



**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Ordinary Council Meeting**

**19 December 2019**



**ORDINARY COUNCIL MEETING  
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630  
ON THURSDAY 19 DECEMBER 2019**

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

**ON THURSDAY, 19 DECEMBER 2019  
COMMENCING AT 5:00PM**

**PRESENT:** Mayor Peter Beer  
Deputy Mayor Linley Miners *arrived at 5.35PM*  
Councillor John Rooney  
Councillor John Castellari  
Councillor Rogan Corbett  
Councillor Sue Haslingden  
Councillor John Last  
Councillor Anne Maslin  
Councillor Brian Old *arrived at 5.15PM*  
Councillor Bob Stewart

**APOLOGIES:** Councillor James Ewart

**Staff:** Peter Bascomb, Chief Executive Officer  
Peter Smith, Acting Director Operations & Infrastructure  
Gina McConkey, Acting Director Environment & Sustainability  
David Rawlings, Acting Director Corporate & Community Services  
Amanda Shepherd, Secretary Council and Committees  
Joyleen Mathias, Manager Corporate Governance

**Notes:** *The Mayor opened the meeting at 5:04PM, At 5.14PM the Mayor adjourned the meeting for Public Forum, Clr Old joined the meeting at 5.14PM during Public Forum, Clr Miners joined the meeting at 5.30PM during Public Forum, The Mayor resumed the meeting at 6.03PM At 7.01PM the meeting adjourned for dinner, The meeting resumed at 7.33PM, Mayor Beer declared an interest in Item 9.4.5 as he has a conflict of interest in this item due to "being associated with community groups that have applied for Donations funding". Mayor Beer did not take part in discussion or voting on this item, Following the declaration of a conflict of interest, the Mayor as Chair, departed the meeting at 7.34PM. Clr Miners assumed the Chair for the duration of this item. Upon the return of The Mayor to the meeting at 8.18PM, he resumed the Chair, Clr Old departed the meeting at 8.32PM at the end of item 10.2 for the duration of the meeting, At 8.38PM the meeting was closed to the press and public, At 9.12PM the Closed Session ended and the Council meeting continued in Open Session. There being no further business the Mayor declared the meeting closed at 9.17PM.*

**1. OPENING MEETING**

The Mayor opened the meeting at 5:04PM

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

<b>COUNCIL RESOLUTION</b>	<b>453/19</b>
That the apology from Clr Ewart be accepted and leave of absence be granted.	
<b>Moved Councillor Corbett</b>	<b>Seconded Councillor Haslingden</b>
	<b>CARRIED</b>

**Note 1: RECORD OF VOTING**

*COUNCILLORS FOR: MAYOR BEER, COUNCILLOR CASTELLARI, COUNCILLOR CORBETT, COUNCILLOR HASLINGDEN, COUNCILLOR LAST, COUNCILLOR MASLIN, DEPUTY MAYOR MINERS, COUNCILLOR OLD, COUNCILLOR ROONEY AND COUNCILLOR STEWART.*  
*COUNCILLORS AGAINST: NIL.*

**4. CITIZENSHIP CEREMONIES**

- 4.1 Ashraf Wahid Ahamat
- 4.2 Merzumi Rizana Ahamat
- 4.3 Zakie Aatif Ahamat

**Note 2: Adjournment of Meeting**

At 5.14PM the Mayor adjourned the meeting for Public Forum.

**Note 3: Attendance of Councillor Old**

Clr Old joined the meeting at 5.14PM during Public Forum.

**Note 4: Attendance of Councillor Miners**

Clr Miners joined the meeting at 5.30PM during Public Forum.

**Note 5: Resumption of Meeting**

The Mayor resumed the meeting at 6.03PM.

**5. DISCLOSURE OF INTEREST**

**5.1 MAYOR BEER**

Mayor Beer declared an interest in Item 9.4.5 as he has a conflict of interest in this item due to “being associated with community groups that have applied for Donations funding”.

## 6. MATTERS DEALT WITH BY EXCEPTION

### Items by Exception

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

### COUNCIL RESOLUTION

454/19

- A. That all items listed in Corporate Business both Open and Confidential be dealt with separately other than the following items which are moved by exception:
- 7.1 - Ordinary Council Meeting held on 21 November 2019;
  - 7.2 - Closed Session of the Ordinary Council Meeting held on 21 November 2019;
  - 7.3 - Extraordinary Council Meeting held on 11 December 2019;
  - 9.1.1- Monthly Funds Management Report - November 2019;
  - 9.1.2 - Youth Council Minutes and Amendments to the Youth Council Charter;
  - 9.1.3- Snowy Monaro Local Traffic Committee;
  - 9.3.1- African Lovegrass Stakeholder Collaboration;
  - 9.3.2- Adoption of the Snowy Monaro Regional Council Kerbside Collection Policy, Bank of Bin Policy and Event Bin Policy;
  - 9.3.3- Request for Council to Apply to the Crown for Cappanana Road to be Transferred to Council;
  - 9.3.4- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019;
  - 9.4.2- OLG Discussion paper - A New Risk Management and Internal Audit Framework for local councils in NSW;
  - 9.4.3- Answers to Questions With Notice;
  - 9.4.4- Resolution Action Sheet Update;
  - 9.4.6- Reporting Progress and Benefits of Reform - December 2019;
  - 9.4.8- Naming of Roads;
  - 9.4.9- Update from Snowy Monaro Regional Council's Green Team;
  - 9.4.10- Rescinding Signing of Council and Committee Minutes Policy;
  - 13.1- Heavy patching and Shoulder rehabilitation Tender;
  - 13.2- Request for Lease - Snowy River Health Centre;
  - 13.3- Sale of Council Land - Percy Harris Street Leesville by Auction off the Plan;
  - 13.4- Request to extend lease;
  - 13.7- Delegate Preschool Compliance Report;
  - 13.8- Tender Award - Snowy Oval Amenities Building;
  - 13.9- Award Of Tender For The Reseal And Relining Of The Snowy 1 Reservoir - Cooma Water Supply System; and
- B. That the Officer's Recommendations in the reports listed above are hereby adopted.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

### Note 6: RECORD OF VOTING

COUNCILLORS FOR: MAYOR BEER , COUNCILLOR CASTELLARI, COUNCILLOR CORBETT, COUNCILLOR HASLINGDEN, COUNCILLOR LAST, COUNCILLOR MASLIN, DEPUTY MAYOR MINERS, COUNCILLOR OLD, COUNCILLOR ROONEY AND COUNCILLOR STEWART.

COUNCILLORS AGAINST: NIL.



## 7. CONFIRMATION OF MINUTES

### 7.1 ORDINARY COUNCIL MEETING 21 NOVEMBER 2019

<b>COUNCIL RESOLUTION</b>	<b>455/19</b>	
THAT the minutes of the Ordinary Council Meeting held on 21 November 2019 are confirmed as a true and accurate record of proceedings.		
<b>Moved Councillor Rooney</b>	<b>Seconded Councillor Haslingden</b>	<b>CARRIED</b>

#### Note 7: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

### 7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 21 NOVEMBER 2019

<b>COUNCIL RESOLUTION</b>	<b>456/19</b>	
THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 21 November 2019 are confirmed as a true and accurate record of proceedings.		
<b>Moved Councillor Rooney</b>	<b>Seconded Councillor Haslingden</b>	<b>CARRIED</b>

#### Note 8: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

### 7.3 EXTRAORDINARY COUNCIL MEETING 11 DECEMBER 2019

<b>COUNCIL RESOLUTION</b>	<b>457/19</b>	
THAT the minutes of the Extraordinary Council Meeting held on 11 December 2019 are confirmed as a true and accurate record of proceedings.		
<b>Moved Councillor Rooney</b>	<b>Seconded Councillor Haslingden</b>	<b>CARRIED</b>

#### Note 9: MOTIONS WITHOUT DEBATE

THE ABOVE OFFICER'S RECOMMENDATION BECAME A RESOLUTION OF COUNCIL AS A RESULT OF RESOLUTION 454/19 ABOVE AS THERE WAS NO CHALLENGE BY COUNCILLORS.

## 8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

### 8.1 MOD4028/2019 MODIFICATION TO AMEND CONDITIONS OF HIGHVIEW ESTATE SUBDIVISION

Record No:

Responsible Officer: Group Manager Development & Building Certification

Author: Manager Development Assessment

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage

Delivery Program Objectives: 8.1.2 Land use is optimised to meet the social, environment and economic needs of the region

Attachments: 1. Draft Modified Conditions of Consent *(Under Separate Cover)*

2. Proposed Amended Plan (*Under Separate Cover*)
3. Applicants Request and Justification of modification MOD4028/2019 (*Under Separate Cover*)
4. Roads and Maritime Services Response to MOD4028/2019 (*Under Separate Cover*)
5. Traffic Reports and Modelling submitted by the Applicant MOD4028/2019 (*Under Separate Cover*)
6. Redacted Submissions MOD4028/2019 (*Under Separate Cover*)
7. Application Form MOD4028/2019 (*Under Separate Cover*)

Applicant Number:	MOD4028/2019
Original DA Number:	DA0079/2007
Applicant:	Coast Plan Consulting
Owner:	Village Style Retirement Services Pty Ltd and Wytown Pty Ltd
DA Registered:	6/11/2018
Property Description:	Lot 23 DP1227047, Lot 17 DP1216242 and Lot 32 DP1118132
Property Number:	108937, 108938, 106919
Zone:	R2 – Low Density Residential, RU1 – Primary Production, R1 – General Residential, R5- Large Lot Residential
Current Use:	Partially developed residential subdivision.
Approved Use:	Residential Subdivision 224 lots.
Proposed Modification:	<ul style="list-style-type: none"> <li>• Amend Condition 58 to delete the requirement to carry out a Traffic Study in lieu of constructing the Barry Way intersection.</li> <li>• Amend the Masterplan for the proposed subdivision to delete the access to the proposed subdivision from Kosciuszko Road.</li> <li>• Change the staging numbers of the original Stages 9 to 12 as indicated on the submitted Masterplan.</li> <li>• Delete Condition 61 as a result of the deletion of the access to Kosciuszko Road.</li> <li>• Delete Condition 69 &amp; 70 as a result of the deletion of the access to Kosciuszko Road.</li> <li>• Amend Condition No 2 of the Development Consent so that each stage of the subdivision is to be proceeded in ascending numerical order up to Stage 9 as indicated on the amended staging plan submitted with this application. This will allow some flexibility in the completion of the development and will not result in any conflict with any of the current and amended conditions of the consent.</li> </ul>
Permitted in Zone:	Yes.
Recommendation:	<p>That the modification be partially approved as follows:</p> <ul style="list-style-type: none"> <li>• Amend relevant conditions to reflect revised staging plan.</li> <li>• Amend Condition No 2 of the Development Consent so that each</li> </ul>

	<p>stage of the subdivision is to be proceed in ascending numerical order up to Stage 9 as indicated on the amended staging plan submitted with this application. This will allow some flexibility in the completion of the development and will not result in any conflict with any of the current and amended conditions of the consent.</p> <p>All conditions relating to the construction of both the Barry Way and Kosciuszko Road intersections remain unamended.</p>
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**EXECUTIVE SUMMARY**

The purpose of this report is to seek the approval for MOD4028/2019 which is an application to modify DA0079/2007 to remove the requirement for an access to the later stages of the development from the Kosciuszko Road; to restage the later stages; and to amend the condition requiring an alternative to the construction of the Barry Way intersection.

This modification will be the eleventh submitted since the original approval of the development in 2007.

The application was notified and advertised with five submissions received relating principally to traffic and road issues currently being experienced in the already developed portion of the subdivision and the concern that this modification will further exacerbate those issues. These submissions have been considered in the assessment of the modification.

It is recommended that the application be partially approved with only conditions relating to the restaging of the subdivision to be amended and those conditions relating to the intersections approved to access the development remain as per the existing approved development consent.

The application was to have been submitted to Council at an earlier meeting, however, at the request of the applicant the report was held back. It is understood that the applicant has had various discussions with the DPIE staff involved in the Go Jindabyne masterplan project in the interim period.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

**COUNCIL RESOLUTION**

**458/19**

That Council

A. Pursuant to section 4.55(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) it is recommended that MOD4028/2019 being an amendment to DA0079/2007 on Lot 23 DP1227047, Lot 17 DP1216242 and Lot 32 DP1118132 be approved in part (being those conditions relating to the restaging of the subdivision) subject to the amended conditions of consent attached.

B. Notify anyone who made a submission to MOD4028/2019 according to the regulations

**Moved Councillor Castellari**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 10: Record of Voting**

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

*Councillors Against: Nil.*

**Note 11: Draft Modified Conditions of Consent MOD4028/2019 Modification to amend conditions of Highview Estate Subdivision**

Note – all previously amended conditions are in bold, conditions that are proposed to be amended as part of MOD4028/2019 are shown in red for ease of reference.

