



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
7 March 2019**

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.

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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 COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW
2630**

**ON THURSDAY 7 MARCH 2019
COMMENCING AT 5.00PM**

BUSINESS PAPER

- 1. OPENING MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
- 4. CITIZENSHIP CEREMONIES**
- 5. DISCLOSURE OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 6. MATTERS DEALT WITH BY EXCEPTION**
- 7. CONFIRMATION OF MINUTES**
 - 7.1 Ordinary Council Meeting held on 21 February 2019
 - 7.2 Closed Session of the Ordinary Council Meeting held on 21 February 2019
- 8. REPORTS FOR DEVELOPMENT APPLICATIONS**
- 9. OTHER REPORTS TO COUNCIL**
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10. NOTICE OF MOTION

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11. MAYORAL MINUTE(S)

Nil

12. QUESTIONS WITH NOTICE

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13.1 Possible Participation in a Class Action on Behalf of NSW Councils

Item 13.1 is confidential in accordance with s10(A)(2)(candg) 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 advice containing litigation, or advice as comprises a discussion of this matter that would otherwise be privileged from production in legal proceedings on the ground of legal professional.

13.2 Consultancy Fees – Response to Question with Notice 18.8(17January 2019)

Item 13.2 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.

9.1.1 FEBRUARY YOUTH COUNCIL MINUTES

Record No:

Responsible Officer: Group Manager Economic Development and Tourism

Author: Youth Officer

Attachments: 1. Minutes 5 February 2019

EXECUTIVE SUMMARY

The Snowy Monaro Regional Youth Council met on 5 February 2019 in Cooma. The minutes are presented for Council's information.

Council's attention is drawn to the following motions from those minutes:

8.3 – That the Youth Council support the installation of Notice Boards which are 'youth specific' in 4 locations across the Snowy Monaro (Carried unanimously); and

9.1 – That the Youth Council support the addition of lighting to problematic areas identified by the community across the Snowy Monaro (Carried unanimously).

In relation to the action contained within item 9.1, being that the Youth Council draft a letter to send to local MPs outlining problematic areas (for lighting), along with a request for funding. Note that completion of this action would require internal consultation with other relevant business units within Council prior to any letter being sent.

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

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|---------------------------------|
| OFFICER'S RECOMMENDATION |
|---------------------------------|

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|---|
| That Council adopt the minutes of the Youth Council meeting of 5 February 2019. |
|---|



Youth Council Committee Minutes

Address: Council Chambers, 81 Commissioner Street, Cooma NSW 2630

Date: 5/2/19 **Time:** 10:14

Minute Taker: Olivia Weston – Youth Council Secretary

Present: Melissa Sass, Olivia Weston, Jake Barnes, Pippa Bright, Marlee Diver, Molly Robinson, Georgia Pond, Joshua Abrokwah, Tearna Ribeiro-Davis, Lani Holfter, Tai Haines, Zara Farrell, Bridget McIntosh, Will Wright, Alex McMahon

1 Opening of the Meeting

Melissa Sass opened the meeting in the absence of the Chair, Councillor James Ewart at 10:14am. James arrived at 10:20

2 Apologies

An apology for the meeting was received from Georgia Knowles, Josh McMahon, Rylie Marks, Katie Farrell

3 Adoption of Previous Minutes

Minutes of the meeting held on 28th of November 2018 are confirmed as a true and accurate record of proceedings.

Moved: Lani Holfter

Seconded: Deputy Mayor Will Wright

4 Business Arising from Previous Minutes

Nil

5 Correspondence

In: Youth Survey. 370 young people completed the survey in a hard copy. 21 completed online

Out: Youth Mayor- Radio Consultation with ABC south East

6 Reports

6.1 **Youth Mayor-** Report was accepted. All in favour

6.2 **Publicity Officer-** Report was accepted. All in favour

6.3 **Secretary-** Report was accepted. All in favour

6.4 **Youth Development Officer-** Report was accepted. All in favour

6.5 **Chair-** Report was accepted. All in favour

7 Presentations

7.1 **Paivi Blair – Library Staff – Snowy Monaro Regional Council (SMRC)**

Paivi talked about ideas for the Cooma Library and asked for feedback. She talked about a Science Hub. Josh Abrokwah suggested a study group in the library. It was also suggested that the Library open later to accommodate the needs of students. **Action** Youth Secretary to email Paivi about ideas

7.2 **Belinda Ingram and Edwina Lowe – Resource & Waste Team – SMRC**

Belinda and Edwina talked about the 5 R's. Talked about events that are approaching and asked the Youth Council to collaborate. Asked for feedback on how to help reduce waste around by targeting teens. **Action** - Youth Secretary to email a list of ideas.

7.3 **Graham Hope – Roads Safety Officer – SMRC**

Graham talked about road safety and how we need to raise awareness in teens/ new drivers. Talked about unsafe road habits. **Actions** - Youth Secretary to email a list of ideas to Graham.

7.4 **Alex Adkins- Senior Strategic Land Use Planner- SMRC**

Alex talked about strategic land use in the Monaro and the draft paper which will be released. Alex would like support from the Youth Council to seek feedback on the Plan from young people. **Actions** - Youth Secretary to email a list of ideas to Alex.

8 General Business

8.1 National Youth Week 2019

Youth Week dates for 2019 have been confirmed as 10-17th April. The theme this year is 'Coming Together to Connect, Share, Speak out and Celebrate'

The Youth Council went into Committee to discuss ideas for Youth Week Events, some which included;

- Colour run.
- Busking/ music
- MTB day
- Youth Awards
- Car club. Safety driving
- Skate parks
- Barefoot bowls
- Markets
- Sporting
- Carnival
- Dance Party

A Sub-Committee was formed for Youth Week which includes Youth Councillors; Tai Haines, Olivia Weston, Jake Barnes, Lani Holfter, Josh Abrokwah, Georgia Pond, Bridget, Zara Farrell, Teearna Ribeiro-Davis & Bridget McIntosh

8.2 Snowy Monaro Youth Strategy

The Youth Development Officer has drafted a Youth Strategy for the region. The Youth Council were asked to review the Actions and Strategies and provide feedback prior to the end of Feb. **Action** – Youth Development Officer, Mel Sass to email electronic copy of strategy

8.3 Youth Notice Boards

Discussion about installing youth specific notice boards across the region. Board to have employment opportunities, education and workshop opportunities and activities/events relevant to Jindabyne. The proposed locations include: Jindabyne, at Nuggets Crossing; Cooma outside the Information Centre & The Hub; Bombala at the new Toilet block; Berridale at the park Toilet block

Motion: That the Youth Council support the installation of Notice Boards which are "youth specific" in 4 locations across the Snowy Monaro. **Moved:** Jake Barnes **Second:** Teearna Ribeiro-Davis. **Carried Unanimously.**

9 General Business not on notice

9.1 Community Safety - Lighting

Discussion about bringing light into local areas. E.g. parks, ~~skateparks~~, laneways, streets, lake etc.

Motion: That the Youth Council support the addition of lighting to problematic areas identified by the community across the Snowy Monaro. **Moved:** Will Wright **Second:** Georgia Pond **Carried unanimously.**

Action – The Youth Council to draft a letter to send to local MP's outlining problematic areas, along with request for funding.

9.2 Youth space in Jindabyne

Youth Development Officer, John Graham outlined his goal to build a youth centre in Jindabyne. John is talking to people about using the old Community Health Centre behind the school (Jindabyne Central school)

10 Project Updates

10.1 Snowy Monaro Youth Card

The Snowy Monaro Youth Card is an exclusive Youth Discount Card available for young people aged 12-24. Its hoped the card will support local businesses and also give young people more access to shops.

The Youth Councillors to attend the "Connect Meetings" to promote the idea:

~~Jindy~~ Connect 28th February 5:30- ~~Rydges~~ – Youth Councillors Jake Barnes & Pippa Bright to attend

Cooma Connect 25th February 5:30- Alt Air – Youth Councillors Will Wright, Zara Farrell & Josh ~~Abrokwah~~ to attend. **Action:** Youth Development Officer, Mel Sass to email out Youth Card Info Sheet

10.2 SMYC Apparel

SMYC Apparel is a proposed youth led social enterprise run by the Youth Council.

Youth Development Officer, John Graham outlined that a Report went to Council about the project. John plans to run a logo design contest for the project.

Run a logo design contest to get the community to have a say in the logo.

11 Date of next Meeting

The next meeting will be held at 10:00am/pm on March 5th (TBC) at Council Chambers.

12 Close of Meeting

SNOWY MOUNTAIN REGIONAL COUNCIL

Committee Minutes

There being no further business the meeting concluded at 12:39pm

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.)

9.2.1 SMART CITIES PILOT PROGRAM

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Group Manager Economic Development and Tourism |
| Author: | Economic Development Officer |
| Key Theme: | 2. Economy Outcomes |
| CSP Community Strategy: | 4.2 Foster and support adaptive, sustainable industries |
| Delivery Program Objectives: | 4.2.1 Council's 'Smart Cities' initiative promotes innovative, adaptable solutions and policies to foster sustainable industries across the region |
| Attachments: | Nil |
| Cost Centre | 7030 |
| Project | |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

The current State Government does not administer any grant programs relating to the development of Smart Cities and therefore we cannot lobby State Government for the inclusion of Jindabyne in the so called "Smart Cities Pilot Program".

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

OFFICER'S RECOMMENDATION

That Council receive and note the information in the report regarding the Smart Cities Pilot Program.

BACKGROUND

There is an action in the current operational plan, under Strategy 4.2 - Foster and support adaptive, sustainable industries, to lobby State Government for the inclusion of Jindabyne in the Smart Cities Pilot Program.

Whilst investigating the program details, it has become clear that there is no Smart Cities Program administered by the NSW State Government. The only related program is delivered by Federal Government, called the Smart Cities and Suburbs Program.

Delivered by the Department of Industry, Innovation and Science, the program provides local government agencies and bodies with grants of \$250,000 to \$5 million to support projects that apply innovative technology-based solutions to urban challenges to improve the liveability, productivity and sustainability of Australian cities, suburbs and towns. The grant amount would be up to 50 per cent of eligible project costs.

Applications are currently closed, and given we are nearing the federal election it is unclear if the program will open to applications again in the future.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The Jindabyne community is disadvantaged by the “Smart Cities Pilot Program” not existing, however if a future Federal Government or State Government Program was opened, Council could seek funding to install “smart” infrastructure. Any “smart” infrastructure needs and requirements may be identified in the “Go Jindabyne” master planning process.

2. Environmental

Currently nil.

3. Economic

Currently nil.

4. Civic Leadership

This recommendation does not directly resolve the action in the current strategic plan action to lobby for the inclusion of Jindabyne in a Smart Cities Infrastructure Program, however it is now clear what options we might have to seek grant funding and “smart” infrastructure upgrades for Jindabyne in the future.

9.3.1 UPDATE: LOW RISE MEDIUM DENSITY HOUSING CODE

Record No:

| | |
|-----------------------------------|---|
| 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: | 8.1.3 Developmetn assessment processes are streamlined to support regional development and growth. |
| Attachments: | Nil |
| Cost Centre | |
| Project | |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

This report is to update Council on the Low Rise Medium Density Housing Code.

The Low Rise Medium Density Housing Code is a "Complying Development Code" within the *State Environmental Planning Policy (Exempt and Complying Development Codes 2008)*. The code was deferred from implementation in the Snowy Monaro Regional Council area for 12 months. The code will take effect on 1 July 2019 and this may have a number of implications for the region.

In general the code is designed to create a fast tracked approvals process for development termed 'the missing middle'. The code allows for three (3) types of development; dual occupancies, terrace houses and manor houses. The Low Rise Medium Density Housing Code and accompanying design guide provide a variety of prescriptive controls to regulate development under this particular Code. The Code and design guide are quite lengthy and complex and this may discourage people from using it. It is not anticipated that there will be a large take up of this type of complying development in the region, with most development is likely to opt for the more traditional development assessment process because it may be viewed as 'simpler'.

