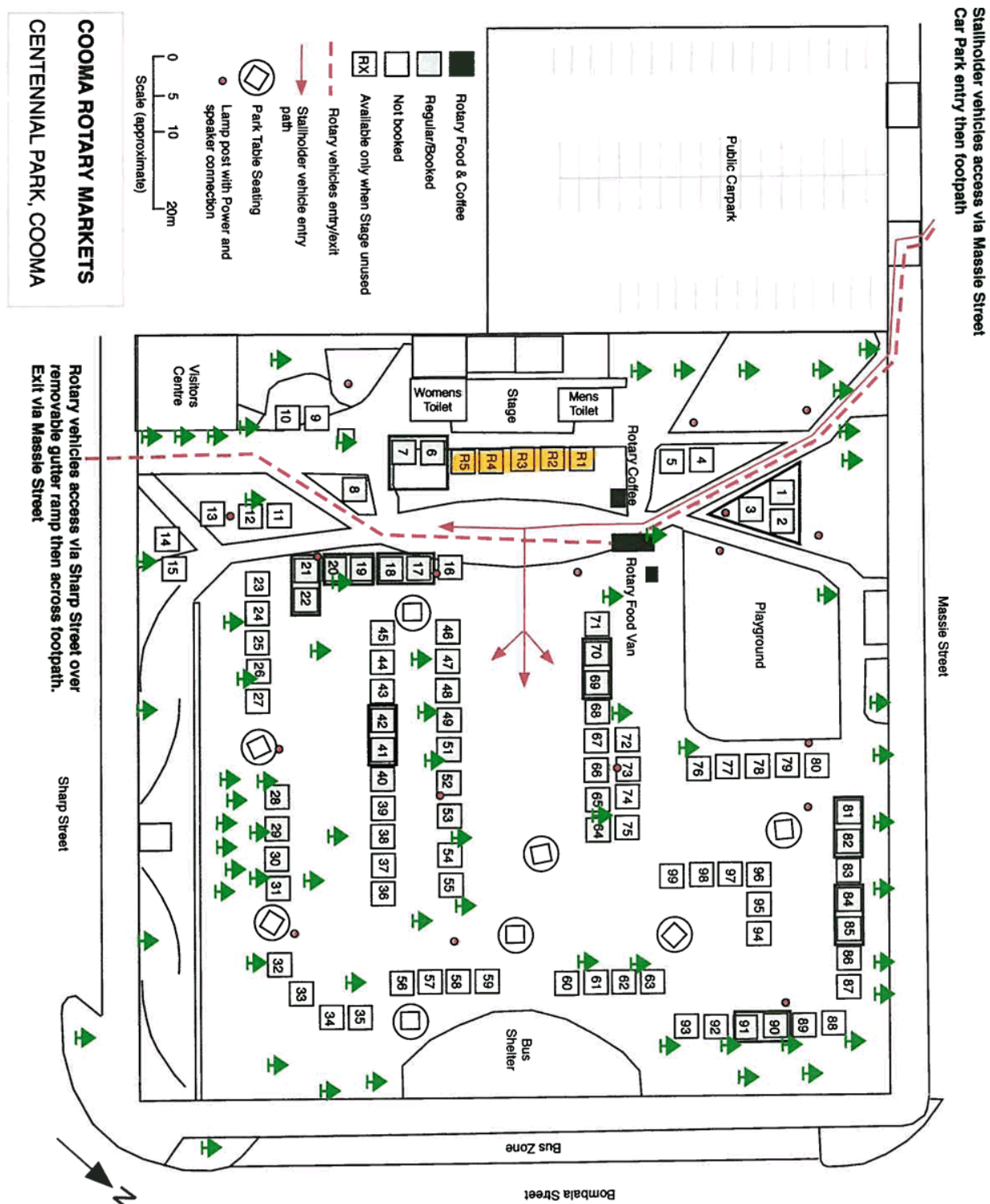
- 1) An applicant may request a review of this determination under Section 96AB of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged

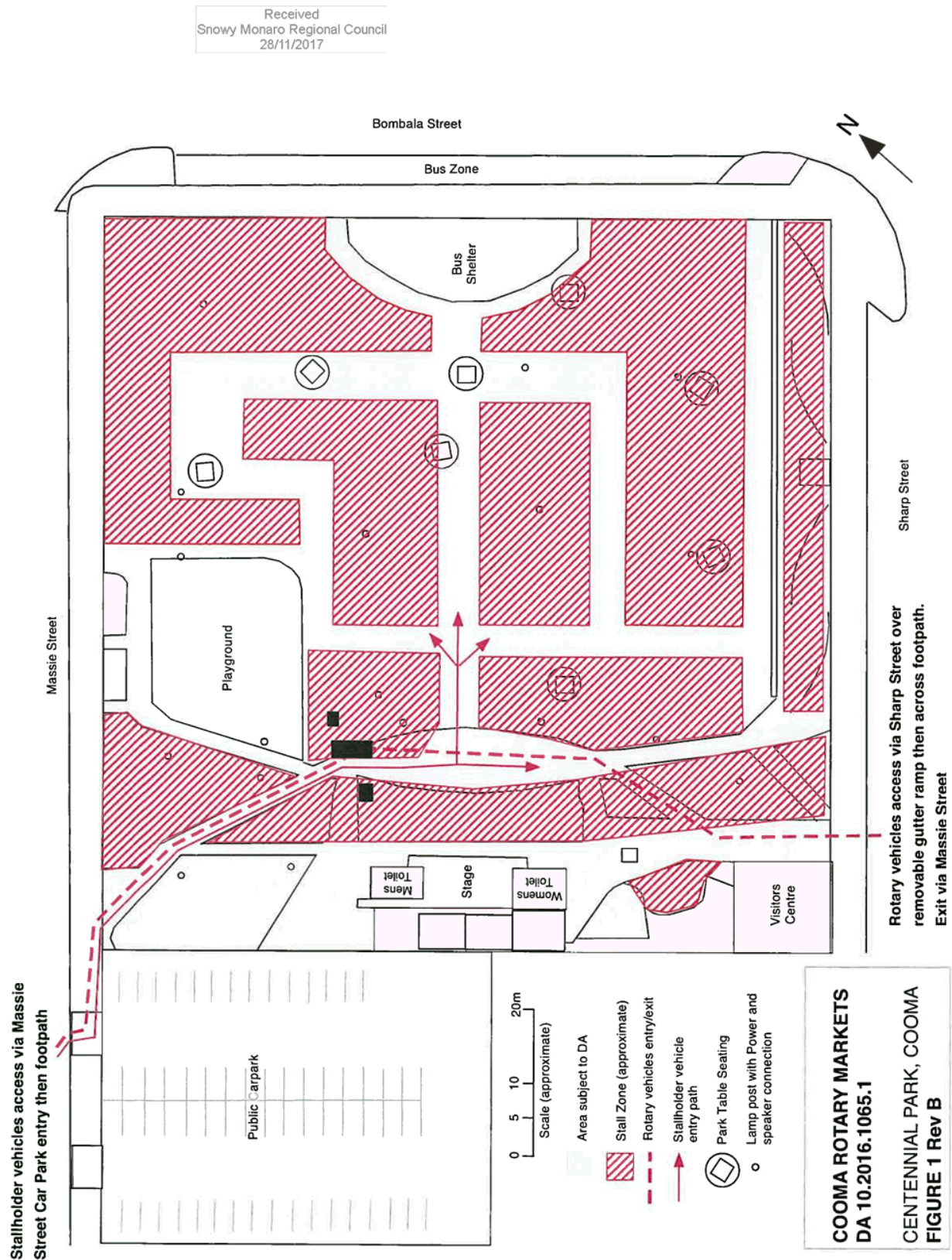
within 28 days of the date of this notification. A review under Section 96AB cannot be made for Integrated, Designated or Crown Development.

- 2) Section 97AA 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







Snowy Monaro Council Meeting – Cooma 24 May 2017

Address to Council (Administrator Dean Lynch) by Carlo Botto, Cooma Rotary Club

Agenda Item 15.2 DA 10.2016.1065.2 Rotary Markets

Good evening. My name is Carlo Botto, and I am the Vice president of the Rotary Club of Cooma, and in that capacity I manage the monthly markets held in Centennial Park.

Thankyou for providing the Rotary Club time to address the Council's staff recommendations on our proposal to modify the consent granted in September last year for the Rotary Club to operate markets in Centennial Park. I believe I only have a few minutes, so I'll get right to it.

This is the second occasion I have addressed Council in Public Forum. The first occasion was on 24 May 2017, at which I spoke of the grave concerns we had regarding the Council's staff recommendations for approving our Markets DA, which we believe were unnecessarily onerous and unreasonable. If the Administrator had accepted them, we believe that that the markets would have become unviable. Thankfully, the Administrator interceded and consent, albeit not perfect but workable, was granted on 19 September 2017.

Our last meeting with Council Staff was on 9 November 2017, which included the Director of Environment and Sustainability. We met with the objective of seeking feedback on proposed amendments, which we believed would improve our consent. We then wrote to Council on 24 November 2017 seeking three areas be considered:

- 1) An application to modify the approval for the monthly Cooma Rotary Markets Determination for DA 10.2016.1065.1;
- 2) A request for a refund of application fees; and
- 3) A request for waiving of fees associated with the monthly markets.

The first area was to address a number of the residual issues we considered unreasonable or unworkable and minor changes to "fine tune" the original consent. The other two areas dealt with minimizing costs over the 5-year consent period to Rotary, as a not-for-profit community organization.

Council Staff have listed the 11 proposed amendments and their recommendations on pages 146 to 151 of the Council papers. Of these 11 proposed amendments:

- 6 are recommended for rejection, with "No change" to the original consent;
- 3 are recommended to be partially approved; and
- 2 are recommended for approval.

Of the 11 proposed amendments, we consider five amendments address unreasonable or unworkable conditions. Of these five Council staff rejected four and partially approved one. Given process associated with this DA has gone on for 18 months and the Club has reached a point of fatigue, and your time is precious, I would like to address **four key conditions** which were rejected by staff, and request Council approve our original proposed amendments. We believe approving these will largely address our concerns and not be in any way detrimental to Council.

Further, on reading the business papers for this Council meeting, we could not find where the request for refunding or waiving fees is dealt with.

I'd now like to address the four key conditions that were, in our view, unreasonably rejected by Council staff.



Clause 2 – our modification sought to include wording “.... plus any other special markets as agreed”. This was rejected because “..... **Any additional special markets or events would require their own consent.**” Of course, Rotary would need to apply for additional markets and Council can agree or reject. We simply wanted to use the same infrastructure that was approved by our current consent – for example, risk management and traffic management plans, rather than unnecessarily developing new ones under a new consent.

Clause 7 – our modification sought to shift from Council being required to prepare a dilapidation report every year with in conjunction us, and to update it monthly to Rotary being required to avoid damaging the Park, and if damage does occur, to report it to Council. The reason for rejecting our proposal was it would require “ **actions by land owner/Council (instead of developer) is not considered appropriate as a condition of consent.**” Oddly, this reason appears diametrically the opposite of what the proposal is aimed at, that is, eliminating a condition on Council and requiring Rotary to do the work, but only as required.

Clause 8 - our modification sought to make rectification of damage fairer and more transparent by:

- requiring any Council inspection to occur within one rather than two business days. As the park is multi-use, we wanted to ensure that any damage observed is more likely to be as a result of Markets use rather than other parties.
- Requiring a level of “materiality” and preparing a documented damage report. This is to allow Rotary to respond to non-trivial issues through transparent, written communication. This is simply good governance, as Council is both monopoly service provider and regulatory “policeman”.
- Providing an opportunity for Rotary to address any damage, using its own resources rather than Council undertaking the work and recovering costs “at full commercial rates”. The objective here should be “making good” any damage, not make work for Council.

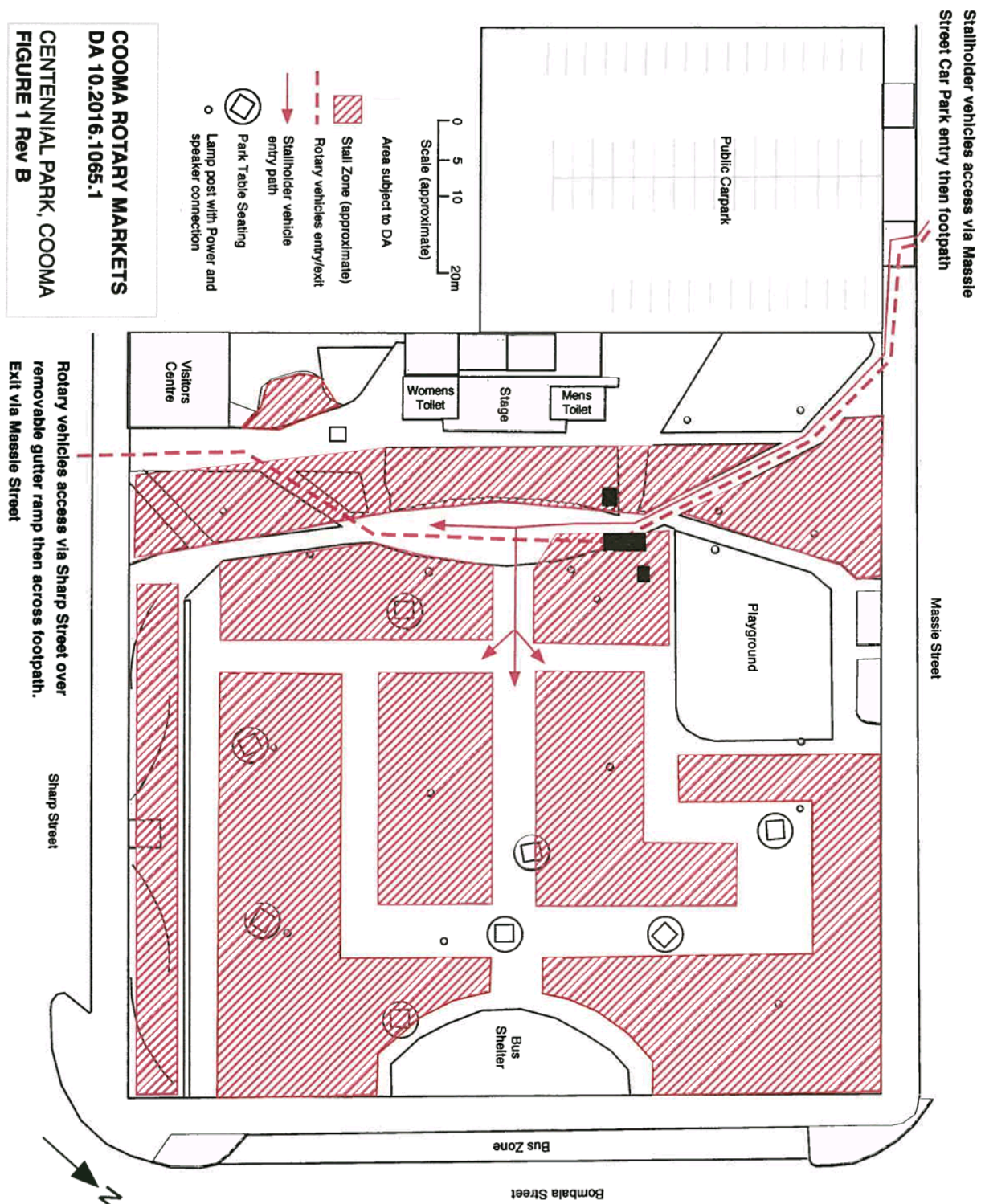
Clause 13 - our modification sought the flexibility to make the area directly in front of the band shell available to placing stallholders when there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area. This was rejected on the basis of maintaining access to the band shelter and public toilets. If you refer to the map in the paper you will see there is no blocking access to toilets or the bandshell. The proposed modification states stalls would only be put there if the bandshell is not in use. Further, a detailed map of the Park on the Markets website with individual stall sites shown, clearly indicates that this area does not impede access when stalls are in place. We therefore reject the rationale for the modification not being approved.