### Reasons for Decision

Pursuant to Schedule 1 cl 20(1)(d)

The reasons for the decision were:

1. The proposal adequately satisfies the application provisions and objectives of the Snowy River LEP 2013 and the Snowy River DCP 2013
2. The proposed development adequately satisfies the relevant State Environment Planning Policies.
3. The proposed development, subject to the conditions below, will have no unacceptable adverse impacts on the natural or built environments including the nearby local heritage items, the local waterways or drainage systems or the operation of the local road system. Further it is considered that developments of the subject site does not prevent future reasonable development of adjoining allotments
4. The application was notified in accordance with the Snowy River DCP 2013 and five submissions were received. The submission have been taken into consideration in determination the application..
5. In consideration of conclusions 1 – 4 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

### GENERAL MATTERS

1. **Approved plans and documentation (Last Modified by MOD428/2019)**  
The subdivision is to comply with DA0079/2007 as originally submitted to Council on 2/11/2006, except where varied by the following modifications MOD0067/2007, MOD0003/2008, MOD0016/2008, MOD0022/2009, MOD0013/2010, MOD0011/2012; MOD0028/2014; MOD0001/2016, MA2016/0002, MOD4009/2018, MOD4021/2019, MOD4028/2019 and the following amended plans and information, including:
  - (a) Subdivision Plan prepared by Peter Burns Survey Plan, Dwg. No. SB01 B being Annexure 'B' to the Applicants notice of motion filed on the 13 April 2007 in Land and Environment Court Proceedings No. 11254 of 2006;
  - (b) Development Plans prepared by Northrop Consulting Engineers, Job No. NW050042, Dwg. No's:
    - (i) C101 DA, Issue C, dated 05/04/2007;
    - (ii) C102 DA; Issue C, dated 05/04/2007;
    - (iii) C103 DA; Issue C, dated 5/04/2007;
    - (iv) C104 DA, Issue C, dated 05/04/2007;
    - (v) C113 DA; Issue B, dated 05/04/2007;
    - (vi) C114 DA; Issue B, dated 5/04/2007 (refer to conditions of the RTA),
    - (vii) Approved subdivision plan by Peter Williams Burns, dated 31/8/2007,
    - (viii) Approved subdivision plan (enlargement of proposed Public Reserve)

by Peter Williams Burns, dated 31/8/2007, and

- (c) Landscaping Plan prepared by Moir Landscape Architecture, Dwg. No. LP01, Issue 2, dated April 2007,
- (d) Subdivision Plan prepared by AWP Group – Drawing No A01 rev D dated Nov 08.
- (e) Amended Staging Plan (Stages 3-8) A-01 Revision I dated November 08
- (f) Amended Staging Plan (Stages 4A-4C) A-01 Revision I dated November 08 (stamped by Council MOD0011/2012, 28/2/2012)
- (g) Amended stage 4C plan –overall site plan (C4C-02, dated 1/05/14)
- (h) Amended Stage 4C proposed lot layout (C4C-04, dated 25/03/14)
- (i) Amended Staging Plan and Layout for former Stage 8 (Proposed Stage 5) (C8 – L00, Dated 23/07/2015)
- (j) Amended Stage 5 (Former Stage 8) Lot Layout (C8-L01, Dated 25/06/2015)
- (k) Amended Staging Plan and Lot Layout showing all 12 stages C6\_DA1 Rev 2 (dated 9/09/2016) (added by MA2016/0002)
- (l) Amended Staging Plan and lot layout for stages 6,7 and 8 C6\_DA2 Rev3 (dated 13/09/2016) (added by MA2016/0002)
- (m) Review of Intersection Capacity and Requirements Highview Estate Jindabyne prepared by SECA Solution Dated 4/12/2015 (added by MA2016/0002).
- (n) Amended Staging Plan and lot layout for stage 7 (7A, 7B and 7C) NL0705153 S7-96 (1) 6.9.17 (Added by MOD4009/2018)
- (o) Amended Staging Plan showing all lots within Highview Estate NL070153 MP7(1) 7.9.17. MOD4009/2018 does not approve the deletion of the Barry Way intersection as shown on this plan or the lot layout for the rural residential subdivision (which is not part of this development application) this plan is stamped only to show the approved staging of the development (MOD4009/2018)
- (p) **Amended Staging Plan showing all lots within Highview Estate MP-B-C1.00 Revision 4 (MOD4028/2019), with the exception of the removal of the Kosciuszko Road intersection or the lot layout for the rural residential subdivision (which is not part of this development application). MOD4028/2019 approves only the amended staging as shown on the stamped plan.**

as endorsed by the Snowy River Shire Council and Snowy Monaro Regional Council and attached to this Notice, except where amended by the following conditions.

2. **Sequence of stages and construction of infrastructure (Last Modified by MOD4028/2019)**

Each stage of the subdivision is to proceed in ascending numerical order in accordance with AMENDED staging plans 2A & 2B SB01 (dated 18/7/2007) and C104 DA (Issue C, dated 05/04/2007) and stages 4A, 4B (Revision I, Dated Nov 08) and C (C4C-02 dated 1/05/2014), stages 5A & 5B (C8 - L00, Dated 23/07/2015), stages 6, 7A, 7B, 7C (S7-96 Revision 1 dated 6/09/2017) and 8 (C6\_DA2 Revision 3 dated 13/09/2016) and **stages 9, 10,11 and 12 (MP-B-C1.00 Revision 4).**

**Any reference to a stage number in this consent is a reference to the stages shown in these plans. Any infrastructure works shown to be completed as a part of a stage are to be so completed, for example all related road and road intersection construction works. All works are to be completed at no cost to Council. Lot 208 may be developed as part of any stage.**

**3. Interpretation (Amended MOD4009/2018)**

The words “future development” on approved plan C101 DA (Issue C, dated 05/04/2007) or the words “future residential” on approved plan LP01 (Issue 2, dated April 2007) are not to be construed as Council’s approval for the development of relevant land.

The area shown as ‘Rural Residential’ on approved plan MP7 Revision 1 7/09/2017 does not form part of this development approval.

**PRIOR TO THE ISSUE OF A SUBDIVISION CONSTRUCTION CERTIFICATE FOR EACH STAGE OF THE SUBDIVISION**

**4. Building Industry Long Service Levy**

Prior to the issue of a Construction Certificate for each stage, the Building Industry Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the *Building and Construction Industry Payments Act 1986*. This fee is payable on all projects in excess of \$25,000 in value and is calculated at the rate of 0.2% of the current value of works.

**5. Bond (Amended by MOD0013/2010 and MOD4009/2018)**

The developer shall ensure that the bonds payable for each stage will be as follows:

A Safety and Restoration Bond of \$5000.00 and a non-refundable administration charge (as per Councils adopted fees and charges applicable at the date of payment) to be payable as per the following schedule:

Stage 3	payable prior to release of CC
Stage 4	prior commencement of works
Stage 5	payable prior to release of CC
Stage 6	payable prior to release of CC
Stage <b>7a,b,c</b>	payable prior to release of CC
Stage 8	payable prior to release of CC
Stage 9	payable prior to release of CC
Stage 10	payable prior to release of CC
Stage 11	payable prior to release of CC
Stage 12	payable prior to release of CC

In order to guarantee the protection of public assets and performance of any work or use in the road reserve during construction and rectification of any defects in public works for twelve (12) months after construction (i.e. after construction is completed to Council's satisfaction), a defects liability bond must be paid to Council as follows:

A defects liability bond to the value of 5% of the cost of the contracted engineering construction works (plus a non-refundable administration charge as per Council's adopted fees and charges applicable at the date of payment) is payable prior to the release of the subdivision certificate for each stage. This bond will be retained by Council for a period of twelve (12) months commencing from the date that the works are accepted by Council as being "on-maintenance".

These bonds may be in the form of a cash bond or unconditional bank guarantee and are refundable upon written application and subject to an inspection 12 months after the works are accepted by Council as being "on-maintenance" for each stage.

The Bank Guarantee:

- (a) Will only be accepted direct from the issuing bank;
- (b) Must have no expiry date; and
- (c) Must quote Council's reference number (DA 79/2007).

Should any restoration or defect rectification works exceed the value of the bond held, Council will undertake the works and issue an invoice for the recovery of such costs.

6. Stormwater Management Plan

Prior to the issue of a Construction Certificate for each stage, a detailed stormwater management plan (SWMP), prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Snowy River Shire Council DCP W1 – Water Sensitive Urban Design, Snowy River Shire Council's DCP E2 – Erosion and Sediment Control and Council's Development Design and Construction Specifications, is to be submitted to and approved by Council.

The hydrology and hydraulic calculations are to be based on models described in the current edition of Australian Rainfall and Runoff. The SWMP is at least to include:

- (a) A silt arrestor/surcharge pit or other suitable drainage structure, within and adjacent to the property boundaries;
- (b) Details of the point of discharge; and
- (c) Method of connection to Council's stormwater drainage system.

7. Environmental Management Plan
- (a) Prior to the issue of a Construction Certificate for each stage, an Environmental Management Plan (EMP) for the stage is to be submitted to Council for consideration and approval. Once approved this plan will form a part of this development consent. The EMP is to:
- (a) Address all environmental aspects of the development's construction and operational phases, and
- (a) Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- (b) Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- (i) Soil and water management
- (ii) Dust suppression
- (iii) Litter control
- (iv) Noise control
- (v) Waste management
- (vi) Dangerous/hazardous goods storage
- (vii) Emergency response and spill contingency.

The relevant aspects of the approved EMP are to be implemented during the relevant phase(s) of the development.

8. Stormwater drainage – inter-allotment system
- The plan of subdivision for each stage shall include the creation of inter-allotment drainage easements as necessary to allow every lot to discharge stormwater runoff from roof and paved areas to a public road or a Council controlled drainage system. These easements shall be not less than 1 metre wide. Drainage works within these easements shall be designed and constructed in conformity with the standards set out in Council's Development Design and Construction Specifications.
9. Easements for services
- Suitable easements for services shall be established as necessary to allow each lot to be connected to all normal urban utility services, including water supply, sewerage, electricity and telephone services.
10. Footpath construction strategy
- Prior to the issue of a subdivision construction certificate for Stage 3, a footpath network strategy is to be prepared for the whole subdivision (stages 3-12). The strategy is to comply with relevant footpath related conditions of this development consent and Council's DCP.
11. Soil classification
- Prior to the issue of a subdivision certificate for Stage 3, a geotechnical report detailing the classification of soil type generally found within the subdivision is to be provided to Council. A general classification for each lot within the whole



subdivision (stages 3-12) shall be provided and such classifications are/shall be made by a geotechnical engineer in accordance with the provision of SAA AS 2870 "Residential Slabs and Footings".

## DURING CONSTRUCTION

12. Prior to commencing any subdivision construction works

Prior to commencing any subdivision construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with:

- (a) A Construction Certificate is to be obtained in accordance with Section 81A(4)(a).
- (b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(4)(b).
- (c) Council is to be notified at least two (2) days in advance of the intention to commence subdivision works, in accordance with Section 81A(4)(c).

13. Pre-works commencement meeting

Prior to the commencement of subdivision works for each stage, the developer and contractor shall meet on site with Council's representative to review the scope of works, soil and water management control measures, and the inspection and testing regime. The developer or their representative shall make arrangements with Council for this meeting not less than seven (7) days in advance.

14. Approved certified plans and specifications to be available

During construction, a copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification are to be kept on the site for each stage of the development at all times during construction and are to be readily available for perusal by any authorised officer of the Council or the Principal Certifying Authority.

15. Compliance certificate & inspections

During construction, pursuant to section 109C of the *Environmental Planning and Assessment Act 1979*, compliance certificates are to be obtained from Council or from an Accredited Certifier to demonstrate that relevant subdivision works have been completed in accordance with the following schedule. The subdivision works must be inspected either by Council's inspector or by an Accredited Certifier at each of the following stages of construction to confirm compliance with the standards set out in Council's Development Design and Construction Specifications.

- (a) After placement of all signs in accordance with the approved Traffic Control Plan;
- (b) After stripping of topsoil from roads and fill areas, all Soil and Water Management Plan controls shall be in place at this stage;
- (c) After completion of road sub-grade;
- (d) After placement of water service conduits prior to backfilling;

- (e) After placement and compaction of each layer of gravel pavement material;
- (f) During application of bitumen seal or asphaltic concrete wearing surface;
- (g) After laying and jointing of all stormwater pipelines prior to backfilling;
- (h) After laying and jointing of all water supply pipelines prior to backfilling;
- (i) After laying and jointing of all sewerage pipelines prior to backfilling;
- (j) During pressure testing of all water supply pipelines;
- (k) During pressure testing of all sewerage pipelines;
- (l) During testing of all sewer manholes;
- (m) After completion of works; and
- (n) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and Compliance Certificates. These fees must be paid prior to release of the Subdivision Certificate for each stage.