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

| |
|---------------------------------|
| OFFICER'S RECOMMENDATION |
|---------------------------------|

| |
|---|
| That Council receive and note the report on Low Rise Medium Density Housing Code. |
|---|

BACKGROUND

In 2015 the NSW Department of Planning and Environment released a discussion paper *Options for low rise medium density as complying development*. This paper sought feedback on allowing low rise medium density housing to be carried out as complying or code track development.

On 12 October 2016 the *draft Medium Density Design Guide* was publically exhibited by the Department of Planning and Environment for a period of 42 days. Following completion of the public exhibition there was no further notice provided as to whether the Code would proceed until mid-2018 when the NSW Department of Planning advised that the Code would take effect from 6 July 2018. In recognition of the somewhat sudden nature of this announcement, Councils across the state were offered an opportunity to request a 12 month deferment of its commencement in their Local Government Area.

At its meeting of 21 June 2018, Council resolved to seek a deferment of the Code for 12 months (resolution 232/18).

On 5 July 2018 the NSW Government Department of Planning and Environment granted Snowy Monaro Regional Council's request to defer the code in the Local Government Area to 1 July 2019. Fifty (50) Local Government Areas across the state requested deferment of the code including 29 Council's in Greater Sydney area, all deferment requests were granted.

On 6 July 2018 the Low Rise Medium Density Housing Code became effective in all areas of the state which did not request deferment.

On 1 July 2019 the Low Rise Medium Density Housing Code will become effective in the Snowy Monaro Regional Council LGA. This will allow for a variety of multi dwelling type development to take place in the region as complying development.

The Low Rise Medium Density Code and the Low Rise Medium Density Design Guide are large and complex documents. Hard copies can be provided upon request, however, to reduce the volume of printing and the size of the business paper file, the documents can be accessed on-line at the following link:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing/The-Low-Rise-Medium-Density-Housing-Code>

DISCUSSION

The Low Rise Medium Density Housing Code will allow for three (3) types of development to be conducted as complying development, these are dual occupancies, terrace houses and manor houses. Dual occupancies are defined as per the Standard Instrument Local Environmental Plan:

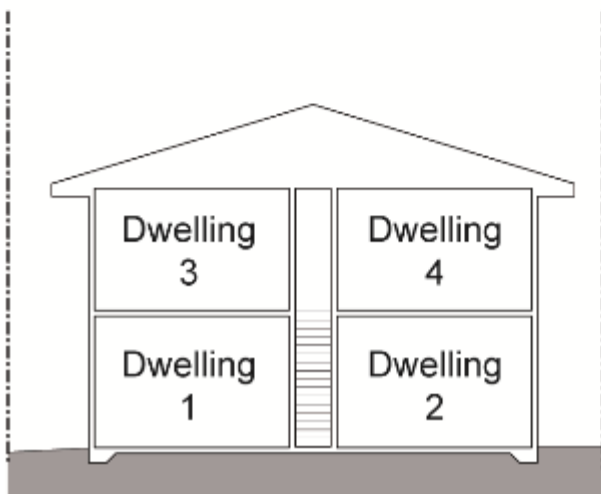
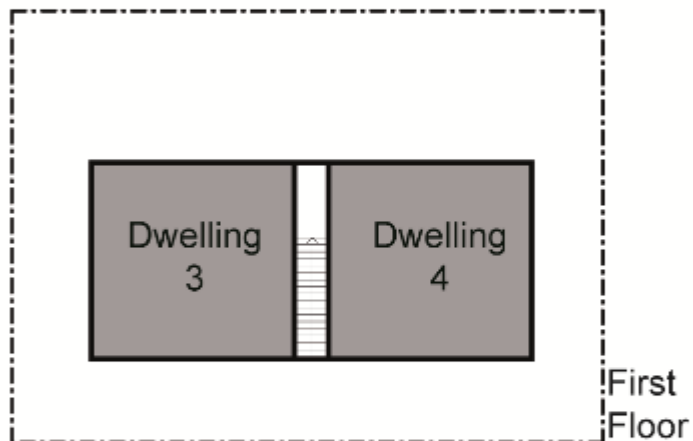
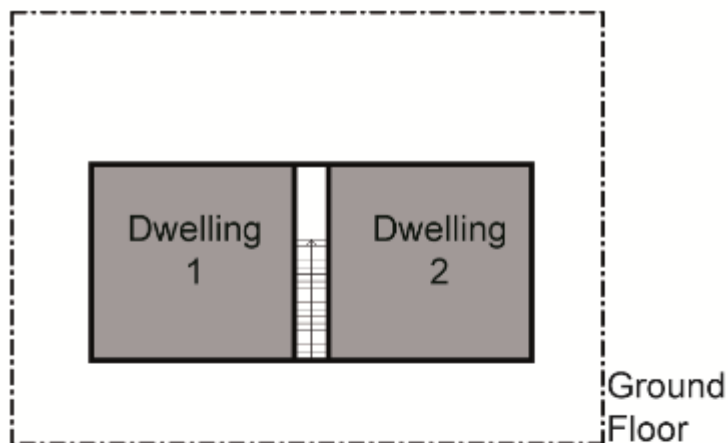
1. *Dual occupancy means 2 dwellings on one lot of land that are attached or detached, but does not include a secondary dwelling.*

For the purposes of the Code, dual occupancies can be attached or detached, and can include where one dwelling is located above part of another dwelling.

Manor houses are permitted in zones R1 General Residential, R2 Low Density Residential and RU5 Village where the relevant Environmental Planning Instrument (EPI) permits residential flat buildings, multi dwelling housing (or both). Manor houses are defined in the Low Rise Medium Density Design Guide as being;

2. *A building containing 3 or 4 dwellings, where:*
 - *Each dwelling is attached to another dwelling by a common wall or floor, and*
 - *At least 1 dwelling is partially or wholly located above another dwelling, and*
 - *The building contains no more than 2 storeys (excluding any basement).*

The following extract from the Code provides an illustration of a 'manor house':



‘Terrace housing’ is defined as ‘multi dwelling housing’ as per the definition in the standard instrument LEP.

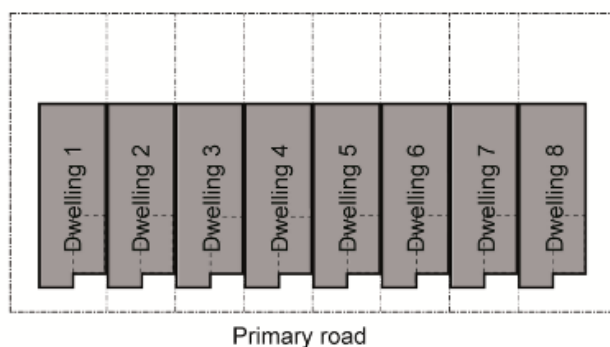
Further clarity is provided to this definition in the design guide. Multi dwelling housing and multi dwelling housing (terraces) are defined for the Code’s purposes as:

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

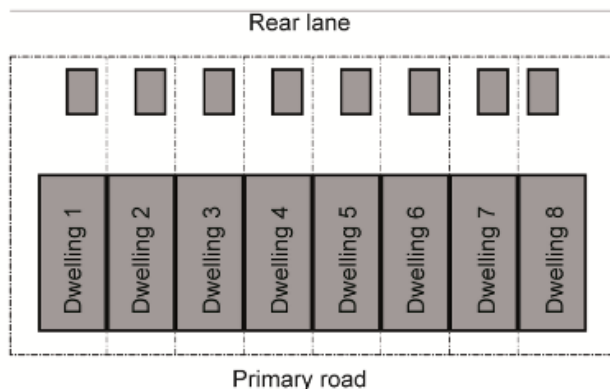
Multi-dwelling housing (terraces) – means 3 or more dwellings on one lot of land where:

- *Each dwelling as access at ground level*
- *No part of a dwelling is above any part of any other dwelling, and,*
- *dwellings face and generally follow the alignment of one or more public roads.*

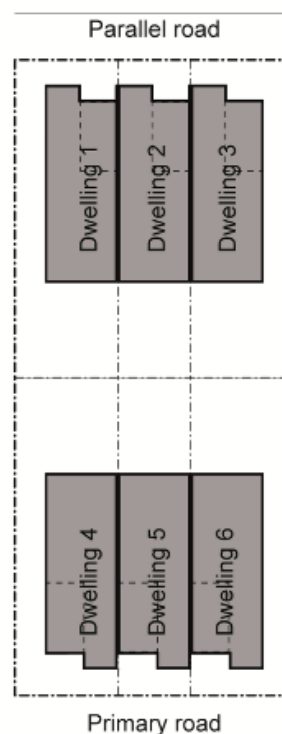
The following extract from the Code provides an illustration of ‘terrace houses’:



Multi dwelling housing (terraces) on a standard lot



Multi dwelling housing (terraces) with a rear lane



Multi dwelling housing (terraces) on a parallel lot

WHAT IS COMPLYING DEVELOPMENT?

Complying development is a fast track approvals process that does not require public notification of the proposal, and can be signed by the relevant licensed/certified professionals including those in the private sector. To be classed as complying development the proposal must be deemed to meet all of the criteria of the relevant code. A Development Application (DA) is not required for this type of development.

Complying development under the Low Rise Medium Density Housing Code must meet the rules and criteria of the code as well as meeting the requirements of the Low Rise Medium Density Design Guide (see link earlier in report). The proposal must be assessed and signed off by a licensed building certifier and an accredited building designer.

POTENTIAL IMPACT ON THE SNOWY MONARO REGION

Complying development under the Low Rise Medium Density Housing Code can only be undertaken in zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village. All three Local Environmental Plans (LEPs) for the former shires have zones R1 General Residential and RU5 Village. Snowy River and Cooma Monaro also have R2 Low Density Residential.

The Low Rise Medium Density Housing Code does state that if the use is prohibited by a relevant Environmental Planning Instrument (EPI), which includes LEPs, that type of development cannot be undertaken using the Code. The table below shows what types of development can be undertaken as complying development in relevant zones and what the relevant minimum lot size (MLS) will be.

Table 1: Permissibility in the Snowy Monaro Region

| Location | Development Type | R1 General Residential | R2 Low Density Residential | RU5 Village | Current MLS | Codes MLS |
|-----------------------|------------------|------------------------|----------------------------|-------------|-----------------------------|-----------------------------|
| Snowy River LEP 2013 | Dual Occupancy | Permitted | Permitted | Permitted | 700sqm | 700sqm |
| | Terrace Houses | Permitted | Prohibited | Permitted | 1,050sqm | 1,050sqm |
| | Manor Houses | Permitted | Prohibited | Permitted | 1,050sqm | 600sqm |
| Cooma Monaro LEP 2013 | Dual Occupancy | Permitted | Permitted | Permitted | 500sqm (1,800sqm for RU5) | 500sqm (1,800sqm for RU5) |
| | Terrace Houses | Permitted | Prohibited | Permitted | 1,000sqm (2,500sqm for RU5) | 1,000sqm (2,500sqm for RU5) |
| | Manor Houses | Permitted | Prohibited | Permitted | 1,000sqm (2,000sqm for RU5) | 600sqm |
| Bombala LEP 2012 | Dual Occupancy | Permitted | N/A | Permitted | Nil | 400sqm |
| | Terrace Houses | Permitted | N/A | Permitted | Nil | 600sqm |
| | Manor Houses | Permitted | N/A | Permitted | Nil | 600sqm |

As table 1 above shows all types of development under this code are permitted in zones R1 General Residential and RU5 Village. Dual occupancies will be able to be undertaken as complying development in zone R2 Low Density Residential from the first of July. It is worth noting the Standard Instrument Principal Local Environmental Plan mandates that all of the uses under the Low Rise Medium Density Housing Code are permitted with consent in zone R1 General Residential.