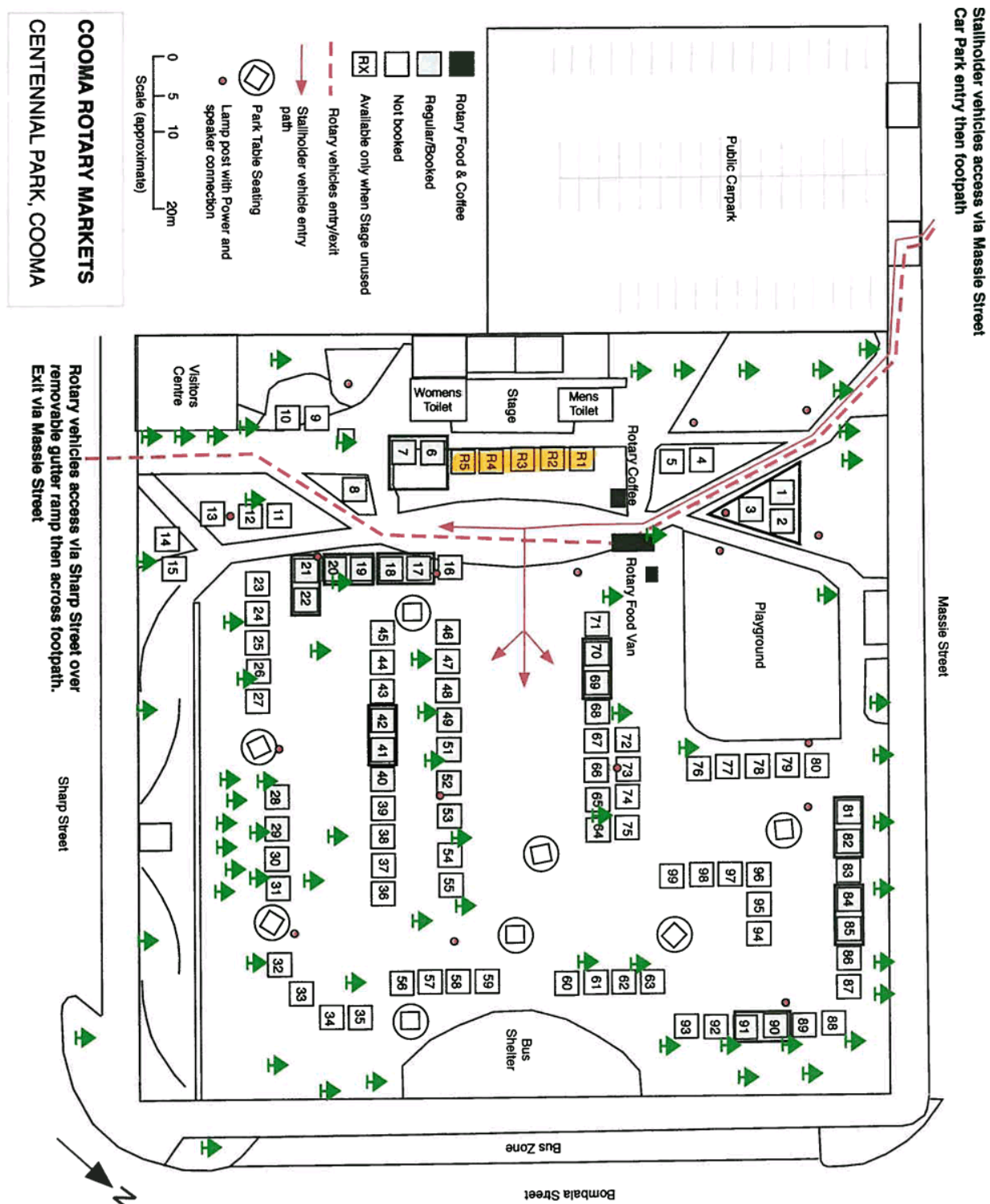
Finally, I would also ask Council to consider the request for waiving fees for both the application process and for the period covered by the 5-year consent. We have previously had inconsistent advice from Council on applicability of fees, so we seek assurances in writing, directly from Council. The full details of this request are available in the letter we wrote to Council previously referred to.

In conclusion, as the Rotary member involved since this process started at the end of 2016, I have been disappointed in the way Council staff have made this process unnecessarily difficult, and at one point threatened the viability of the markets – largely through arbitrary decisions based on personal opinion, unfounded assertions and on occasions over-reaching their regulatory and legal mandate. I don’t make this claim likely, and time is too short to provide examples. I ask this democratically elected Council to support the reasonable modifications we have put forward. This will demonstrate your actions are consistent with the rhetoric of supporting volunteer community organizations.

Received
Snowy Monaro Regional Council
19/04/2018

COOMA ROTARY MARKETS
DA 10.2016.1065.1
FIGURE 1 Rev B





Received
Snowy Monaro Regional Council
28/11/2017



Enquiries
Jindabyne Office
Our Ref 10.2016.1065.1
Your Ref

The Rotary Club of Cooma Inc
PO Box 14
COOMA NSW 2630

Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* (the 'Act')

Application Number 10.2016.1065.1
Property Description Centennial Park/91 Sharp Street COOMA 2630
Lot: 701 DP: 1023496
Development Description Markets (3rd Sunday of Month)

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 10.2016.1065.1 relating to the land described above.

The Development Application has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Council (Approved at Council Meeting on 30/08/2017)
Determination Date: 19/09/2017
Consent to Operate from: 19/09/2017
Consent will Lapse on: 19/09/2022

Integrated Approval Bodies

Pursuant to Section 93 of the Act

The development application proposal was not Integrated Development.



SNOWY MONARO
REGIONAL COUNCIL

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 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	13/12/2017 16
	Site Plan	Applicant with amended Zone 4 shown	8/02/2017

Reason: Requirement that the development is completed in accordance with Council's consent.

plus any other special markets as agreed

Limits of Consent

2. The organiser is advised that this consent is for 12 Markets per year for ~~5~~ **16** years (consecutive) being held on the third Sunday in each Month.

Trustee

Note – As this consent rests with the ~~land~~ **Trustee**, this condition may be amended by Snowy Monaro Regional Council as the ~~owner~~ of the land on which the event is to be held thereby having the effect of cancelling the event should it deem necessary the organiser will be provided one month's notification of revocation of owners consent.

Hours of Operation

3. The hours of operation of the market are limited to the following (this includes the set up and removal of any structures)
6.30 am to 3.00 pm.

Inconsistency between documents

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

Insurance

5. The organiser is to ensure that they hold public liability with the following requirements:

Any insurance coverage for this event must note Snowy Monaro Regional Council as an interested party and is covered for the dates of the festivities and activities. Minimum of twenty (20) million dollars covering the dates of the event.

SNOWY MONARO
REGIONAL COUNCIL

A copy of the current policy is to be submitted to Council 14 days prior to the event.

6. The organiser shall ensure that any food stall holders and operators of amusement devices hold the relevant insurances and registrations. Public liability Insurances in this respect must be a minimum of ~~twenty (20)~~ million dollars covering the dates of the event. **ten (10)**
A copy of these current policies are to be ~~submitted to Council 14 days prior to the event.~~ **held by the applicant and made available to Council on request**

Damage to Council Property See attached revision "Damage to Council Property"

7. A dilapidation report is to be completed by Council and the Market Organisers prior to the commencement of the first market of each year approved under this consent. This report will be updated monthly by Council. The report shall include all areas on which the markets are to be held and indicate the condition of the park prior to the use commencing.
8. Council will inspect the area within the two business days following each market to ensure that no damage to infrastructure (including grass surface, equipment and paved areas) has occurred, should any rectification works be required then the market organiser shall pay for such works at the full commercial rate. Council will undertake the works and issue an invoice for the recovery of these costs

Food Vending

9. All temporary food stalls selling food during the Market shall comply with the NSW Food Authority – Guidelines for Food Businesses at Temporary Events.
Reason: To ensure guideline requirements are met.
10. All Mobile Food Vending vehicles selling food at the Market shall comply with the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles.
Reason: To ensure compliance with the Mobile Food Vending Guidelines.
11. All for-profit food stalls or mobile food vending vehicles must submit to Council a copy of their food business registration from their usual local government area place of trade. If Snowy Monaro Regional Council is the stall holder usual place of trade, the stall holder must notify their business details with Snowy Monaro Regional Council prior to selling food.
Reason: To ensure compliance Food Act 2003.

Waste Facilities

12. Council will provide waste and recycling bins in a compound behind the band shell. The applicant is responsible to distribute the waste and recycling bins for waste and recycling generated by the monthly special event attendees and stall holders. The applicant is also responsible for managing the waste and recycling bin levels during

SNOWY MONARO
REGIONAL COUNCIL

the event and returning the bins to the compound at the completion of the event.

Reason: To ensure adequate Waste Management is provide for the community during each special event.

Location of Stalls

13. Stalls are only permitted within zones 1 to 4 as shown on the approved plan. Subject to prior Council approval, Zone 1A may be used for stalls where there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area

14. The applicant shall ensure adequate traffic management processes are in place at all times. A traffic/vehicle management plan, incorporating any required Section 138 Roads Act approvals for vehicle movement across public roads and footpaths, shall be submitted for Council approval to include the following items: Vehicular access from Sharp St along the designated path shown is figure 1 (Rev 2); Vehicular access from Massie St along the designated path shown is figure 1 (Rev 2); any other vehicle movement within the park area.

15. The applicant shall ensure pedestrian access paths, as identified on the site plan, remain free and clear at all time.

An Emergency Management Plan is to be developed and submitted to Council for review and approval.

Reason: To ensure safety of stall holder and general public during an emergency.

16. A water service is available for stall holders use, this tap is located adjacent to the Band shell at the front of the park only. This service is available for all stall holders to use and the applicant shall ensure that all stall holders have access to this water source. The applicant to ensure that stall holders do not use taps in other locations.

The applicant shall ensure that water use is minimised, and only used for essential requirements directly related to the stall holder on that day.

Reason: To ensure water supply is available to all stall holders during the event.

Information to be provided to Stall Holders

17. The applicant shall ensure that stall holders are made aware of the conditions of this consent by providing them access to the document either via hard or digital copy prior to their first market attendance.

Reason: To ensure all stall holders are aware of their obligations to meeting conditions.

Inclement Weather Provisions

SNOWY MONARO
REGIONAL COUNCIL

18. The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.
- If the Council determines the Park** ~~if the park is deemed to~~ be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.
- Reason:** To ensure the ongoing integrity of the facility, and public safety using the facility. **The Council will make best endeavours to provide sufficient notice to allow the Applicant to inform Stallholders and others of the cancellation or re-location.**
- Temporary Structures** **Council will ensure sprinklers or other irrigation does not occur within 24 hours of a Market day**
19. The event organiser/co-ordinator is to ensure all temporary buildings and structures, vendors' stalls, tents, marquees, and the like are erected in accordance with the manufacturers' details/instructions and are secured to the ground and structurally sound at all times.
- Reason:** To ensure temporary structures do not constitute a safety hazard to the public, volunteers and stallholders using the site.
20. The maximum combined floor area of all temporary structures, being tents, booths and marquees, is limited to 1000m². Any individual tent, booth or marquee must meet the requirements of Clause 2.120 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- Note-** if additional temporary structures are required at any time during the period of this Consent, the applicant may request a Modification of the Consent.
- Reason:** To ensure minimal environmental impact from the event, based on the information provided in the application.

Design Related Conditions

- Stalls are to align**
21. The location of ~~Zone 3 is to be adjusted so,~~ where possible, ~~it aligns~~ with the active verge of Centennial Park.
- Reason:** To ensure development is in keeping with the Cooma CBD Structure Plan 2009.

Conditions to be met prior to commencement of work

22. All for-profit temporary food stalls and mobile food vans selling potentially hazardous food (i.e. requires temperature control), ready-to-eat and any unpackaged (i.e. **NOT** sold and served in the suppliers original packaging) must appoint a Food Safety Supervisor. A copy of the certificate must be kept at the stall.
- Reason:** To ensure compliance with Food Act 2003.
23. The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works:
- Working within a road reserve, including using road reserve as an access point.

SNOWY MONARO
REGIONAL COUNCIL

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 with former Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.

within a reasonable period after approval as agreed with Council

The Section 138 approval must be sought ~~prior to commencement of the works.~~
All works shall be carried out in accordance with the Section 138 Approval.

Reason: In accordance with Roads Act 1993.

24. The application under Section 138 of the Roads Act is to include the following details:
- Design details of the proposed vehicular footpath crossing complying with Council
 - A Traffic Control Plan authorised by an accredited person
 - A plan for the safe management of pedestrians past the access points during the utilisation.

Reason: To ensure effective traffic management and pedestrian interface.

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. Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.

Reason: Requirement of Council that all expenses associated with the development are borne by the applicant.

SNOWY MONARO
REGIONAL COUNCIL

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:



John Gargett
Group Manager Development and Building Certification



Damage to Council Property (revised clauses 7 & 8)

7. The Applicant will make reasonable endeavours to avoid damaging Centennial Park infrastructure subject to this approval. If the Applicant damages or observes damage that may have occurred, they will report it to Council as soon as practicable.

8. Council may inspect the area for material damage (excluding wear-and-tear) to infrastructure (including grass surface, equipment and paved areas subject to this approval) that may have occurred as a direct result of Market operations. Any inspection specifically for damage attributable to Market operations will be no more than one (1) business day following each Market event.

If the Council determines there is material damage resulting directly from Market operations, Council will prepare a report detailing damage and include any recommended rectification works required. The applicant will be notified and be provided with a detailed report describing damage and recommended rectification work, including an estimate of costs.

The applicant will be given the opportunity to rectify the damage whenever possible. If Council performs the rectification work, it will undertake the works at the lowest cost and issue an invoice to the Applicant for the recovery of costs for the works.



Application to Modify an Approval

Development Consent, Construction Certificate, Complying Development Certificate or Section 68 Approval



Office Use Only

Number

MODIFICATION			
<input checked="" type="checkbox"/> Development Application	<input type="checkbox"/> Section 68 Approval		
<input type="checkbox"/> Construction Certificate	<input type="checkbox"/> Complying Development Certificate		
Application Number:	10.2016.1065.1	Issued Date:	19/09/2017
Description of Development: Markets (3rd Sunday of Month)			
Note: It may also be necessary to modify the corresponding Construction Certificate approval (if one has been issued). Please contact Council's Town Planning Section if any clarification is required.			

APPLICANT			
Name/Company: Rotary Club of Cooma Incorporated		Phone:	
Contact Name (if Company): Carlo Botto		Fax:	
Postal Address:		Mobile:	
Town: Cooma	State: NSW	Postcode: 2630	Email:





OWNER			
Name/Company: N/A		Phone:	
Contact Name (if Company):		Fax:	
Postal Address:		Mobile:	
Town:	State:	Postcode:	Email:
Is the subject land Crown Land NO <input type="checkbox"/> YES <input type="checkbox"/> → Please attach Authority			
OFFICE USE ONLY		NAR Numbers	

LAND TO BE DEVELOPED (Please attach additional sheet if inadequate space provided)					
No: 91	Street: Sharp Street			Town: Cooma	
Lot: 701	Section:	DP/SP: 1023496	Lot:	Section:	DP/SP:
Lot:	Section:	DP/SP:	Lot:	Section:	DP/SP:
OFFICE USE ONLY		Parcel Numbers			

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) :	\$ 0.00

DESCRIPTION OF PROPOSED MODIFICATION	
For Development Applications Only (See Note 1):	
<input type="checkbox"/> To correct a minor error, mis-description, or miscalculation [Sec 96(1)] <input checked="" type="checkbox"/> Minimal environmental impact [Sec 96(1A)] <input type="checkbox"/> Other Modification [Sec 96(2)]	

[illegible]

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).		
Applicants Signature	Name	Date
	Carlo Botto	
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 in 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 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 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.		
Signature	Name	Date
	Peter Cannizzaro	17.11.17
Signature	Name	Date
	Carlo Botto (Director)	
DECLARATION AND SIGNATURE OF APPLICANT		
- Provide an undertaking that the development (as to be modified) will remain substantially the same development as was originally approved. In providing the following signatures the applicant/s certifies that the development as modified will remain substantially the same development.		
- 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.		
Signature	Name	Date
	Carlo Botto	
SITE WORKS MUST NOT COMMENCE WITHOUT COUNCIL APPROVAL		
Construction materials purchased/work done/arrangements made prior to consent are at the owner/applicants' risk.		

