



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

1 November 2018

**ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630
ON THURSDAY 1 NOVEMBER 2018**

MINUTES

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

**ON THURSDAY, 1 NOVEMBER 2018
COMMENCING AT 5.00PM**

PRESENT: Mayor John Rooney
Deputy Mayor Linley Miners
Councillor John Castellari
Councillor James Ewart
Councillor Rogan Corbett
Councillor Sue Haslingden
Councillor John Last
Councillor Anne Maslin
Councillor Brian Old
Councillor Bob Stewart

APOLOGIES: Councillor Peter Beer

Staff: Peter Bascomb, Acting General Manager
Suneil Adhikari, Director Operations & Infrastructure
Peter Smith, Director Environment & Sustainability
Peter Cannizzaro, Director Corporate & Community Services
Erin Donnelly, Secretary Council and Committees
Nola Brady, Group Manager Governance
Annie Upton, Manager Corporate Governance
Tarang Kamath, Senior Internal Auditor
Nathan Thompson, Communications Officer – *left at 6.31pm*

Notes: The Mayor opened the meeting at 5.04PM, At 6.31 pm the meeting was closed to the press and public, At 6.50 pm the Closed Session ended and the Council meeting continued in Open Session, There being no further business the Mayor declared the meeting closed at 6.51pm.

The Mayor opened the meeting at 5.04PM

1. APOLOGIES

Note 1: Leave Previously Granted

Councillor Beer was absent from this meeting with leave of absence previously granted at the Council Meeting held 18 October 2018.

COUNCIL RESOLUTION	383/18
That the apology from Cllr Ewart be accepted and leave of absence be granted 20 December 2018 and 17 Jan 2019.	
Moved Councillor Stewart	Seconded Councillor Corbett
	CARRIED

2. CITIZENSHIP CEREMONY

Nil

3. PRESENTATIONS

3.1 TED ROWLEY - FERAL DEER IN THE SOUTH EAST REGION OF NSW

Mr Ted Rowley, beef farmer from Moonbah, presented to Council on the feral deer population in NSW, in particular the South East region. Mr Rowley summarised the growth of the deer population in his area and the impact this has had on his ability to maintain his stock numbers, the impacts on the environment and the local community.

Mr Rowley asked Council for support to petition the NSW Government review policy to treat deer as a pest animal.

COUNCIL RESOLUTION	384/18
That members of the public be granted permission to address Council.	
Moved Councillor Haslingden	Seconded Councillor Old
	CARRIED

4. PUBLIC FORUM

Nil

5. DISCLOSURE OF INTEREST

Nil

6. MATTERS DEALT WITH BY EXCEPTION

Items by Exception

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

COUNCIL RESOLUTION

385/18

- A. That all items listed in Corporate Business both Open and Confidential be dealt with separately other than the following items which are moved by exception:
- 7.1 Extraordinary Council Meeting held on 16 October 2018;
 - 7.2 Closed Session of the Extraordinary Council Meeting held on 16 October 2018;
 - 7.3 Ordinary Council Meeting held on 18 October 2018;
 - 7.4 Closed Session of the Ordinary Council Meeting held on 18 October 2018;
 - 9.1 Meeting Minutes of Dalgety Hall Section 355 Committee 30 August 2018;
 - 9.3 The Minutes of the Recreational Facilities Section 355 Committee meetings held on 28 November 2017, 19 February 2018, 22 March 2018, 16 July 2018 and 17 September 2018;
 - 9.4 Minutes of Meeting for Section 355 Committee Dalgety Sport, Recreation and Showgrounds 4 September 2018;
 - 9.5 Minutes of the Snowy Monaro Local Traffic Committee meeting held 15 October 2018;
 - 13.1 Tabling of Disclosures of Pecuniary Interest Returns;
 - 19.1 Audit, Risk and Improvement Committee offer of Extension to Mr M Pearson; and

B. That the Officer's Recommendations in the reports listed above are hereby adopted.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

7. ADOPTION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY COUNCIL MEETING 18 OCTOBER 2018

COUNCIL RESOLUTION

386/18

THAT the minutes of the Ordinary Council Meeting held on 18 October 2018 are confirmed as a true and accurate record of proceedings.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

Note 2: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 18 OCTOBER 2018

COUNCIL RESOLUTION

387/18

THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 18 October 2018 are confirmed as a true and accurate record of proceedings.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

Note 3: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

8. DELEGATE'S REPORT (IF ANY)

8.1 MAYOR ROONEY

Mayor John Rooney updated Council on a number of events he attended with other Councillors, these included; Local Government NSW Annual Conference, in Albury, summarising some of the 100 resolution that were passed at the conference.

8.2 COUNCILLOR ANNE MASLIN

Councillor Anne Maslin attended the opening of the forecourt plaza at Delegate. The event was well attended and well received by the residents of delegate. Cllr Maslin thanked staff and the management of Council for the work and efforts to arrange the weekend.