The relevant minimum lot sizes applying to development under this code are as follows:

Table 2: Minimum Lot Sizes for Low Rise Medium Density Housing Code

| Type of Development | Low Rise Medium Density Housing Code |
|---------------------|---|
| Dual Occupancies | The greater of 400sqm or the MLS under relevant Environmental Planning Instrument |
| Terrace Houses | The greater of 600sqm or the MLS under relevant Environmental Planning Instrument |
| Manor Houses | 600sqm |

As shown in table 1 the minimum lot size for dual occupancies and terrace houses for the areas covered by the SR LEP and CM LEP is the same as specified in the LEP for that type of development. The BLEP has a minimum lot size of nil - as such the minimum lot size of the code applies, i.e. 400sqm for dual occupancies and 600sqm for terrace houses.

The Low Rise Medium Density Housing Code sets the minimum lot size for manor houses at 600sqm regardless of the minimum lot size in the relevant LEP.

The area likely to be of most concern is the impact that these changes could have in Jindabyne. Of particular note is the introduction of Manor houses which coupled with potential changes to the regulation of short term rental accommodation (STRA) could be a popular type of development into the future. A manor house is essentially three (3) - four (4) units which present to the street as one large house. After 1 July this year, in zones R1 General Residential and RU5 Village on lots 600sqm or larger a manor house could potentially be built as complying development and the units rented out as exempt development via AirBnB (or other apps) through potential changes to STRA regulations.

Given Jindabyne's recent trend towards more STRA type development, there is potential for further impacts on the community and streetscape from further such development once the Code takes effect. For example, as Complying Development, the requirements of Council's Development Control Plan in relation to matters such as the minimum number of on-site car parking spaces, are circumvented. The carparking requirements specified in the Code are less stringent than the requirements in Council's DCP's.

Zone R1 General Residential in the SR LEP has the following zone objectives;

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage residential development that has regard to local amenity and in particular public and private views.*
- *To provide for a range of tourist and visitor accommodation compatible with the surrounding residential character.*

It is considered in broad terms the types of development proposed by the Low Rise Medium Density Housing Code is consistent with the zone. The code and design guides focuses on providing a variety of housing types and densities in a design style which has regard for local amenity.

Tyrolean Village, Kalkite, Berridale and potentially Michelago are areas currently zoned RU5 Village that could potentially see this type of development having an impact on its village character. However it is considered that these areas do require more diverse housing stock to deal with future challenges such as an ageing population and this code could be beneficial in achieving positive outcomes.

The potential impact to the Snowy Monaro Region overall is considered negligible as the requirements of the Low Rise Medium Density Housing Code and Design Guide are extremely stringent. It is considered most likely that the majority of these types of development will continue through the development assessment (DA) process as is currently the case.

No amendment to any of the LEP's for the region are recommended at this time. Council cannot prohibit any of these uses in zone R1 General Residential. Council can prohibit dual occupancies from zone R2 Low Density Residential however this is a type of development broadly considered consistent with neighbourhood character in these areas and may not be a development type Council wishes to discourage. There is potential to prohibit these uses in zone RU5 Village but potentially these types of development should be encouraged in these areas to promote development, growth and provide housing diversity to an ageing population. An alternative approach could be to amend the minimum lot size however this will not affect manor houses. Council has not yet considered as part of a strategy the appropriate minimum lot size for these development types as such it is considered appropriate that this is assessed as part of the Snowy Monaro Settlements Strategy and incorporated in the new LEP.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

As discussed above the introduction of the Low Rise Medium Density Housing Code will potentially have both positive and negative social implications. The code has the ability of providing a faster approvals process for types of medium density developments designed to be in keeping with the street scape of lower density areas.

The code could help provide housing diversity in areas across the region with very homogenous housing supply. The region has an ageing population with over 30% of the population projected to be over 60 years of age by 2036. Providing a diversity of housing stock provides an ageing population more choice in regards to independent living such as smaller dwellings closer to services such as health care and retail services.

There are also potential benefits in terms of housing affordability which could be attractive to younger demographics. Providing a diversity of housing allows for more affordable housing options for those who cannot afford to break into the housing market. It is also noted that an expedited approvals timeframe may also have benefits in terms of construction costs.

The negatives lie in potential impacts on street scape and sense of community especially due to the impact of STRA. This is not an easy issue for governments to regulate and as such will likely be an ongoing challenge particularly for Jindabyne and the surrounds. Areas which are planned to be low density detached family home type streetscapes are zoned R2 Low Density Residential and these areas will not be impacted largely by this code.

On balance it is anticipated this code will bring with it more positives than negative social impacts. The negative parts Council has not been afforded the opportunity to change as outlined in the discussion above. The code has the potential to bring more housing diversity to a region in need of it to address future challenges.

2. Environmental

The environmental impact of the Low Rise Medium Density Housing Code is expected to be neutral. There are potential benefits of higher density housing reducing individual's environmental footprint. However the code is scant on energy efficiency requirements the design guide does however go into some detail around energy efficient design. Overall it is anticipated this complying development code will not have a negative impact on the environment, other than the occasions where the types of buildings it allows are considered by the community to be out of character with the streetscape.

3. Economic

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is a policy designed to create a fast track development approvals process for certain types of development. This is focused on improving processing times to make the development assessment process more efficient and as doing so creating a good economic outcome.

How effective this policy has been at achieving this outcome is still up for debate. The policy is often criticised for being too long and convoluted that many are forced back to the traditional development assessment process to make sure they are compliant with relevant legislation and policies.

When the Low Rise Medium Density Housing Code comes into effect there is potential that developers will engage qualified private sector professionals to assess these types of development proposals. As such there is potential of a down turn in development application fees, while it is unlikely (due to the complicated nature of the complying development) that this will happen it is possible. If low rise medium density development is undertaken through the complying development process as intended by the policy this could help improve council's processing times for other development applications and reduce the current strain on resources.

4. Civic Leadership

The Low Rise Medium Density Housing Code is fundamentally a policy being driven by the NSW Government. Council requested and was granted a postponement for the introduction of the Code in mid-2018 (Council resolution 232/18). The Code will be in force and have effect in SMRC from 1 July 2019.

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9.3.2 PLANNING PROPOSAL LOT 32 DP 1118132 BARRY WAY JINDABYNE

Record No:

| | |
|-----------------------------------|--|
| 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 Lot 32 DP1118132 Barry Way Jindabyn(<i>Under Separate Cover</i>) 2. Jindabyne Growth Structure Plan (<i>Under Separate Cover</i>) |
| Cost Centre | 10-8010-1001-68018 Strategic Planning |
| Project | Planning Proposal to amend the Snowy River Local Environmental Plan 2013 by rezoning and amending the minimum lot size of the western part of Lot 32 DP1118132 Barry Way, Jindabyne. |
| Further Operational Plan Actions: | Nil. |

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 the western portion of Lot 32 DP 1118132 Barry Way Jindabyne. This can only be achieved by amending the *Snowy River Local Environmental Plan (SR LEP) 2013*.

The subject planning proposal is to amend the SR LEP, 2013 by rezoning the western portion of Lot 32 DP 1118132 from zone RU1 Primary Production to zone R2 Low Density Residential and reduce the minimum lot size from 40 hectares to 700sqm. This proposal requires amending the Land Zoning Map LZN_003AA and Lot Size Map LSZ_003AA in the *SR LEP 2013*. Advice from Council's Resource and Waste Management Group indicates that waste and environmental matters in the operational area were not an issue for the 2018 winter.

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

OFFICER'S RECOMMENDATION

That

- A. The report from the Senior Strategic Land Use Planner on the Planning Proposal Lot 32 DP 1118132 Barry Way 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*.
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9.3.2 PLANNING PROPOSAL LOT 32 DP 1118132 BARRY WAY JINDABYNE

- 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.

BACKGROUND

In May 2007 Snowy River Shire Council adopted the Jindabyne Growth Structure Plan 2007 (JGSP, 2007). The JGSP, 2007 identified the proposed site (Lot 32 DP 1118132) as being suitable for urban residential development.

On 28 November 2018 a planning proposal was lodged with Council (MA4003/2019) by Coastplan Consulting for Lot 32 DP 1118132 Barry Way, Jindabyne. The proposal is to rezone the western portion of the lot from zone RU1 Primary Production to zone R2 Low Density Residential and reduce the minimum lot size from 40 hectares to 700 sqm. The subject area is identified as the red hatched area in figure 1 below.

Figure 1 – Land to which the Planning Proposal applies.

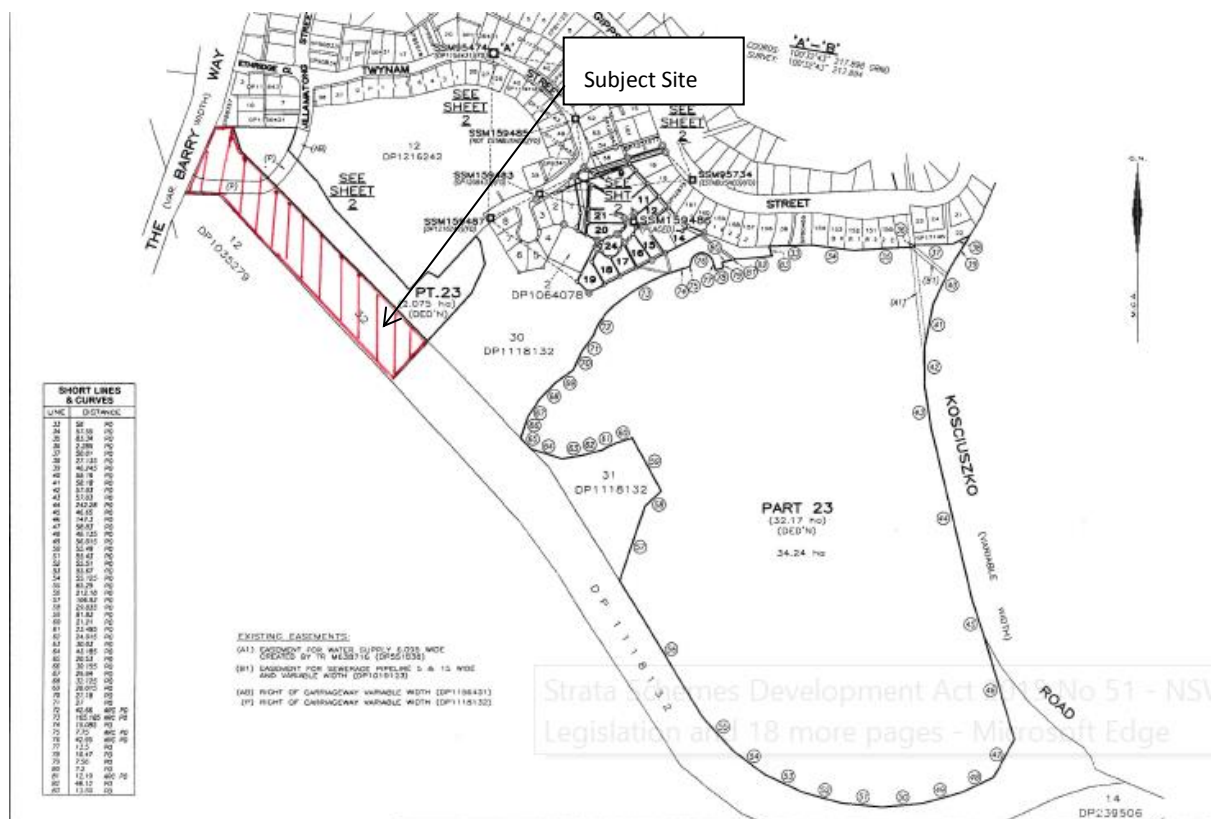


Table 1 below is an assessment of the proposals consistency with section 9.1 Ministerial Directions.