16. Owners Consent – neighbouring properties

Evidence of owners consent shall be submitted to Council prior to the issue of a construction certificate for any works proposed on any lot not part of this application.

17. Water sensitive urban design

Water sensitive urban design practices are to be adopted for Roads 3, 4, 5, & 7, and part roads 10 & 12 and the following are to be incorporated into the design requirements:

- (a) Water quality features are to be designed into the land development site and not rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge;
- (b) The use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas; and
- (c) Utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater re-use (e.g. rainwater tanks).

The applicant will submit to the PCA (i.e. Council or Private Certifier) a statement demonstrating compliance with the requirements of this condition prior to release of the Construction Certificate for each stage.

18. Footpath construction (all stages)

The developer shall construct a concrete footpath for the entire length of one side of each road in accordance with the approved subdivision construction certificate plans. Footpaths should be located so as to link and network with each other and be constructed with a non-skid surface. Design and construction shall be in conformity with the standards specified in Council's Development Design and Construction Specifications to include the following:

- (a) Concrete pavement not less than 1.2 metres wide;
- (b) Minimum concrete thickness 75 mm; and
- (c) Minimum concrete strength grade 20 MPa.

19. **Road turning areas during stage completion (Amended by MA2016/0002, MOD4009/2018, MOD4028/2019)**
1. **Suitable 10 metre radius bitumen sealed vehicle turning areas are to be provided at street ends which connect with future roads in later stages in accordance with Council's Development Design and Construction Specifications. Affected stages include:**
    - a) **Stage 6a (x1);**
    - b) **Stage 6b (x2); and**
    - c) **Stage 7c (x1);**
  
  2. **Suitable 10 metre radius compacted gravel vehicle turning areas are to be provided at street ends which connect with future roads in later stages in accordance with Council's Development Design and Construction Specifications. Affected stages include:**
    - a) **Stage 3 (x2);**
    - b) **Stage 5a (x1);**
    - c) **Stage 7a (x1);**
    - d) **Stage 7c (x1);**
    - e) **Stage 9 (x1);**
    - f) **Stage 10 (x1);**
    - g) **Stage 11 (x2) and**
    - h) **Stage 12 (x2).**

**Appropriate bollards or stabilised earth mounds are to be placed at road ends to prevent vehicle access between different areas of the subdivision during construction of the stages.**

20. **Underground electricity servicing**

Each allotment in the proposed subdivision shall be serviced with underground electricity. Any existing overhead powerlines are to be relocated underground.

21. **Battleaxe Driveway (Single & Double)**

The developer shall provide a driveway for the entire length of the access corridor to each battleaxe lot in conformity with Council's Development Design and Construction Specifications, specifically:

- (a) Concrete pavement not less than 3.0 metres wide;
- (b) Minimum concrete thickness 150mm;
- (c) Minimum concrete strength grade 25MPa;
- (d) Minimum reinforcement SL72 steel mesh;
- (e) Concrete footpath crossover between kerblines and the road boundary;
- (f) Suitable stormwater drainage; and
- (g) appropriate transition zones in accordance with AS2890.1-2004 (Parking facilities – Off-street car parking).

For dual driveways, right-of-way access easements are to be established. The

battleaxe driveways are to be completed prior to the release of the subdivision certificate for each stage.

22. Street lighting

The developer shall provide street and footpath lighting along all road reserves and along all pathways in public reserves and in relevant parts of open space areas in all stages. The lighting is to be installed accordance with Australian Standards and in consultation with Council and operational prior to the release of the Subdivision Certificate for each stage. Footpath lighting is to be designed and installed to minimise light spill into adjoining private property.

23. Telephone servicing

The developer shall make arrangements for the provision of telephone services to the lots in the subdivision for Stages 3-12. Prior to the release of a subdivision certificate for each stage, the developer shall submit to the Principal Certifying Authority written notification from a recognized telecommunications carrier to confirm that arrangements have been undertaken to satisfy this condition for each stage.

24. Stormwater drainage – Council system

The plan of subdivision for each stage shall include the creation of easements to drain water not less than 3 metres wide in favour of Council. Drainage works within these easements shall be designed and constructed in conformity with the standards set out in Council's Development Design and Construction Specifications.

25. Public liability

Where construction work is on or adjacent to public roads, parks or drainage reserves, the applicant is to provide and maintain all warning signs, lights barriers and fencing in accordance with AS1742-1991. The applicant will be adequately insured against Public Risk Liability and will be responsible for any claims arising from these works.

26. Site notice

Prior to commencement of any work for any stage, a sign must be erected in a prominent, visible position at the vehicular access points to the development site:

- (a) Stating that unauthorised entry to the work site is not permitted;
- (b) Showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; and
- (c) Showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon

the completion of the construction works.

27. Public access, site security and safety

It is the responsibility of the applicant to restrict public access to construction areas on each stage of the development when construction work is in progress. In this regard, the developer must ensure that perimeter fencing is provided for all construction areas in each stage of the development in accordance with *Occupational Health and Safety Regulation 2001*.

28a Independent services

During construction each lot shall be provided with independent services i.e. electricity, gas, telecommunications, sewer and water, and if necessary, inter-allotment drainage, all in accordance with the requirements of the relevant authority.

28. Adjustment to public utility services

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate(s).

29. Requirements of public authorities

The applicant is to comply with the requirements of any public authorities (e.g. Country Energy, Telstra Australia, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services will be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the PCA (i.e. Council or Private Certifier) prior to the issue of the Construction Certificate for below ground works for each stage.

30. Traffic control plan

Prior to commencement of works for each stage, approval must be obtained from Snowy River Shire Council's Traffic Committee for any interruption to pedestrian and vehicular traffic within the road reserve caused by the construction of this development. The traffic control plan must be prepared and implemented by a suitably qualified person and will address, but not be limited to, the following matters:

- (a) Ingress and egress of vehicles to the site;
- (b) Loading and unloading, including construction zones;

- (c) Predicted traffic volumes, types and routes; and
- (d) Pedestrian and traffic management methods.

Note: This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

31. Roads – arterial road works

The undertaking of any roadway work within the arterial roads shall not be carried out without an approval being obtained from the Council under Section 138(1) of the *Roads Act 1993*. Council may not give its approval for such work except with the concurrence of the Roads and Traffic Authority in accordance with Section 138(2) of the Act.

32. Compliance – traffic safety during construction works

No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. The Traffic Control Plan is to be implemented during the construction phase of the development and a copy of the plan is to be available on site at all times. A copy of the Traffic Control Plan is to accompany the Notice of Commencement to be submitted to Council 2 days before any work is to commence on site.

33. Independent water and sewerage

Each lot in every stage of the development shall be provided with a separate metered water service (min. 25mm) from Council's water reticulation system and a separate connection to Council's sewerage system. Applications for water and sewer services should be made to Council's Water and Waste Water Section, together with payment of the relevant fees.

34. Construction vehicle and machinery access

In order to protect the amenity of residents, no construction vehicles over 2 tonnes in weight are permitted to access the development site from Gippsland Street and/or Jillamatong Street, except to construct underground services in the immediate area. Specifically, no vehicle access is permitted via Lot 208 or via land to the east of Lot 34. For stages 3-8, construction vehicle and machinery access is to be via the proposed access to Barry Way in accordance with a permit from Council. For stages 9-10, construction vehicle and machinery access is to be via the Kosciuszko Way in accordance with a permit from the Roads and Traffic Authority.

35. Construction – no removal of native vegetation

There shall be no removal or disturbance of indigenous native vegetation, on any allotment, including canopy trees, understorey and ground cover vegetation, without the prior written consent of the Council through the subdivision

construction certificate application process other than disturbance where identified on Northrop Engineers Development Application Engineering plans, for battering and regrading to allow the construction of roads, services and allotment regrading.

36. Temporary sanitary facilities

Toilet facilities are to be provided at, or in the close vicinity of the work site on each stage of the development at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

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

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

37. Amenity

During construction work must be conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of construction materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like.

38. Construction – hours of work

Subdivision construction works are restricted to the following hours in accordance with the NSW Environment Protection Authority *Noise Control Guidelines*:

- (a) Mondays to Fridays, 7.00am to 6.00pm
- (b) Saturdays, 8.00am to 1.00pm
- (c) No work is permitted on Sundays and Public Holidays.

39. Erosion & sediment control

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

40. Erosion and siltation control measures

The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geo-fabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW

Department of Housing *Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 – the Blue Book.*

41. Protection of trees

All street trees will be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, will be replaced, to the satisfaction of Council.

42. Site management

The developer is to ensure that all builder's sheds, including temporary sanitary closets, must at all times be:

- (a) Located wholly within the site;
- (b) Properly constructed and maintained to industry standards;
- (c) Securely anchored to the ground; and
- (d) Removed prior to the release of the Subdivision Certificate for each stage of the development.

43. Materials storage

The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicant's expense.

44. Dust control measures

Effective dust control measures shall be introduced and maintained at all times. Full details of proposed methods of dust control shall be submitted to and approved with the construction certificate.

45. Revegetation works

The developer is to ensure that at the completion of site works for each stage, the following landscaping works are carried out:

- (a) Topsoil is spread over all disturbed areas\* with priority given to cut and fill batters;
- (b) All disturbed areas\* are re-vegetated using drylands grass mix with a complete fertiliser; and
- (c) All disturbed areas\* are to be weed free hay mulched. The hay mulching is to be undertaken by a suitable contractor in accordance with Snowy River Development Control Plan 1998 – Circular R3 Revegetation works.

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

46. Environmental – appropriate disposal of excavated or other waste

All excavated material or waste generated as a result of the development that



cannot be re-used or recycled is to be disposed of at a Council approved site or waste facility. Details of the proposed disposal location of all excavated material from the development site are to be provided to the Principal Certifying Authority prior to construction works commencing.

47. Aboriginal cultural heritage – uncovering relics

If any archaeological relics are uncovered during the course of the work then works in that area are to cease immediately and the NSW Heritage Office contacted for further advice.

48. Subdivision – street lighting

During construction lighting is to be installed to illuminate access ways at head of cul-de-sacs and connecting pathways within any reserve.

49. Subdivision – fire hydrants

Locations of fire hydrants are to comply with AS2419 and be delineated by blue pavement markers in the centre of the road.

50. Signs – further development application required

No advertising sign that requires Council's approval is to be erected/displayed until Council has issued a development consent.

**SPECIFIC CONDITIONS APPLICABLE TO STAGE 2A & 2B (9 'SUPER LOTS')**

51. **Legal access (Stage 2A & 2B) (Amended by MOD0067/2007 & MOD0003/2008)**

**The plan of subdivision shall establish legal access to every lot in a manner which is consistent with the overall subdivision pattern approved under this Development consent.**

52. **Prior to the endorsement of the subdivision certificate (Stages 2A & 2B) (Amended by MOD0067/2007 & MOD0003/2008)**

**Prior to release of the Subdivision Certificate, the developer shall demonstrate the existence of legal arrangements to allow the construction of water supply, sewerage and drainage services and the creation of associated easements to enable later development in the manner envisaged by this development consent.**

**SPECIFIC CONDITIONS APPLICABLE TO STAGES 3–12**

53. Dedication of land in accordance with the applicants offer made in Affidavit and Notice of Motion date 13 April 2007

Prior to the release of the Subdivision Certificate for Stage 3, the land depicted and coloured Green on drawing SB01, Issue B, being Annexure "B" to the Applicants Notice of Motion filed on 13 April 2007 in Land & Environment Court proceedings No. 11254/2006 is to be dedicated to Council as a Public Reserve free of cost.

54. Road construction (Access Road 7)

Road 7 is to be not less than 15 metres wide as shown on the approved plans and constructed in accordance with Council's Development Design and Construction Specifications, including:

- (a) Water Sensitive Urban Design principles incorporating layback kerb and gutter /edge restraints on one or both sides with a width of 6 metres between nominal kerblines are to be in designed and installed in accordance with section 4.1 of Council's *Development Control Plan 1998, Circular H3, Highview Estate* as adopted by Council on 21 November 2006;
- (b) Stormwater and subsoil drainage works;
- (c) A bitumen sealed road pavement extending for the full width between the kerb and gutters or edge restraints;
- (d) A suitable vehicle turning facility of minimum radius 10 metres at the western end of this road;
- (e) Grassing of footway areas and the planting of street trees;
- (f) Provision of street lighting;
- (g) Erection of road name and 50km/h speed signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision; and
- (h) A dished concrete driveway pavement 3.0 metre wide for access to each lot must be provided (only on that side of the road that is provided with a dished drain). The pavement shall have a minimum concrete strength grade of 25 MPa, minimum thickness of 150 mm and minimum reinforcement of SL72 mesh.