8.3 COUNCILLOR JAMES EWART

Councillor James Ewart attended the final Youth Council meeting for his year. The meeting went well with the Council debriefing on what worked for the Youth Council.

8.4 COUNCILLOR SUE HASLINGDEN

Councillor Sue Haslingden attended the Back to Delegate celebrations, the Fire and Rescue open day in Bombala, and the South East Arts Governance meeting. .

Note 4: Update on the Corporate System

Councillor Last enquired into the procurement of the Corporate Information System and if it was still going ahead.

8.5 COUNCILLOR JOHN CASTELLARI

RECOMMENDATION

Councillor John Castellari attended a number of events in the region including the Section 355 Shared Trails committee meeting, the Residential Aged Care committee, and a meeting with the Ngarigo elders who mentioned their concerns with the signage in the region and lack of acknowledgment to the elders.

COUNCIL RESOLUTION

388/18

That Council receive and note Delegate's Report.

Moved Councillor Corbett

Seconded Councillor Maslin

CARRIED

9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

Business Arising Out Of The Minutes

Proceedings in Brief

A number of issues were raised by the Mayor seeking advice on progress with recommendations of the Committee. These issues did not require further resolutions from Council and were addressed by the General Manager

9.1 MEETING MINUTES OF DALGETY HALL SECTION 355 COMMITTEE 30 AUGUST 2018

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Property Officer
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.1.2.1 Support the availability of volunteering opportunities and build capacity.
Operational Plan Action:	OP4.9 Strengthen, support and promote volunteering within Council and in the Community as a valued vocation that builds social capacity
Attachments:	1. Minutes of Dalgety Hall Meeting 30 August 2018
Cost Centre	Dalgety Memorial Hall CC 1570
Project	Dalgety Memorial Hall PJ 150247
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

A copy of the Meeting Minutes for Dalgety Hall Section 355 Committee held on 30 August 2018 are attached for Council's information.

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

COUNCIL RESOLUTION

389/18

That Council receive and note the minutes of the Dalgety Hall Section 355 Committee held on 30 August 2018.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

Note 5: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

9.2 MINUTES OF THE WASTE MANAGEMENT COMMITTEE 14 SEPTEMBER 2018

Record No:

Responsible Officer: Director Environment & Sustainability
Author: Executive Assistant to Director of Environment & Sustainability
Attachments: 1. Waste Committee Minutes 14 September 2018

EXECUTIVE SUMMARY

The Waste Management Committee met on 14 September 2018 in Cooma. The Committee's recommendations are presented for Council's consideration and adoption.

COUNCIL RESOLUTION

390/18

That the recommendations of the meeting of the Waste Management Committee held on 14 September 2018 be adopted.

Moved Councillor Ewart

Seconded Councillor Corbett

CARRIED

Note 6: Vote Against Committee Recommendation

Clr Last requested that his vote against the committee recommendation 389/18 be recorded in the minutes.

9.3 THE MINUTES OF THE RECREATIONAL FACILITIES SECTION 355 COMMITTEE MEETINGS HELD ON 28 NOVEMBER 2017, 19 FEBRUARY 2018, 22 MARCH 2018, 16 JULY 2018 AND 17 SEPTEMBER 2018.

Record No:

Responsible Officer: Director Operations & Infrastructure
Author: Open Space & Recreation Manager
Attachments: 1. Recreation Facilities Meeting 28/11/2017
2. Recreation Facilities Meeting 19/02/2018
3. Recreation Facilities Meeting 22/03/2018
4. Recreation Facilities Meeting 16/07/2018
5. Recreation Facilities Meeting 17/09/2018

EXECUTIVE SUMMARY

The Recreational Facilities S355 Committee have met on 28 November 2017, 19 February 2018, 22 March 2018 and 16 July 2018 and 17 September 2018 in the Cooma Council Chambers. The minutes from these meetings are attached for Council's information.

COUNCIL RESOLUTION

391/18

That Council receive and note the Minutes of the meeting of the Recreational Facilities S355 Committee meetings held on 28/11/2017, 19/02/2018, 22/03/2018 and 16/07/2018.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

Note 7: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

9.4 MINUTES OF MEETING FOR SECTION 355 COMMITTEE DALGETY SPORT, RECREATION AND SHOWGROUNDS 4 SEPTEMBER 2018

Record No:

Responsible Officer: Director Operations & Infrastructure
Author: Property Officer
Key Direction: 4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy: DP4.1.2.1 Support the availability of volunteering opportunities and build capacity.
Operational Plan Action: OP4.9 Strengthen, support and promote volunteering within Council and in the Community as a valued vocation that builds social capacity
Attachments: 1. Minutes of Meeting Dalgety Sport, Recreation and Show Grounds Section 355 Committee 4 September 2018 Cost Centre Dalgety Showground Buildings CC 1555
Dalgety Sporting Fields CC 1620
Project Dalgety Showground Buildings PJ 150251
Dalgety Sporting Fields PJ 160231
Further Operational Plan Actions:

EXECUTIVE SUMMARY

A copy of the Meeting Minutes from the Section 355 Committee for Dalgety Sport, Recreation and Showgrounds Annual General Meeting and General meeting held on 4 September 2018 is attached for Council's consideration.