Table 1 Ministerial Directions

| Section 9.1 Ministerial Direction | Comment |
|--|---|
| 1.1 Business and Industrial Zones | Not applicable |
| 1.2 Rural Zones | <p>This direction applies when the planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.</p> <p>However, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objectives of this direction,</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p> <p>In this regard the proposal is justified by the Jindabyne Growth Structure Plan 2007 is in accordance with the regional strategy and the proposal is of minor significance. As such any inconsistencies are justified.</p> |
| 1.3 Mining, Petroleum Production and Extractive Industries | Not applicable |
| 1.4 Oyster Aquaculture | Not applicable |
| 1.5 Rural Lands | Direction 1.5 Rural Lands requires that when a council prepares an LEP for land within a rural or environment protection zone it needs to be consistent with the rural planning principles listed in clause 7 of the SEPP which are set out below. |

Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

In relation to the relevant Rural Planning Principles

- a) most of the subject site is currently permitted to be used for residential purposes under the provisions of Clause 5.3(2)(a) of the Snowy River LEP 2013. The remaining part of the site is not suitable for rural uses due to its size and narrow width.
- b) The proposal will not impact on the changing nature of agriculture and of trends, demands and issues in agriculture in the area.
- c) The proposal will only affect a small area of land in the rural zone and the rezoning of this land will not affect

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| | <p>the social and economic benefits of rural land use and development.</p> <p>d) N/A</p> <p>e) The rezoning of the land will not impact on biodiversity, the protection of native vegetation, the importance of water resources and will avoid constrained land</p> <p>f) N/A</p> <p>g) The rezoning proposal will not be serviced by existing infrastructure.</p> <p>h) The Snowy River Rural Lands Strategy and Rural Lands Study has been addressed above and there is no regional strategy of the Department of Planning applicable to the land.</p> <p>This planning proposal is consistent with the relevant rural planning principles as justified above and as such is consistent with ministerial direction 1.5 Rural Lands.</p> |
| 2.1 Environment Protection Zones | Not applicable |
| 2.2 Coastal Management | Not applicable |
| 2.3 Heritage Conservation | <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The subject site is not far removed from the Jindabyne Winter Sports Academy at 207 Barry Way identified as a Heritage Item of Local Significance under Schedule 5 of the Snowy River Local Environmental Plan 2013 (see Figure 4 in Appendix A).</p> <p>The Planning Proposal will have a negligible impact on this item and facilitate its conservation.</p> <p>An Aboriginal Heritage Assessment Report has been prepared for this part of the site as part of the application for subdivision of the Highview Estate. The report has not identified any items of Aboriginal heritage on the subject site.</p> <p>As such the planning proposal is consistent with this direction.</p> |
| 2.4 Recreation Vehicle Areas | Not applicable |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable |
| 3.1 Residential Zones | <p>(1) The objectives of this direction are:</p> <p>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> |

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| | <p>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) <i>an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</i></p> <p>(b) <i>any other zone in which significant residential development is permitted or proposed to be permitted.</i></p> <p>(4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>(b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p>(d) <i>be of good design.</i></p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p> <p>The Planning Proposal is consistent with this direction in that:</p> <ul style="list-style-type: none">• It involves a small strip of RU1 Primary Production zoned land, partly used as part of the Highview Estate subdivision by way of the “rubber boundary provisions” of the SR LEP, 2013 and a residual area no longer suitable for use for primary production due to its narrow width and size. |
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| | <ul style="list-style-type: none"> • The rezoning of this land to R2 Low Density residential in accordance with the zoning of land immediately to the east will broaden the choice of building types and locations available within the housing market in this locality and take advantage of the existing infrastructure capacity, currently provided to the Highview Estate subdivision. • It will form a logical boundary between urban development and the urban fringe. • The land will be adequately serviced as the servicing of the land has been addressed in the development of part of the site for a seniors housing development and the Highview Estate. • It does not include any provisions which seek to reduce the permissible residential density of the land to be rezoned. |
| 3.2 Caravan Parks and Manufactured Home Estates | Not applicable |
| 3.3 Home Occupations | Not applicable |
| 3.4 Integrating Land Use Transport | <p><i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i> <p><i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <ul style="list-style-type: none"> <i>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i> |

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| | <p><i>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</i></p> <p>The Planning Proposal involves the logical extension of a R2 Low Density Residential zone to include the subject site, where the Highview Estate subdivision is currently under construction. The further extension of the R2 zone will allow for future development consistent with the objectives of this direction and that will give effect to and are consistent with the aims, objectives and principles of the documents mentioned in (a) and (b) above.</p> |
| 3.5 Development Near Regulated Airports and Defence Airfields | Not applicable |
| 3.6 Shooting Ranges | Not applicable |
| 4.1 Acid Sulfate Soils | Not applicable |
| 4.2 Mine Subsidence and Unstable Land | Not applicable |
| 4.3 Flood Prone Land | Not applicable |
| 4.4 Planning for Bushfire Protection | Not applicable |
| 5.1 Implementation of Regional Strategies | Not applicable refer to direction 5.10 |
| 5.2 Sydney Drinking water Catchments | Not applicable |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | Not applicable |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable |
| 5.9 North West Rail Link Corridor Strategy | Not applicable |
| 5.10 Implementation of Regional Plans | <p>This direction requires that the planning proposal be consistent with the Regional Plan prepared by the Minister for Planning.</p> <p>The South East Tablelands Regional Plan 2036 (SET RP) was released in July 2017 and applies to the region including Jindabyne. The following directions are relevant to the planning proposal.</p> |

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| | <p>Direction 3: Develop the Snowy Mountains into Australia's premier year-round alpine destination</p> <p>The proposal will be consistent with this direction in that the rezoning of the land will provide opportunities for additional housing the residential zone which will enhance opportunities for visitation to the Snowy Mountains</p> <p>Direction 24: Deliver greater housing supply and choice</p> <p>The proposal will be consistent with this direction in that it will provide opportunities for additional housing which will promote increased housing choice within Jindabyne.</p> <p>Direction 25: Focus housing growth in locations that maximise infrastructure and services</p> <p>The planning proposal will be consistent with this direction in that the housing will be provided in Jindabyne where the infrastructure and services can be maximised.</p> <p>The proposal is consistent with direction 5.10.</p> |
| 6.1 Approval and Referral Requirements | Not applicable |
| 6.2 Reserving Land for Public Purposes | Not applicable |
| 6.4 Site Specific Provisions | Not applicable |
| Part 7 Metropolitan Planning | Not applicable |

As outlined in the table above the planning proposal is broadly consistent with all relevant Ministerial Directions under section 9.1 of the *Environment Planning and Assessment Act 1979*. In the case of direction 1.2 the proposal is not consistent however these inconsistencies are justified by a strategy and are of minor significance.

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 be rezoned to allow for general residential development. It is considered that zone R2 Low Density Residential is the most suitable for the site given its proximity to Jindabyne Town Centre. The sites size and shape makes it unsuitable for primary production.

The site was identified as a potential bypass route which was later not pursued. The land is currently in private ownership and the proposal is consistent with the JGSP.

However, the Jindabyne Masterplan process may review the issue of a Jindabyne bypass route and given this site was previously identified as a bypass route its use for such a purpose may arise again. However, due to the present uncertainty of the outcome of this it is not considered a reason to withhold the proposal from proceeding to a gateway determination. It may be that as

the Jindabyne masterplan progresses the potential bypass is an issue which will receive more clarity later in the year.

The planning proposal for Lot 32 DP 1118132 Barry Way Jindabyne to amend the SR LEP, 2013 by reducing the minimum lot size from 40ha to 700sqm and rezone the site from zone RU1 Primary Production to zone R2 Low Density Residential is considered to be consistent with Council's strategic framework and should be progressed by Council. The proposal is considered to be consistent with relevant legislation and ministerial directions. In addition the planning proposal delivers on a recommendation from the JGSP, 2007 which was adopted by Snowy River Shire Council in May 2007.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The planning proposal will not have a negative social impact. As identified below the proposal is unlikely to have a negative impact on the environment and will have a positive economic impact. This positive economic impact upon the local construction industry and the increase in population's positive impact on local retail will lead to a positive social outcomes.

No items or places of European or Aboriginal cultural heritage or proximate heritage items will be adversely impacted.

This proposal will also provide more housing stock and diversity in a tight housing market which will allow the community more choice in addition to seeing the community grow.

2. Environmental

The site is identified on the SR LEP 2013 terrestrial biodiversity map (BIO_003) the proponent has provided the following response as part of the planning proposal;

Notwithstanding the general biodiversity affectation on Council's mapping, it is evident that no critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the Planning Proposal. A Flora and Fauna Assessment was carried out for the development of the Highview Estate on. However, since this time several species that may occur in this locality have been listed as Threatened Species. This may require some further investigation should the application for rezoning be supported.

The site has been heavily disturbed as part of the Highview Estate Subdivision, or the application for the seniors housing on the site. The narrow residual strip to the western boundary of the lot contains little remnant vegetation. It is therefore evident that the planning proposal is unlikely to have any significant environmental impact and is unlikely to result in threatened species, populations or their habitats being adversely affected.

Should the Gateway determination be favourable it is expected a referral to OEH will be required to satisfy Gateway determination conditions. It is likely further investigations will be required post gateway to establish what if any impact on biodiversity this rezoning may have. Further investigations are not required at this stage.

3. Economic

This is an owner initiated planning proposal, Coastplan Consulting are the recognised applicants as such the relevant fees (\$1,916.00) have been paid as outlined by the Council Fees and Charges. These fees are designed to cover the costs of Council resources in preparing this report and sending the planning proposal to the Department of Planning and Environment for a Gateway determination. Should the Gateway determination be favourable further fees will be required from the proponent to cover the cost of council resources in progressing the planning proposal.

A strip of land currently zoned R1 Primary Production will be rezoned R2 Low Density Residential, a more appropriate zoning of the land having regard to the existing Highview Estate subdivision currently under construction, partially within the subject site and immediately to the east of that area to be rezoned. The inclusion of the subject site for this purpose will have a positive social and economic impact on the availability of housing and other permissible uses in this locality.

Employment resulting from potential future uses of the site for different purposes in accordance with the R2 Low Residential zone, which will have a positive economic outcome.

4. Civic Leadership

In pursuing the planning proposal Council upholds the recommendations of the Jindabyne Growth Structure Plan adopted by Snowy River Shire Council in May 2007. The JGSP, 2007 provides a framework for Jindabyne's potential growth to 2027 and identifies locations for a diverse range of residential developments.

The planning proposal is consistent generally with all relevant section 9.1 Ministerial Directions where there are inconsistencies these can be justified in accordance with the directions requirements.

9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO INTRODUCE ZONE SP2 INFRASTRUCTURE

Record No:

| | |
|-----------------------------------|--|
| 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: | <ol style="list-style-type: none">1. Planning Proposal (<i>Under Separate Cover</i>)2. Gateway Determination (<i>Under Separate Cover</i>)3. DPI Water – Agency Comments (<i>Under Separate Cover</i>)4. Office of Environment and Heritage – Agency Comments (<i>Under Separate Cover</i>)5. DPI Fisheries – Agency Comments (<i>Under Separate Cover</i>)6. RMS – Agency Comments (<i>Under Separate Cover</i>)7. TfNSW – Agency Comments (<i>Under Separate Cover</i>)8. Envirokey Biodiversity Assessment (<i>Under Separate Cover</i>)9. Alteration to Gateway Determination Letter from DPE (<i>Under Separate Cover</i>)10. Extension to Gateway Determination Timeframe (<i>Under Separate Cover</i>) |
| Cost Centre | 10-8010-1001-68018 |
| Project | Planning proposal to amend the Bombala Local Environmental Plan 2012 by rezoning various lots from zones RE1 Public Recreation, R1 General Residential and R5 Large Lot Residential to zone SP 2 Infrastructure. |
| Further Operational Plan Actions: | Nil. |

EXECUTIVE SUMMARY

This report is to update Council regarding a planning proposal to rezone various lots of land in Bombala Township to zone SP2 Infrastructure, to notify Council of the impending expiry date of the Gateway determination for the project, and provide recommendations on how Council should proceed. The proposal is to rezone various lots and part lots from zones RE1 Public Recreation, R1 General Residential, R5 Large Lot Residential and RU1 Primary Production to zone SP2 infrastructure.