Note 1 What type of Modification am I applying for?

Section 96 of the Environmental Planning & Assessment Act 1979 allows for a development consent to be modified under certain circumstances. The following information provides clarification on the type of Modification you are applying for:

- **Modifications involving minor error, misdescription or miscalculation [Sec 96(1)]**
This type of Modification would mean that the form of the development and notification would not be required. For example:
 - typing errors
 - changes to a condition of consent where Council has made an error
 - incorrect plan numbers
- **Modifications involving minimal environmental impact [Sec 96(1A)]**
This type of Modification would be used for minor amendments where there was no impact on privacy, height, overshadowing or scale of the building and notification would not be required. For example:
 - internal design changes

- amendments to external features such as landscaping or drainage design
- **Other modifications [Sec 96(2)]**
This type of Modification would where an environmental impact is possible and would require re-notification of neighbours. For example:
 - changes that involve the external design (eg window placement)
 - changes to floor levels or building heights
 - changes to roof designs

Note 2 Neighbour Notification

Applications for modification may be re-notified in accordance with Council's DCP unless the modification sought is only for a correction of a minor error, misdescription or miscalculation.

Note 3 Existing Conditions

Applicants should note that Council may, as a result of its considerations of Section 79C of the Act, delete or amend any existing conditions of consent, and/or include additional conditions, as may be necessary, following the required assessment.

16.1 MONTHLY FUNDS MANAGEMENT REPORT - APRIL 2018

Record No:

Responsible Officer:	Group Manager Governance
Author:	Finance Assistant
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 report details the funds management position for the reporting period ending 30 April 2018.

Cash and Investments are \$80,487,758.

Certification

I, Jacqueline Sullivan, Responsible Accounting Officer 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 Policy.

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 cash and investments position as at 30 April 2018.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

BACKGROUND

Council's Cash and Investments 30 April 2018:

Cash at Bank	Investments	Total
853,364	79,634,394	80,487,758

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Total Cash and Investments are available to provide services and infrastructure to the community in accordance with the 2018 budget, Council resolutions and other external restrictions.

2. Environmental

It is considered the recommendations contained herein will not have any environmental impacts.

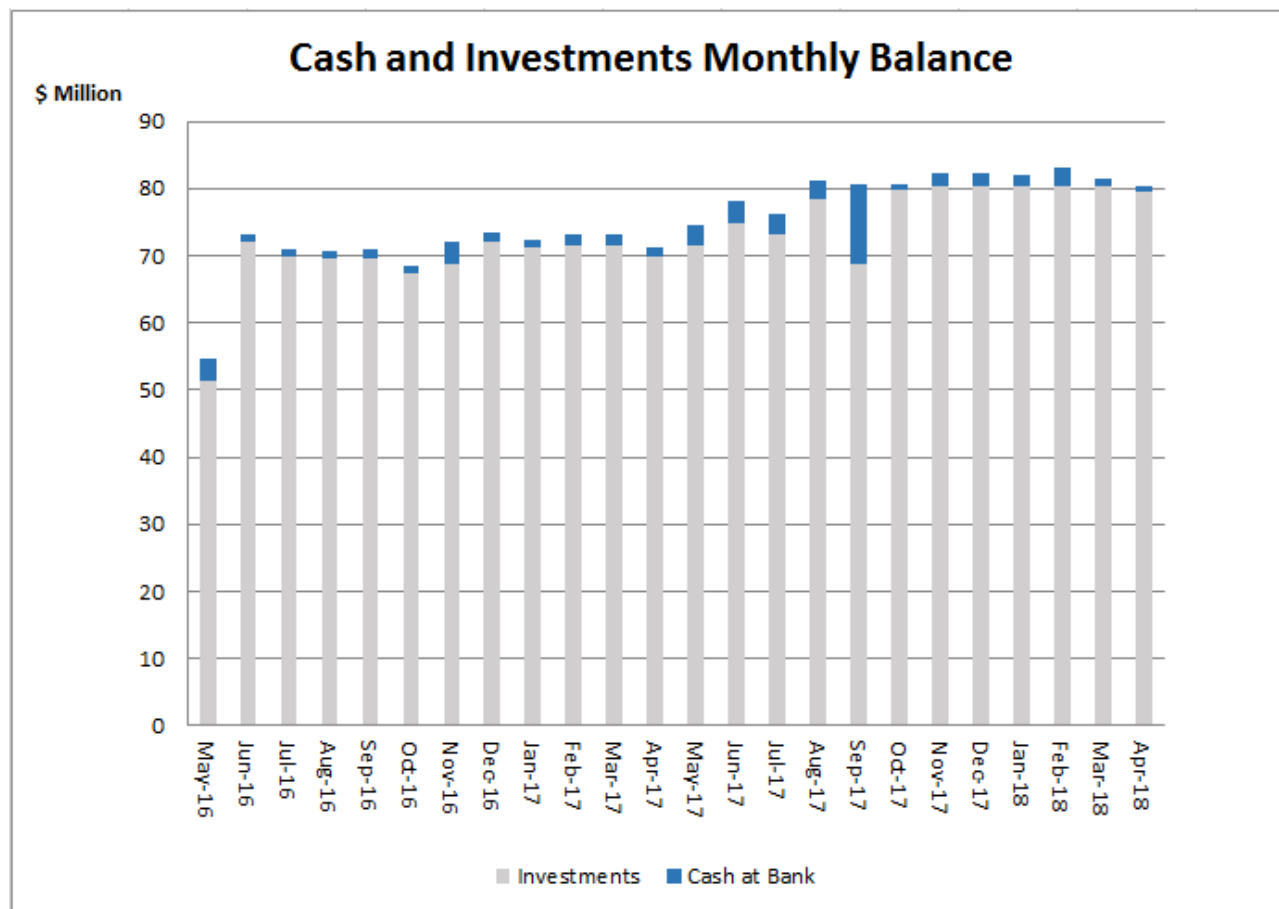
3. Economic

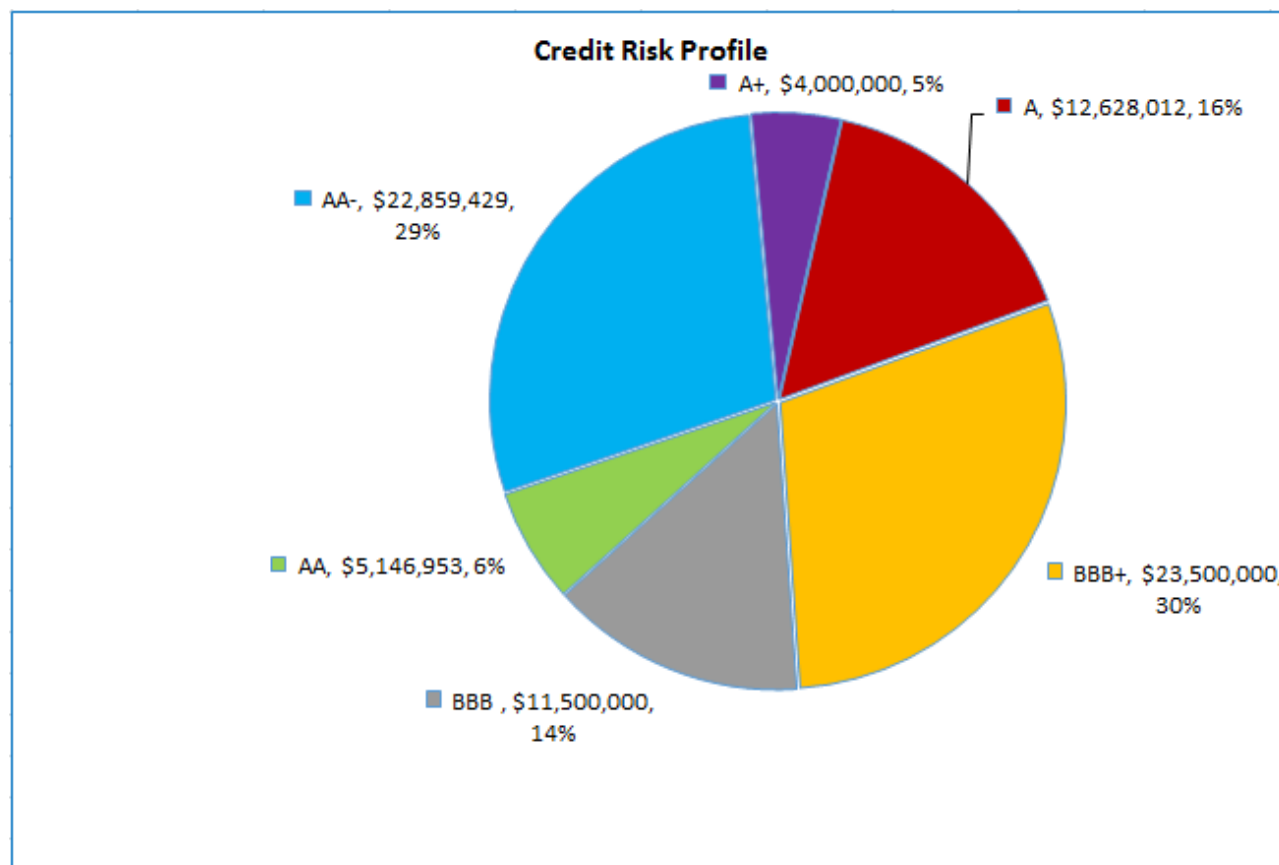
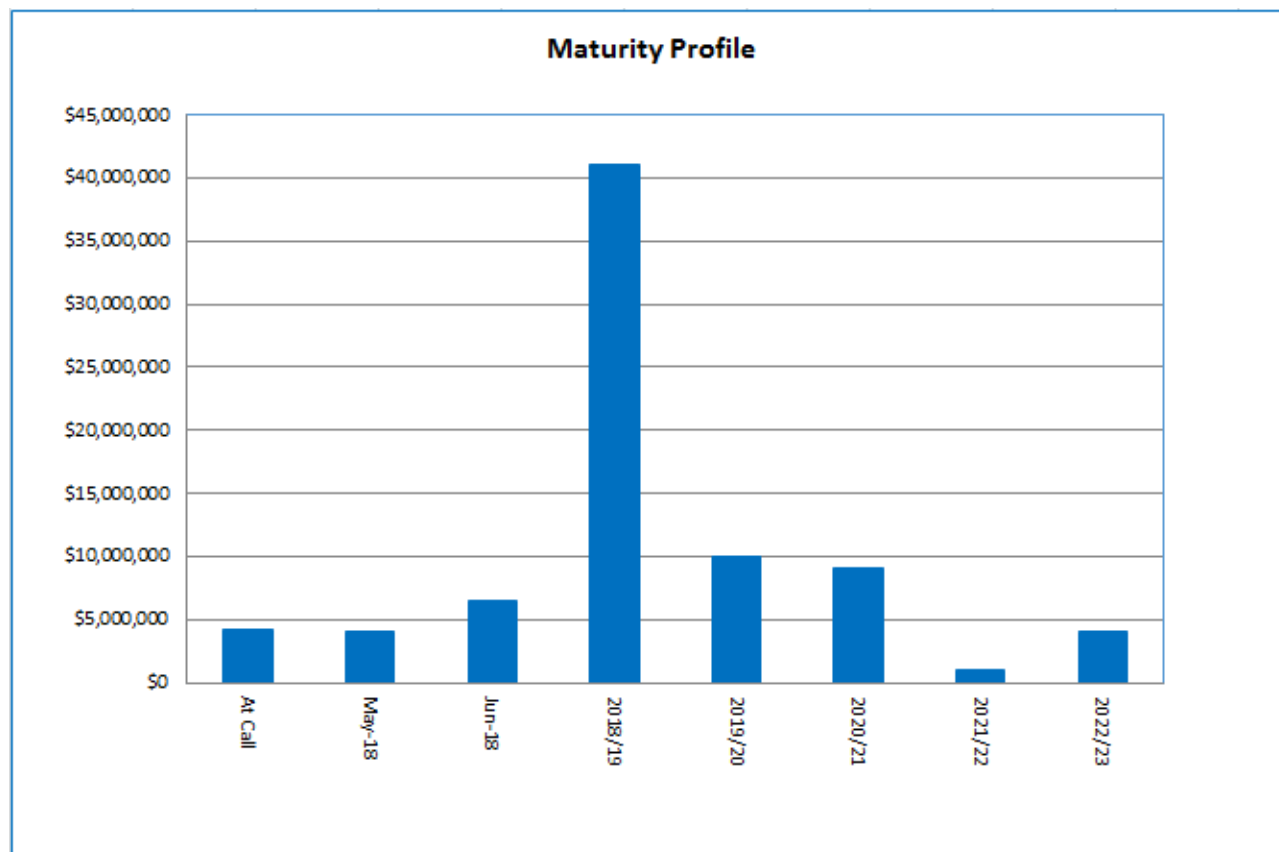
Total investments for Snowy Monaro Regional Council were \$79,634,394 on 30 April 2018.