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

COUNCIL RESOLUTION

392/18

That Council receive and note the minutes of the Dalgety Sport, Recreation and Show Grounds Section 355 Committee Meeting held on 4 September 2018.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

Note 8: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

9.5 MINUTES FO THE SNOWY MONARO LOCAL TRAFFIC COMMITTEE MEETING HELD 15 OCTOBER 2018

Record No:

Responsible Officer: Director Operations & Infrastructure
Author: Roads Safety Officer
Attachments: 1. Minutes - Local Traffic Committee held 15 October 2018

EXECUTIVE SUMMARY

The Local Traffic Committee met on 15 October 2018 in Jindabyne. The Committee's recommendations are presented for Council's consideration and adoption.

COUNCIL RESOLUTION	393/18
That the recommendations of the meeting of the Local Traffic Committee held on 15 October 2018 be adopted.	
Moved Councillor Ewart	Seconded Councillor Castellari
	CARRIED

Note 9: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

10. CORPORATE BUSINESS - KEY THEME 1. COMMUNITY

Nil

11. CORPORATE BUSINESS - KEY THEME 2. ECONOMY

Nil

12. CORPORATE BUSINESS - KEY THEME 3. ENVIRONMENT

12.1 PLANNING PROPOSAL 461 BARRY WAY, MOONBAH TO AMEND SNOWY RIVER LOCAL ENVIRONMENTAL PLAN 2013

Responsible Officer: Group Manager Economic Development and Tourism
Author: Senior Strategic Land Use Planner
Key Theme: 3. Environment Outcomes
CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives: 8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments: 1. Planning Proposal 461 Barry Way, Moonbah
Cost Centre 8010 Strategic Planning
Project Planning Proposal to amend Snowy River Local Environmental Plan 2013 by rezoning and amending the minimum lot size of 461 Barry Way (Lot

101 DP 817374)

Further Operational Plan Actions:

EXECUTIVE SUMMARY

The purpose of this report is to notify Council of a planning proposal and to provide recommendations on how Council should proceed. The planning proposal is for the rezoning and reduction in minimum lot size of Lot 101 DP 817374 461 Barry Way, Moonbah. This can only be achieved by amending the *Snowy River Local Environmental Plan 2013* (SR LEP, 2013).

The subject planning proposal is to amend the SR LEP, 2013 by rezoning Lot 101 DP 817374 from Zone RU1 Primary Production to Zone R5 Large Lot residential and reduce the minimum lot size from 250 hectares to 3000sqm. This proposal requires amending the Land Zoning Map LZN_003 and Minimum Lot Size Map LSZ_003A.

The planning proposal is consistent with the Jindabyne Growth Structure Plan 2007 (JGSP, 2007), which provides a strategic framework for the growth of Jindabyne from 2007 until 2027. This plan was adopted by Snowy River Shire Council in May 2007 and recommends the subject site along with the land surrounding be further investigated for large lot residential use, similar to the already developed estates of Cobbin Creek and Lakewood which are with in close proximity to the subject site.

The subject site is 2.72 hectares which is not considered a suitable size for primary production, the site has been recommended for further intensification through large lot residential development in the JGSP, 2007 which was adopted by Snowy River Shire Council. The proposal is consistent with all relevant section 9.1 directions and relevant State Government legislation.

As such it is recommended the planning proposal is submitted to the Minister of Planning for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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

COUNCIL RESOLUTION

394/18

That:

- A. The report from the Senior Strategic Land Use Planner on the Planning Proposal 461 Barry Way (Lot 101 DP 817374) be received.
- B. The Planning Proposal be submitted to the Minister of NSW Planning & Environment for a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- C. The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the Planning Proposal.
- D. In the event NSW Department of Planning & Environment issues a Gateway Determination to proceed with the Planning Proposal, consultation be undertaken with the community and government agencies in accordance with Schedule 1, Division 1, Clause 4 of the *Environmental Planning and Assessment Act 1979* and any directions of the Gateway Determination.

Moved Councillor Ewart

Seconded Councillor Haslingden

CARRIED

Record of Voting

Councillors For: Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Last, Deputy Mayor Miners, Councillor Old, Mayor Rooney and Councillor Stewart.

Councillors Against: Councillor Maslin.