The planning proposal was prepared for Council by Zenith Town Planning in 2016/2017, a conditional Gateway determination was received by Council on 29 March 2017. On 3 April 2018 the Department of Planning and Environment granted a 12 month extension to the Gateway

determination extending the expiry date to 29 March 2019. The Department also provided Council with a covering letter stating;

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.

There are a number of deficiencies with the proposal as outlined by various State Government agencies. The proposal cannot continue in its current form as such it is recommended that Council notify the Department of Planning and Environment it does not wish to proceed with the proposal at this time. Council should still proceed with its Integrated Water Cycle Management (IWCM) Plan and proceed with investigating heavy vehicle bypass options for the Township of Bombala.

OFFICER'S RECOMMENDATION

That Council:

- A.. Note the Alteration to Gateway Determination and covering letter provided by the Department of Planning and Environment (attachment 10 & 11).
- B. Note the outstanding issues affecting the Planning Proposal and its process thus far, including those previously raised in submissions to the process (attachment 3-8).
- C. Notify the Department of Planning and Environment that it does not wish to proceed with the current Planning Proposal PP_SMONA_001_00 at this time in view of issues noted at B.
- D. Council proceed with its Integrated Water Cycle Management (IWCM) Plan and consider its findings/recommendations.
- E. Council proceed with investigating heavy vehicle bypass options for the Township of Bombala..

BACKGROUND

Purpose

Background

On 18 March 2015 the former Bombala Shire Council resolved to pursue planning approval for a new low level weir on the Bombala River near to Young Street in the urban area of Bombala. This could only be achieved by amending Bombala Local Environmental Plan (BLEP) 2012 to rezone affected land from zone RE1 Public Recreation, zone R1 General Residential and zone R5 Large Lot Residential to zone SP2 Infrastructure.

On 13 November 2016 Council resolved to include the proposed new weir in the final version of the Bombala Masterplan. This plan specifies improvements to the public domain of Bombala Township.

On 9 January 2017 Council received a draft planning proposal from Zenith Town Planning Pty Ltd "to permit a water storage facility along sections of the Bombala River, Bombala."

9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO INTRODUCE SONE SP2
INFRASTRUCTURE

On 22 February 2017 Council resolved to forward the subject planning proposal to the Minister of Planning for a Gateway determination in accordance with section 3.34 (former section 56) of the *Environmental Planning and Assessment Act 1979*.

On 6 March 2017 Zenith Town Planning wrote to the NSW Government Department of Planning on Council's behalf requesting a Gateway determination.

On 29 March 2017 Council received a conditional Gateway determination (Attachment 2) from the NSW Government Department of Planning and Environment. The Gateway Determination provided the following conditions to be addressed prior to the planning proposal being finalised:

1. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 4.3 Flood Prone Land and include additional information on any potential flood impacts associated with the expansion of the water storage facility.
2. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 6.2 Reserving Land for Public Purposes.
3. The Explanation of Provisions in the planning proposal is to be revised to indicate that the Lot Size Map will be amended to show 'nil' minimum lot size for land proposed to be zoned SP2 Infrastructure Zone
4. Council is to provide a copy of the revised planning proposal to the Department's Director Regions, Southern for consideration prior to consultation with state agencies and the community.
5. Community Consultation is required under Sections 56(2)(C) and 57 of the Act as follows:
 - a) The Planning Proposal must be made publicly available for a minimum of 28 days; and
 - b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposal as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
6. Council must notify all affected private landholders as part of the community consultation.
7. Consultation is required with the following public authorities and/or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage (biodiversity and flooding)
 - WaterNSW
 - Department of Primary Industries – Fisheries
 - Land and Property Management Authority
 - Transport for NSW
 - Forestry Corporation

Each public authority /organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
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9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO INTRODUCE SONE SP2
INFRASTRUCTURE

9. The timeframe for completing the LEP is to be 12 months following the date of the Gateway determination.
10. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical requirements for Spatial Datasets and aps" Vers: 1.0 November 2015.

It is noted Council was not granted authorisation to use its delegation for plan making for the LEP amendment as such plan making will be at the discretion of the NSW Department of Planning.

On 4 April 2017 Zenith Town Planning provided Council with an amended planning proposal addressing section 117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes as per condition 1 and 2 of the Gateway determination. The amended proposal also revised the Explanation of provisions to show that the minimum lot size will be amended to 'nil' for land proposed to be zoned SP2 Infrastructure zone addressing condition 3 of the gateway determination. The amended proposal was provided to the Department's director Regions, Southern in accordance with condition 4 of the Gateway determination.

On 18 April 2017 the planning proposal was referred to the following agencies for comment;

1. Office of Environment and Heritage
2. WaterNSW
3. Department of Primary Industries – Fisheries
4. Land and Property Management Authority
5. Transport for NSW and Forestry Corporation

The planning proposal was publically exhibited from 19 April 2017 to 17 May 2017 no submissions were received.

On 16 May 2017 Council received advice from Department of Primary Industries Water (attachment 3) concerns raised are considered in table 1 below.

On 23 May 2017 Council received advice from the NSW EPA (attachment 4), concerns raised are considered in table 1 below.

On 24 May 2017 Council received advice from NSW Office of Environment and Heritage (attachment 5) concerns raised have been considered in table 1 below.

On 30 May 2017 Council received advice from Department of Primary Industries Fisheries (attachment 6) concerns raised are considered in table 1 below.

On 6 June 2017 Council received response from NSW Roads and Maritime Services (attachment 7), concerns raised are considered below.

On 19 June 2017 Council received a response from Transport for NSW (attachment 8). Transport for NSW reviewed the documentation and wished to provide no comment at this stage of the process.

On 14 December 2017 a post exhibition report was considered by Council. The report considered the significant concerns of State Government agencies and the approaching deadline for completion. The Council officer recommended the following;

- A. *Note the Planning Proposal to the Bombala Local Environmental Plan 2012 as exhibited for public comment.*
 - B. *Note the commentary provided by various agencies in response to the exhibition of the Planning Proposal.*
-

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- C. *Indefinitely postpone the continued implementation of the Planning Proposal and any further development of the Bombala River weir concept until relevant land use and water cycle strategies can be developed for Bombala.*
- D. *Plan for Bombala's future water supply as a part of the Regional Integrated Water Cycle Management Plan as at Operational Plan action OP6.4. Determine an appropriate set of measures for future Bombala water supply arising from that Plan.*
- E. *Notify the Department of Planning that the Council will not be continuing with the Planning Proposal at this time.*

Due to the complex nature of the proposal and responses from agencies, Council deemed that more time is required to adequately consider all of the variables. Council also considered that given the proposal's impact on Bombala, the report should be considered in Council's next meeting at Bombala (17 May 2018). As such Council resolved to:

- A. *Defer the report Planning Proposal to Amend Bombala Local Environmental Plan 2012 to Introduce Zone SP2 – Infrastructure pending further information regarding the planning proposal; and*
- B. *Apply for a 12 months extension to the gateway.*

On 3 April 2018 the Department of Planning and Environment granted Council request for a 12 month extension to the Gateway determination extending the expiry date to 29 March 2019. The Department also provided Council with a covering letter stating:

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.

On 17 May 2018 the subject planning proposal was reported to Council for consideration. The report outlined again the concerns from State government agencies and briefed Council on the extended timeframe for the completion of the planning proposal. The report did note the cover letter sent by the Department of Planning and Environment with the timeframe alteration, which stated "*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*". The Council officer made the following recommendations to 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.*

Council did not adopt those recommendations, and resolved to:

- 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. *Collaborate with NSW Department of Primary Industries – Water on planning for Bombala water supply including development of Integrated Water Cycle Management (IWCM) Plan;*
- D. *Consult Government agencies on outstanding items, and report back to Council estimated cost of proceeding, and;*
- E. *Funding to be allocated from Bombala Reserves.*

On 16 August 2018 in response to the above Council resolution, a report was tabled for Council's consideration in regards to the funds required for modelling the flooding impact of the proposed weir. This is a fundamental part of the proposal as it cannot be further progressed without Council understanding the full effects of the proposal on surrounding land. This modelling is also required to adequately Section 9.1 (former section 117) Direction 4.3 Flood Prone Land. The Council officer's recommendations were as follows;

That Council:

- A. *Endorse an approach of engaging the hydraulic engineer who completed the previous Bombala Floodplain Risk Management Study and Floodplain Risk Management Plan in 2013 to model the impacts of raising the water level in the Bombala River adjacent the CBD by 2 metres as contemplated by the Planning Proposal;*
- B. *Authorise transfer of \$15,000 for this purpose from the Bombala reserves to the strategic land use planning cost centre 8010; and*
- C. *Review its continued commitment to pursue the Planning Proposal once the results of the modelling are received.*

The recommendations by the Council officer were not adopted, and an alternative resolution was not made in regard to the item. With no agreement from Council to progress the modelling of the effects of raising the water level as proposed in the Planning Proposal, there was no mechanism to begin addressing item 'D' of Council's resolution of 17 May 2018. In the absence of the Integrated Water Cycle Management (IWCM) Plan, the proposal cannot progress.

On 22 January 2019 Strategic Planning and Water & Wastewater staff met and discussed the timeframe for the IWCM Plan. On 7 February 2019 the following estimated timeline was provided by the Water and Wastewater unit;

1. Preparation and advertisement of tender – End of May 2019
 2. Tender award – Start August 2019
 3. Delivery over 52 weeks which leads to October/November 2020
 4. Final sign off by DoI Water – unknown
-

5. Final document for Council adoption – post DoI Water sign off – unknown

It is worth noting the IWCM Plan is to be completed in the next 24 months. As such if a further extension to the current proposal was to be requested it would need to be approximately an additional 30 months.

DISCUSSION AND ASSESSMENT OVERVIEW

The assessment of the merits of the Planning Proposal requires the comparison of the two options available to Council. One option is to not continue with the current Planning Proposal and retain the current LEP:

- Retain current land zoning arrangements along the Bombala and Coolumbooka River below the existing Coolumbooka River weir, those lands being zoned R1 – General Residential, RE1 – Public Recreation, R5 – Large Lot Residential.
- Retain current Zone RU1 – Primary Production applying to the lands of the existing Coolumbooka River weir.
- Pursue and investigate a low level bridge crossing to act as a potential heavy vehicle bypass for Bombala

This is illustrated on the LEP land zoning map excerpt overleaf.



Council will then plan for Bombala water supply needs via the Regional Integrated Water Cycle Management Plan cited at Operational Plan action OP6.4.

Council's Water and Wastewater Business Unit have indicated that this proposal is not suitable for water catchment and storage and alternative proposals will need to be investigated. These are unlikely to require rezoning and if they do a new or revised Gateway determination will be required.

Alternatively, Council may seek to implement the Planning Proposal:

- Install of zone SP2 Infrastructure (to be designated SP2 – Water Supply System) to lands along the Bombala and Coolumbooka Rivers in the township of Bombala and to the lands of the existing Coolumbooka River weir.
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This is illustrated on the LEP land zoning map excerpt below.



Zone SP2 – Infrastructure contains the following objectives:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Zone SP2 – Infrastructure contains compulsorily-included land uses to its Land Use Table. *Roads* must be included in the BLEP2012 zone SP2 Infrastructure as either ‘permitted without consent’ or ‘permitted with consent’. Also included as ‘permitted with consent’ is *the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose*. In the case of this proposal that purpose is *Water Supply System*.

NSW Roads and Maritime Service expressed concern at the possibility for exempt and complying development to take place nearby to RMS bridge infrastructure under zone SP2 Infrastructure. This concern arises from the relationship of zone SP2 Infrastructure to Environmental Planning Instruments within the NSW planning system. Of particular note is *State Environmental Planning Policy (Infrastructure) 2007* which provides scope to conduct development for various purposes as exempt or complying development within zone SP2 Infrastructure. This means that RMS would not necessarily be notified or consulted of a development taking place as they would ordinarily be if development took place via a development assessment process.