55. **Road construction (Collector roads Pt1\*,Pt2\*\* 3, 4, 5 6, Pt 8, 9 & 11 ) (Amended by MOD0067/2007 & MOD0003/2008 & MA2016/0002 & MOD4009/2018)**

Roads 1, Pt2,3,4,5, 6, Pt 8, 9, & 11, Twynam Street, Abbott Street, Jillamatong Street, Rawson Street and Northcote Drive are to be not less than 18 metres wide as shown on the approved plans and constructed in accordance with Council's Development Design and Construction Specifications, including:

- (a) Barrier kerb and gutter along both sides with a width of 9 metres between nominal kerblines (to accommodate future possible bus route).
- (b) Stormwater and subsoil drainage works.
- (c) A bitumen sealed road pavement extending for the full width between the kerbs and gutters.
- (d) Grassing of footway areas and the planting of street trees;
- (e) Provision of street lighting; and.
- (f) Erection of road name and 50 km/h speed signs. The road name must be

approved by Council in advance and must be shown on the final plan of subdivision.

\* *provision of concrete edge strip in lieu of Barrier kerb for that section of Road 1 that adjoins the open space*

**\*\* extension of Twynam Street where it continues to service stage 7C**

56. **Road construction (Access roads 4, 5, 10 & 12) (Amended by MOD0067/2007 & MOD0003/2008 & MA2016/0002)**

Roads 4, 5, 10 & 12 are to be not less than 15 metres wide as shown on the approved plans and constructed in accordance with Council's Development Design and Construction Specifications, including:

- (a) Water Sensitive Urban Design principles incorporating layback kerb and gutter /edge restraints on one or both sides with a width of 6 metres between nominal kerblines are to be designed and installed in accordance with section 4.1 of Council's *Development Control Plan 1998, Circular H3, Highview Estate* as adopted by Council on 21 November 2006;
- (b) Stormwater and subsoil drainage works;
- (c) A bitumen sealed road pavement extending for the full width between the kerb and gutters or edge restraints;
- (d) Grassing of footway areas and the planting of street trees;
- (e) Provision of street lighting;
- (f) Erection of road name and 50 km/h speed signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision; and
- (g) A dished concrete driveway pavement 3.0 metre wide for access to each lot must be provided (only on that side of the road that is provided with a dished drain). The pavement shall have a minimum concrete strength grade of 25 MPa, minimum thickness of 150 mm and minimum reinforcement of SL72 mesh.

57. **Road construction (Local roads Pt 1\*, 2, 3, Pt 8 & 13) (Amended by MOD0067/2007 & MOD0003/2008 & MOD0011/2012 & MA2016/0002)**

Roads 2, 3, Pt 8 & 13 are to be not less than 15 metres wide as shown on the approved plans and constructed in accordance with Council's Development Design and Construction Specifications, including:

- (a) Water Sensitive Urban Design principles incorporating layback kerb and gutter /edge restraints on one or both sides with a width of 8 metres between nominal kerblines are to be designed and installed in accordance with section 4.1 of Council's *Development Control Plan 1998, Circular H3, Highview Estate* as adopted by Council on 21 November 2006;
- (b) Stormwater and subsoil drainage works;
- (c) A bitumen sealed road pavement extending for the full width between the

- kerb and gutters or edge restraints (specifically for stage 4a – from the boundary of lots 25 and 26 to the boundary of lots 43 and 44, for stage 4b – from the boundary of lots 43 and 44 to the boundary of lots 33 and 34, for stage 4c – from the boundary of lots 33 and 34 to the boundary of lots 38 and 76;
- (d) Grassing of footway areas and the planting of street trees or alternative landscaping as approved by council;
  - (e) Provision of street lighting;
  - (f) Erection of road name signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision; and
  - (g) A dished concrete driveway pavement 3m wide for access to each lot must be provided (only on that side of the road that is provided with a dished drain). The pavement shall have a minimum concrete strength grade of 25 MPa, minimum thickness of 150mm and minimum reinforcement of SL72 mesh.

*\*Pt Road 1 being between the eastern end of Road 2 and the 'T' intersection with Road 1 (commencing between lots 116 & 123)*

**57a. Road turning areas during stage 4a, 4b and 4c completion (Added by MOD011/2012)**

**Suitable 10 metre radius compacted gravel vehicle turning areas suitable for 2-wheel drive vehicles are to be provided at street ends which connect with future roads in later stages in accordance with Council's Development Design and Construction Specifications. Affected stages include:**

- (a) Stage 4a (x1);**
- (b) Stage 4b (x1);**
- (c) Stage 4c (x1); or**

**Construction of the future road within stages 4b and 4c to a gravel standard and future road design levels with a 10m radius compacted gravel vehicle turning area suitable for 2-wheel drive vehicles in accordance with Council's Development Design and Construction Specifications.**

**Appropriate fixed bollards and stabilised earth mounds are to be placed at end of the vehicle turning area to prevent vehicle access between different areas of the subdivision during construction of the stages.**

**57b. Road construction (Stage 5a - Tate Close) (Added By MOD0001/2016)**

**The construction of the proposed road, Tate Close, during Stage 5a is to be not less than 15 metres wide as shown on the approved plans and constructed in accordance with Council's Development Design and Construction Specifications, including:**

- (a) Barrier kerb and gutter along both sides with a width of 6 metres between nominal kerblines;
- (b) Stormwater and subsoil drainage works;
- (c) A asphalt concrete surfaced road pavement extending for the full width between the kerb and gutters or edge restraints;
- (d) Grassing of footway areas and the planting of street trees or alternative landscaping as approved by council;
- (e) Provision of street lighting;
- (f) Erection of road name signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision; and
- (g) A dished concrete driveway pavement 3m wide for access to each lot must be provided (only on that side of the road that is provided with a dished drain). The pavement shall have a minimum concrete strength grade of 25 MPa, minimum thickness of 150mm and minimum reinforcement of SL72 mesh.

**57c. Road construction (Stage 5b - Jagungal Close) (Added By MOD0001/2016)**

The construction of the proposed road, Jagungal Close, during Stage 5b is to be not less than 15 metres wide as shown on the approved plans and constructed in accordance with Council's Development Design and Construction Specifications, including:

- (a) Barrier kerb and gutter along both sides with a width of 8 metres between nominal kerblines;
- (b) Stormwater and subsoil drainage works;
- (c) An asphalt concrete surfaced road pavement extending for the full width between the kerb and gutters or edge restraints;
- (d) Grassing of footway areas and the planting of street trees or alternative landscaping as approved by council;
- (e) Provision of street lighting;
- (f) Erection of road name signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision; and
- (g) A dished concrete driveway pavement 3m wide for access to each lot must be provided (only on that side of the road that is provided with a dished drain). The pavement shall have a minimum concrete strength grade of 25 MPa, minimum thickness of 150mm and minimum reinforcement of SL72 mesh.

**58. Barry Way intersection construction (Amended by MOD4021/2019)**

Prior to the release of the subdivision certificate for stage 7C as approved by this consent or within 12 months from the date of approval of the subdivision certificate of stage 2 of DA4001/2018 (or any subsequent modifications) the developer must either:

a) Construct the road intersection of Road 6 (Jillamatong Street) with Barry Way as required to the following specifications

- The road intersection of Road 6 with Barry Way shall be designed and constructed in accordance with AUL/CHR geometry and engineering design standards as detailed in the Austroads "Guide to Road Design Parts 3 (2009), 4 (2009) and 4A (2009)", including the "RMS" Supplement to Austroads "Guide to Road Design Parts 3 (2009), 4 (2009) and 4A (2009)", including Safe Intersection Sight Distance for a 80 km/hr design speed in Barry Way."

OR

b) Undertake a comprehensive traffic study in consultation with Council officers' to determine what treatment if any is required to service current and future stages of the development. Should this option be exercised, the traffic study must be approved by Council.

No further stages of the subdivision shall be carried out after the completion of stage 7C without prior compliance with this condition of consent.

Note – Stages in the subdivision must be carried out in sequential order in compliance with the approved subdivision staging plan

59. Road access restriction (Stages 3 & 8) (Amended by MOD0001/2016 & MA2016/0002)

For traffic safety reasons, except during an emergency, no direct vehicular access is permitted from the Barry Way to Lots 1, 2, 3, 7, 8 (stage 3) & 51-57 (stage 8). A suitable Section 88B 'restriction' under the *Conveyancing Act 1919* is to be prepared to this affect and registered on the Titles of these lots. The Snowy Monaro Regional Council is to be the only beneficiary of the 'restriction'.

60. Road access restriction (Stages 5, 7C, 9 & 11) (Last Modified by MOD4028/2019)

For public amenity reasons, except during an emergency, no direct vehicular access is permitted from the public reserve to within stage 5A & 5B as well as any future allotments within stages 7C, 9 & 11 that back on to the public reserve. A suitable Section 88B 'restriction' under the *Conveyancing Act 1919* is to be prepared to this affect and registered on the Titles of these lots. The Snowy Monaro Regional Council is to be the only beneficiary of the 'restriction'.

61. Conditions of the Roads and Traffic Authority (Stage 9)

The development is to be carried in accordance with the following conditions of the Roads and Traffic Authority (RTA):

- (a) The junction of Kosciusko Road and the site access road shall be constructed as a full 'seagull' in accordance with the RTA Road Design Guide. For safety reasons, the left slip lane must be sufficiently separated from the through-traffic lane at the junction to ensure that the driver decision making process for right turning vehicles utilising the

- junction is not compromised.
- (b) The applicant shall provide suitable direction signage to provide for the changed traffic conditions. The applicant shall submit a 'signs and marking plan' to the RTA for approval.
  - (c) Street lighting at the new junction shall be provided in accordance with Australian Standard AS/NZS1158.
  - (d) Safe Intersection Sight Distance (SISD) to the RTA's standards shall be available for all movements to and from Kosciusko Road. The applicant would be required to undertake any necessary earthworks to achieve SISD. Landscaping and fencing shall not restrict vehicular sight lines on Kosciusko Road.
  - (e) Geometric road design shall be in accordance with RTA Road Design Guide. Pavement design shall be in accordance with the AUSTRROADS Pavement Design Guide. All design shall be for the existing speed zone.
  - (f) All roadworks associated with this development will be at no cost to the RTA and shall be completed prior to the issue of a Subdivision Certificate for Stage 9.
  - (g) The developer shall attain Section 138 Approval from Council with RTA concurrence for works within the Classified Road Reserve.
  - (h) The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

62. **Water & sewerage servicing (Part Stage 3: Lots 1–5 only)**

The developer shall provide all necessary water supply and sewerage reticulation works, property connections and associated facilities to service every lot in conformity with Council's Development Design and Construction Specifications. Sewerage connection to lots 1 to 5 shall be via a gravity system direct to Council's existing manhole (approximately 30 metres upstream of manhole no. 4188). Where existing water or sewer mains potentially service any lot the developer must make arrangements with Council's Water and Waste section for the provision of any required water connection or sewer junction.

63. **Water and sewage services (Stage 3-12) (Amended by MOD011/2012) & MA2016/0002**

**The development must be connected to Council's water and sewage system. A certificate of compliance under section 64 of the Local Government Act (1993) in respect of each stage of the development must be obtained from the Council prior**

**to the release of the subdivision certificate for that stage.**

**Note: Council consent shall not be construed as approval of the Northrop's Sewer Servicing Strategy dated 1 February or Hunter Water Australia's Water Supply Strategy**

**The Developer shall construct at no cost to Council a sewage pumping station at the location shown on the amended Highview Staging plan titled "Proposed Lot Layout", drawing number C6\_DA2 Revision 4 and provide to Council a sewer servicing plan to ensure that spare capacity is available in the existing gravity sewer mains discharging to and including sewage pumping station JSPS4. Should it be determined that there is insufficient spare capacity, then the means to achieve this must be demonstrated and provided for at no cost to Council.**

**Alternatively, the Developer may connect the development to Jindabyne Sewage Pumping Station JSPS6 and upgrade JSPS6 to ensure the pump station has adequate capacity to the satisfaction of Council's Director, Service Delivery or his delegate.**

**The location, design, construction and staging of the sewage pumping station shall be carried out in accordance with Council's Development Design and Construction Specifications and to the satisfaction of Council's Director, Service Delivery or his delegate.**

**The site of the sewage pumping station shall be established as a separate allotment and transferred to Council free of any cost or encumbrance on title upon registration of the plan of subdivision. The lot shall be established as "Operational Land".**

64. **Relocation of existing trunk water mains (Stage 4A)**

The developer shall relocate the existing delivery and rising trunk mains to an alignment in accordance with Council's Development Design and Construction Specifications within the proposed road reserve of Road 1, unless the Council, acting reasonably, notifies the applicant that this is unnecessary.