12.2 DA BEST PRACTICE GUIDELINE AND PROCESSING TIMES

Record No:

Responsible Officer:	Director Environment & Sustainability
Authors:	Group Manager Development & Building Certification Manager Development Assessment
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:	1. Council Report & Attachments 15 March 2018 (<i>Under Separate Cover</i>) 2. Development Assessment Workshop Presentation (<i>Under Separate Cover</i>)
Cost Centre	1210 Development Assessment

EXECUTIVE SUMMARY

A report was tabled at the Council meeting of 15 March 2018 following a request from the Mayor in relation to the NSW Department of Planning and Environment's "Development Application Best Practice Guide". Council resolved to "*defer the report DA Best Practice Guideline and Processing Times pending a workshop to discuss the Development Assessment Best Practice Guide*". (Resolution 68/18).

A workshop was undertaken with Councillors on 23 May 2018. The workshop outlined the current functions of the Development and Building Certification Group, current development application process of Council and measures that could be utilised to align with the relevant NSW Department of Planning and Environment "Development Assessment Best Practice Guide" (the Guide).

The following recommendations from the workshop are presented to Council for consideration.

COUNCIL RESOLUTION

395/18

That Council endorse the following recommendations;

1. Council staff develop a Snowy Monaro Region Development Guide that also includes a rural and regional context;
2. Increased promotion of pre-lodgement meetings with applicants and a media campaign be undertaken;
3. Creation of a user friendly information portal on Council's website;
4. Development assessment staff actively participate in the review of the consolidated LEP and DCP with the Strategic Planning Group to achieve practical workable provisions;
5. A review and report be presented to the General Manager on resourcing requirements for Building Surveying and Development Engineering staff in order to reduce development application referral times, assist with approvals relating to the issuance with Complying Development Certificates and provide efficient and timely advice to applicants;
6. Councillors continue to be provided with a list of applications lodged with Council on a monthly basis and a list of determined development applications on a monthly basis;
7. Ensure that when the corporate IT platform is implemented it includes online tracking of applications and use of mobile IT platforms, to improve efficiencies in administration of development assessment and building certification processes;
8. That checklists and guidelines are updated and expanded to ensure applicants have detailed information to ensure applications are submitted with all relevant information as required by Part 1 of Schedule 1 of the EP&A Regulation (in accordance with Clause 51 of the EP&A Regulation);
9. A review be undertaken and report be put forward to Council proposing amendments to the Bombala, Snowy and Cooma DCP's to align notification requirements as being commensurate with impacts and to reduce the number of development applications being notified;
10. That development applications be determined based on the information held at the time where an applicant has been requested to provide additional information (under Clause 54 of the EP&A Regulation) but has failed to respond within 21 days; and
11. Additional information requests be provided to applicants in a timely manner. The response time on these requests be increased from 14 days to 21 days.

Moved Councillor Haslingden

Seconded Councillor Ewart

CARRIED

Record of Voting

Councillors For: Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Maslin, Deputy Mayor Miners, Councillor Old, Mayor Rooney and Councillor Stewart.

Councillors Against: Councillor Last.

Note 10: Amendment to Original Motion

The above recommendation was an amendment to the original motion. The amendment on being put to the vote was carried and became the substantive motion.

The original motion Moved: Clr Haslingden, Seconded: Clr Ewart was:

"That Council endorse the following recommendations;

- 1. Council staff develop a Snowy Monaro Region Development Guide.*
- 2. Increased promotion of pre-lodgement meetings with applicants and a media campaign be undertaken.*
- 3. Creation of a user friendly information portal on Council's website.*

4. *Development assessment staff actively participate in the review of the consolidated LEP and DCP with the Strategic Planning Group to achieve practical workable provisions.*
5. *A review and report be presented to the General Manager on resourcing requirements for Building Surveying and Development Engineering staff in order to reduce development application referral times, assist with approvals relating to the issuance with Complying Development Certificates and provide efficient and timely advice to applicants.*
6. *Councillors continue to be provided with a list of applications lodged with Council on a monthly basis and a list of determined development applications on a monthly basis.*
7. *Ensure that when the corporate IT platform is implemented it includes online tracking of applications and use of mobile IT platforms, to improve efficiencies in administration of development assessment and building certification processes.*
8. *That checklists and guidelines are updated and expanded to ensure applicants have detailed information to ensure applications are submitted with all relevant information as required by Part 1 of Schedule 1 of the EP&A Regulation (in accordance with Clause 51 of the EP&A Regulation).*
9. *A review be undertaken and report be put forward to Council proposing amendments to the Bombala, Snowy and Cooma DCP's to align notification requirements as being commensurate with impacts and to reduce the number of development applications being notified.*
10. *That development applications be determined based on the information held at the time where an applicant has been requested to provide additional information (under Clause 54 of the EP&A Regulation) but has failed to respond within 21 days.*
11. *Additional information requests be provided to applicants in a timely manner and applicants be provided with only one opportunity for provision of additional information before determination of application. The response time on these requests be increased from 14 days to 21 days."*