These additional potential implications of the proposal further detract from its suitability in this situation. Were the proposal to proceed, additional measures should be put in place to ensure adequate notification of RMS where development may affect RMS’ bridge infrastructure and Classified Road. Any such measure is likely to be onerous and as such it is unlikely the RMS will support the proposal in its current form.

It is not immediately apparent that the Bombala River weir is the optimal solution to provide water supply to Bombala into the future. The development of a new Bombala River weir has been pursued to date without adequate regard to the full potential implications of that proposal and without an adequate exploration or assessment of alternatives for supplying water to Bombala into the future. A more detailed evaluation would need to include commentary on the specific form that *water*

supply system development is expected to take and the impacts of this were the Planning Proposal to be implemented.

A superior alternative to the current process would be to fully investigate all aspects of water supply and water cycle management for Bombala. This would include an assessment of the prospective water supply requirements of the community, investigation of the various options to meet those needs and the relative impacts of those options to the environment, to existing development and infrastructure, to the community and the ongoing financial and resourcing burden to Council. Government agencies making submissions about the Planning Proposal noted several shortcomings of the current Proposal in this regard. The NSW Dept. of Primary Industries – Water (DPI Water) suggested the preparation of an Integrated Water Cycle Management Strategy to address Bombala's water supply needs over a 30 year time horizon. Staff concur that planning for Bombala's future water supply should instead be conducted via a Regional Integrated Water Cycle Management Plan, as noted in Council's Operational Plan at OP6.4.

The Economic Development and Tourism Business Unit have consulted with the Water and Waste Water Business Unit in regards to an Integrated Water Cycle Management Strategy as noted in Council's Operational Plan at OP6.4. Water and Waste Water are looking to engage a consultant to undertake the Integrated Water Cycle Management Strategy and anticipate the process will take approximately 18months.

The weir to be installed to the Bombala River will be located 360 metres downstream (SSW) from the Monaro Highway road bridge over the Bombala River. Estimates of the average increase in water depth in the new weir impoundment (the waterway area from the new weir to the existing Coolumbooka River weir) are estimated to be an average of 2 metres according to the Planning Proposal, and approximately 1.5 metres according to the assessment provided by Envirokey (attachment 1 and 9). This equates to ~10cm increase at the base of the Coolumbooka River weir.

There are several implications arising from this. Internal staff discussions have revealed issues with this resulting from the fact that the raising of the water level will also result in a similar raising of the water table to adjoining lands. This has the potential to impact upon Council's underground water and sewer infrastructure. There is also the possibility that such a shift in the water table will undermine nearby buildings or structures by affecting the load bearing stability of soils in the water table.

A raising of the water table will likely affect the health of trees and vegetation adjoining the Bombala River. This will potentially spoil parkland areas to the central areas of Bombala Township by causing inundation of tree roots and potentially changing the salt content of those soils. These lands provide significant aesthetic, amenity and recreation value for Bombala Township to the benefit of both residents and visitors. They are the subject of significant ongoing investment and upkeep by Council. Damage inflicted upon these areas would significantly undermine the ability of the adjoining lands to uphold the objectives of their respective zones, those being zone RE1 Public Recreation and zone SP3 Tourist.

The objectives of zone RE1 Public Recreation are:

- 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.
-

Incurring damage to parkland assets in the adjoining RE1 Zone through a rise in the water table would be in conflict with the third listed objective. In so doing, this would significantly undermine the ability of those lands to uphold the above objectives in a manner according with community expectations.

The objectives of zone SP3 Tourist are:

- To provide for a variety of tourist-oriented development and related uses.

A loss of amenity to SP3 Zone lands through damage to riverside vegetation would detract from those lands being able to uphold this objective.

Agency submissions received in relation to the Planning Proposal are attached to this report. However, the following table summarises the issues raised in the submissions and a response from Council's strategic planning staff.

Table 1 Issues raised by State Government Agencies and Planning Officers Response

| Submission | Comment | Planning response |
|---|---|---|
| NSW Department of Primary Industries – Water | The proposed rezoning of the Bombala River is not supported. DPI Water has significant reservations 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. | Council should plan for Bombala water supply via the Regional IWCM Plan as at Operational Plan action OP6.4. This will allow confidence from relevant agencies that Council has adequately considered all the available options and the costs and benefits to these options. It is unlikely this proposal would be deemed suitable by the IWCM Plan. If the IWCM Plan does propose rezoning of land this will likely require a new or revised Gateway Determination. |
| | The proposal development of the Bombala River channel within the town precinct as a town water supply storage is not adequately justified or supported. | The Planning Proposal does not justify a new weir relative to other water supply options which may exist. Staff recommend that Council continue with its development of a Regional IWCM Plan as per OP6.4. This will allow consideration of all available options. |
| | Issues in meeting Bombala's town water supply requirements during serious drought periods have occurred in the past. Future water supply should be based on justified water requirements, a framework of water use efficiency and best management practice. To meet NSW best practice | Council should plan for Bombala water supply within the context of the Regional Integrated Water Cycle Management Plan as at Operational Plan action OP6.4. This will allow Council to consider all water supply options and the costs and benefits of these options. It is unlikely due to the |

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| | local water utilities must prepare and implement a 30-year Integrated Water Cycle Management (IWCM) Strategy. | stormwater runoff and related pollutants that the location of the weir in the current proposal is suitable for town water supply. |
| | The proposed rezoning should sit within a broader strategy for sustainable water use in Bombala. Integrated Water Cycle Management Planning (IWCM) is recommended as an appropriate planning mechanism to manage Bombala urban water services. An ICWM Plan would allow comparison of economic and other costs/benefits of various proposals. | Council should plan for Bombala water supply within the context of the Regional Integrated Water Cycle Management Plan as at Operational Plan action OP6.4. This will allow Council to consider all water supply options and costs and benefits of these options. It is unlikely that this proposal is the most effective or efficient option that exists. |
| | The environmental assessment appears preliminary only. A number of issues are identified but not effectively addressed at this stage. These include “Loss of vegetation and habitat”, impacts to Threatened Ecological Communities, connectivity of habitat within the Bombala River and dispersal potential of immature platypus. Mitigation measures discussed are brief and non-specific with regard to environmental outcomes. | Staff concur further environmental assessment and planning is required if the Bombala River weir is pursued. The variety of environmental issues raised by the submission are best addressed by holistic planning for water supply. The Regional IWCM Plan process as at OP6.4 is recommended for this purpose. |
| | The goal of the State Weirs Policy is to halt and, where possible, reduce and remediate the environmental impact of weirs. The Principles of NSW Weirs Policy should be addressed and incorporated at this early stage of development planning. | The principles of the NSW Weirs Policy should be considered in developing a Regional IWCM Plan as at OP6.4. The potential costs, impacts and advantages of a Bombala River weir could then be compared to other options. |
| NSW Environmental Protection Agency | The EPA is the Appropriate Regulatory Authority (ARA) under the <i>Protection of the Environment Operations Act 1997 (POEO Act)</i> for activities carried on by Council. This includes works to expand water storage on Bombala River. Works to construct the weir must conform to the <i>POEO Act</i> and other standards (as noted in the submission). | EPA’s role as Appropriate Regulatory Authority is noted with respect to any future works to develop a weir on the Bombala River. |

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| NSW Office of Environment and Heritage | <p>OEH has reviewed the <i>Terrestrial and Aquatic Biodiversity Assessment Bombala Weir and Low-level Bridge</i> February 2016 by Envirokey and supports its recommendations and conclusions with regard to threatened species, communities, populations and their habitats and mitigation measures to be implemented.</p> | <p>The inclusion of the Envirokey report alongside the Planning Proposal documentation is noted as a preliminary assessment of environmental impacts of the new weir construction only.</p> |
| | <p>Presence of platypus habitat will require careful planning and design. A Platypus management plan should be created following the management guides set out by the Australian Platypus Conservancy and Platypus Spot.</p> | <p>Any future works affecting the Bombala River in relation to the Bombala River weir concept should account for platypus habitat in their planning and design, should this initiative proceed.</p> |
| | <p>Aboriginal sites are known to occur around Bombala township and within the general locality. An Aboriginal cultural heritage assessment will be required. The Bombala River is a significant landscape feature that is often associated with Aboriginal people's traditional use of an area.</p> | <p>Council should undertake further investigation of Aboriginal cultural heritage values will be undertaken if further development of the Bombala River weir concept is pursued.</p> |
| | <p>The planning proposal makes reference to hydraulic assessment of the weir being in the FRMS. OEH can't find any reference to any proposed water supply weir in the Bombala River or potential impacts.</p> | <p>If the Bombala River weir concept is to be pursued, further assessment of the impacts on water levels and hydrology should be undertaken to inform the design and planning of this infrastructure.</p> |
| NSW Department of Primary Industries – Fisheries | <p>The Department's assessment does not concur that the Bombala River weir is "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.</p> | <p>This criticism of the Planning Proposal is fair. The future construction of a Bombala River weir is a distinct item of infrastructure capable of operating independently of the Coolumbooka River weir (and the Coolumbooka River weir of it). It will cause additional impacts to those already existing.</p> |
| | <p>The footprint of the proposal, as shown in the Planning Proposal (Zenith) and Biodiversity Assessment (Envirokey), is likely to be incorrect. The weir pool is likely to extend</p> | <p>It is noted that this is a deficiency of the planning proposal. A Bombala River weir will impact upon the pooling of waters within the Bombala and Coolumbooka Rivers. It would</p> |

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| | further up the Bombala River than shown and is therefore likely to affect additional properties. | appear incorrect modelling was used in the Planning Proposal as the Coolumbooka River water levels are affected upstream of the Bombala-Coolumbooka confluence but Bombala River levels are not. |
| | The Coolumbooka and Bombala Rivers are Type 1 (highly sensitive), Class 1 (major) key fish habitats. Both are highly valued recreational fishing areas. These rivers are part of the Endangered Ecological Community (EEC) of the Snowy River Catchment in NSW under the <i>Fisheries Management Act</i> . A new weir across the Bombala River would obstruct fish passage to more than 50km of the upper reaches of the river. Significant offsets to compensate loss of flowing river habitat, impacts on the EEC and recreational fishing would be required. | These concerns in conjunction with others noted in this report suggest that further options should be considered for securing water supply in Bombala. Postponement of the Planning Proposal will allow Council to pursue a Regional ICWM Plan to address water supply in Bombala as per Operational Plan action OP6.4. |
| NSW Transport – Roads and Maritime Services | The rezoning will allow a range of works in the proposed SP2 zone as ‘development permitted without consent’ or as ‘exempt development’. Works could occur within close proximity to the bridges without any consultation with RMS. No works should be carried out within the Bombala River bridge footprint unless authorised by RMS. | Zone SP2 – Water Supply System would allow for exempt and complying development on rezoned lands under the provisions State Environmental Planning Policies. This outcome is not desirable for the management of RMS assets. |
| | It is not clear what impacts the weir will have on RMS bridges, particularly the bridge over Bombala River at Bombala. RMS drawings for both RMS bridges (Bombala and Coolumbooka Rivers) do not contain Australia Height Datum details. Levels can’t be correlated with the proposed weir structure and resultant maximum water level. The Bombala River bridge has not been designed to be submerged. | As reported to Council on 16 August 2018 to address this concern further assessment of the impacts on water levels and hydrology should be undertaken to inform the design and planning of this infrastructure. As identified by RMS the Monaro Highway bridge over Bombala River is not designed to be submerged and the weir could feasibly lead to faster erosion and potential failure of the structure. Further modelling is needed if proposal is proceeded with. |

9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO INTRODUCE SONE SP2
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| | No works should be carried out within the Bombala and Coolumbooka River bridge footprints unless authorised by RMS. | Any future works that take place near Bombala and Coolumbooka River bridges must involve consultation with RMS. The Planning Proposal is not optimal in this regard. |
| | The latest inspection of the Bombala River bridge conducted in March 2017 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. At Coolumbooka River bridge, a flood in 2011 resulted in reported water level 300mm over the top of the bridge deck. | It is noted that the new weir pool would increase water depth by an estimated two metres. This provides cause for concern when considered alongside this comment. The Planning Proposal does not endorse changes to Coolumbooka River weir affecting the existing Coolumbooka River bridge but would potentially allow this. |
| Transport for NSW | Transport for NSW have no comment at this stage of the planning process. | Noted. |

An increase of the water depth back to the existing Coolumbooka River weir carries other unknown or unquantified risks to existing development. In their submission detailed in the table 1 above, NSW Roads and Maritime Service expressed concern over the effect of increased water depth on bridge infrastructure over the Bombala River and Coolumbooka River. The new weir impoundment on the Bombala River and associated increase in water depth will leave a greater extent of the Bombala River bridge structure subject to being submerged.