65. **Pathway reserve (Stage 4C) (Amended by MOD011/2012)**

**The developer shall construct a footpath to the south and east of Lot 37 to connect to Gippsland Street to the standards specified in Council's Development Design and Construction Specifications including the following:**

- (a) Concrete pavement not less than 1.5 metres wide**
- (b) Minimum concrete thickness 75 mm**



**(c) Minimum concrete strength grade 20 MPa**

**(d) 1.8 metre high 'Rivergum' Colorbond fencing with ridge capping and with the coloured surfaces facing inwards towards the footpath reserve.**

The dog-leg design is to be replaced with a curved design with appropriate directional transitions in the interests of public safety (good visual surveillance to reduce opportunities for human concealment). The pathway shall be provided in a manner that cannot be used by motorised vehicular traffic.

**66. Pathway reserve (Stage 6A) (Amended by MA2016/0002)**

The developer shall construct a footpath between Lots 42 & 44 and the Seniors Living precinct to the standards specified in Council's Development Design and Construction Specifications including the following:

**(a) Concrete pavement not less than 1.5 metres wide**

**(b) Minimum concrete thickness 75 mm**

**(c) Minimum concrete strength grade 20 MPa**

**(d) 1.8 metre high 'Rivergum' Colorbond fencing with ridge capping and with the coloured surfaces facing inwards towards the footpath reserve.**

The pathway shall be provided in a manner that cannot be used by motorised vehicular traffic.

**67. Concrete vehicular entrance and access to water reservoir (Stage 5b) (Amended by MOD0001/2016)**

The developer shall construct a sealed access driveway between Jagungal Close and the existing water reservoir in accordance with Council's Development Design and Construction Specifications prior to the release of the subdivision certificate for Stage 5b.

**67a. Re-vegetation of Proposed Lot 23 – Service Easement/Corridor (Stage 5) (Added by MOD0001/2016)**

The developer shall revegetate and maintain proposed Lot 23 to the satisfaction of Council prior to it being dedicated to Council at the subdivision certificate stage (Stage 5b).

**67b. Fencing (Stages 5a & 5b & 7c) (Added by MOD0001/2016 and amended by MA2016/0002 and MOD4009/2018)**

To ensure that fencing is used in a way which enhances safety, the developer shall put in place a suitable 88B 'restriction' under the *Conveyancing Act 1919* to ensure that lots 5 – 8 and 14 – 19 (both lots inclusive) of proposed Stage 5 and

**lots 40-46 (inclusive) in proposed stage 7C, maintain rear fences that are predominantly open in design.**

**68. Excavation works (Stage 12) (Amended MOD4028/2019)**

In relation to the construction of **Stage 12**, the developer is to ensure that if an excavation associated with the development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:

- (a) Preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give written notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

**69. Road access restriction (Stage 12) (Amended MOD4028/2019)**

For traffic safety reasons, except during an emergency, no vehicular access is permitted from Road 9 to Lots 125 & 126. A suitable Section 88B 'restriction' under the *Conveyancing Act 1919* is to be prepared to this affect and registered on the Titles of these lots. The Snowy River Shire Council is to be the only beneficiary of the 'restriction'.

**70. Accessway bordering Lots 125, 126, 128, 194 & 195 (Stage 12) (Amended MOD4028/2019)**

The developer shall provide a Right-of-Way driveway for the entire length of the driveway access corridor bordering Lots 125, 126, 128, 194 & 195 in accordance with Council's Development Design and Construction Specifications, specifically:

- (a) The Right-of-Way is to benefit Lots 125, 126 & 194 only;
- (b) A 'restriction' under section 88B of the *Conveyancing Act 1919* is to be created on the Titles of Lots 128 & 195 restricting access to Lots 128 & 195 from the Right-of-Way. Lots 125, 126 & 194 are to be the only beneficiaries of the restriction;
- (c) There shall be no more than a single dwelling on each lot unless the Right- of- Way is upgraded to "Access Road" standard, as specified in the Highview Estate DCP Circular H3;
- (d) Concrete pavement not less than 3.0 metres wide;
- (e) Minimum concrete thickness 150mm;
- (f) Minimum concrete strength grade 25MPa;
- (g) Minimum reinforcement SL72 steel mesh;
- (h) Concrete footpath crossover between kerblines and the road boundary;
- (i) Suitable stormwater drainage; and
- (j) Prior to the issue of a Subdivision Certificate, the section 88B of the *Conveyancing Act 1919* documentation described in this condition shall be worded to the satisfaction of Council.

**71. Footpath connection (Stage 12) (Amended by MOD0016/2008 & MOD4028/2019)**

The developer shall provide a public reserve three (3) metres wide (as shown on plans submitted with MOD0016/2008 and as amended in red), and construct a pathway, along the eastern boundary of **Lot 155 DP818222 (now lots 1 & 2 of SP90469)** in between Gippsland Street and **Road 9**. The pathway shall be provided in a manner that cannot be used by motorised vehicular traffic and is to meet the standards specified in Council's Development Design and Construction Specifications, including the following:

- (a) Concrete pavement not less than 1.5 metres wide;
- (b) Minimum concrete thickness 75 mm;
- (c) Minimum concrete strength grade 20 MPa; and
- (d) 1.8 metre high 'Pale eucalypt' Colorbond fencing with ridge capping and with the coloured surfaces facing inwards towards the footpath reserve.

**72. Vehicular access restriction to Road 10 (Stage 12) (Amended by MOD4028/2019)**

The developer shall construct a suitable landscaped barrier at the north-eastern corner of Lot 129 to physically prevent vehicular traffic access between the intersection of Roads 8 and 9 (at the bend) and the court bulb of Road 10.

**73. Footpath connection (Stage 11) (Amended by MOD0016/2008 and MOD4028/2019)**

The developer shall construct a pathway connecting the eastern end of Road 10 (at the court bulb) to the intersection of Roads 8 & 9 abutting the northern boundary of lot 129 and connect with the pathway along the eastern boundary of Lot 208. The pathway shall be provided in a manner that cannot be used by motorised vehicular traffic and is to meet the standards specified in Council's Development Design and Construction Specifications to include the following:

- (a) Concrete pavement not less than 1.5 metres wide;
- (b) Minimum concrete thickness 75 mm; and
- (c) Minimum concrete strength grade 20 MPa.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR EACH STAGE OF THE SUBDIVISION**

**74. Application**

The developer is to submit to Council a completed Subdivision Certificate application form for each stage together with:

- (a) The original linen plan/s and six (6) copies;
- (b) Relevant section 88B instruments under the *Conveyancing Act 1919*;
- (c) Subdivision Certificate application fee applicable at the time of application;
- (d) Inspection fees applicable at the time of release of the subdivision

- certificate;
- (e) Certificate from a recognised telecommunications carrier certifying that telephone connection has been provided to the site; and
  - (f) Certificate from a recognised electricity authority certifying that electricity connection has been provided to the site.

75. Construction works completed

Prior to the issue of a Subdivision Certificate, all construction works are to be completed in accordance with the approved Subdivision Construction Certificate plans and documentation for that stage and relevant conditions of this consent.

76. **Developer contributions (Last Amended by MOD4028/2019)**

Prior to the issue of a Subdivision Certificate for each stage, the following s94 monetary contributions are to be paid to Council pursuant to Snowy River Development Contributions Plan 2005;

**Stage 3 (38 lots) (Modified by MOD0022/2009)**

a) Community facilities	=	\$18,696
b) Regional Waste Management	=	\$22,458
c) Bushfire	=	\$5,434
d) Credit for 1 lot	=	\$1,226
Total	=	\$45,362

**Stage 4 (total of 21 lots) (Modified by MOD0011/2012)**

**Stage 4A (6 lots)**

a) Community facilities	=	\$2952
b) Regional Waste Management	=	\$3546
c) Bushfire	=	\$858
d) Credit for 1 lot	=	\$1,226
Total	=	\$6130

**Stage 4B (7 lots)**

a) Community facilities	=	\$3444
b) Regional Waste Management	=	\$4137
c) Bushfire	=	\$1001
Total	=	\$8582

**Stage 4C (8 lots) (modified by MOD0028/2014)**

a) Community facilities	=	\$3936
b) Regional Waste Management	=	\$4728
c) Bushfire	=	\$1144
Total	=	\$9808

**Stage 5A (8 lots) (Amended by MOD0001/2016)**

a) Community facilities	=	\$4,648
b) Regional Waste Management	=	\$5,584
c) Bushfire	=	\$1,352
Total	=	\$11,584

**Stage 5B (14 lots) (Amended by MOD0001/2016)**

a) Community facilities	=	\$8,134
b) Regional Waste Management	=	\$9,772
c) Bushfire	=	\$2,366
Total	=	\$20,272

**Stage 6A(4) (Amended by MA2016/0002)**

a) Community facilities	=	\$2324
b) Regional Waste Management	=	\$27928
c) Bushfire	=	\$572
Total	=	\$4904

**Stage 6B(11 Lots) (Amended by MA2016/0002)**

a) Community facilities	=	\$6391
b) Regional Waste Management	=	\$7678
c) Bushfire	=	\$1573
Total	=	\$13486

**Stage 7A (12 lots) (Amended by MOD4009/2018)**

a) Community facilities	=	6972
b) Regional Waste Management	=	\$8376
c) Bushfire	=	\$1716
Total	=	\$17064

**Stage 7B (10 lots) (Amended by MOD4009/2018)**

a) Community facilities	=	\$5810
b) Regional Waste Management	=	\$6980
c) Bushfire	=	\$1430
Total	=	\$14220

**Stage 7C(13 lots) (Amended by MA2016/0002)**

a) Community facilities	=	\$7553
b) Regional Waste Management	=	\$9074
c) Bushfire	=	\$1859
Total	=	\$15938

**Stage 8 (7 lots) (Amended by MOD0001/2016)**

a) Community facilities	=	\$4067
b) Regional Waste Management	=	\$4886
c) Bushfire	=	\$1001
Total	=	\$8582

**Stage 9 (Amended by MA2016/0002 & MOD4028/2019)**

a) Community facilities	=	\$2324
b) Regional Waste Management	=	\$2792
c) Bushfire	=	\$572
Total	=	\$4904

**Stage 10 (13 lots) (Amended by MOD4028/2019)**

a) Community facilities	=	\$8,177
b) Regional Waste Management	=	\$5,031
c) Bushfire	=	\$1,404
Total	=	\$14,612

**Stage 11 (36 lots) (Amended MOD4028/2019)**

a) Community facilities	=	\$22,644
b) Regional Waste Management	=	\$13,932
c) Bushfire	=	\$3,888
Total	=	\$40,464

**Stage 12 (26 lots including Lot 208)(Amended MOD4028/2019)**

a) Community facilities	=	\$16,354
b) Regional Waste Management	=	\$10,062
c) Bushfire	=	\$2,808
Total	=	\$29,224

Note 1: The Contribution Plans may be inspected at Council's Department of Environmental Services offices at Berridale and Jindabyne. The contribution rates for the above facilities and services are adjusted annually on 1 July.

Contributions will only be accepted at the rate applying at the date of payment. Council allows works or dedications of land in lieu of cash contributions in accordance with the Contributions Plan.

Note 2: The discounted contributions payable for this development are limited to the number of allotments as indicated on the approved plans. Any further subdivision creating additional allotments will be assessed and levied for contributions for all facilities and services applicable under the provision of the relevant Contributions Plans in force at that time.

Note 3: In calculating the above contributions, credit has been allocated for (2) existing allotments (at Stage 3 and Stage 4).

~~Note 4: Stages 9 – 12 are those shown in Northrop’s Plan No. C104 Issue C, dated 05/04/2007. Amended Plans for Stages 3 – 8 are those approved by MOD0011/2012 (prepared for the Urban Group, project no. HV, dated November 2008, A 01 revision 1). Amended Staging Plan and Layout are as shown in Northrop’s Plan No. C8-L00, dated 23/07/2015 C6\_DA1 Rev2 dated 09/09/16~~

Note 5: Requirements that should be imposed on the development under Section 64 of the Local Government Act 1993, are provided for by Condition 63.

Note 6: These conditions of consent provide for Lot 208 to be developed at any stage. Developer contributions have been calculated with Lot 208 as part of Stage 12. If Lot 208 is developed prior to stage 12, then contribution must be paid at that time and credit must be provided at stage 12.

77. **Landscaping (Amended By MOD0001/2016)**

The developer is to landscape each stage of the development in accordance with the landscape plan prepared by Moir Landscape Architecture (drawing No LP01, Issue 2, dated April 2007, Project No 0240) prior to the release of the Subdivision Certificate for that stage. In particular, street trees are to be a minimum 1.5m high (advanced plantings) and are to be planted in accordance with Council’s “Street Tree Planting Minimum Specifications”. The existing water tank is to be visually screened with landscaping approved by Council prior to the issue of a Subdivision Certificate for Stage 5.