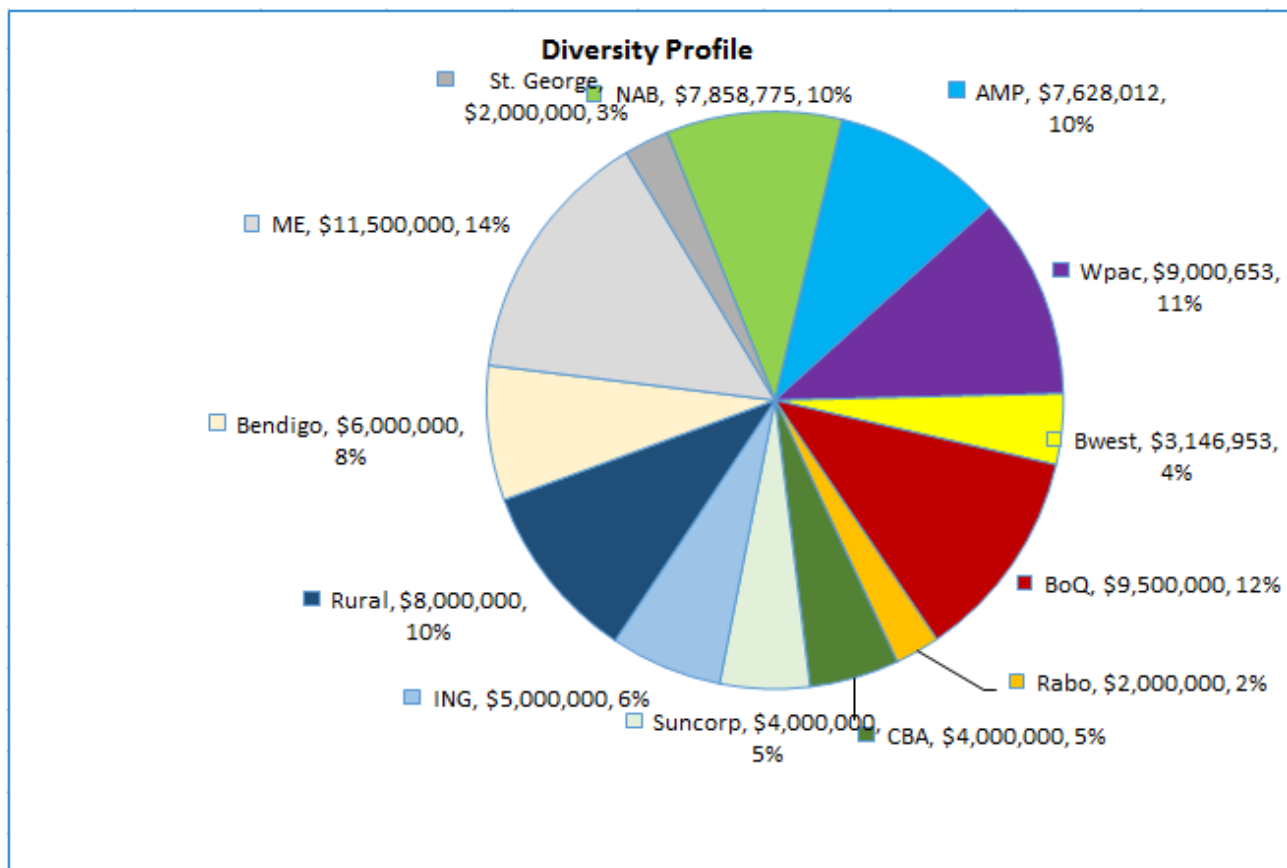
Investment Register – 30 April 2018:

DATE INVESTED	FINANCIAL INSTITUTION	Short-Term Rating	Long-Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	Westpac Bank - At Call	A1+	AA-	At Call	653	0.70%	At Call
n/a	Bankwest	A1+	AA	At Call	1,146,953	2.00%	At Call
n/a	AMP Bank - 31 days Notice Account	A1	A	31 days	1,099,696	2.15%	31 days
12-Sep-14	RaboDirect	A1+	AA	TD	2,000,000	4.10%	11-Sep-18
16-Sep-15	Bank of Queensland	A2	BBB+	TD	1,000,000	3.20%	17-Sep-19
23-Mar-16	ING Bank	A1	A	TD	1,000,000	3.66%	22-Mar-21
23-Jun-16	Commonwealth Bank	A1+	AA-	TD	4,000,000	3.10%	23-Jun-21
22-Feb-17	Westpac Bank	A1+	AA-	TD	2,000,000	2.80%	22-Feb-19
09-Mar-17	National Australia Bank	A1+	AA-	TD	1,000,000	2.74%	10-Sep-18
21-Mar-17	Bank of Queensland	A2	BBB+	TD	1,000,000	3.15%	20-Mar-20
08-May-17	National Australia Bank	A1+	AA-	TD	1,000,000	2.53%	08-May-18
09-Jun-17	Rural Bank Limited	A2	BBB+	TD	4,000,000	2.75%	07-Jun-19
19-Jun-17	Bendigo and Adelaide Bank	A2	BBB+	TD	2,000,000	2.75%	19-Dec-18
26-Jun-17	Bank of Queensland	A2	BBB+	TD	4,000,000	3.30%	25-Jun-21
26-Jun-17	Bendigo and Adelaide Bank	A2	BBB+	TD	4,000,000	2.72%	26-Jun-18
08-Aug-17	AMP Bank	A1	A	TD	1,000,000	2.60%	08-May-18
24-Aug-17	ING Bank	A1	A	TD	3,000,000	2.75%	27-Aug-19
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	2.89%	29-Aug-22
31-Aug-17	AMP Bank	A1	A	TD	2,000,000	2.60%	28-May-18
15-Sep-17	Westpac Bank	A1+	AA-	TD	1,000,000	2.91%	14-Sep-21
23-Oct-17	Bank of Queensland	A2	BBB+	TD	1,000,000	2.55%	23-Oct-18
10-Nov-17	National Australia Bank	A1+	AA-	TD	2,000,000	2.52%	09-Nov-18
05-Dec-17	Suncorp Bank	A1	A+	TD	1,000,000	2.61%	04-Jun-18
18-Dec-17	Bank of Queensland	A2	BBB+	TD	1,500,000	2.60%	18-Jun-18
03-Jan-18	Suncorp Bank	A1	A+	TD	1,000,000	2.45%	02-Jul-18
08-Jan-18	Bank of Queensland	A2	BBB+	TD	1,000,000	2.60%	09-Jul-18
12-Feb-18	Suncorp Bank	A1	A+	TD	2,000,000	2.50%	12-Jul-18
23-Feb-18	AMP Bank	A1	A	TD	1,000,000	2.65%	21-Nov-18
28-Feb-18	Westpac Bank	A1+	AA-	TD	2,000,000	2.60%	28-Feb-19
06-Mar-18	ING Bank	A1	A	TD	1,000,000	2.86%	06-Mar-20
09-Mar-18	St. George Bank Limited	A1+	AA-	TD	2,000,000	2.60%	08-Mar-19
13-Mar-18	Rural Bank Limited	A2	BBB+	TD	4,000,000	2.80%	12-Mar-20
15-Mar-18	AMP Bank	A1	A	TD	2,000,000	2.60%	13-Sep-18
20-Mar-18	ME Bank	A2	BBB	TD	2,000,000	2.55%	20-Mar-19
20-Mar-18	National Australia Bank	A1+	AA-	TD	2,500,000	2.60%	17-Sep-18
10-Apr-18	Bankwest	A1+	AA	TD	1,000,000	2.65%	10-Apr-19
16-Apr-18	ME Bank	A2	BBB	TD	9,500,000	2.52%	16-Jul-18
20-Apr-18	Bankwest	A1+	AA	TD	1,000,000	2.70%	19-Oct-18
					79,634,394		

Cash and Investments Charts:







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.

16.2 MARCH 2018 QUARTERLY BUDGET REVIEW STATEMENT (QBR)

Record No:

Responsible Officer:	Group Manager Governance
Author:	Chief Financial Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.3 Manage Council's community and land use planning processes to achieve regulatory requirements and community aspirations.
Attachments:	1. Quarterly Budget Review March 2018 ↓
Cost Centre	4010 Financial Services
Project	Quarterly Financial Statements Review

EXECUTIVE SUMMARY

Council adopted its 2018 Operational Plan on the 28 June 2017, including details of Estimated Income and Expenditure.

The Quarterly Budget Review Statement (QBR) for the period ended 31 March 2018 is now reported to Council.

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

OFFICER'S RECOMMENDATION

That Council

- A. Adopt the quarterly budget review statement (QBR) for the period ended 31 March 2018
- B. Authorise the adjustments to the Council's budgeted Income and Expenditure as shown in the QBR.

BACKGROUND

Clause 203 (1) of the *Local Government (General) Regulation 2005* (the Regulations) requires a council's responsible accounting officer to prepare and submit a QBR to the governing body of council.

The QBR must show, by way of reference to the estimated income and expenditure that is set out in the operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year.

The Regulations also requires the QBR include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

Over the period of the budget year, council has an opportunity to review and approve variances to the original budget. These variances are generally recommended as part of council's quarterly budget review process.

Any change to the budget must be approved by council and councillors need to be aware that by resolving to accept the QBRs, they are approving the changes as proposed.

The changes proposed are referenced in the attached QBRs and commentary is provided.

The changes proposed result in a decrease in operating surplus (including capital grants) of \$175,000. (\$678,000 to \$503,000) and an increased deficit before capital items of \$175,000 (-\$3,916,000 to -\$4,091,000). There are also significant changes in the Capital Expenditure budget due to the deferral of several capital projects to the 2018/19 financial year.

In addition to any proposed changes the actual YTD figures indicate current levels of Income and Expenditure of significance are the following items which may result in significant variances between estimates and final reported figures;

Rates and Annual Charges	Delays with the issue of some water bills have resulted in revenue from access charges not yet being accrued. This will be resolved prior to year end. Budgeted total income from Water and Sewer access charges is \$11.2 million, as at the end of March Council has accrued \$7.4 million.
User Fees and Charges	Delays with the issue of some water bills have resulted in revenue from usage charges not yet being accrued. This will be resolved prior to year end, estimates are not as reliable as the yield is consumption based.
	Income from private works for the RMS is received upon claim with the RMS which is upon project completion. This is anticipated to be resolved prior to year end. The anticipated total income is \$3.8 million as at the end of March Council has received \$403,818.
Grants & Contributions - Capital	Capital Grants are claimed upon completed of projects, due to the timing of the completion of these projects Council has not yet received these funds. It is anticipated these will be received prior to year end. Total estimated Income from Capital Grants is \$4,594,000 of which \$754,000 has been received at the end of March.
Capital Expenditure	Council has currently completed 11.9% of its Capital Works Program. Adjustments suggested in the report will reduce the Capital Works Program from \$50.3 million to \$38.7 million. If these variations are approved, Council will have reached closer to 15.5% of its Capital Expenditure Budget leaving 84.5% to be completed in the last quarter of the year. If this is not achieved Council will need to reprioritise projects or carry forward a large number of projects which will negatively impact on the 2018/19 Capital works program.

The QBRS also includes details of previously approved changes to the budget, including Carry Forward (revotes*) budgets from the 2017 financial year and other changes approved by Council prior.

*revotes refers to an authorisation of expenditure which does not lapse at year end (refer to Clause 211 of the *Local Government (General) Regulation 2005*)

QUADRUPLE BOTTOM LINE REPORTING

1. Social

This report provides a snapshot of the Council's Financial Performance which is a tool to identify improvements necessary to sustain Council's financial health to be able to deliver services to the community and achieve community goals.

2. Environmental

It is not considered that the recommendations contained herein will have any environmental impacts.

3. Economic

The impact on budget is the subject of this report and as such is contained in the attachments.

4. Civic Leadership

Council's operational plan sets out its achievements, goals and revenue policy, including estimated income and expenditure. The QBRS plays an important role in monitoring council's progress against the plan and the ongoing management of Council's annual budget.

The 2018 budget was adopted under Council resolution 131/17 (28/06/2017)

The September 2017 Quarterly Budget Review Statement was adopted under Council resolution 261/17 (16/11/2017)

The December 2017 Quarterly Budget Review Statement was adopted under Council resolution 33/18 (15/03/2018)

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Report by Responsible Accounting Officer

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

31 March 2018

It is my opinion that the Quarterly Budget Review Statement for Snowy Monaro Regional Council for the quarter ended 31/03/18 indicates that Council's projected financial position at 30/6/18 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:

A rectangular box with a black border, intended for a signature.

date: 3/05/2018

Jacqueline Sullivan
Responsible Accounting Officer

Snowy Monaro Regional Council

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2018

Income & Expenses - Council Consolidated

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

(\$000's)	Original Budget 2017/18	Approved Changes				Revised Budget 2017/18	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
Income										
Rates and Annual Charges	30,358					30,358	(36)	1	30,322	26,718
User Charges and Fees	13,368					13,368			13,368	8,126
Interest and Investment Revenues	1,707					1,707			1,707	1,449
Other Revenues	1,309			130	(52)	1,387	61	2	1,448	1,188
Grants & Contributions - Operating	20,416	215	410	567	(1,159)	20,449			20,449	11,007
Grants & Contributions - Capital	3,835	1,050	2,363	10	(2,664)	4,594			4,594	754
Net gain from disposal of assets	966					966			966	
Share of Interests in Joint Ventures	-					-			-	
Total Income from Continuing Operations	71,959	1,265	2,773	707	(3,875)	72,829	25		72,854	49,242
Expenses										
Employee Costs	27,429	50		36		27,515			27,515	20,799
Borrowing Costs	392					392			392	167
Materials & Contracts	16,181	744	461	34	(59)	17,361	200	3	17,561	11,042
Depreciation	18,062					18,062			18,062	13,540
Other Expenses	9,072	142	59	5	(457)	8,821			8,821	5,198
Total Expenses from Continuing Operations	71,136	936	520	75	(516)	72,151	200		72,351	50,746
Net Operating Result from Continuing Operation	823	329	2,253	632	(3,359)	678	(175)		503	(1,504)
Discontinued Operations - Surplus/(Deficit)						-			-	
Net Operating Result from All Operations	823	329	2,253	632	(3,359)	678	(175)		503	(1,504)
Net Operating Result before Capital Items	(3,012)	(721)	(110)	622	(695)	(3,916)	(175)		(4,091)	(2,258)

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Rates and Annual Charges - estimated yield for OSSM was overstated by \$36,000
2	Other Revenues - rebate not included in original budget \$61,000
3	Materials and Contracts - increased expenses Election Expenses \$13,000 Valuation Fees \$22,250 Legal expenses People and Culture & Animal Control \$125,000 GIS Support - ELT meeting 08/03/18 additional fund request \$40,000

Snowy Monaro Regional Council

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2018

Capital Budget - Council Consolidated

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

	Original Budget 2017/18	Approved Changes				Revised Budget 2017/18	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
(\$000's)										
Capital Expenditure										
- Plant & Equipment	6,783	1,334			86	8,203	(1,343)	1	6,860	1,339
- Land & Buildings	4,930	1,203	2,461	70	65	8,729	(6,002)	1	2,727	679
- Roads, Bridges, Footpaths	11,656	1,634			165	13,455			13,455	2,462
- Water & Sewer	12,064	2,667				14,731			14,731	1,302
- Other Infrastructure	4,145	932	120	25		5,222	(4,297)	1	925	210
Total Capital Expenditure	39,578	7,770	2,581	95	316	50,340	(11,642)		38,698	5,992
Capital Funding										
Rates & Other Untied Funding						-			-	
Capital Grants & Contributions	3,835	1,050	2,363	10	(2,664)	4,594			4,594	754
Restricted cash reserves	34,777	6,310	218	85	2,980	44,370	(11,642)	1	32,728	
Receipts from Sale of Assets	966	410				1,376			1,376	643
Total Capital Funding	39,578	7,770	2,581	95	316	50,340	(11,642)		38,698	1,397
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-		-	(4,595)

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

-
- | | |
|---|---|
| 1 | <p>A number of projects planned for the 2017 2018 financial year have been deferred until the 2018 2019 financial year.</p> <p>These deferred projects have already been included in the draft 2018 2019 budget. This results in a reduced transfer from reserves in the current year but such reserves will be utilised to fund the projects during 2018 2019.</p> <p><i>Deferred projects include:</i></p> <p>A portion of the 100 Stronger Communities projects \$9,441,000
Corporate Information System \$1,343,000
Facilities projects \$858,000</p> |
|---|---|
-

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Snowy Monaro Regional Council

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2018

Cash & Investments - Council Consolidated

(\$000's)	Original Budget 2017/18	Approved Changes			Revised Budget 2017/18	Variations for this Mar Qtr	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs			
Externally Restricted ⁽¹⁾								
Developers Contributions	3,835						3,835	3,835
Water Supplies	8,763	(1,447)					7,316	11,871
Sewerage Services	9,853	(725)					9,128	14,453
Domestic Waste Management	2,732	(225)					2,387	3,809
Unexpended Grants	1,188	(238)					950	1,188
Snowy River Hostel Accommodation Bonds	793						793	793
Yallambee lodge accommodation bonds	2,480						2,480	2,480
Crown land reserves	21						21	21
Jindabyne beautification special rate	96						96	96
Crown land - holiday parks	1,140						1,140	921
Home and community care	369						369	369
Boco Rock community reserve	328		(40)				288	145
Kamolo-cooma friendship scholarship fund	39	(6)					33	191
Other External	8						8	8
Total Externally Restricted	31,645	(2,635)	(166)	-	-	-	28,844	40,180
⁽¹⁾ Funds that must be spent for a specific purpose								
Internally Restricted ⁽²⁾								
Employee Leave Entitlement	3,343						3,343	3,343
Plant & Vehicle Replacement	2,611	(739)					1,872	3,243
HACC Vehicle Replacement	153						153	153
Uncompleted Works	3,232	(3,232)					-	3,232
Waste	999						999	963
Deposits, Retentions & Bonds	682						682	682
Yallambee Lodge Building & Equipment	1,522						1,522	1,632
Quarry Operations	528						528	96
Stronger Communities Fund	362	(48)					314	14,362
Merger Implementation Fund	1,025						1,025	3,112
Former Bombala LGA	2,620						2,620	3,270
Former Cooma LGA	523	(523)					-	890
Former Snowy LGA	678	(59)					619	906
Other Internal	848						848	1,478
Total Internally Restricted	19,126	(3,971)	(630)	-	-	-	14,525	37,362
⁽²⁾ Funds that Council has earmarked for a specific purpose								
Unrestricted (ie. available after the above Restrictio	(5)	(835)	468	537	(3,675)	-	(4,207)	2,946
Total Cash & Investments	50,766	(7,441)	(328)	537	(3,675)	11,467	50,629	80,488

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Cash & Investments Budget Review Statement

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$853

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 02/05/18

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		853
Investments on Hand		79,635
less: Unpresented Cheques	(Timing Difference)	
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	
Reconciled Cash at Bank & Investments		80,488
Balance as per Review Statement:		80,488
Difference:		-

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

--

Snowy Monaro Regional Council		Quarterly Budget Review Statement for the period 01/01/18 to 31/03/18			
Contracts Budget Review Statement					
Budget review for the quarter ended 31 March 2018					
Part A - Contracts Listing - contracts entered into during the quarter					
Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
Downer EDI	2018 2020 resealing contract	Schedule of rates contract		2 years	Y

Snowy Monaro Regional Council

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	370,496	Y
Legal Fees	283,814	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

16.3 DONATION AND SPONSORSHIP REQUESTS MAY 2018

Record No:

Responsible Officer:	Group Manager Governance
Author:	Administration Assistant
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 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 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. May 2018 - Donation and Sponsorship Requests ↓ 2. Donations May 2018 Attachments ↓
Cost Centre	3120

EXECUTIVE SUMMARY

Submissions received by Council requesting consideration for funding are attached to this report in two documents:

1. Requests for Donations and Sponsorship for submission to Council May 2018.

- This document contains a summary of requests for May 2018 Council. Total value requested by community members is \$7,506.50
- The officer has not made a recommendation on value, only presented the requested amounts for Council to consider.