Internal consultations with Council staff also identified issues with the Proposal. Water and Wastewater identified several items of concern as follows. If a water depth increase occurs along the length of the new weir impoundment, it is not clear how flood conditions would then affect infrastructure including sewer infrastructure located adjacent the Bombala River. Council has a transfer sewer main running underneath and alongside the Bombala River. Changes to the depth of the water table around the Bombala River may interfere with this infrastructure. Additionally, man holes to access this infrastructure are located alongside the Bombala River and will likely be inundated by the Bombala River if a weir is installed.

The main sewer pump station in Bombala is approximately 60m from the banks of the Bombala River and is close to the level of the existing water table. This infrastructure is already noted by the Environmental Protection Agency as being a suboptimal installation. There already exists the potential for pollution events emanating from the sewer pump station as a result of surcharges. Raising the Bombala River level and the surrounding water table level would further exacerbate this risk and complicate Council's ongoing efforts to improve upon this situation. The weir itself would aggravate any such pollution event by restricting the flow of water and material along the Bombala River. This possibility is particularly significant given the aforementioned areas set aside for amenity and recreation.

Several unresolved issues with the current approach have been noted in this report. It is recommended that the issue of water supply be addressed through the Regional Integrated Water

Cycle Management Plan. the conduct of an analysis of Bombala water supply issues and projected needs and the development of options to approach this matter should they be required. Any further investigation of a potential Bombala River weir should include detailed examination of the implications of the new impoundment, including affects to water depth, water table depth and subsequent effects to the nearby infrastructure and environment. This should happen only subject to the direction of an Integrated Water Cycle Management Plan, if it is to occur at all.

It is recommend that council change its approach to planning for the bombala truck bypass via a new bombala river bridge in light of the recommendations of the report. A bridge design for the bypass should be pursued with a view to the bombala river continuing to flow in the present manner at the location of the bridge crossing, rather than being tempered by the installation of a weir.

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. Further environmental investigations will be required if this proposal is to be proceeded with, these will have a significant cost burden on Council and are likely to recommend the proposal is not proceeded with in its current form. 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. As such it is recommended that Council notify the Department of Planning and Environment that the proposal will not be proceeded with at this time.

As outlined in previous reports, it is the view of this report that the current Planning Proposal will not succeed in the absence of an IWCM. The Council needs to consider its commitment to further funding in this context.

It is recommended in this report that Council notify the Department of Planning and Environment that they wish not to proceed the proposal at this time. As outlined below the significant funds would be needed to progress this proposal and it is likely these future studies will recommend proceeding with the proposal in its current form.

Following this further environmental and biodiversity investigations will need to be undertaken it is anticipated these will total \$50,000. This figure is indicative based on similar works undertaken in previous years, a contingency of \$10,000 is proposed to potentially enable investigation of additional potential impacts. Investigations into aboriginal cultural heritage will need to be undertaken, it is estimated preliminary investigations will cost approximately \$20,000, a \$5,000 contingency is proposed to potentially enable investigation of additional potential impacts.

[illegible]

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.

9.3.4 CONSTRUCTION OF NEW RFS SHED AT MICHELAGO

Record No:

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| Responsible Officer: | Director Operations & Infrastructure |
| Author: | Group Manager Asset Management & Engineering |
| Key Theme: | 3. Environment Outcomes |
| CSP Community Strategy: | 8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard |
| Delivery Program Objectives: | 8.2.1 Council maximises its Asset utilisation to deliver services today and into the future. |
| Attachments: | 1. Tender Report – Building Fitout (<i>Under Separate Cover</i>) Confidential 2. Tender Report – Shed Construction and Site Works (<i>Under Separate Cover</i>) Confidential |
| Cost Centre | 19.1940.1001.190032(Work Order 1059) |
| Project | Michelago RFB Shed Construction |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

The construction of the Michelago Rural Fire Brigade Shed has been scheduled for a number of years under the Service Agreement between Snowy Monaro Regional Council and the NSW Rural Fire Service. The project has been endorsed by the Service Agreement Liaison Committee including members of Council and RFS. Approval to proceed to tender was received in December 2018. Two tenders were issued through Councils procurement platform Vendorpanel for this project as 'Shed Construction and Site Works' and 'Building Fitout' respectively. Tenders received have been reviewed by the Tender Evaluation Panel and recommendations made to adopt the lowest priced Lump Sum Tenders to the total value of \$291,009.27 (Excl GST) [\$320,110.20 (Incl. GST)]. This amount is under the total budget allocation for the project.

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

OFFICER'S RECOMMENDATION

That Council:

- A. Accepts the lowest lump sum tender price from Cooma Steel Pty Ltd in the total lump sum amount of \$225,657.27 (Excl.GST) [\$248,223.00 (Incl.GST)] and award Contract 058/2019 for the construction of the Michelago RFB Shed and Site Works to Cooma Steel Pty Ltd
 - B. Accepts the lowest lump sum tender price from HOMZ4U Pty Ltd Trading as Ullustrious Homes in the total lump sum amount of \$65,352 (Excl.GST) [\$71,887.20 (Incl.GST)] and award Contract 057/2019 for the construction of the Michelago RFB Shed Building Fitout to HOMZ4U Pty Ltd Trading as Ullustrious Homes
 - C. Authorise the expenditure and allocate an amount of \$291,009.27 (Excl GST) [\$320,110.20 (Incl.GST)] in the 2019 Financial Year Budget with funding to be provided
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| from multiple year allocations from the Rural Fire Fighting Fund for which Council has been formally advised in writing is available for these works. |
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BACKGROUND

The construction of a new Rural Fire Brigade Shed for the Michelago RFB has been in the planning for around 10 years. The shed will replace an existing shed on adjoining land that is now inadequate for current and future RFS servicing commitments to the local community and surrounding district. The project has been frustrated by the identification of a suitable site. The initial site proposed was unacceptable due to the site being within the Heritage Precinct of the Michelago Railway Station. Following negotiations with the NSW Government (and their agent John Holland Pty Ltd) an alternative site was found closer to the existing RFB Shed and in a more acceptable location from a Heritage perspective.

Development Consent and Construction Certificates were issued early in 2018 however completion of the leasing arrangements delayed the project commencement. In early December 2018 Council advised it was sufficiently advanced with the lease to authorise RFS to proceed to tender. Tenders were called just prior to Christmas 2018 with two tenders being issued for the project:

Contract 058/2018 – Michelago RFB Shed Construction and Site Works

Contract 057/2018 – Michelago RFB Shed Building Fitout

Tenders closed on 8 February 2019 and 31 January 2019 respectively. Both tenders have been evaluated by a Tender Assessment Panel and the findings including recommendations are included in the attached RFT Evaluation Reports for each of the tenders.

The two reports and tender recommendations are included in this single report to Council to provide clarity in the overall context of this project. It is the total project cost that is of significance to RFS and Council.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

This facility once completed will provide a much needed resource to support the social well being of the community. By its very nature it will provide a central focus point for the community as well as providing the community with a greater feeling of security in the protection of people and community assets from the danger presented by bush fire. Once completed it will form a vital role in supporting the community of Michelago.

2. Environmental

During the course of the development assessment process a number of heritage and visual impact issues were raised by both OEH and members of the local community. These have subsequently been addressed by alternative site selection. As a result the mitigation of impacts was deemed appropriate by Council's Statutory Planners and development consent was issued.

3. Economic

| Estimated Expenditure | Amount Excl.GST | Financial year | Ledger | Account string |
|--|-----------------|----------------|--------|----------------|
| Contract 058/2018 | \$225,657.27 | 2019 | | |
| Contract 057/2018 | \$65,352.00 | 2019 | | |
| Other committed | \$29,589.20 | 2019 | | |
| Funding (Income/reserves) | Amount Excl.GST | | Ledger | Account string |
| RFFF12/13 | \$160,000 | 2019 | | |
| RFFF16/17 | \$21,200 | 2019 | | |
| RFFF18/19 | \$133,000 | 2019 | | |
| RFFF19/20 Michelago RFB Electric Roller Door Contribution | \$7,500 | 2020 | | |

4. Civic Leadership

This project is consistent with Council's emergency services commitments as expressed in its management plans. The project has evolved through collaborative efforts of both Council and RFS and community consultation over many years has been a key factor in identifying that this facility is needed.

9.4.1 DEBT MANAGEMENT AND FINANCIAL HARDSHIP AND ASSISTANCE POLICIES

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | Director Corporate and Community Services |
| Author: | Finance Accountant |
| Key Theme: | 4. Leadership Outcomes |
| CSP Community Strategy: | 10.1 Planning and decision making is holistic and intergrated and has due regard to the long term and cumulative effects. |
| Delivery Program Objectives: | 10.1.4 Harmonisation of policies, procedures and processes deliver customer focused business practices. |
| Attachments: | 1. Debt Management Policy (<i>Under Separate Cover</i>) 2. Financial Hardship and Assistance Policy (<i>Under Separate Cover</i>) 3. SMRC Water Pricing and Billing (<i>Under Separate Cover</i>) 4. OLG Debt Management and Hardship Guidelines (<i>Under Separate Cover</i>) |
| Cost Centre | 4010 Financial Services |
| Project | |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

This report provides information regarding two policies being the Debt Management Policy and the Financial Hardship and Assistance Policy and is seeking Council approval for adoption.

In preparing the tow attached policies, Finance staff have considered the recommendations released in the Office of Local Government's (OLG) "Debt Management and Hardship Guidelines" November 2018.

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

OFFICER'S RECOMMENDATION

That Council:

- A. Receive and note both the Debt Management Policy and the Financial Hardship and Assistance Policy
- B. Resolve to adopt both the Debt Management Policy and the Financial Hardship and Assistance Policy.

BACKGROUND

An effective Debt Management Policy is necessary to ensure outstanding debts are collected efficiently and a Financial Hardship and Assistance policy is required to engage with customers in genuine need of support. Council will use appropriate elements of this policies in order to accommodate the debtors' circumstances, whilst working within agreed guidelines and timeframes established in consultation with individual customers.