77a. **Landscaping (Added By MOD0001/2016)**

The developer is to provide, to the satisfaction of Council, street trees along Jagungal Close and Tate Close, in line with the suggested street trees for a ‘Local Road’ on the approved landscape plan prepared by Moir Landscape Architecture



**(drawing No LP01, Issue 2, dated April 2007, Project No 0240). This will occur prior to the release of the subdivision certificates for both stage 5a & 5b.**

78. Works-as-executed plans

Upon completion of the subdivision works for each stage, the developer shall provide Council with a complete set of plans of the works as constructed, detailing all variations from the approved plans and to the acceptance of the Council's Director of Engineering and Operations or his nominee. The plans shall be submitted to Council in hardcopy format (A1), and electronic format (PDF and DWG). These plans must be prepared and certified by a Registered Surveyor or Chartered Professional Engineer.

79. Easements to drain sewage

The plan of subdivision and Section 88B instrument shall establish suitable easements not less than 3 metres wide in favour of Council to contain all sewerage mains within all lots in the subdivision.

80. Property numbers / house numbers

Prior to the submission of the application for the Subdivision Certificate for each Stage, the developer shall obtain a property number or house number for each lot from Council's Rates/Property Officer in conformity with Council's numbering system.

**The reasons for the imposition of the conditions are:**

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

**8.2 DA4180/2019 DEMOLISH EXISTING STRUCTURES AND CONSTRUCTION OF NEW SERVICE STATION AND SKI HIRE SHOP**

Record No:

- Responsible Officer: Director Environment & Sustainability
- Author: Manager Development Assessment
- Key Theme: 3. Environment Outcomes
- CSP Community Strategy: 8.1 Plan for rural, urban and industrial development that is sensitive to the region’s natural environment and heritage
- Delivery Program Objectives: 8.1.3 Development assessment processes are streamlined to support regional development and growth
- Attachments:
1. Response from applicant to Councils resolution to defer determination of DA4180/2019 *(Under Separate Cover)*
  2. Draft conditions of consent *(Under Separate Cover)*
  3. Proposed site plan with acoustic wall detailed *(Under Separate Cover)*
  4. Revised Development Drawings *(Under Separate Cover)*
  5. Statement of Environmental Effects *(Under Separate Cover)*
  6. Environmental Site Assessment *(Under Separate Cover)*
  7. Preliminary Hazard Analysis *(Under Separate Cover)*
  8. Preliminary hazard analysis further information *(Under Separate Cover)*
  9. Waste Management Plan *(Under Separate Cover)*
  10. DCP Responses *(Under Separate Cover)*
  11. Submissions *(Under Separate Cover)*
  12. Response to Submissions *(Under Separate Cover)*
  13. Application form, checklist and associated documents *(Under Separate Cover)*

Further Operational Plan Actions:

Applicant Number:	DA4180/2019
Applicant:	TFA Project Group
Owner:	BP Australia Pty Ltd
DA Registered:	16/05/2019
Property Description:	Lot 19 DP 219584 Ph Clyde
Property Number:	105634
Zone:	Zone B2 Local Centre
Current Use:	Service Station and Associated Ski Hire Retail/Rental Premises
Proposed Use:	Service Station and Associated Ski Hire Retail/Rental Premises
Permitted in Zone:	Yes
Recommendation:	That the DA4180/2019 be approved subject to attached conditions of consent.

**Report Update – action since Council meeting 21 November 2019**

This item was presented to Council at its meeting on 21 November 2019. Council resolved at this time (Resolution 407/19) to defer its determination to enable TFA Group (the applicant on behalf of BP Australia) to have further discussions with the General Manager from Rydges Horizons Snowy Mountains, in relation to items he raised in the open forum, regarding the acoustic wall and the fuel venting system.

In response to this resolution, the applicant has advised that discussions were held with the General Manager of Rydges Horizons Snowy Mountains on 22 November 2019, and following those discussions, the applicant has submitted a written reply to Council on the matters discussed (attachment 1) with an amended plan showing an extension of the proposed acoustic wall (attachment 3).

The amended plan proposes additional acoustic fencing along the boundary adjoining Rydges to mitigate potential noise impacts to the manager's residence. The response also includes a further explanation as to the location, operation and likely impact of the fuel vents.

The applicant has articulated the advice included in the original report, which demonstrated that the fuel vents are located in compliance with the relevant Australian Standards, and are designed in accordance with NSW EPA requirements for vapour recovery. The written response provides further explanation that the vents act as a closed system with minimal venting to the atmosphere. This is due to the vents acting predominately to draw air in to the fuel system when fuel is withdrawn from the tanks by customers refuelling vehicles.

The applicant points out that the GM Horizons Snowy Mountains suggested he would refer the revisions to the body corporate for further discussion, however no timeframes were included.

The applicant points out that through their actions and subsequent plan amendment, they have met the requirements of Resolution 407/19 and are seeking Council's determination of the application prior to the end of 2019.

The application (including the amended plan) is presented to Council for determination.

**The report as deferred by Council is reproduced below, with notes added to reference the amended plan:**

The purpose of this report is to seek approval for the demolition of an existing service station and attached ski hire and the construction of a new service station, ski hire retail/rental space and the removal and installation of new underground petroleum storage system. The site is zoned B2 – Local Centre Zone. The proposed development is for the replacement of an existing approved development and is permitted with consent within this zoning. The site is currently accessed via the Kosciuszko Road and the application proposes to utilise this access point for the development. The application proposes to establish more formalised parking areas in a currently unformed area of the site with internal vehicular and pedestrian access from this area of the site to the redeveloped service station and retail premises.

The application was notified and publicly advertised for a period of twenty one (21) days and fourteen (14) submissions were received. The submissions were referred to the applicant and amendments were made to the proposed plans in response.

The development has been considered against the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act)* and has achieved an acceptable level of compliance and as

such pursuant to Section 4.16(1)(a) of the *EPA Act* it is recommended that consent to Demolish Existing Structures & Construct a New Service Station & Ski Hire Shop on Lot 19 DP 219584 Ph Clyde, be granted subject to conditions attached.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

**COUNCIL RESOLUTION**

**459/19**

That

- A. Pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that consent be granted to Demolish Existing Structures & Construct New Service Station & Ski Hire Shop on Lot 19 DP 219584 Ph Clyde, subject to conditions attached.
- B. Any person who made a submission is notified according to the regulations.

**Moved Councillor Stewart**

**Seconded Councillor Old**

**CARRIED**

**Note 12: Record of Voting**

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

*Councillors Against: Nil.*

**Note 13: Draft Conditions of Consent DA4180/2019**

**Reasons for Decision**

Pursuant to Schedule 1 cl 20(1)(c)

The reasons for the decision were:

6. The proposal adequately satisfies the application provisions and objectives of the Snowy River LEP 2013 and the Snowy River DCP 2013
7. Council has considered the Applicant's request to vary the DCP C3.4-1, Carparking and has considered that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as that variation will not generate unacceptable impacts on nearby premises, and remains consistent with the objectives of the standard
8. The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP 55 – Remediation of Land, SEPP (infrastructure) 2007, SEPP 64 Advertising and Signage and SEPP 33 – Hazardous and Offensive Development.
9. The proposed development, subject to the conditions below, will have no unacceptable adverse impacts on the natural or built environments including the nearby local heritage items, the local waterways or drainage systems or the operation of the local road system. Further it is considered that developments of the subject site does not prevent future reasonable development of adjoining allotments
10. The application was notified to adjoining landowners and publicly advertised in accordance with the Snowy River DCP 2013 and the relevant statutory regulations. The proposal received "14" submissions.
11. In consideration of conclusions 1 – 5 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

**Conditions**

**ADMINISTRATIVE CONDITIONS**

Approved Plans and Documentation

3. The developer is to ensure that the development complies fully with DA4180/2019 as submitted to Council on the 16/05/2019 with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
17071-DA01 Rev F	Site Demolition Plan	TFA Group	16.09.19
1701-DA02 Rev D	Existing Site Views	TFA Group	06.03.19
1701-DA03 Rev G1	Proposed Site Layout with proposed Acoustic Wall Amendment	TFA Group	16.09.19
1701-DA04 Rev G	Proposed Shop Ground Level Floor Plan	TFA Group	16.09.19
1701-DA05 Rev G	Proposed Shop Lower Level Store Room Plan	TFA Group	16.09.19
1701-DA08 Rev G	Shop Elevations – Sheet 1 of 2	TFA Group	16.09.19
1701-DA09 Rev G	Shop Elevations Sheet 2 of 2	TFA Group	16.09.19
1701-DA10 Rev F	Site Section	TFA Group	23.04.19
1701-DA11 Rev E	Car Canopy Elevations Sheet 1 of 2	TFA Group	01.04.19
1701-DA12 Rev E	Car Canopy Elevations Sheet 2 of 2	TFA Group	01.04.19
1701-DA13 Rev G	Proposed Site Signage Sheet 1 of 2	TFA Group	16.09.19
1701-DA14 Rev G	Proposed Site Signage Sheet 2 of 2	TFA Group	01.04.19
1701-DA15 Rev H	Proposed site layout with 20m B-Double Fuel Delivery Tanker Turning Path	TFA Group	16.09.19
1701-DA16 Rev G	Proposed site layout with 41.5m Bus/Coach and Car Turning Paths	TFA Group	16.09.19
1701-DA17 Rev G	Erosion and Sediment	TFA Group	16.09.19

	Control Plan		
1701-DA20 Rev A	Proposed site layout with 12.5 HRV Refuse Truck Turing Path	TFA Group	16.09.19
	Detail Survey Plan	Proust & Gardner	16.08.16
7922-1	Proposed lighting design	Advanced Lighting Solutions	06.09.19
	Statement of Environmental Effects and associated appendices	TFA Group	24.04.19

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

Inconsistency between documents

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

Prescribed Conditions

5. The developer shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17(11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - The work must be carried out in accordance with the requirements of the Building Code of Australia
  - Residential building work within the meaning of the **Home Building Act 1989** must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

In the case of work for which a **principal contractor** is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

In the case of work to be done by an **owner-builder**:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the council) has given the council written notice of the updated information:

- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Alteration to existing water supply and/or wastewater drainage services

6. Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.

Reason: Requirement of Council that all expenses associated with the development are borne by the applicant.

#### **OTHER APPROVALS**

Trade Waste Licence

7. The development is to ensure that an application, pursuant to Section 68 of the Local Government Act 1993, for a Trade Waste License is submitted to Council. This application is to be approved by Council prior to any discharge to sewer being commenced.

Internal Plumbing and Drainage - Approval to Carry Out Stormwater, Water Supply and Sewerage Works

8. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 must be obtained prior to commencement of internal plumbing and drainage works relating to stormwater, water supply or sewerage works within the property boundary. In this regard, a S68 Application to Carry Out Stormwater, Water Supply and Sewerage Works must be submitted on councils standard application form and be accompanied by the required attachments and prescribed fee, prior to release of the Construction Certificate.

RMS Conditions

9. Prior to commencing works within the road reserve, the developer must:
1. Obtain Section 138 consent under the Roads Act, 1993 for the works on Kosciusko Road from Council.

Notes: Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, RMS issues its concurrence under Section 138 of the Roads Act, 1993.

2. Apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road.

Notes: For information on the ROL process and to lodge an ROL application, please visit

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP. - The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

10. Prior to the issuing of the Occupation Certificate (interim or final), the developer must:
  1. Design and construct the driveway on MR286 Kosciuszko Road to the satisfaction of Council, generally in accordance with the arrangements shown in Attachment 1 attached plan and Council standards.
  2. Physically close any other existing access points to MR286 Kosciuszko Road by reinstating the kerb and gutter.

#### EHO Conditions

11. The proprietor of the food business must complete a Food Business Notification Form and submit this form to the Snowy Monaro Regional Council (the authority) prior to business operation. – This form can be downloaded at <https://www.snowymonaro.nsw.gov.au/DocumentCenter/View/4888> and returned via email or to the Jindabyne Office
12. The proprietor of the Food Business must forward to Council a copy of the Food Safety Supervisor's Certificate attached to the premise.
13. The proprietor of the food business shall ensure that all hygiene and handling of food within the premises is undertaken in accordance with Standard 3.2.2 of the Australian New Zealand Food Standards Code.
14. The proprietor of the food business shall ensure that all fixtures and fittings within the premises are maintained in accordance with Standard 3.2.3 of the Australian New Zealand Food Standards Code
15. The proprietor of the food business shall ensure any waste generate from the premises is transferred to a lawful facility.

#### Sewer Connection



16. An application, pursuant to Section 68 of the Local Government Act 1993, to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of Works.

#### Water Supply Connection

17. The developer shall make arrangements with Council for the provision of an appropriately sized water meter service, gate valve and approved backflow prevention device. A s68 application to connect to Council's water supply network shall be submitted to and approved by Council prior to commencement of Works. All works shall be carried out to the satisfaction of Council and at no cost to Council.

#### **PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

##### Certificate of Compliance under the s307 of the Water Management Act 2000

18. A construction certificate must not be issued until the developer obtains a certificate of compliance under s307 of the Water Management Act 2000 from the Council (the Water Supply Authority). Note - This condition relates to the payment of Sewer and Water Contributions for information regarding the certificate of compliance please contact Councils Department of Water and Waste Services.