12.3 DA10.2018.1256.1

APPLICATION FOR MANUFACTURED HOME ON RURAL LOT, VARIATION REQUIRED FOR MINIMUM LOT SIZE

Record No:

Responsible Officer:	Manager Development Assessment
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:	<ol style="list-style-type: none">1. Draft Conditions of Consent and Reasons for Decision2. 4.6 Variation Request3. Elevations and Floor Plan - Confidential4. Consolidation Plan5. Driveway Plan6. Site Plan (pre-consolidation)7. Statement of Environmental Effects8. Locality Plan

Further Operational Plan Actions:

Applicant Number:	DA 10.2018.1256.1
Applicant:	W.& M Koppman
Owner:	W.& M Koppman
DA Registered:	15/08/2018
Property Description:	Twin Springs/2874 Peak View Road PEAK VIEW 2630
Property Number:	lots 119/750558, 65/750558, 20/47123 & 9/47123
Area:	Peak View
Zone:	RU1 Primary Production
Current Use:	Nil
Proposed Use:	Dwelling house - manufactured home
Permitted in Zone:	Yes, subject to requirements
Recommendation:	Approval

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of a dwelling house on a lot created by the consolidation of lots 119/750558, 65/750558, 20/47123 & 9/47123 (2874 Peak View Road) Peak View. The application is for a single dwelling house on a rural allotment which is less than the minimum lot size required for the construction of a dwelling house under the Cooma Monaro Local Environmental Plan 2013 (CMLEP). The minimum lot size for the construction of a dwelling house on the subject site is 80 hectares, the applicant is seeking to consolidate four (4) allotments to create a lot measuring 79.7 hectares. The lot once created will still be less than the minimum lot size required for the approval of a dwelling house as such the applicant is seeking to vary this standard.

The applicant has applied under clause 4.6 of the CMLEP to vary the lot size standard. The request for variation has been considered and the development is recommended for approval as a deferred commencement to allow for the lots to be consolidated. The consent will then be active upon consolidation of the required allotments.

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.

COUNCIL RESOLUTION

396/18

That:

- A. Council approve the applicant's request to vary a development standard under clause 4.6 of the Cooma Monaro Local Environmental Plan 2013 being the approval of a dwelling house on a lot less than the minimum lot size (clause 4.2B(3)(a));
- B. Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that Council issue a "deferred commencement consent" for the installation of a manufactured home (dwelling) on lots 119 DP750558, 65 DP750558, 20 DP47123 & 9 DP 47123 subject to conditions attached;
- C. The consent will operate upon consolidation of lots 119 DP750558, 65 DP750558, 20 DP47123 & 9 DP47123; and
- D. Any person who made a submission is notified according to the regulations.

Moved Deputy Mayor Miners

Seconded Councillor Last

CARRIED

Record of Voting

Councillors For: Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Last, Councillor Maslin, Deputy Mayor Miners, Councillor Old, Mayor Rooney and Councillor Stewart.

Councillors Against: Nil.

Note 11: Draft Conditions of Consent and Reasons for Decision DA10.2018.1256.1

Reasons for Decision

Pursuant to Schedule 1 cl 20(2)

The reasons for the decision were:

1. The proposal adequately satisfies the application provisions and objectives of the Cooma Monaro LEP 2013 and the Cooma Monaro DCP 2014
2. Council has considered the Applicant's request to vary a development standard (4.2b - minimum lot size) and has considered that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as that variation will not generate unacceptable impacts on nearby premises, and remains consistent with the objectives of the standard.
3. The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP 55 – Remediation of Land, SEPP (infrastructure) 2007, SEPP 64 Advertising and Signage.
4. The proposed development, subject to the conditions below, will have no unacceptable adverse impacts on the natural or built environments including the nearby local heritage items, the local waterways or drainage systems or the operation of the local road system. Further it is considered that developments of the subject site does not prevent future reasonable development of adjoining allotments
5. The application was notified to adjoining landowners in accordance with the Cooma Monaro DCP 2014 and the relevant statutory regulations. The proposal received 0 submissions.
6. In consideration of conclusions 1 – 5 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

Deferred Commencement

This approval does not operate until satisfactory compliance with the following ‘deferred commencement’ condition pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979 (as amended)

A The applicant shall provide written documentation to Council confirming the registration by NSW Land and Property Information of a plan showing consolidation into a single title of the following lots:

Lot 119 DP 750558
Lot 65 DP 750558
Lot 20 DP 47123
Lot 9 DP 47123

Reason – to create a single allotment of land that has a minimum area of 79.7 hectares on which the dwelling can be approved

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	15/08/2018
	Site Plan	Lloyds	15/08/2018
	Elevations	Lloyds	15/08/2018
	Floor Plans	Lloyds	15/08/2018
	Driveway Plan	Applicant	15/08/2018
	Consolidation Plan	Applicant	13/09/2018
	Variation Request	Applicant	15/08/2018

Reason: Requirement that the development is completed in accordance with Council’s consent. P_1_01

- 2) All asset protection zones required by this consent are to be created and maintained in accordance with the NSW Rural Fires Service's Standards for Asset Protection Zones and are not to be implemented through a process of clear felling.