2. Donations May 2018. attachments

- This document contains the original submission detail received from each submission for April.

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

OFFICER'S RECOMMENDATION

That Council determine the value to approve for submissions in the attachment – Requests for Donations and Sponsorship for submission to Council May 2018.

BACKGROUND

Council resolved to increase the Donations and Sponsorship Budget from \$62,500 to \$112,773.38 to allow for:

- an additional \$35,273.38 to cover donations approved to April 2018; and
- \$15,000 to support donation requests for May and June 2018.

Total requests for May 2018 \$7,506.50.

If Council were to approve the requested value of May 2018 donations there would be a residual of \$7,493.50 in the 2018FY Budget.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

This process has been developed to ensure that the LGA invests in events that have the potential to raise economic, social or cultural benefits to our community. All requests made will be considered by formal resolution of Council

2. Environmental

Most organised events are covered by a development consent therefore any environmental impacts are dealt with through that process

3. Economic

The agreed donation value will be sourced from Donations and Sponsorships account number 10.3120.1001.63160

4. Civic Leadership

Decisions to provide sponsorship to community groups, individuals and events must be considered in a transparent process. The granting of financial assistance must be by formal specific resolution of Council

#	Organisation	Request Summary	Requested Value (Cash)	Requested Value (In Kind)	Recommendation	Comment
1	Berridale Public School & Berridale Little Stars	Waiver of Berridale Hall hire fees for fundraiser		\$310		Kyla Hedger Fundraiser – Local Berridale girl who has been diagnosed with MLD a rare incurable degenerative disease.
2	Action Sports Training	Waiver of Jindabyne Hall hire fees for annual snow sports sale \$310 / Day for 3 days		\$930		Annual fundraiser for Action Sport Training who provide 200 local children with weekly training for gymnastics and trampolining.
3	Raglan Art Gallery	NAIDOC Art Exhibition Raglan Art Gallery Rental for the month of July - \$1400 Aboriginal Guest Artist performance donation and petrol - \$800	\$2,200			The Raglan Gallery has hosted this NAIDOC event for the past six (6) years. It is a celebration of the Aboriginal culture and heritage.
4	Cooma Rotary	1. Waiver of DA & Modification Fee - \$427.50 2. Refund of \$138 fee - \$75 3. Waiver of banner hire and erection fee for 5 years \$3060*	\$75	\$3,487.50		Fee waivers and refund for Cooma Rotary in relation to Markets being held over the next 5 years. Note: *Banner hire only is only \$1260 for the five years. If Rotary erects the banners themselves it will save \$1800 over the 5 years.
5	Nimmitabel & District Garden Club	Waiver of Showground and pavilion fees for garden show held on 21-22 April 2018		\$504		
Total value of May 2018 Donation requests			\$2,275	\$5,231.50	Total impact to Budget \$7,506.50	



Application for Financial Assistance (Donation) from Snowy Monaro Regional Council
In accordance with Donations Policy GOV 011 / Section 356 of the Local Government Act 1993

1. Applicant (include address and ABN if applicable) <i>Berridale Public School & Berridale Little Stars</i> <i>ARN: 94387162767</i>
2. Location/address: <div style="background-color: black; width: 100px; height: 40px;"></div>
3. Date of establishment or inauguration:
4. Is your organisation registered for GST? <input checked="" type="radio"/> Yes <input type="radio"/> No
5. Amount of funding requested: <i>cost of hall hire</i>
6. Brief description of the nature and objectives of applicant/recipient organisation: <i>Primary school in conjunction with Berridale Little Stars</i> <i>hosting a fundraiser for a young community member.</i> <i>(Please see information sheet attached).</i>
7. Purpose for which assistance is sought: <input type="checkbox"/> In kind support <input type="checkbox"/> Waste management eg, provision of bins/rubbish and recycling removal etc (amounts include staff time for drop off and collection) <input type="checkbox"/> Mowing / gardening <input type="checkbox"/> Road closures (amounts include staff time) <input checked="" type="checkbox"/> Fee waiver eg, DA / hall hire fees <input type="checkbox"/> Promotion via print media, Council website etc
8. Which category does the event fit within Council's Delivery & Operations Program?

9. Financial details of project or program for which assistance is sought:
10. Total cost of project or program:
11. Details of other funding received from Council if any: <i>NIL</i>
12. Details of other financial assistance sought or obtained: <i>N/A</i>
13. How will Council funding be acknowledged eg logo or signage <i>Signage at the event</i>
14. Details of Office Bearers or other involved parties: <div style="background-color: black; height: 15px; width: 100%;"></div> <i>Berridale Little Stars Community members</i>
15. What services or activities will the recipient provide to SMRC residents? <i>Community Fundraiser</i>
16. Attach financial position of applicant. Preference is audited financial statements and balance sheets for the past financial year. If yours is a new organisation supply a copy of your budget for the ensuing year together with a statement from the organisation's bank as to arrangements made for the opening and operation of banking accounts. If you are unable to attach the above documentation please attach available documentation that you feel will help SRSC assess your financial position (eg bank statements). Are these attached? Yes <u>No</u>
17. What services or activities will the recipient provide to SMRC residents?

18. Signed for and on the behalf of the applicant/recipient organisation:

Signature:	
Name:	
Office held / Position	School Administration Manager
Email Address * Mandatory	
Postal Address:	
Telephone Number/s	
Date:	17-4-18

Please return by post to PO Box 714, Cooma NSW 2630, or email to council@snowymonaro.nsw.gov.au

OFFICE USE ONLY:

Date application received:

Which function of Council is exercised by this donation?

Tick	Department / Area for Costing	Amounts charged
	Waste & Recycling	
	Community & Environmental Services	
	Parks & Gardens	
	Human Resources (staff time)	
	Other (hall /oval fee waivers etc)	

Is public notice required?

Date and method of public notice:



We are writing to you to request support from you for our fundraising efforts to support Kyla Hedger and her family.

Our beautiful friend Kyla, from Berridale NSW, has recently been diagnosed with MLD - Metachromatic Leukodystrophy (MLD) is a rare, genetic, degenerative, neurometabolic disorder that affects approximately one in 40,000 people (primarily children) worldwide. At present, it is a disease for which there is no cure. Kyla's condition has progressed significantly in the past few months.

Our aim is to raise important funds for the family so that we can ease their financial burdens, provide specialist items and equipment and to allow them to spend precious time with Kyla.

Your support would be greatly appreciated. We are holding a Fun Day on Saturday June 2nd in Berridale and we are hoping you may consider helping us on the day by:

- Items we can use as prizes on the day or for a raffle
- Items for our live auction –larger value items such as artworks, accommodation, jerseys from sporting teams etc
- Donations towards events on the day to reduce our running costs
- Donation of your skills/business on the Fun Day
- A donation to the following bank account which is going directly to the family



We will have a wall of appreciation of the day to let people know that you have supported this event and the family

We thank you for taking the time to consider our request. Please do not hesitate to contact





Community Halls & Stage Booking Form

I hereby make an application for a booking of the community hall/stage at... BERRIDALE...

TICK RELEVANT BOXES

- ☒ Main Hall
☒ Small Hall
☐ Supper Room
☒ Kitchen + Toilets
☐ Claypit Stage

Booking Details

Name/Company: <u>Berridale Public School</u>		Phone: <u></u>
Contact Name (if Company): <u></u>		Mobile: <u></u>
Postal Address: <u>Oliver Street</u>		
Town: <u>BERRIDALE</u>	State: <u>NSW</u>	Postcode: <u>2628</u>
Email: <u></u>		
Emergency Contact (Additional to Above): <u></u>		Phone: <u></u>
Date (s) Required From: <u>Friday 1st June 2018</u>		To: <u>Saturday 2nd June 2018</u>
Time (s) Required From: <u>4pm</u>		To: <u>8pm</u>

SIGNATURE OF APPLICANT

I have read the conditions of hire (Rules for Users) and agree to be bound by them.

Signature: Date: 29/3/18

OFFICE USE ONLY

Staff Member Receiving Booking:	
Rate Quoted: (Per Hour/Day): \$ <u></u>	
Outlook Calendar Noted: Yes / No	Date Calendar Booked:
Confirmation Letter Sent: Yes / No	Date Confirmation Letter Sent:
Emailed: Asset Manager; Debtors Clerk and Hall Maintenance/Cleaner	Date Emailed:
Key Deposit Paid - \$50.00	Yes / No – Payment Method:
Hire Bond Paid - \$200.00	Yes / No – Payment Method:
Booking Form Registered to ECM	DSI:
Confirmation Letter Registered to ECM	DSI:

P O Box 714 Cooma NSW 2630 Email: council@snowymonaro.nsw.gov.au Tel: 1300 345 345



SNOWY MONARO
REGIONAL COUNCIL
Stronger together Better together

JINDABYNE OFFICE
10 APR 2018
SNOWY MONARO
REGIONAL COUNCIL

Application for Financial Assistance (Donation) from Snowy Monaro Regional Council

In accordance with Donations Policy GOV 011 / Section 356 of the Local Government Act 1993

1. Applicant (include address and ABN if applicable) <i>ACTION SPORTS TRAINING</i> [REDACTED]
2. Location/address: <i>operating at Jindabyne Sport & Recreation</i> [REDACTED]
3. Date of establishment or inauguration: <i>1988</i>
4. Is your organisation registered for GST? <input checked="" type="radio"/> Yes No
5. Amount of funding requested:
6. Brief description of the nature and objectives of applicant/recipient organisation: <i>letter attached.</i>
7. In Kind Support - Purpose for which assistance is sought: <input type="checkbox"/> Waste management eg, provision of bins/rubbish and recycling removal etc (amounts include staff time for drop off and collection) <input type="checkbox"/> Mowing / gardening <input type="checkbox"/> Road closures (amounts include staff time) <input checked="" type="checkbox"/> Fee waiver eg, DA / hall hire fees <input type="checkbox"/> Promotion via print media, Council website etc
8. Which category does the event fit within Council's Delivery & Operations Program?

9. Financial details of project or program for which assistance is sought:
10. Total cost of project or program:
11. Details of other funding received from SMRC if any:
12. Details of other financial assistance sought or obtained:
13. How will Council funding be acknowledged eg logo or signage
14. Details of Office Bearers or other involved parties:
15. What services or activities will the recipient provide to SMRC residents?
<p>16. Attach financial position of applicant. Preference is audited financial statements and balance sheets for the past financial year. If yours is a new organisation supply a copy of your budget for the ensuing year together with a statement from the organisation's bank as to arrangements made for the opening and operation of banking accounts. If you are unable to attach the above documentation please attach available documentation that you feel will help SRSC assess your financial position (eg bank statements).</p> <p>Are these attached? Yes No</p>

17. Signed for and on the behalf of the applicant/recipient organisation:

Signature:	
Name:	
Office held / Position	Manager / Head Coach
Email Address: *MANDATORY	
Postal Address:	
Telephone Number/s *MANDATORY	
Date:	8/4/2018

Please return by post to PO Box 714, Cooma NSW 2630, or email to council@snowymonaro.nsw.gov.au

OFFICE USE ONLY:

Date application received:

Which function of Council is exercised by this donation?

Tick	Department / Area for Costing	Amounts charged
	Waste & Recycling	
	Community & Environmental Services	
	Parks & Gardens	
	Human Resources (staff time)	
	Other (hall /oval fee waivers etc)	

Is public notice required?

Date and method of public notice:

SNOW SPORTS SALE – JUNE LONG WEEKEND – 2018

Application to reduce the fees for the Memorial Hall

The Snow Sport Sale is an annual fundraiser for Action Sports Training, the local Gymnastic/Trampoline Club.

We have 200 children training weekly in our club and run school sport for both local schools. We offer classes to adults and elite athlete sporting teams including National and International teams.

We have a "world class" training facility and offer excellent coaching to so many.

We have held this Sale for the past 28 years at the Memorial Hall.

- We offer families and snow sports enthusiasts to sell their unwanted, out grown, second hand clothing and sporting equipment.
- We sell the items over the June long weekend.
- Local shops are also invited to supply items for our sale.
- Action Sports Training takes 20% of the sale price for our fundraiser.
- It is a very well run sale, the schedule includes drop off of items Friday, selling all day Saturday and Sunday with unsold items being returned Monday before the task of cleaning and getting the Memorial Hall back in order.

We believe our whole town benefits from this sale and we are only a small group of volunteers to make this sale possible.

A great deal of planning and work goes in to running this sale before, during and after.

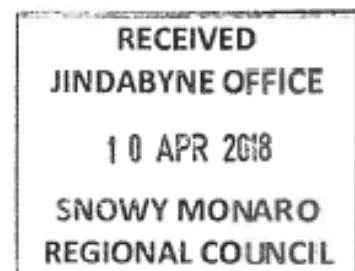
The funds we raise help us to maintain our equipment, pay for costs of our venue and insurances.

When I recently booked the hall for this June long weekend I was quite shocked to discover the fees have gone up so significantly.

I am writing to ask you to please consider giving us a reduced rate on the hall hire.

I look forward to your reply.

Yours Sincerely





Community Halls & Stage Booking Form

I hereby make an application for a booking of the community hall/stage at.....Jindabyne.....