#### Landscaping Plan

17. The submission of a final Landscape Plan to the Certifying Authority (i.e. Council or Accredited Certifier), prior to release of the Construction Certificate is required. The final Landscape Plan shall address the following requirements: north point (true north); scale (show ratio and bar scale); location of easements, rights of way, underground service lines, street trees, sewerage and stormwater drains; location, height, spread of canopy, condition and species name (botanical and common) of all existing trees on the site. Indicate existing and proposed spot levels at the base of all trees and which ones are proposed to be removed / retained / relocated or pruned; all trees on Council's land and adjacent properties and that are affected by your proposal must be shown; details of proposed design, including hard and soft landscaped areas, contours, ground modelling, spot heights, finished levels and areas of cut and fill; details of species selection, showing consideration of adjoining development and location of significant trees or buildings proposed surface treatments and restoration (e.g.. turf, paving, bank stabilisation, mounds, etc); proposed driveways, car parking, fences and retaining walls (indicate height and material) basic drainage details, i.e. location of all pits and lines, irrigation, hose cocks, etc; proposed landscaping along footpath area; location of lighting, letterboxes, garbage receptacle and drying areas; and maintenance program. The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate or commencement of the development.

#### Stormwater and Drainage Works Design (Major Residential, Commercial and Industrial)

18. Final design plans of the stormwater drainage systems, prepared by a qualified practicing Civil Engineer will be submitted to and approved by Council prior to issue

of a Construction Certificate. The hydrology and hydraulic calculations will be based on models described in the current edition of Australian Rainfall and Runoff. (2) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Councils Specifications.

The developer must ensure that the SWMP details include: a silt arrestor / surcharge pit within and adjacent to the property boundary; details of the point of discharge; and method of connection to Council's stormwater drainage system.

19. . The developer is to ensure that the Stormwater Management Plan and on site stormwater disposal does not cause any waste by-product to be directed to Councils stormwater system and must be managed on site.

#### Food Premises

21. The developer shall provide the following to Council for approval prior to the issue of the Construction Certificate
1. Floor plan indicating fixtures and fittings, including but not limited to; cool rooms, food preparation sinks, handwash basins, ventilation etc
  2. Schedule of Materials for all items in Kitchen, including fixtures, fittings, walls, floors and ceiling materials.

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

##### Construction Certificate

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

##### Appointment of Principal Certifying Authority and Notice of Commencement

23. At least 48 hours prior to the commencement of any works on the site, a "Notice of Commencement of Work and Appointment of PCA Form" will be submitted to Council. This includes that prior to the commencement of works the Applicant will submit to Council:
- (a) A construction certificate for the building work which has been issued by the Certifying Authority (i.e. Council or Accredited Certifier); and,
  - (b) Evidence that the person having the benefit of the development consent has:
    - (i) Appointed a Principal Certifying Authority (PCA) and notified Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed;
    - (ii) notified the PCA that the person will carry out the building work as an owner-builder, if that is the case; and,
  - (c) Evidence that the principal PCA has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the Council of his or her appointment, and;

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and,

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

(i) notified the Certifying Authority (i.e. Council or Accredited Certifier) of any such appointment; and,

(ii) unless that person is the principal contractor, notified the principal contractor of any critical state inspection and other inspections that are to be carried out in respect of the building work.

#### Easements

24. The developer must ensure that the foundations of any structure are so constructed that they do not bear within the 'Zone of Influence' of the soils around Council's services. The applicant must submit detailed Engineering plans for all structures proposed to be constructed adjacent to an easement to verify that the foundation loads are outside the Zone of Influence'.

#### Temporary Benchmark

25. The developer shall ensure that a temporary benchmark is established on-site or adjacent to the site in a position clear of any of the proposed works. All levels for the site including driveway long-sections, building floor levels, and any other level relevant to the project are related back to the benchmark datum.

#### Construction Management Plan

26. Prior to the commencement of any works on the site, a Construction Management Plan will be submitted to and approved by the PCA. The Plan will address, but not be limited to, the following matters where relevant: hours of work; contact details of site manager; traffic management noise and vibration management ; waste management ;erosion and sediment control; flora and fauna management; and, the Applicant will submit a copy of the approved plan to the Department and Council.

#### Site Notice

27. Before commencement of any work, a sign must be erected in a prominent, visible position:
- (a) stating that unauthorised entry to the work site is not permitted;
  - (b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
  - (c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

#### Temporary Sanitary Facilities

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

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

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

#### Enclosure of the Site

29. The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

#### Demolition Works

30. To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

All demolition work is to be carried out in accordance with Australian Standard AS2601 - The Demolition of Structures;

It is the applicants responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation reports supported with suitable photographic records. This information shall be submitted to Council prior to commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement;

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

#### Demolition Notification to Surrounding Residents

31. Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

#### Asbestos Hazard Management Strategy

32. The preparation of an appropriate hazard management strategy by an asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such

proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". The strategy shall be submitted to the Principal Certifying Authority prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a NATA accredited hygienist and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate or commencement of the development.

The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

#### Consultation with NSW Work Cover Authority - Prior to Asbestos Removal

33. The applicant or appointed contractor is to give NSW Work Cover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.

#### Survey Report - Siting of Development within Property Boundaries

34. A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

#### Public Liability Insurance

35. All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

### **DURING WORKS**

#### Approved Plans to be On-site

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

#### Erosion & Sediment Control

37. The developer is to ensure that where site works are undertaken including all excavations, land clearing and materials storage, all topsoil that is removed is stripped and stockpiled in an appropriate location for future revegetation works. The stockpiled area is to be encircled by a geofabric filter fence.
38. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion

control measures are to include the placement of hay bales staked in the ground or the erection of geofabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 - the Blue Book".

39. The developer shall ensure that erosion and siltation control measures shall be undertaken in accordance with the approved *Erosion and Sediment Control Plan* in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

#### All-weather Access

40. An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

#### Public Property

41. The developer shall ensure that no trees on public property (footpaths, roads, reserves, etc.) are removed or damaged during works including the erection of any fences, hoardings or other temporary works.

#### Protection of Trees

42. All street trees will be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, will be replaced, to the satisfaction of Council.
43. All protected trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

#### Site Management

44. The developer is to ensure that all builder' sheds, including temporary sanitary closets, must at all times be: located wholly within the site; properly constructed and maintained to industry standards; securely anchored to the ground, and removed upon completion of the project.

#### Trade Waste

45. The applicant must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction
- (a) Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

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

#### Public Liability

46. Where the construction work is on or adjacent to public roads, parks or drainage reserves, the applicant will provide and maintain all warning signs, lights barriers and fencing in accordance with AS1742-1991. The applicant will be adequately insured against Public Risk Liability and will be responsible for any claims arising from these works.

#### Use of Power Tools - Residential and Village Areas

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

Mon - Fri                7.00am to 6.00pm

Saturday                8.00am to 5.00pm

No work to occur on Sundays or Public Holidays

#### Inspection Notification

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

#### Public Access and Site Security

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

#### Excavation

50. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.
51. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.
52. The developer is to ensure that if an excavation associated with the development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- (a) preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and
  - (b) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so

to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

53. The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. An **allotment of land** includes a public road and any other public place.
54. The developer is to ensure that the toe of any embankment to a site excavation is a minimum 900mm from the external walls and graded to drain all surface water away from the building. The ground level adjacent to the building is to be no less than 150mm below the top of the reinforced concrete floor slab.
55. The developer is to ensure that any soil brought onto the site or remediation purposes is to have a certificate clearing the soil as VENOM (as defined by the NSW EPA Guidelines).

#### Fire Safety (Class 2-9 Buildings Only)

56. The developer shall ensure that to provide facilities for suppression of fire during the course of construction, not less than one fire extinguisher to suit A, B and C fires and electrical fires shall be provided at all times on each storey adjacent to each required exit.

#### Site Contamination Remediation Works

57. The completion of any site contamination remediation works (if necessary) in accordance with the remediation measures recommended in the site contamination audit report and any additional measures as required by the site contamination auditor, if necessary.

#### Back Flow

58. Back flow prevention devices will be installed wherever cross connection occurs or is likely to occur. The type of device will be determined in accordance with AS3500.1 and will be maintained in working order and inspection for operational function at intervals not exceeding 12 months.

#### Material Storage

59. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicant's expense. (b) Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve unless prior approval is obtained from Council.

#### Dust Control Measures

60. Adequate measures will be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted: Physical barriers will be erected at right angles to the prevailing wind



direction or will be placed around or over dust sources to prevent wind or activity from generating dust emissions, Earthworks and scheduling activities will be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed, All materials will be stored or stockpiled at the best locations, The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs, All vehicles carrying spoil or rubble to or from the site will at all times be covered to prevent the escape of dust or other material, All equipment wheels will be washed before exiting the site using manual or automated sprayers and drive-through washing bays, Gates will be closed between vehicle movements and will be fitted with shade cloth, and Cleaning of footpaths and roadways will be carried out regularly.

#### Revegetation Works

61. The developer is to ensure that at the completion of site works the following landscaping works are carried out:
  - (a) all disturbed areas are to be weed free hay mulched.
  - (b) topsoil is spread over all disturbed areas with priority given to cut and fill batters;
  - (c) all disturbed areas are re-vegetated using drylands grass mix with a complete fertiliser;

#### Asbestos

62. The removal of any asbestos material must be carried out by an approved contractor in strict accordance with WorkCover Authority requirements.
63. A sign shall be erected in a prominent location stating that asbestos removal work is in progress and advising of the project manager and company undertaking the work and relevant contact details.
64. Transportation of asbestos from the site must comply with the Protection of the Environment Operations Waste Regulations 1996.
65. Asbestos waste must be prepared in accordance with WorkCover requirements and disposed of to an EPA licensed landfill site.
66. Any demolition works involving asbestos are to be carried out in accordance with the WorkCover Authority's - Your Guide to Working with Asbestos, "*Guidelines for Practices Involving Asbestos Cement in Buildings*". Transportation and disposal of asbestos materials shall be in accordance with EPA requirements.
67. In order to prevent the spread of hazardous material, the applicant shall ensure that: power tools are not used on any asbestos material; work is undertaken in weather conditions where asbestos dust is unlikely to be blown off site; the work area is dampened to prevent any potential for dust generation; all asbestos waste is dampened prior to being wrapped or otherwise contained in heavy duty plastic material for storage on site within a waste receptacle and later transportation off site; the area affected, or likely to have been affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building is to be

cleaned by vacuuming by a contractor approved by WorkCover.

#### Lead based Paint

68. To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

#### Identification of Hazards during works

69. Should any potential hazardous materials be encountered during any stage of works that have not been identified in the hazard management strategy (including earthworks, site preparation, or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. An updated Hazard Management Strategy is to be presented to Council prior to works recommencing.

#### Protecting Water supply services

70. Council's existing water supply infrastructure including rising mains, trunk and reticulation pipelines which are exposed, accidentally or deliberately during construction shall be protected from damage.

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

Note: Repair work may require a Section 68 Application for water supply works under the Local Government Act 1993.

Reason: Applicant responsible for any damage occurred to Council infrastructure while constructing development.

#### Protecting Wastewater supply services

71.

Council's existing wastewater infrastructure including rising mains, trunk, drainage pipelines and access chambers (SMH) which are exposed, accidentally or deliberately during construction shall be protected from damage.

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

Note: Repair work may require a Section 68 Application for sewerage works under the Local Government Act 1993.

Reason: Applicant responsible for any damage occurred to Council infrastructure while constructing development.

### **PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

#### Occupation Certificates

72. An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section

109H of the Environmental Planning and Assessment Act 1997 have been complied with as well as all of the conditions of the Development Consent.

Fire Safety Certificate (Class 2-9 Only)

73. A Fire Safety Certificate will be furnished to the PCA (i.e. Council or Private Certifier) for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. As soon as practical after a Fire safety Certificate is issued, the owner of the building to which it relates: Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Annual Fire Safety Statement (Class 2-9 Only)

74. An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

Landscaping Plan

75. The developer shall ensure that landscaping of the site is carried out in accordance with the approved *Landscaping Plan* prior to issue of the Final Occupation Certificate.

Road Damage

76. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be repaired to the satisfaction of the Director of Technical Services and Operations and to be met in full by the applicant prior to the issue of an Occupation Certificate.

Asbestos

77. Prior to the release of the occupation certificate the applicant must provide Council with a site clearance certificate under the provision of SEPP 55

**USE OF SITE**

Annual Fire Safety Certification

78. The owner of the building will certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Stormwater Management Plan

79. The developer shall ensure that all on-site stormwater is treated in accordance with the approved Stormwater Management Plan.

Waste Disposal (Commercial Development Only)

80. The developer shall ensure that kitchen wastes are to be directed to an appropriately sized grease arrestor situated outside the building before entering the main drainage line. An application must be submitted to Council and approved prior to the installation of the grease trap.