Note: This document emphasises the importance of maintaining groundcover and non-threatening vegetation as a means of preventing soil erosion.

Reason: To ensure that proposed bushfire protection measures do not result in any additional environmental impacts. BF_1_08

- 3) Reflective materials such as zincalume are not to be used on structure facades or roof.

Reason: To comply with Cooma-Monaro Development Control Plan (Amendment 1) 2014 clause 2.1.2 P_0_01

- 4) The approved development is not to be used for tourist or visitor accommodation except when prior development consent has been granted.

“tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments”*

- Cooma-Monaro Local Environment Plan 2013

Note- This condition does not apply to those uses which are deemed to be “exempt” under applicable environmental planning legislation.

Reason: Requirement of Environmental Planning and Assessment Act and Regulations P_0_02

- 5) All erosion and sedimentation control devices shall be maintained until the site has been adequately revegetated and no soil remains exposed. Revegetation or stabilisation of disturbed areas shall be commenced as soon as possible on all sites. This includes turfing, seeding, bitumen straw mulching, and landscape planting.

Reason: To establish site stability as soon as possible following earthworks. P_5_01

Design Related Conditions

- 6) Construction shall comply with Section 5 (BAL 19) of Australian Standard AS 3959-2009 “Construction of buildings in bush fire prone-areas” and section A3.7 Addendum Appendix 3 of *Planning for Bushfire Protection*.

Reason: To minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. BF_1_05

Conditions to be met prior to commencement of work

- 7) Where earthworks are undertaken to accommodate a new building, precautionary measures must be undertaken to ensure soil mixed in with run-off is contained on the site. It is an offence to allow soil and other runoff to escape from the building site. On-the-spot fines may be issued for offences.

Reason: To minimise erosion of land and siltation of waterways, and a requirement of the *Protection of the Environment Operations Act*. B_2_08

- 8) Prior to commencement of work and throughout the construction process silt fences are to be installed on the down slope side of the construction area. Such fences are to be installed in accordance with the provisions of Appendix 8 of the *Cooma-Monaro Development Control Plan 2014*.

Reason: To ensure that all sediment material is appropriately contained on site. P_5_02

Conditions to be met prior to release of Occupation Certificate

- 9) The applicant shall, prior to issue of an Occupation Certificate, obtain a Section 138 (Roads Act 1993) consent from Council for the following works:

a) Upgrade/construction of vehicular entrance

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 Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.

All works shall be carried out in accordance with the Section 138 Approval.

Reason: In accordance with Roads Act 1993. R_1_02

- 10) The applicant shall, prior to issue of any Occupation Certificate, the following works are to be completed:

a) Upgrade/construction of vehicular entrance between the subject lot and Peak View Rd R_1_02

- 11) Prior to the release of Any Occupation Certificate and in perpetuity internal roads shall comply with the following requirements of section 4.2.7 of *Planning for Bushfire Protection 2006*.

a) Internal roads are two wheel drive, all weather roads.

b) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches is provided.

c) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.

d) Internal roads are to have a minimum carriageway width of 4 metres.

e) Internal roads are to feature passing bays at a maximum intervals of 200m being 20 metres and 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.

Reason: To provide safe access to/ from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation. BF_1_04

- 12) Prior to the release of Any Occupation Certificate and in perpetuity landscaping to the site is to comply with the principles of Appendix 5 *Planning for Bushfire Protection 2006*. In this regard the following landscaping principles are to be incorporated into the development:
- a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
 - b) Grassed areas/mowed lawns/ or ground covers plantings being provided in close proximity to the building;
 - c) Restrict planting in the immediate vicinity of the building which may over time if not properly maintained come into direct contact with the building;
 - d) Planting should not provide a continuous canopy to the building
 - e) When considering landscape species consideration needs to be given to estimated size of the plant at maturity
 - f) Avoid planting of deciduous species that may increase fuel at surface/ground level
 - g) Avoid climbing species to walls and pergolas
 - h) Use low flammability vegetation species

Reason: To prevent flame contact to a structure, reduce radiant heat to below the ignition thresholds for various elements of a building, to minimise the potential for wind driven embers to cause ignition and reduce the effects of smoke on residents and firefighters. BF_1_06