TICK RELEVANT BOXES	
<input checked="" type="checkbox"/>	Main Hall
<input type="checkbox"/>	Small Hall
<input checked="" type="checkbox"/>	Supper Room
<input checked="" type="checkbox"/>	Kitchen - <i>no cooking</i>
<input type="checkbox"/>	Claypit Stage

RECEIVED
JINDABYNE OFFICE
10 APR 2018
SNOWY MONARO
REGIONAL COUNCIL

Booking Details		
Name/Company: <u>Action Sports Training</u>	Phone: _____	
Contact Name (if Company): _____	Mobile: _____	
Postal Address: _____		
Town: <u>Jindabyne</u>	State: <u>NSW</u>	Postcode: <u>2627</u>
Email: _____		
Emergency Contact (Additional to Above): _____		Phone: _____
Date (s) Required From: <u>June 8th 2018</u>		To: <u>June 11 2018</u>
Time (s) Required From: <u>all day June 8, 9, 10</u>		To: <u>4pm</u>

SIGNATURE OF APPLICANT	
I have read the conditions of hire (Rules for Users) and agree to be bound by them.	
Signature: _____	Date: <u>3/4/18</u>


OFFICE USE ONLY	
Staff Member Receiving Booking: _____	
Rate Quoted: (Per Hour/Day): \$ _____	
Outlook Calendar Noted: Yes / No	Date Calendar Booked: _____
Confirmation Letter Sent: Yes / No	Date Confirmation Letter Sent: _____
Emailed: Asset Manager; Debtors Clerk and Hall Maintenance/Cleaner	Date Emailed: _____
Key Deposit Paid - \$50.00	Yes / No - Payment Method: _____
Hire Bond Paid - \$200.00	Yes / No - Payment Method: _____
Booking Form Registered to ECM	DSI: _____
Confirmation Letter Registered to ECM	DSI: _____

P O Box 714 Cooma NSW 2630 Email: council@snowymonaro.nsw.gov.au Tel: 1300 345 345



Application for Financial Assistance (Donation) from Snowy Monaro Regional Council
In accordance with Donations Policy GOV 011 / Section 356 of the Local Government Act 1993

1. Applicant (include address and ABN if applicable) Raglan Art Gallery ABN:
2. Location/address: <div style="background-color: black; width: 100px; height: 30px;"></div>
3. Date of establishment or inauguration: NAIDOC 2018
4. Is your organisation registered for GST? Yes
5. Amount of funding requested: \$2200.00
6. Brief description of the nature and objectives of applicant/recipient organization: Celebrate Aboriginal Culture and heritage for the whole community in the Snowy Monaro. The Raglan Art Gallery has hosted the NAIDOC art Exhibition for the past six years. This is an important event for all Aboriginal Artist living in the Snowy Monaro Electorate but also to Aboriginal people living on coast, Canberra and Sydney who have cultural links to the Snowy Mountains. NAIDOC 2018, Because of Her, We can.
7. In Kind Support - Purpose for which assistance is sought: The Raglan Art Gallery operates as a non for profit organisation. The rentals of both Art Rooms for monthly exhibits relies on the Rental contribution of \$1400 rent for the month to hold this event. This is known as a "Hanging Fee". <input checked="" type="checkbox"/> Fee waiver eg, DA / hall hire fees <input checked="" type="checkbox"/> Promotion via print media, Council website etc
8. Which category does the event fit within Council's Delivery & Operations Program? Aboriginal Culture and events.

<p>9. Financial details of project or program for which assistance is sought:</p> <p>\$1400 Raglan Art Gallery rental for the whole Gallery for the full month of July 2018.</p> <p>Aboriginal Guest Artist require petrol money and performance donation.</p> <p>\$50 Welcome to Country: Michelle Francis</p> <p>\$50 Acknowledgement of Country: Maureen Fox</p> <p>\$200 Smoking Ceremony: Peter Swain</p> <p>\$50 Aboriginal Guest Artist: Leanne Pope</p> <p>\$50 International Guest Artist: Psalm Kivinen</p> <p>\$200 Aboriginal Artefact Display: Rod Mason</p> <p>\$200 Food and Catering. For Opening.</p>
<p>10. Total cost of project or program: \$2,200.00</p>
<p>11. Details of other funding received from SMRC if any:</p> <p>NIL</p>
<p>12. Details of other financial assistance sought or obtained:</p> <p>NIL</p>
<p>13. How will Council funding be acknowledged eg logo or signage</p> <p>Council will be acknowledged by logo on all website, Facebook and social media promotions along with Newspaper coverage before and on the day with Monaro Post. Mayor John Rooney has kindly offered to officially open the 2018 NAIDOC event.</p>
<p>14. Details of Office Bearers or other involved parties:</p> <div style="background-color: #cccccc; height: 100px; width: 100%;"></div>
<p>15. What services or activities will the recipient provide to SMRC residents?</p> <p>The Raglan Art Gallery and Snowy Monaro Council will be celebrating NAIDOC 2018 and this year's theme is "Because of her, We can".</p> <div style="text-align: center;"><p>BECAUSE OF HER, WE CAN! 8-15 JULY 2018</p></div>

NAIDOC 2018 Because of Her, We can.

Saturday 7 July 2018 at 1pm The Raglan Art Gallery will officially open this event which will run for over a month to the public.

There will be an official opening, with Mayor John Rooney to formally open the event. Aboriginal Welcome to Country, Smoking Ceremony, and various guest Aboriginal Artist will show and discuss their art work.

Leading Aboriginal Guest Artist Leanne Pope an Aboriginal lady who lives at Adaminaby and teaches Aboriginal Art at CIT Canberra Aboriginal Unit.

Leanne is creating a Traditional Possum Cloak. Leanne has independently secured her NAIDOC grant to produce the Possum cloak and will be displaying the cloak for the month-long exhibition along with weekly workshops at the Raglan Art Gallery to interact with local schools of the Snowy Monaro.

Rod Mason will be displaying an extensive range of Aboriginal Artefacts and will be available to discuss the meaning and the locations of such precious artefacts.

South East Arts will be involved with Aboriginal Artworks from the south Coast.

Over twenty independent Aboriginal Artists will also be showcasing their Art and sculpture works to reflect the NAIDOC 2018 theme.

Numerous Aboriginal Artists will be volunteering their time for weekly workshops for this event to interact with the public.

Local Schools of the Snowy Monaro will be encouraged to attend these events and we envision a large interest in this event will occur.

16. **Attach** financial position of applicant. Preference is audited financial statements and balance sheets for the past financial year. If yours is a new organisation supply a copy of your budget for the ensuing year together with a statement from the organisation's bank as to arrangements made for the opening and operation of banking accounts. If you are unable to attach the above documentation please attach available documentation that you feel will help SRSC assess your financial position (eg bank statements).

Are these attached? **No** Please contact Jennifer Cooper of the Raglan Art Gallery. This application has been filled out by Aboriginal Volunteer Pauline Coxon however I require the ABN for Raglan Art Gallery and a financial statement to be supplied by the Raglan Art Gallery.

17. Signed for and on the behalf of the applicant/recipient organisation:

Signature:	
Name:	
Office held / Position	Aboriginal Volunteer and Coordinator NAIDOC 2018
Email Address: *MANDATORY	
Postal Address:	

Telephone Number/s *MANDATORY	
Date:	13 April 2018

Please return by post to PO Box 714, Cooma NSW 2630, or email to council@snowymonaro.nsw.gov.au

OFFICE USE ONLY:

Date application received:

Which function of Council is exercised by this donation?

Tick	Department / Area for Costing	Amounts charged
	Waste & Recycling	
	Community & Environmental Services	
	Parks & Gardens	
	Human Resources (staff time)	
	Other (hall /oval fee waivers etc)	

Is public notice required?

Date and method of public notice:



24 November 2017

Peter Smith
Director of Environment and Sustainability
PO Box 714
COOMA NSW 2630

By email: [REDACTED]

Dear Peter

As per our previous discussion and email correspondence, the Rotary Club of Cooma ("Rotary"), wishes to submit to Council:

- 1) An application to modify the approval for the monthly Cooma Rotary Markets Determination for DA 10.2016.1065.1;
- 2) A request for a refund of application fees; and
- 3) A request for waiving of fees associated with the monthly markets.

We have previously provided you with a copy of the Council's "Application to Modify an Approval" form and an associated marked-up "Notice of Determination", showing the modifications we are seeking. The modifications proposed remove impediments and facilitate Rotary's efficient and effective management of the markets without adversely impacting the Council or the community. For completeness I have re-attached both the Council form and the marked-up "Determination".

An explanation of the substantive changes proposed and the rationale for them is as follows:

- **Clause 6** dealing with public liability insurance for food stallholders and operators of amusement devices has been modified to requiring a minimum of \$10 million cover (current approval requires \$20 million). The reason for this is that Rotary, the organiser of the markets holds cover for \$50 million and for stallholders who do not have their own insurance, Rotary has a product that covers stallholders for the market day. This product is for \$10 million and has been negotiated by our umbrella organisation and therefore extremely difficult to alter. Further, requiring we submit copies of cover for stallholders 14 days prior to each market is impractical.

- **Clauses 7 and 8** dealing with damage to Council property have been re-written to be fairer, balanced and practical. Revised clauses have been attached.
- **Clause 13** banning stalls from front of stage when there is entertainment on stage has been removed. This clause is considered to be regulatory overreach and intrusive. There is no health, safety or public amenity reason for Council to impose this restriction, and we see no reason for its inclusion.
- **Clause 14** reference to Park drawing has been changed to an updated version of Park layout. The revised drawing corrects minor error in stall area locations and includes additional stall area near flags added by Council in the previous Council report.

Other proposed modifications are either minor in nature or deal with correction of errors.

As previously stated, all profits from our markets are used to fund our community projects. So, to maximise our funding of community projects, Rotary is seeking a refund of application fees and an on-going waiver for fees associated with operating our monthly markets for the duration of the Council approval. Namely:

- 1) Application fees for DA (\$285.00) and modification to DA approval (\$142.50) and lodgement of the section 138 for a Traffic Management Plan (\$75);
- 2) Council fees associated with monthly market:
 - a. Park usage fees (free for community organisations);
 - b. Park Banner fees (\$51 per market);
 - c. Hire and erection of Park PA system (\$82 per market); and
 - d. Any other Council fees directly associated with operating the monthly markets.

(Although currently free, we have included Park usage to ensure Rotary would not become liable should Council change its policy regarding not charging community organisations over the course of the approval period, which is 5 years.)

Finally, I wish to thank you for your direct involvement recently in the matters raised above. Your approach of working together cooperatively to get a result has been refreshing, and we trust this will set the tone for any future interactions with Council staff.

Regards




Markets Director
Rotary Club of Cooma




SNOWY MONARO
REGIONAL COUNCIL
Stronger together Better together

RECEIVED
19 APR 2018
Snowy Monaro Regional Council
Cooma Office

Application for Financial Assistance (Donation) from Snowy Monaro Regional Council
In accordance with Donations Policy GOV 011 / Section 356 of the Local Government Act 1993

1. Applicant (include address and ABN if applicable) Nimmitabel & District Garden Club 
2. Location/address: Nimmitabel & District
3. Date of establishment or inauguration: 25 Jan 1967
4. Is your organisation registered for GST? No
5. Amount of funding requested: The amount of fees required to rent the Nimmitabel Showground
6. Brief description of the nature and objectives of applicant/recipient organisation: The Nimmitabel & District Garden Club is holding a Plant Fair (in conjunction with 3 Open Gardens) on 21–22 April 18 at the Nimmitabel Showground. Nurseries, along with other garden related organisations from along the south eastern seaboard are participating. An extensive marketing campaign is underway on southern coast, Riverina, ACT, Southern Highlands & northern Vic.
7. Purpose for which assistance is sought: <input type="checkbox"/> In kind support <input checked="" type="checkbox"/> Waste management eg, provision of bins/rubbish and recycling removal etc (amounts include staff time for drop off and collection) <input checked="" type="checkbox"/> Mowing / gardening <input type="checkbox"/> Road closures (amounts include staff time) <input checked="" type="checkbox"/> Fee waiver eg, DA / hall hire fees <input type="checkbox"/> Promotion via print media, Council website etc NB. Waste management, mowing etc has been approved & will be taking place. Hire fees are the main purpose for assistance

8. Which category does the event fit within Council's Delivery & Operations Program?
9. Financial details of project or program for which assistance is sought: Showground hire fees
10. Total cost of project or program: Estimate of \$4000 plus in-kind costs
11. Details of other funding received from SMRC if any: None for this event
12. Details of other financial assistance sought or obtained: NA
13. How will Council funding be acknowledged eg logo or signage It will be too late to acknowledge the council at this event but they will be acknowledged in follow-up media releases.
14. Details of Office Bearers or other involved parties: 
15. Attach financial position of applicant. Preference is audited financial statements and balance sheets for the past financial year. If yours is a new organisation supply a copy of your budget for the ensuing year together with a statement from the organisation's bank as to arrangements made for the opening and operation of banking accounts. If you are unable to attach the above documentation please attach available documentation that you feel will help SMRC assess your financial position (eg bank statements). Are these attached? Yes No
16. What services or activities will the recipient provide to SMRC residents? Business owners will benefit from a significant number of extra people in the town, Accommodation businesses will benefit from people seeking overnight accommodation,

Restaurants will benefit,
Financial contribution to Nimmitabel P&C will support local families,
A good day out, highlighting the Monaro region as a tourist attraction

17. Signed for and on the behalf of the applicant/recipient organisation:

Signature:	
Name:	
Office held / Position	President
Postal Address:	
Telephone Number/s	
Date:	19 April '18

Please return by post to PO Box 714, Cooma NSW 2630, or email to council@snowymonaro.nsw.gov.au

OFFICE USE ONLY:

Date application received:

Which function of Council is exercised by this donation?

Tick	Department / Area for Costing	Amounts charged
	Waste & Recycling	
	Community & Environmental Services	
	Parks & Gardens	
	Human Resources (staff time)	
	Other (hall /oval fee waivers etc)	

Is public notice required?

Date and method of public notice:



NIMMITABEL & DISTRICT GARDEN CLUB

INCOME & EXPENDITURE

FOR YEAR ENDED 31 AUGUST 2017

EXPENDITURE

Anniversary	1,109.50
Badges	69.30
Beer/wine purchase	29.00
Christmas lunch	310.68
Donations:	
- Nimmitabel Pre-school	92.93
- Nimmitabel Show Society	300.00
Floral tributes	60.00
Garden fees & insurance	426.68
Guest speaker costs	206.50
Library – DVD	49.97
Open gardens	27.15
Rent – Community Centre	260.00
Trees	10,924.80
	<hr/>
	\$13,866.51
	=====

INCOME

Anniversary high tea	901.00
Garden books	438.00
Garden talk	63.90
Grant money	8641.00
Memberships	405.00
Member collections	114.50
Nimmitabel Senior Citizens	305.00
Plant Fair 2018	100.00
Trees	285.00
	<hr/>
	11,253.40
	=====

BANK RECONCILIATION 31 AUGUST 2017

Opening balance 1 August 2016	11,313.96
Add income	<u>11,253.40</u>
	22,567.36
Less payments	<u>(13,866.51)</u>
	8,700.85
Less o/standing deposit	(285.00)
Add o/standing cheques	
- 699	260.00
- 700	55.00
- 701	<u>741.80</u>
	<u>1,056.80</u>
Bank balance 31 August 2017	\$9,472.65
	=====

Treasurer

16.4 2019 DONATIONS AND SPONSORSHIP PROGRAM

Record No:

Responsible Officer:	Group Manager Governance
Author:	Administration Assistant
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 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 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. Draft Donations and Sponsorships Policy ↓ 2. Draft Donations and Sponsorships Procedure ↓ 3. Communication strategy Donation Submissions ↓
Cost Centre	3120
Project	Donation and Sponsorship Submissions

EXECUTIVE SUMMARY

Council resolved in February 2018 under resolution 28/18 to change the Donations and Sponsorships process moving forward. Following that resolution a Policy and Procedure have been developed to administer the agreed changes.

The submission process for the 2019 FY will need to be undertaken as soon as possible and Council will be required to identify the Budget allocation for the 2019 FY.

A communication strategy has been included in the report to ensure we advise community stakeholders of the changes for the new process.

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

OFFICER'S RECOMMENDATION

That Council

- A. Adopt the Donations and Sponsorships Policy; and
- B. Receive and note the Donations and Sponsorships Procedure; and
- C. Authorise the value in the 2019 FY Budget for the Recurring Donation Category for \$20,000 ;
and
- D. Authorise the value for the general submissions in the 2019FY Budget as \$100,000 ; and
- E. Authorise the value for hardship requests in the 2019 FY as \$10,000.