Consideration given to sections of the OLG's Debt Management and Hardship Guidelines and the relevant action are listed below;

| OLG Debt Management and Hardship Guidelines Reference | Snowy Monaro Regional Council Action |
|--|--|
| 1.4 Legal framework | <p>Council charges in accordance with the Local Government Act 1993.</p> |
| 2.1 Information for ratepayers | <p>Information for ratepayers is provided via the following methods:</p> <ul style="list-style-type: none"> • Information printed on rates and charges notices • Yearly newsletter • Council website • Staff are available for further support |
| 2.2 Rates and charges notices | <ul style="list-style-type: none"> • Each of Councils 3 rates notice formats is in line with clause 127 of the Local Government (General) Regulation 2005 and covers the important information listed in the guidelines. • The upcoming Corporate Information Systems project and rates harmonisation will consolidate the notice format and there will be opportunity to take a best practice approach and review additional recommendations. • Council will include a link to the debt management and hardship policies and advice to ratepayers about what to do if they cannot pay on time within the newsletter. |
| 2.3 Modern and Flexible payment options | <ul style="list-style-type: none"> • Council allows for multiple payment options for all rates and charges including cash, |

| | |
|---|---|
| | <p>cheque, EFT, Credit Card, BPay, DEFT and direct debit.</p> <ul style="list-style-type: none"> • Methods differ slightly between former Council areas but will be harmonized at the time of system implementation. Payment Arrangements are offered Council wide. • Council covers payment arrangements within its financial hardship and assistance policy. • Payment options are displayed on Rates and charges notices. |
| 2.4 Contacting Ratepayers. | <p>The proposed Debt Management Policy includes information about when and how ratepayers will be contacted when payments are overdue. All contact will be confidential, and meet privacy protection laws.</p> |
| 2.5 Payments made by pensioners. | <p>Pensioners receive a discount on rates and charges as per the local Government Act.</p> |
| 2.6 Measuring Council Performance. | <p>The OLG performance benchmark for outstanding rates and charges for regional and rural councils is less than 10%. This is reported in Council's annual financial statements. A quarterly report is also being developed to report on this ratio more regularly to Council.</p> |
| 3.1 Debt management options. | <p>Council has recently engaged the services of a single debt collection agency.</p> |
| 3.2 Reminder notices and payment arrangements. | |

| | |
|---|--|
| | Council issues a reminder notice 14 days after payment is overdue or when two payment arrangements have been missed. |
| 3.3 Counselling, mediation and dispute resolution. | The Reminder Notice includes referral to support services. |
| Appendix B – Debt Recovery Process. | The Debt Management Policy includes the same process as the OLG Guidelines. However, Council has extended the allowable time for a debtor to lodge a defence against a Statement of Claim from 14 to 28 days. After 28 days the debt recovery agent may apply for a Default Judgement which may be recorded against the debtors credit file. |
| Financial Hardship and Assistance. | People unable to pay their rates or charges due to hardship can apply to Council for assistance. Assessment of financial hardship to be made internally after completion of Council's "Financial Hardship Relief Form" and approved by the General Manager or his/her delegate in line with Council Delegation Register. |

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The policies will improve customer relationship management with clear direction on the steps taken for the collection of outstanding debts owed to Council. They also enable staff to engage with customers requiring financial assistance to reach satisfactory outcomes. Optimising council's cash flow enables greater investment of funds into providing services and maintaining assets for the community.

2. Environmental

It is considered this policy will not have any environmental impacts.

3. Economic

The policies are expected to have a reduction to the outstanding debt balances resulting in an increase in cash-flow for a more efficient use of funds and return on investment opportunities for Council. A consistent approach to debt collection is expected to result in efficiency gains through reduced administration which is yet to be quantified.

4. Civic Leadership

Active Debt Management will assist Council to perform within the Office of Local Government's Rates and Annual Charges Outstanding ratio benchmark of <10% reported in the annual financial statements. This policy will allow Council to provide assistance to ratepayers suffering substantial financial hardship with the payment of their rates and charges. In conjunction with active debt management, debt owing to Council will be minimised.

9.4.2 COUNCILLOR NOMINATIONS FOR GO JINDABYNE WORKING GROUPS

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Director Environment & Sustainability |
| Key Direction: | 4. Leadership Outcomes |
| Delivery Plan Strategy: | 10.3 Advocate and work with other levels of government, community and industry to improve outcomes. |
| Operational Plan Action: | 10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries. |
| Attachments: | Nil |
| Cost Centre | |
| Project | Jindabyne Masterplan |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

A councillor representative is required for each of the proposed NSW Department of Planning and Environment 'Go Jindabyne' community working groups.

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

OFFICER'S RECOMMENDATION

That Councillors _____ be nominated as Council's representatives for the Go Jindabyne community working groups.

BACKGROUND

NSW Department of Planning and Environment (DPE) are establishing two (2) 'Go Jindabyne' Community Working Groups. DPE has requested that Council nominate a Councillor as its representative for each of the two proposed groups.

DPE has suggested that the representatives preferably be Councillors from the Jindabyne area.

DPE is also contacting relevant community groups to provide nominees for representation on the two working groups, and will be finalising the composition of those groups shortly.

At this stage, there has been no indication of the terms of reference for the groups, or the likely meeting frequency/schedule. The groups are not established by Council and will therefore not be Council groups for the purposes of Section 355 of the Local Government Act.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The opportunity for positive social outcomes is presented through Councillor representation on the DPE 'Go Jindabyne' working groups.

2. Environmental

There are no adverse environmental impacts of this recommendation

3. Economic

There will be some nominal costs for attending working group meetings, however this is undefined at this stage.

4. Civic Leadership

Council has been requested to nominate representatives for the DPE Go Jindabyne community working groups. Councillor participation demonstrates civic leadership by being involved in the community group activities.

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9.4.3 ROAD NAMING PROPOSAL

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Director Corporate and Community Services |
| Author: | GIS Supervisor |
| Key Theme: | 4. Leadership Outcomes |
| CSP Community Strategy: | 12.3 Our community is empowered and supported in facilitating community outcomes |
| Delivery Program Objectives: | 12.3.2 Council has two-way mechanisms in place to encourage people to maintain their involvement in the regions community planning and decision making. |
| Attachments: | 1. Email from Lauren Sewell providing road name options on behalf of all residents (<i>Under Separate Cover</i>) 2. Extract from the NSW Addressing User Manual (<i>Under Separate Cover</i>) |
| Cost Centre | 8030 |
| Project | Operational Activity |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

As a result of recent subdivisions, an unnamed Crown road off the Alpine Way must be named in line with Council and NSW Addressing Policy. Consultation with affected residents along the unnamed Crown road off the Alpine Way identified two options for consideration by Council, being Deerson Lane and Black Sallee Lane. Under 6.7.6 of the NSW Addressing Manual, Deerson Lane is not deemed acceptable as ownership of land that has been developed is not considered a significant reason for naming purposes (full extract from the NSW Addressing User Manual is included as an attachment).

Black Sallee Lane is a suitable name as it fits with the theme of local flora. (Full extract from NSW Addressing User Manual is included as an attachment).

"Names of early settlers, war servicemen and women and other persons who have contributed to the heritage of an area, local history themes, flora, fauna, ships etc. are usually most suitable for applying to roads."

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

OFFICER'S RECOMMENDATION

That Council:

- A. Approve the proposed name of Black Sallee Lane
 - B. Authorise the General Manager to advertise the proposed name of Black Sallee Lane
 - C. Authorise the proposed name of Black Sallee Lane be submitted to the Geographical Names Board for their consideration
-

BACKGROUND

Recent subdivisions (Deposited Plan 1238082) have occurred along an unnamed Crown Road that starts at 1349 Alpine Way, Crackenback. As a result the unnamed Crown road off the Alpine way must be named in line with Council and NSW Addressing Policy. Affected residents rejected 2 suggestions; Penderlea Hill Road and Montane Lane whilst providing the suggestion Alpine Lane.

Council resolution 415/18 progressed the Alpine Lane option onto the Geographic Names Board (GNB) for consideration. The name was rejected by the GNB on the grounds of duplication.

A residents group has provided two further suggestions: Deerson Lane and Black Sallee Lane.

The basis for these suggestions are detailed in the attached email from Ms Lauren Sewell.

1. Deerson Lane is in recognition of the Deerson family who formerly owned the land around this access. The Deerson family still own part of this land following subdivisions.
2. Black Sallee Lane is representative of a species of Snow Gum found in the region of these properties.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Naming of roads assists in the efficient delivery of services and helps emergency services to locate properties and assets quickly. Naming of this road will allow properties to be numbered along this road rather than the Alpine Way, providing a more accurate description of their location. It is possible that some land owners may experience short term inconveniences as they adjust and notify others of their new address.

2. Environmental

There are no perceived environmental impacts.

3. Economic

If the recommendation is approved, advertising of the road name proposal will be done through electronic means including the shire wire in the next issue. This should present no additional cost to Council.

4. Civic Leadership

Council is the Authority for naming all Roads, Paths, Right of Ways and tracks in its Local Government Area and as such is able to propose and approve names within that area.

Road naming is undertaken according to the Council Road Naming Procedure and the NSW Addressing User Manual which sets out the policy and procedures for addressing and road naming.

Council will provide the wider community with the opportunity to comment on the name proposal at the earliest possible opportunity as part of the consultation process.

This matter has been previously considered during the meeting held on 2 August 2018 with resolution number 254/18 as well as the meeting held on 15 November 2018 with the resolution number 415/18.

10.1 NOTICE OF MOTION CR STEWART

Record No:

Responsible Officer: General Manager
Author: Councillor Bob Stewart
Attachments: Nil

Councillor Bob Stewart has given notice that at the Ordinary Meeting of Council on 7 March 2019, he will move the following motion.

MOTION

That

- a. The Mayor table evidence to support his statement on the ABC radio that the Bombala council would be bankrupt again if it were to be reinstated; and
- b. If the Mayor cannot provide evidence for his statement, he retract the statement he made on the radio via the same ABC radio.

BACKGROUND

Background

The Mayor was interviewed on ABC Radio Southeast on Friday 8th February following the outcome of a community meeting held at Bombala the previous evening. At the community meeting a motion from the floor to progress with a petition to call for a plebiscite on demerging the former Bombala Council was carried unanimously.

The Honorable John Barilaro, Member for Monaro, Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business was present as well as election candidates Bryce Wilson: Country Labor, Mick Holton: Fishers, Shooters and Farmers, Peter Marshall: NSW Greens, Andrew Thaler: Independent. Bronnie Taylor MLC also attended together with over 100 members of the local community.

ABC Radio Southeast interviewed local spokesperson, Penny Judge, the following day (Friday 8 February) regarding the meeting. Snowy Monaro Regional Council Mayor, John Rooney, was also interviewed the same day. Mayor Rooney is recorded as stating:

"..the merger costs are very high.. people of Bombala you need to think carefully about this. I understand they're torn. The old Bombala Shire failed to deliver a satisfactory standard of services, and neglected investment and infrastructure.."

and

"..That's probably money down the drain, what would be the point? I mean that money is far better spent in the region, rather than a sub-economic, non-viable, small council, which is sure to be bankrupt again in a few years time and would need to be merged with neighbouring councils..."

I have been contacted by many residents of the former Bombala Council area who have voiced their concern over the comments made about them by the Mayor. I personally support their concerns and believe that the minimum the Mayor can do is to offer an unreserved apology to the affected community.

There is also no evidence to support the Mayor's claims relating to service delivery or financial management of the former Bombala Council.

Implications of alternative actions

The Mayor may choose not to apologise. This course of action is likely to diminish the office of the Mayor and by association the credibility of council. By refusing to recognise his omission the Mayor may also be contravening PART 3.1 of Council's Code of Conduct.

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.*

10.2 CLR PETER BEER – MICHELAGO MASTERPLAN

Record No:

Responsible Officer: General Manager
Author: Councillor Peter Beer
Attachments: 1. Clr Peter Beer – Notice of Motion (*Under Separate Cover*)

Councillor Peter Beer has given notice that at the Ordinary Meeting of Council on 7 March 2019, he will move the following motion.

MOTION

That Council,

- a.) As a result of the Council meeting held on 7 February and the decision concerning the future development of Michelago, hold a briefing session; and
- b.) The purpose to inform Councillors of at least the following:
 - 1. Information on any lodged DAs or submissions for the growth of Michelago;
 - 2. The basis for statements concerning the growth of Michelago to be the 2nd largest town within the SMRC;
 - 3. The link between the South East and Tablelands Regional Plan and the future development of Michelago; and
 - 4. The relationship between the questions in Council's adopted Snowy Monaro Planning and Land Use discussion paper, Michelago and Smiths Road (p69-p74), with the South East and Tablelands Regional Plan and the statement about growth form Council.

BACKGROUND

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.*
-

13. 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:

13.1 Possible Participation in a Class Action on Behalf of NSW Councils

Item 13.1 is confidential in accordance with s10(A)(2)(candg) 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 advice containing litigation, or advice as comprises a discussion of this matter that would otherwise be privileged from production in legal proceedings on the ground of legal professional.

13.2 Consultancy Fees – Response to Question with Notice 18.8(17 January 2019)

Item 13.2 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.

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.