- 13) Prior to the release of any Occupation Certificate and in perpetuity the property around the building to a distance of ten (10) metres, shall be maintained as an inner protection area (IPA) as outlined below:
- 1 The inner protection area shall comprise of the following
 - a) Minimal fine fuel at ground level
 - b) Vegetation that does not provide a continuous path to buildings for the transfer of fire
 - c) Shrubs and trees that do not form a continuous canopy and vegetation is planted /cleared into clumps rather than continuous rows
 - d) Species that retain dead material or deposit excessive quantities of ground fuel are avoided
 - e) Shrubs and trees are pruned or removed so that they do not touch or overhang the building/s; and
 - f) Vegetation is located far enough away from the building so that plants will not ignite the building/s by direct flame contact or radiant heat emission

Reason: To provide sufficient space and maintain reduced fuel loads, so as to ensure radiant heat levels at buildings are below critical limits and to prevent flame contact with a building. BF_1_01

- 14) Prior to the release of Any Occupation Certificate and in perpetuity water, electricity and gas services on the site are to comply with the following requirements of section 4.1.3 of *Planning for Bushfire Protection 2006*:
- a) In recognition that no reticulated water supply exists, a 20,000 litre water supply shall be provided

for fire fighting purposes

- b) The water tank if located above ground shall be of a non-combustible material
- c) All fittings to the tank shall be non-combustible
- d) A 65mm Storz outlet with agate valve shall be provided
- e) Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard 1596:2002 'The Storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used
- f) All fixed gas cylinders are to be kept clear of flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation
- g) Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply to gas meters adjacent to building are not to be used.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

BF_1_03

Ongoing Conditions

- 15) The inner protection area (IPA) and outer protection area (OPA) required under Condition ??? of this consent shall be maintained in perpetuity.

Reason: To ensure the ongoing provision of adequate bushfire safety measures on the site. BF_1_02

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.

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.

13. CORPORATE BUSINESS - KEY THEME 4. LEADERSHIP

13.1 TABLING OF DISCLOSURES OF PECUNIARY INTEREST RETURNS

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Secretary Council & Committees
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Operational Plan Action:	10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making
Attachments:	1. List of Position Occupied by Designated Person
Cost Centre	Corporate Services/Governance
Project	Tabling of Disclosures by Councillors and Designated Persons Section 499 Returns

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Pursuant to Section 449(3) of the Local Government Act 1993, Councillors and staff holding a designated position as at 30 June in any year must complete a Disclosures by Councillors and Designated Persons return and lodge it with the General Manager within three months of that date.

Section 449(1) of the Local Government Act 1993 states that "A councillor or designated person must complete and lodge with the General Manager, within 3 months after becoming a councillor or

designated person, a return in the form prescribed by the regulations.”

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

COUNCIL RESOLUTION

397/18

That Council receive and note;

- A. That Disclosure of Pecuniary Interest returns have been completed by all Councillors and designated staff by 30 September 2018, as required by the Local Government Act Section 441.
- B. The list of Council staff roles identified who are required to complete a Disclosure of Pecuniary Interest Returns for the period 1 July 2017 to 30 June 2018.
- C. That these returns will be kept in a register at Council as required.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

Note 12: Motions Without Debate

The above officer’s recommendation became a resolution of Council as a result of resolution 385/18 above as there was no challenge by Councillors.

14. REPORTS BY GENERAL MANAGER

Nil

15. NOTICE OF MOTION

15.1 NOTICE OF MOTION CR MASLIN - JINDABYNE STRATEGY

Responsible Officer: Acting General Manager

Author: Councillor Anne Maslin

Attachments: Nil

Councillor Anne Maslin has given notice that at the Ordinary Meeting of Council on 1 November 2018, she will move the following motion.

COUNCIL RESOLUTION

398/18

That Council,

- A. Approach NSW Planning Minister (Anthony Roberts) to commission a Special Project to formulate the future strategic plan for Jindabyne township and surrounds; and
- B. That the Project should engage suitably qualified town planning experts and architects, to undertake planning that includes, but is not limited to the following:
 - Ways to make the Jindabyne shopping district address and embrace Lake Jindabyne, with easy pedestrian access,
 - A review of zoning for future housing developments,
 - Recommendations on the optimum size of Jindabyne, given current infrastructure,
 - Infrastructure including schools, community centre, health services, aged care, and library; and
 - Protecting and enhancing the natural assets and ecological values of Jindabyne, and acknowledging the opportunity to make Jindabyne one of the most beautiful towns in Australia

Moved Councillor Maslin

Seconded Councillor Old

CARRIED

15.2 NOTICE OF MOTION - CR HASLINGDEN PLAYGROUND MOTION

Record No:

Responsible Officer: Acting General Manager
Author: Councillor Sue Haslingden
Attachments: Nil

Councillor Suzanne Haslingden has given notice that at the Ordinary Meeting of Council on 1 November 2018, she will move the following motion.