BACKGROUND

Following a review of the process for Donations and Sponsorships a report went to Council in February 2018. This report outlined a process where donations would be managed in three

categories covering recurring donations, general donations and hardship considerations as outlined in items c) and d) of resolution 28/18 below:

- c) *Agree to recurring sponsorship of Primary and Secondary Schools, Major Show events, Major Race Days and Australia Day as listed in Section 1 of attachment 3 for 2019, 2020 and 2021 Financial years;*
- d) *Agree to the proposed Sponsorship and Donation process outlined in section 2 of attachment 3;*

As a result of that resolution a Policy and Procedure have been developed for the management of Donations and Sponsorships to align to that recommendation for the 2019 year and ongoing.

This report contains the following attachments:

- Donations and Sponsorships Policy for Council adoption
- Donations and Sponsorships Procedure for Council receive and note.
- Communication Strategy Donation Submissions

In order to progress the 2019FY Donations process we are seeking adoption of the draft Policy for Donations and Sponsorships. The supporting procedure had been provided as information to Council to understand the process that will be undertaken for the administration of the submissions.

Although the procedure outlines the timescale ongoing for the process it should be noted that the first submission for the 2019 FY is later than proposed in future years due to the timing to develop the policy and procedure.

Category 1: Recurring Donations

Resolution 28/18 in February 2018 identified the following groups as recurring donation recipients:

- **Primary and Secondary Schools**
 - have received a contribution for their end of year presentation days.
 - In the 2018 FY \$100 was provided to each school, equating to a total of \$2,200.

Schools
Adaminaby Public
Berridale Public
Bombala Public
Bredbo Public
Cooma Public
Cooma North Public
Dalgety Public
Delegate Public

Jerangle Public
Jindabyne Central School - Junior
Michelago Public
Nimmitabel Public
Snowy Mountains Christian School - Junior
Snowy Mountains Grammar School - Junior
St Joseph's Bombala
St Patrick's Cooma - Junior
Bombala High
Jindabyne Central School - Senior
Monaro High
Snowy Mountains Christian School - Senior
Snowy Mountains Grammar School - Senior
St Patrick's Cooma - Senior

- **Major Show Events**

- Cash donations and in kind sponsorship including DA fee waivers, waste management, and facility hire waiver.
- Events identified were
 - Bombala Show
 - Cooma Show
 - Dalgety Show
 - Delegate Show
 - Nimmitabel Show
- In the 2018 FY a total of approximately \$10,000 was provided in cash and in kind donations.

- **Major Race days**

- Cash donations and in kind sponsorship
 - Events identified were
 - Adaminaby Race Day
 - Bombala Race Day
 - Cooma Race Day
 - In the 2018 FY a total of approximately \$6,200 was provided in cash and in kind donations.
-

- **Australia Day Celebrations**

- Cash donations to local community Australia Day celebrations
- In the 2018 FY \$1,600 was donated in cash donations

** This does not include the costs for the centralised Australia Day awards event.

Total recurring donations in 2018 FY was approximately \$20,000.

The recommendation is for Council to authorise \$20,000 for the 2019 FY for the recurring donations category.

Category 2: Twice Yearly Submissions for General Sponsorships

In the 2018FY it is expected Council will endorse approximately \$100,000 in donations equivalent to this category. This is a similar value to the 2017FY once In Kind donations are included.

The recommendation is for Council to authorise \$100,000 for the 2019 FY for the general submission donations to be apportioned across the two submission periods.

Category 3: Hardships

It is recommended that Council nominate a value that can be utilised at their discretion for adhoc hardship requests that fall outside of category 1 & 2 donations. In the event that a request was received, or Council identified a need this budget would be utilised for those requests.

The recommendation is for Council to authorise \$10,000 for the 2019 FY for the hardship donations category.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

This process has been developed to ensure that the LGA invests in events that have the potential to raise economic, social or cultural benefits to our community. All requests made will be considered by formal resolution of Council

2. Environmental

Most organised events are covered by a development consent therefore any environmental impacts are dealt with through that process.

3. Economic

Following the decision by Council to determine budget allocations for the 2019 FY in this report the draft budget will be updated to reflect the agreed values. The draft Budget already includes these values

4. Civic Leadership

Decisions to provide sponsorship to community groups, individuals and events must be considered in a transparent process. The granting of financial assistance must be by formal specific resolution of Council.

Policy



Title of Policy	Donation and Sponsorships		
Responsible Department	Governance	Document Register ID	250.[document year].[document number].[document part]
Policy Owner	Group Manager Governance	Review Date	June 2019
Date of Council Meeting	Date Approved -	Resolution Number	
Legislation, Australian Standards, Code of Practice	<p>The Local Government Act 1993, provides at Section 356 as follows:</p> <p>“(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.</p> <p>(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days’ public notice of the council’s proposal to pass the necessary resolution has been given.</p> <p>(3) However, public notice is not required if:</p> <p>(a) the financial assistance is part of a specific program, and</p> <p>(b) the program’s details have been included in the council’s draft operational plan for the year in which the financial assistance is proposed to be given, and</p> <p>(c) the program’s proposed budget for that year does not exceed 5 per cent of the council’s proposed income from the ordinary rates levied for that year, and</p> <p>(d) the program applies uniformly to all persons within the council’s area or to a significant group of persons within the area.</p> <p>(4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.”</p>		
Aim	<p>Snowy Monaro Regional Council acknowledges the contributions made by not-for-profit community based organisations in the local government area and, where possible, commits limited funds to help these organisations achieve their objectives.</p> <p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> • establish a consistent, equitable and transparent response to requests for financial assistance; • ensure that all conforming applications received, are given equitable consideration for funding; • ensure that the funding of donations and sponsorship represents value for money to Council and the community; and • ensure that money provided by Council to community organisations are allocated in the most effective manner. 		

Scope

This Policy applies to requests for financial assistance from not-for-profit community based organisations, groups and individuals that meet community needs and to benefit residents in our community.

The purpose of the Donations & Sponsorship Policy is to enable Council to support local projects and activities put forward by those organisations that offer a significant contribution to community outcomes and goals as provided in the Community Strategic Plan. In doing so, financial assistance is to be provided in a consistent, equitable and transparent manner.

Policy

1 Eligibility Criteria

1.1 General

To be eligible for consideration to receive financial assistance, applicants must:

- Be an incorporated not-for-profit and/or charitable organisation or individual based or residing in the Snowy Monaro Region Local Government area;
- Provide a budget (income and expenditure);
- Target the local community;
- Fit within Councils Delivery & Operations Program
- Have met any previous Council financial assistance acquittal requirements;
- Have no outstanding debts of any kind to Council; and
- Submit the application form by the applicable cut-off time and date.

In-kind support for the waiver of rates, fees, charges and goods is considered financial assistance within this policy and therefore may be eligible for consideration.

Donations & Sponsorship Management Process

1 Applications

During Council's term Council will determine any categories that are deemed to be recurring. The amounts to be paid for these recurring donations will be decided based on Council's budget.

Council has limited funding available and receives requests to support so many worthwhile causes so often there are insufficient funds available to cater for all requests.

Applicants will need to re-apply each year, notwithstanding that they may have received assistance in previous years.

All applications are to be completed on a Snowy Monaro Regional Council "Request for Donation / Sponsorship" form. This can be accessed from the Snowy Monaro Regional Council website or one of the four offices. Forms may be lodged electronically, mailed or delivered to an office of SMRC.

2 Assessment

All applications received will be assessed by Council.

The applications will be considered on their respective merits and will be assessed in conjunction with all other requests received against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the Community Strategic Plan;
- Amount of resident participation;
- Evidence of community support;
- Level of consultation and collaboration with other local groups;
- Whether the funding is for new and innovative community projects or programs;
- Organisational capacity to deliver the program or project;
- Does the project address local issues by attempting to meet a community need or shortcoming;
- Previous financial assistance to the applicant and the reasons for that assistance; and
- Applicant's access to alternative sources of funding.

3 Approval

All requests for financial assistance will be considered by the elected Council which will be provided with a report on a twice yearly basis to consider which applications will be funded and to what amount.

4 Acknowledgement of Council's Contribution

Where feasible, recipients are requested to give public recognition and acknowledgement of Council's financial assistance on any related printed and/or promotional material in either hard copy or digital formats (eg Facebook).

5 Acquittal Requirements

To ensure financial assistance is used by for the specified purpose, all recipients must submit reports back to Council showing evidence of the activity and a summary of the financial expenditure.

Forms will be provided for completion, subject to the nature of the activity and the amount funded.

6 Unspent Grants

Where unspent moneys exceeding \$200 are reported in the acquittal, the recipient will be required to return these funds to Council. Following review of the acquittal a tax invoice will be issued if payment is required.

7 Timetable

SMRC Donations and Sponsorship Timetable	Round 1 July to December events and activities	Round 2 January to June events and activities
Submission period	During the 4th Quarter of the financial year (April to June)	During the 2nd Quarter of the financial year (October to December)
Applications close	4 weeks after opening	4 weeks after opening
Report to Council meeting (month)	June	November

**These dates are based on anticipated Council meeting dates, if a Council meeting is moved or cancelled - applications will be submitted at the next available meeting date.

8 PRIVACY

Applicants should be aware that copies of applications for financial assistance may be included in a report to Council which will be published in the Council Business Paper and will be publicly available as well as being published on Council's website.

Variation

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

Procedure



Name of Procedure	Donations and Sponsorship		
Document Register ID	250.[document year].[document number].[document part]	Date Approved	Date
Document Author	Governance Officer		
Authorised by	Group Manager Governance		
Applicable to	All Snowy Monaro Regional Council staff and Councillors who deal with Donations and Sponsorships applications		
Purpose	This document will guide staff and Councillors in providing a fair and transparent Donations and Sponsorships process		
Frequency	As required and in accordance with Donations and Sponsorship Policy		
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.		

1. Introduction

Snowy Monaro Regional Council recognises the valuable contributions of local community members and groups, along with local events in our region. One of the ways of recognising the value of these contributions is the consideration of requests for sponsorship and donations.

2. Funding

Council will generally include in its budget, funds to enable consideration to be given to requests for financial assistance. To be eligible for any of this funding applicants must meet the below conditions:

- Be an incorporated not-for-profit and/or charitable organisation or individual based or residing in the Snowy Monaro Region Local Government area;
- Provide a budget (income and expenditure);

- Target the local community;
- Fit within Councils Delivery & Operations Program
- Have met any previous Council financial assistance acquittal requirements;
- Have no outstanding debts of any kind to Council; and
- Submit the application form by the applicable cut-off time and date.

In-kind support for the waiver of rates, fees, charges and goods is considered financial assistance within the Donations and Sponsorships Policy and therefore may be eligible for consideration.

The funding will include 3 components:

1. **Annual Recurring financial assistance**

The groups to receive this category of funding will be decided by each incoming Council. Council will also determine the level of funding.
e.g. Award Nights for Schools, recurring events such as Australia Day

2. **General financial assistance**

This category covers all general requests for funding or in kind support and will need to be applied for in one of the twice yearly funding submissions.

3. **Emergency/emergent financial assistance**

This category is for emergency / unexpected occurrences such as extreme hardship events that may occur at any stage during the year.
e.g. Assistance with fundraising etc. for medical treatment or Community Member support during times of financial hardship.

3. Timetable

Council will consider applications for General Financial assistance in twice yearly submissions. These will occur in:

- June (for July to December requests); and
- November (for January to June requests).

Emergency / Emergent financial assistance will be considered on a case by case basis, as they are received.

4. Advertising

An advertisement in the terms of Appendix "A" will be placed in local newspapers, on Council's website and Facebook page, on local radio stations and in the Mayoral Column inviting applications for financial assistance. Advertising will begin as below:

- Submissions for July to December events:
Advertising will commence beginning of April advertising the submission opening date
- Submissions for January to June events:
Advertising will commence beginning of September advertising the submission opening date

5. Applications

Persons or bodies seeking to request consideration for financial assistance will be required to complete and lodge an application form in terms of Appendix "B".

These application forms will be available electronically on Council's website with hard copies also available at each of the four Council offices.

The completed applications for financial assistance must be received by Council by the due date to be considered. Late applications will not be considered. Applications will not be considered unless all supporting documentation is attached.

Applications can be returned to any of the four Council offices, mailed to PO Box 714 COOMA NSW 2630 or emailed to Governance@snowymonaro.nsw.gov.au.

6. Processing of Applications

Those applications received by the due date will be compiled and the relevant details will be included in a report which will be presented to the Council meetings in:

- June (for July to December requests and;
- November (for January to June requests).

Copies of the applications will be attached to the reports in the Council Business Paper.

7. Assessment of applications by Council

Council will consider the applications received and will determine who will receive financial assistance based on the applicant meeting the funding conditions specified and availability of funding.

The high demand for funding means that not all eligible grant applications are able to be funded or funded for the amount requested. Council may, at its discretion, only offer partial funding.

The applications will be considered on their respective merits and will be assessed in conjunction with all other requests received against the following criteria, relative to the amount of funding requested:

- Degree of benefit to the community aligned with the Community Strategic Plan;
- Amount of resident participation;
- Evidence of community support;
- Level of consultation and collaboration with other local groups;
- Whether the funding is for new and innovative community projects or programs;
- Organisational capacity to deliver the program or project;
- Does the project address local issues by attempting to meet a community need or shortcoming;
- Previous financial assistance to the applicant and the reasons for that assistance; and
- Applicant's access to alternative sources of funding.

Councillors are required to declare any conflict of interest in relation to applications to be assessed, and if necessary, withdraw from any assessment of a particular application, or round of applications.

Should the Councillors consider it appropriate, they may seek advice from other suitable employees of Council on speciality matters relating to individual applications.

8. Council's decision

The Council's decision in relation to the requests for financial assistance will be individually conveyed to the respective applicants within 10 working days post Council meeting. Successful applicants will be informed and advised of the requirements of them in accordance with the policy. Unsuccessful applicants will be advised that they were unsuccessful.

Arrangements will be made to transfer the funds to the respective persons/bodies.

9. Acquittals

At the conclusion of the funded activity and or the expenditure of the funding, those in receipt of the funding will be required to submit an acquittal.

This should be in the form of the Snowy Monaro Regional Council Acquittal Guidelines for Financial Donations and Sponsorships form in terms of Appendix "C". This will evidence the fact that the funding was used for the purpose for which it was requested.

Any unspent moneys in excess of \$200 must be reported in the acquittal and must be returned to Council. Once the acquittal form is received and accepted the applicant is to be advised. A tax invoice for unspent monies should be issued at this point.

Once the acquittal is completed and any outstanding monies returned the funding agreement is deemed to have been completed.

Appendix A: Advertisement for Donations and Sponsorships.

Advertisement 1 – Pre submission opening

Advertisement for Donation / Sponsorship Submissions

CHANGES TO SNOWY MONARO REGIONAL COUNCIL DONATIONS AND SPONSORSHIPS

Snowy Monaro Regional Council recognises the valuable contributions of local community members and groups, along with local events in our region. One of the ways of recognising the value of these contributions is the consideration of requests for sponsorship and donations. In order to make this process more streamlined and timely Council are changing the way in which we manage our donation and sponsorship requests. Submissions will now be considered twice yearly rather than monthly.

The first round of submissions will cover requests for the period July to December and the second round will cover requests for the period January to June.

Calls for submissions will be published in local newspapers along with electronic media, radio and the Mayoral Column. Submissions will need to be completed on the Snowy Monaro "Application for Financial Donation and Sponsorships" form. These will be available on our website and also by contacting one of our four offices. Completed forms and supporting documentation must be provided in order for your request to be considered.

SUBMISSIONS WILL BE OPEN 1st to 30th JUNE 20yy

Submissions for events in the July to December period will be open from the 1st to 30th June 20yy. During this period, please complete the "Application for Financial Donation and Sponsorships" form and return to one of our offices or via email to Governance@snowymonaro.nsw.gov.au, ensuring that you include all of the requested attachments.

Should you have any questions in regards to these changes or donations and sponsorships in general please contact our Governance Officer, [REDACTED] on 02 6458 3555.

Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

Advertisement 2 : At Submission opening

SNOWY MONARO REGIONAL COUNCIL DONATIONS AND SPONSORSHIPS

SUBMISSIONS NOW OPEN

Submissions for events in the July to December period are now open. Submissions will be received from the 1st to 30th June 2018. Please complete the "Application for Financial Donation and Sponsorships" form and return to one of our offices or via email to governance@snowymonaro.nsw.gov.au, ensuring that you include all of the requested attachments. These forms are available on our website or by contacting one of our four offices.

Should you have any questions in regards to donations and sponsorships please contact our Governance Officer, [REDACTED] on 02 6458 3555.

Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

Appendix B: Application for Financial Donations & Sponsorships



Application for Financial Donations & Sponsorships

Snowy Monaro Regional Council

In Accordance with the Donations Policy GOV 011 / Section 356 of the Local Government Act 1993

Applicants Details

Name of Organisation	<input type="text"/>
Contact Person	<input type="text"/>
Address / Location	<input type="text"/>
Phone Number	<input type="text"/>
E-Mail Address	<input type="text"/>
ABN (If Applicable)	<input type="text"/>
Date of Establishment (If Applicable)	<input type="text"/>
Is your Organisation Registered for GST? (If Applicable)	<input type="text"/>

Project / Activity Details

Name of Project / Activity	<input type="text"/>
-------------------------------	----------------------

Amount of Funding
Requested

Cash Amount \$

In Kind Support:

(You will be required to submit copies of quotes from Council in your application)

- ☐ Waste Management. E.g. Provision of bins / rubbish and recycling removal (Includes staff time for drop off and collection).
- ☐ Mowing / Gardening
- ☐ Road Closures (Includes Staff time)
- ☐ Fee Waivers. E.g. DA / Hall Hire Fees, (Security deposits will need to be paid by the applicant but will be refunded provided no damage incurred)
- ☐ Promotion via Print Media (Council Website Advertisement etc.)
- ☐ Other – Please outline

Project / Activity Date

Briefly describe the
Project / Activity

Project / Activity Financial Details

Financial Details of the
Project or Activity for
which assistance is
sought

Total Cost of the Project
or Activity

Details of other funding
received from Snowy
Monaro Regional Council
(If Applicable)

Details of other financial
assistance sought or
obtained

Project / Activity Details

How will your Project / Activity benefit the Snowy Monaro Regional Community?

What is the expected amount of resident participation?

What other Local Community Groups are involved in this Project / Activity?

Outline your Organisation's capacity to deliver the Project / Activity, or, describe previous experiences.

How will Council funding be acknowledged?

E.g. Logo or signage

(Council Funding must be acknowledged in your Project or Activity)

Please provide details of Office Bearers or other involved Parties

What services or Activities will the Recipient of funding provide to Snowy Monaro Regional Community?

Application Checklist

If the following documents are not attached with the application, this may result in the application not being considered.

Attached?

A copy of the Group / Organisation's most recent bank statement or Treasurers Report, for the past Financial Year

YES or NO

A copy of the Group / Organisation's Public Liability Insurance

YES or NO

Where the Group / Organisation intends to purchase equipment, and a copy of the quote/s obtained

YES or NO

Where the Group / Organisation does not have an ABN, a 'Statement by a Supplier' form is required

YES or NO

If your Group is not incorporated, please supply a letter from your supporting body

YES or NO

Authorisation of Applicant

If the following authorisation is not completed, this may result in the application not being considered.

Name	<input type="text"/>
Office Held / Position	<input type="text"/>
E-Mail Address	<input type="text"/>
Postal Address	<input type="text"/>
Phone Number/s	<input type="text"/>

- ☐ I confirm that the information contained in the application form and within the Documents are true and correct;
- ☐ I confirm that this application has been submitted with the full knowledge and support of the applicant;
- ☐ I declare that should this application be successful the funding will be expended as outlined in the above documentation;
- ☐ I acknowledge the Donation / Sponsorship acquittal requirements, and understand that surplus funds may be required to be returned to Council, and;
- ☐ I am aware this application will be reproduced in the Council Business Paper, and authorise for the publication of information required.

Date

X

Name:
Position:

Submitting your Application

Email: After completing your form, save to your computer and E-Mail to governance@snowymonaro.nsw.gov.au

Deliver to: Any of the following Customer Service Locations:

Cooma:
81 Commissioner Street
Cooma NSW 2630

Bombala:
71 Caveat Street
Bombala NSW 2632

Berridale:
2 Myack Street
Berridale NSW 2628

Jindabyne:
Shop 2, Razorback Plaza
Gippsland Street, Jindabyne NSW 2627

Contact: 02 6458 3555 (Governance Department) for any enquiries

FOR OFFICE USE ONLY

Date Application received:

Which function of Council is exercised by this Donation / Sponsorship?

TICK	Department / Area for Costing	Amounts Charged
	Waste & Recycling	
	Community & Environmental Services	
	Parks & Gardens	
	Human Resources (e.g. Staff time)	
	Other (e.g. Hall / Oval fee waivers etc.)	

Is Public notice required?

Date and method of Public Notice

Appendix C: Acquittal Form for Financial Donations & Sponsorships



Acquittal Guidelines for Financial Donations & Sponsorships

Snowy Monaro Regional Council

In Accordance with the Donations Policy GOV 011 / Section 356 of the Local Government Act 1993

INTRODUCTION

If you receive a donation / sponsorship from Snowy Monaro Regional Council, at the conclusion of your activity you will need to complete an acquittal report. This will assist in evaluating your project, and account for the Donation / Sponsorship expenditure.

HOW TO COMPLETE YOUR ACQUITTAL REPORT

In Kind Sponsorship / Donation:

An In Kind donation is the contribution of goods or services, other than cash grants. Examples of In Kind contributions include:

- Waiver of fees. E.g. Hall hire fees, DA fees;
- Donation of goods / materials. E.g. Garden mulch / gravel, and;
- Provision of services. E.g. Bin collection or road closures for an event.

If your Donation / Sponsorship was In Kind, please complete:

- Section 1: Project Evaluation - Pages 4 & 5;
- Section 2: Financial Information - Page 6, and;
- Section 3: Declaration - Page 7

Along with your completed report, you will also be required to provide Snowy Monaro Regional Council the following proof of your Event (if applicable):

- Photographs of your function;
- Before and after Photographs E.g. Garden, park upgrades;
- Quotes / invoices from Snowy Monaro Regional Council

Event / Cash Donations

If your Donation / Sponsorship is for an Event or a Cash donation, please complete:

- Section 1: Project Evaluation - Pages 4 & 5 ;
- Section 2: Financial Information - Page 6, and;
- Section 3: Declaration - Page 7

Along with your completed report, you will also be required to provide Snowy Monaro Regional Council the following proof of your expenditure (if applicable):

- Photographs of your function or purchased items;
- Before and after Photographs E.g. Garden or park upgrades;
- Copies of receipts, invoices and quotes

Financial Hardship / Sensitive Events

If your Donation / Sponsorship was to assist with Financial Hardship or an event of a sensitive nature, please complete:

- Section 1: Project Evaluation– Pages 4 (Applicant details ONLY), and;
- Section 3: Declaration – Page 7

WHY YOUR GRANT NEEDS TO BE ACQUITTED

The information you provide in your acquittal report will:

- Account for your use of public funds, demonstrating that the funds was used for the purpose for which they were provided;
- Assist Snowy Monaro Regional Council in assessing how successful donation and sponsorships are in meeting the needs of the community, and;
- Provide you with the opportunity to make suggestions regarding improvements to the donation / sponsorship program.

Snowy Monaro Regional Council will use this information in your acquittal report to evaluate the achievements of funded activities, monitor the effectiveness of our funding programs, and ensure our policy development is consistent with events held within the Community.

WHEN SHOULD YOU ACQUIT YOUR DONATION / SPONSORSHIP?

Your acquittal report is due on the completion of your project. If you foresee any difficulty providing your report on time or complying with any specified requirements within the acquittal guidelines, we ask that you contact the Governance Department immediately, via email (governance@snowymonaro.gov.au) or telephone (02 6458 3555)

WHAT HAPPENS IF YOU DON'T ACQUIT?

If you do not satisfactorily acquit your donation / sponsorship, Snowy Monaro Regional Council may not make any further payments that may be due to you, and you will be ineligible to apply for further grants.

Snowy Monaro Regional Council may also ask you to pay back part or all of the funding provided to you, and may take the necessary action to recover any unspent or misspent funding as a debt due and payable.

ACCEPTANCE OF YOUR ACQUITTAL

Once your Acquittal Report has been received and accepted you will be notified. All of your obligations under the funding agreement will then be completed.

UNSPENT GRANTS

Should there be unspent funds exceeding \$200 reported in the acquittal, these funds are to be returned to Snowy Monaro Regional Council. A tax invoice will be issued if payment is required.

Section 1: Project Evaluation

APPLICANTS DETAILS

Name of Organisation

Contact Person

Address

PROJECT DETAILS

Project Title

Start Date

Finish Date

Describe the activity
(include any changes
to your original
application)

Provide an assessment
of the impact of your
project (with particular
reference to the
objectives stated in
your application) and
include any unexpected
outcomes

Record the number of
community participants
involved in this event

In evaluating your
project, is there
anything that you would
do differently? If so,
please describe

Do you have any
suggestions on how the
donation / sponsorship
program could
be improved?

Section 2: Financial Information

2.1 TAX INVOICES

Please provide supporting invoices / receipts for relevant expenditure.

2.2 FINANCIAL REPORT

If your donation / sponsorship is for a project, supply a financial report using the template below or attach a document showing the income and expenditure. For other activities you may supply an annual financial report from your organisation.

Income	\$ Actual	Expenditure	\$ Actual
Income Received		Project Costs	
Other Contributions		Marketing and Promotion	
Grants		Administration	
In-Kind		In-Kind	
Total Income		Total Expenditure	
Net Surplus / Deficit			

Section 3: Declaration

☐ I am authorised to acquit this donation / sponsorship and I certify that the above donation / sponsorship was used for the approved purpose. All information provided in this report is correct and accurate.

☐ I agree to provide Snowy Monaro Regional Council with additional information in relation to the use of this donation / sponsorship if requested.

Name	
Signature	
Organisation	
Date	

Submitting your Acquittal

Email: After completing your form, save to your computer and E-Mail to governance@snowymonaro.nsw.gov.au

Deliver to: Any of the following Customer Service Locations:

Cooma:
81 Commissioner Street
Cooma NSW 2630

Bombala:
71 Caveat Street
Bombala NSW 2632

Berridale:
2 Myack Street
Berridale NSW 2628

Jindabyne:
Shop 2, Razorback Plaza
Gippsland Street, Jindabyne NSW 2627

Contact: 02 6458 3555 (Governance Department) for any enquiries

Snowy Monaro Regional Council Donations / Sponsorship Communication Strategy

Due to the proposed change with Donations and Sponsorships the communication will need to be highly visible and clear advising what is now required when applying for sponsorships / donations.

Communication Strategy for current round of submissions, including new process:

Following the Council meeting on 17th May:

- Week of 21st May – Advert detailing changes and submission dates. *
- All schools receiving recurring donations to be advised via telephone of the value and the new process.
- All events receiving recurring donations to be advised via telephone of the value and the new process.
- All other groups who have requested donations in the past 18 months to be contacted via telephone and advised of the new process and to look for advertisement in below mentioned media.

1st June:

- Advert advising that “submissions are now open”. *
- A3 poster and copies of application forms to be placed at all office front counters.

15th June:

- Advert advising that “submissions are now open”. *

Communication Strategy for all future rounds of submissions:

- 8 weeks prior to closing date of submissions – advert advising when the new round of submissions will be run. *
 - 6 weeks prior to closing date of submission – advert advising when the new round of submissions will be run. *
 - 4 weeks prior to closing date of submission – advert advising that “submissions are now open”. *
A3 poster and copies of application forms to be placed at all office front counters.
 - 2 weeks prior to closing date of submission – advert advising that “submissions are now open”. *
-

* Adverts to be placed in all local newspapers, on SMRC website, facebook, radio and details included in the Mayoral Column.

18.1 NOTICE OF MOTION MAY 2018 CR HASLINGDEN BOMBALA RIVER PARK

Record No:

Responsible Officer:	General Manager
Author:	Councillor Sue Haslingden
Attachments:	1. Notice of Motion Cr Haslingden - Bombala River Park May 2018 ↓

Councillor Suzanne Haslingden has given notice that at the Ordinary Meeting of Council on 17 May 2018, she will move the following motion.

MOTION

That Council allocate a budget of \$300,000 from Bombala Funds to be used for upgrades to the Riverside Playground (stage 2) and the upgrades to the Bombala River Park Bicentennial Garden.

BACKGROUND

The previous Bombala Council determined that the riverside playground needed upgrading and had allocated a budget line for All Abilities Park River Project – Therry Street Bombala budget as \$39,200.

Currently, Snowy Monaro Council are developing a new all abilities playground in this precinct as one of its projects, but the funding only provided a limited number of play items, with soft fall being a major cost. Play equipment is also very expensive.

An all abilities playground is one that can be used by everyone, regardless of ability or a disability; so it includes very specialised items.

An existing play structure will have to be moved as it is not suitable for this area.

The Local Community Committee recently met and identified that the area would greatly be improved with extra funds. A stage two could be developed that incorporated another BBQ, picnic tables and other playground equipment, including the relocation of the existing item once assessed to meet current regulations. The committee discussed the importance of allocating the funds sooner rather than later from the Bombala funds.

This is the only playground in Bombala.

It is also a beneficial asset to the Caravan Park, the Bicentennial Garden and River Walk and is located quite close to the skate park and has nearby toilets. The playground gets used a lot, and the adjacent rotunda for family and other celebrations.

Having a 'renowned' playground can only further benefit the existing community and also encourage travellers with children to make Bombala a stop.

The local community are also planning a Bicentennial Garden 'birthday' later in the year that could potentially tie in with the completion of the all abilities playground. In the Garden, there is an obsolete arbour that needs to be assessed and removed or rebuilt and other repairs and maintenance before the event. The local committee would work in consultation with Glen Hines for best economic and manageable outcomes.

Signed motion attached

Clause 9. 1 of Council's Code of Meeting Practice provides as follows:

9.1 Notices of Motion

- (1) *The deadline for lodging notices of motion in writing for inclusion on the business paper for consideration at any meeting of the Council, shall be eleven (11) days prior to the meeting.*
- (2) *A councillor must give notice of business in writing no later than 4.00pm on the Tuesday that follows the ordinary meeting of council.*
- (3) *At an Ordinary meeting Councillors may give notice of motions in writing to be listed as matters on the business paper for the next Ordinary meeting of Council.*
- (4) *The rules applying to the content of Questions also apply to the content of Notices of Motion.*
- (5) *Councillors are to ensure, where it is intended that staff be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.*

Motion:

That Council ~~and~~ allocate
the existing budget line of
\$300,000 from the Bombala Funds
to be used in the Bombala Riverpark/
Bicentennial Garden + ^{proposed} Playground
upgrades & All Ability Play park.

Moved:

Sue Haslingden

John Castellari



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 Tombong Bridge - Emergency Works - Approval to Proceed

Item 22.1 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

22.2 Church Creek Bridge Repairs and Upgrade

Item 22.2 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.

22.3 Proposed Closure of Public Footpath & Sale to Adjoining Neighbours

Item 22.3 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.

22.4 REPLACEMENT OF TWO COUNCIL HEAVY RIGID TIPPERS PLANT NUMBERS 1843 and 9210

Item 22.4 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.

22.5 REPLACEMENT OF COUNCIL'S SMOOTH DRUM ROLLER PLANT NUMBER 1708

Item 22.5 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.

22.6 Award of Tender for Contract 006-2018 MR Combination Truck - Wastewater Vacuum Truck

Item 22.6 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.