COUNCIL RESOLUTION

399/18

That Council defer the motion Cr Haslingden Playground Motion to the February 2019 meeting

Moved Councillor Haslingden

Seconded Councillor Stewart

CARRIED

15.3 NOTICE OF MOTION - CR HASLINGDEN OFFICIAL AUSTRALIA DAY REGIONAL CEREMONY 2019.

Record No:

Responsible Officer: Acting General Manager
Author: Councillor Sue Haslingden
Attachments: Nil

Councillor Suzanne Haslingden has given notice that at the Ordinary Meeting of Council on 1 November 2018, she will move the following motion.

COUNCIL RESOLUTION

400/18

That the SMRC Official Australia Day Ceremony be held in Bombala on Saturday January 26, 2019 to coincide with Australia Day Events planned by the Bombala Australia Day Committee.

Moved Councillor Haslingden

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Castellari, Councillor Haslingden, Councillor Last, Councillor Maslin, Mayor Rooney and Councillor Stewart.

Councillors Against: Councillor Corbett, Councillor Ewart, Deputy Mayor Miners and Councillor Old.

16. MOTIONS OF URGENCY

Nil

17. QUESTIONS WITH NOTICE

Nil

18. QUESTIONS TAKEN ON NOTICE

18.1 PUBLIC WIFI

Councillor Rogan Corbett

Question: Why is there no public WiFi in Cooma? As there used to be WiFi available in the Cooma CBD and Jindabyne and Bombala.

18.2 TOURISM SNOWY MOUNTAINS

Councillor Sue Haslingden

Question: Can Council please receive a report on the newly elected Tourism Snowy Mountains Board and the developed memorandum of understanding that outlines the Board's focus and TSM's strategic plan. And can Council please receive a copy of the MoU?

18.3 EMPLOYMNET OF PROJECT STAFF

Councillor John Last

Question: I notice that the Council is proposing to employ a Project Engineer, a Project Manager and a Development Engineer. If these positions are filled will it alleviate the necessity of calling in consultants? How much money will the employment of these people save when compared to consultants?

18.4 WILD DOGS

Councillor John Last

Question: Dogs have resumed killing sheep in the Badja area. I note that a representative of Mr Barilaro promised a dog trapper would be employed. So far, a dog trapper has not been employed. When is the government going to take action to exterminate the wild dogs and thus save the land owners thousands of dollars?

18.5 LOCATION OF NIMMITY BELL

Councillor John Last

Question: Why hasn't a decision been made to find a permanent position for the bell at Nimmitabel? This matter has dragged on too long and I suggest that at the next meeting the Council decides when and where to put it.

18.6 NIMMITABEL AND MICELAGO STREET SCAPE

Councillor John Last

Question: I understand that Tenders are out for the street scape in Nimmitabel and Michelago. Is It the case that the street scape for Nimmitabel is contrary to the street scape that the residents of Nimmitabel wanted? If this is the case then the tender should be withdrawn and consultation take place.

18.7 FLOWER BEDS IN THE MAIN STREET OF COOMA

Councillor John Last

Question: I note that the flower beds in the main street are watered by watering cans. The water is sourced from a watering cart. Is there not a better and more efficient way to water these flowers?

18.8 SUPPLY OF VEGETATION

Councillor John Last

Question: Where are the shrubs and flowers sourced for the Council? Are they sourced on a competitive basis and if not why not?

19. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

401/18

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:

19.1 Audit, Risk and Improvement Committee Offer of extension to Mr M Pearson

Item 19.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 Proposed Container Deposit Revenue Share Agreement

Item 19.2 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.

Moved Councillor Old

Seconded Councillor Maslin

CARRIED

Note 13: Invitation to Public

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

Note 14: Confidential Session of Committee

At 6.31 pm the meeting was closed to the press and public.

Note 15: Resumption of Open Committee Meeting

At 6.50 pm the Closed Session ended and the Council meeting continued in Open Session.

20. REPORT FROM CONFIDENTIAL SESSION

19.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE OFFER OF EXTENSION TO MR M PEARSON

COUNCIL RESOLUTION

402/18

That Council resolve to offer Mr Miles Pearson an additional one year extension to 25 November 2019 as an external member on Council's Audit, Risk and Improvement Committee.

Moved Councillor Ewart

Seconded Councillor Castellari

CARRIED

19.2 PROPOSED CONTAINER DEPOSIT REVENUE SHARE AGREEMENT

COUNCIL RESOLUTION

403/18

That Council;

- A. Receive and Note the report
- B. The Waste Committee be provided with updates on the further negotiation of the Revenue Share Agreement at its scheduled meetings.
- C. A further report be presented to Council following further negotiations.

Moved Councillor Ewart

Seconded Councillor Haslingden

CARRIED

There being no further business the Mayor declared the meeting closed at 6.51pm.



CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 1 November 2018 were confirmed by Council at a duly convened meeting on 15 November 2018 at which meeting the signature hereon was subscribed.