#### Garbage Disposal - Commercial

81. The developer shall ensure that appropriately sized garbage disposal is provided for the development. To obtain the requirements please contact Councils Resource and Waste section. The capacity and type of disposal is to be approved by Council prior to the commencement of use of the site.

#### Maintenance of Garbage Bins

82. The developer shall ensure that the garbage bin/s are: maintained in good order and healthy state at all times; and only for the purpose of storage and collection of garbage.

#### Garbage Bin Enclosure

83. The developer must ensure that a garbage bin enclosure is constructed in accordance with the requirements of the Snowy River Development Control Plan 2013.

#### Hard Surface Driveway

84. The developer shall ensure that to help prevent scouring of the site, the proposed driveway is either paved or sealed.

#### Off-Street Car Parking (formal parking spaces shown on site plan)

85. The developer is to ensure that a minimum of 30 formal car/bus parking spaces are provided on-site for this development in accordance with the approved Site Plan and the Snowy River DCP 2013, (comprising 28 spaces for cars and 2 bus parking spaces).

The car parking spaces must:

- a) each be a minimum of 5.5m long and 2.6m wide;
- b) be clearly marked for use as parking spaces;
- c) be surfaced; and be accessible at all times.

Note – formal parking space requirements do not include any informal parking by patron using the petrol pumps under the canopy.

#### External Finishes

86. The developer is to ensure that the external type, colour and texture of materials to be used on the project shall be consistent with the approved development plans.

#### Services

87. The developer shall ensure that all service pipes and vents are enclosed in suitable ducts so that no plumbing or other fittings are exposed. Access panels must be provided as required by the relevant authority.

#### Amenity

88. The developer shall ensure that lighting of the premises is to be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.
89. The developer shall ensure that an acoustic barrier is erected on the western boundary of the site between the subject development and the adjoining property. This barrier is to be erected in accordance with the approved site plan, in both location and height.

#### Storage of Goods and Materials

90. All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

#### Hours of Operation

91. The development is approved for 24 hour operation 7 days per week.

#### UPSS Conditions

92. The developer is to ensure that the removal and disposal of existing underground petroleum storage tanks is to be undertaken in accordance with the provisions of AS4976-2008
93. The development is to ensure that the new underground petroleum storage system will be designed and installed in accordance with the provisions of AS4897-2008.
94. The developer is to ensure that the ongoing maintenance of the underground petroleum storage system will satisfy the requirements of AS1940-2004.

### 8.3 DA 10.2019.1371.1 - MICHELAGO BANK OF BINS

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Urban and Rural Planner
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Delivery Program Objectives:	10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making
Attachments:	<ol style="list-style-type: none"><li>1. Development Plans (<i>Under Separate Cover</i>)</li><li>2. Site Plan (<i>Under Separate Cover</i>)</li><li>3. Statement Of Environmental Effects (<i>Under Separate Cover</i>)</li><li>4. Objector Submissions (Redacted) (<i>Under Separate Cover</i>)</li><li>5. Applicants Response to Objections (Redacted) (<i>Under Separate Cover</i>)</li><li>6. Draft Determination (<i>Under Separate Cover</i>)</li></ol>

#### Further Operational Plan Actions:

Applicant Number:	10.2019.1371
Applicant:	Council

Owner:	Council
DA Registered:	18/09/2019
Property Description:	UN: 105371245
Property Number:	UN: 105371245
Area:	Michelago
Zone:	RU5 Village and SP2 Infrastructure
Current Use:	RFS Shed
Proposed Use:	Waste Management Facility – Bank of Bins
Permitted in Zone:	Yes
Recommendation:	Approval

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval for a change of use of an existing shed to a storage facility for a community bank of bins (B.O.B).

The proposed development involves the change of use of an existing shed (previously used by the RFS) to a bin storage facility. There will be minimal external changes to the building including the addition of two ‘whirly birds’ for ventilation, an awning over the pedestrian access door and replacement of a previously removed water tank (additionally some minor changes may be required for BCA compliance). Internally, the building will hold seventy-five 360L bins (40 for recycling and 35 for general waste) in a 103m2 (approx.) area and an additional 18m2 (approx.) area will be reserved for storage.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

**COUNCIL RESOLUTION**

**460/19**

That the item be deferred to the 19 March 2020 Council Meeting to allow for further consultation with the Michelago Community in the interim.

**Moved Councillor Haslingden**

**Seconded Councillor Rooney**

**CARRIED**

**Note 14: Record of Voting**

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

*Councillors Against: Councillor Rooney.*

**Note 15: Committee Discussion**

Councillors agreed to go into Committee to discuss item 8.3 - DA 10.2019.1371.1 - Michelago Bank of Bins at 6.26PM.

**Record of Voting – Into Committee**

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

*Councillors Against: Nil.*

Councillors agreed to move out of Committee at 6.40PM.

**Record of Voting – Out of Committee**

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

*Councillors Against: Nil.*

**Note 16: Lost Motion**

A motion amendment moved Cllr Rooney and seconded Cllr Stewart was put to the vote and LOST. The lost motion was in the following terms:

*“That*

- A. Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) that consent to DA 10.2019.1371.1 for a change of use for an existing building to a Waste Management Facility (Bank of Bins), is granted subject to the conditions attached;*
- B. Any person who made a submission is notified according to the regulations.*
- c. Council makes a donation of \$5,000.00 to the Michelago Rural Fire Brigade to compensate for the loss of the fire shed.”*

**Note 17: Record of Voting – Lost Motion**

*Councillors For: Councillor Rooney and Councillor Stewart.*

*Councillors Against: Mayor Beer , Councillor Castellari, Councillor Corbett, Councillor Haslingden, Councillor Last, Councillor Maslin, Deputy Mayor Miners and Councillor Old.*

**Note 18: Attendance of Manager Corporate Governance**

Manager Corporate Governance absent from the meeting from 6.29PM during Item 8.3 DA 10.2019.1371.1 – Michelago Bank of Bins returning at 6.45PM during same item.

**9. OTHER REPORTS TO COUNCIL**

**9.1 KEY THEME 1. COMMUNITY**

**9.1.1 MONTHLY FUNDS MANAGEMENT REPORT - NOVEMBER 2019**

Record No:

Responsible Officer: Director Corporate and Community Services  
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation  
Delivery Plan Strategy: DP7.6 Increase and improve Council’s financial sustainability.  
Operational Plan Action: OP7.18 Effective management of Council funds to ensure financial sustainability.

Attachments:

Cost Centre 4010 Financial Services  
Project Funds Management

Further Operational Plan Actions: OP7.2 Completion of reporting requirements in accordance with legislation.

**EXECUTIVE SUMMARY**

The following report details the funds management position for the reporting period ending 30 November 2019.

Cash and Investments are \$84,306,418.

### Certification

I, Matt Payne, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Clause 212 of the Local Government (General) Regulation 2005, that investments as detailed in this report have been invested in accordance with Section 625 of the *Local Government Act 1993*, the Regulations and Council's Investment Policy.

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

### COUNCIL RESOLUTION

461/19

That Council:

A. Receive and note the report indicating Council's cash and investments position as at 30 November 2019; and

B. Receive and note the Certificate of the Responsible Accounting Officer.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

### Note 19: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

### 9.1.2 YOUTH COUNCIL MINUTES AND AMENDMENTS TO THE YOUTH COUNCIL CHARTER

Record No:

Responsible Officer: Director Environment & Sustainability

Author: Youth Officer

Key Theme: 1. Community Outcomes

CSP Community Strategy: 1.4 Youth in the region are supported to reach their maximum potential

Delivery Program Objectives: 1.4.1 Youth of the region are engaged, supported, mentored and trained to be the leaders of tomorrow

Attachments: 1. October Youth Council Minutes  
2. November Youth Council Minutes  
3. Current Youth Council Charter

Cost Centre

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

The Snowy Monaro Youth Council met on 1 October in Cooma and then held their final meeting for the year in Cooma on 19 November. The meeting minutes and the following officer's recommendations are submitted for Council's consideration.



**COUNCIL RESOLUTION**

**462/19**

That Council

- A. Receive and note the minutes of the Youth Council meeting held on 1 October 2019.
- B. Receive and note the minutes of the Youth Council meeting held 19 November 2019 and that the following proposed amendments to the Committee’s Charter be adopted:
  - 1) The Youth Council Charter is amended at 8.1.2 to state that: “In the case of Ordinary Members, for a 12 month period or at the discretion of Council. At the end of this period, Committee Members can remain on the Youth Council, however must lodge an application form with Snowy Monaro Regional Council. These applications will be assessed in line with points 4 of the Charter”.
  - 2) At 8.1.2 of the Youth Council Charter, the following insertion is made: “In the case of the Executive Committee Members, a 12 month period or until the final Youth Council meeting of the year”.
  - 3) That the title of “Publicity Officer”, outlined in the Charter at 5.5 is amended to “Public Relations Officer”.
  - 4) That the following addition is made at 6.4 of the Charter: “Coordinating a roster that allocates a Youth Council representative to attend every Council meeting”.
  - 5) In addition to the Youth Council recommendations, that at section 4.1 of the Youth Council Charter the reference in the first paragraph to young people ‘aged 14-24 years’ be amended to read ‘aged 12-24 years’ to be consistent with the rest of the charter.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 20: Motions Without Debate**

The above officer’s recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.1.3 SNOWY MONARO LOCAL TRAFFIC COMMITTEE**

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Roads Safety Officer

Attachments: 1. Minutes from the 28 November 2019 Local Traffic Committee Meeting

**EXECUTIVE SUMMARY**

The Local Traffic Committee met on 28 November 2019 in Bombala. The Committee’s recommendations are presented for Council’s consideration and adoption.

**COUNCIL RESOLUTION**

**463/19**

That the recommendations of the meeting of the Local Traffic Committee held on 28 November 2019 be adopted.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 21: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.2 KEY THEME 2. ECONOMY**

Nil.

**9.3 KEY THEME 3. ENVIRONMENT**

**9.3.1 AFRICAN LOVEGRASS STAKEHOLDER COLLABORATION**

Record No:

Responsible Officer: Director Environment & Sustainability  
Author: Group Manager Environmental Management  
Key Theme: 3. Environment Outcomes  
CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment  
Delivery Program Objectives: 7.1.1 The Region's natural environment remains protected through delivery of a range of Council programs and regulatory compliance  
Attachments: Nil  
Cost Centre  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

African Lovegrass (*Eragrotis curvula*) is regarded as one of the most devastating weeds within the Snowy Monaro region due to its invasiveness, potential for spread, fire risk and economic, environmental and social impacts. African lovegrass has little grazing value due to its low nutritional value and palatability. This results in stock and other wildlife avoiding it unless there is nothing else to eat. Therefore it rapidly replaces more palatable grasses, especially during drought. It also invades native vegetation including grassland, woodland and open forest.

African Lovegrass poses a high risk to the Snowy Monaro regions \$78m agricultural industry and unique environment (2010/11 Australian Bureau of statistics (ABS) – Value of Agricultural Commodities Produce 2010-2011). African lovegrass is identified as a key threatening process of the endangered ecological community; Natural Temperate Grasslands of the Southern Tablelands (NSW and ACT) because of its ability to dominate native plant communities and displace native plants.

Throughout 2019 the development of plans and tools by both state and local governments, the formation of a community taskforce, funded research and a newly formed technical reference group all focused on differing aspects of African Lovegrass control, resulting in strong partnerships being created.

Without long term funding from state government supporting the good work being undertaken by all stakeholders, the Monaro may lose the battle against African Lovegrass threatening our valuable agricultural assets.

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

**COUNCIL RESOLUTION**

**464/19**

That Council corresponds with the Deputy Premier and other relevant ministers to advocate for future and on-going funding for;

- A. Continued and future research, in particular research for biological control for African Lovegrass.
- B. The development of mapping for the region identifying African Lovegrass infestation and spread.
- C. Construction of public vehicle hygiene stations to inhibit the spread of African Lovegrass seed to areas of economic, environmental and/or social assets of value.
- D. Support of the Monaro African Lovegrass Taskforce and ongoing support for the Monaro African Lovegrass Project administered by South East Local Land Services.
- E. Continued financial support to Council through the South East Weeds Action Program.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 22: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.3.2 ADOPTION OF THE SNOWY MONARO REGIONAL COUNCIL KERBSIDE COLLECTION POLICY, BANK OF BIN POLICY AND EVENT BIN POLICY**

Record No:

Responsible Officer:	Director Environment & Sustainability
Authors:	Group Manager Resource & Waste Management Resource & Waste Operations Manager
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.1 Planning and decision making is holistic and integrated 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. Draft SMRC Kerbside Collection Policy 2. Draft SMRC Bank of Bins Policy 3. Draft SMRC Event Waste Management Policy
Cost Centre	GL2210 DWM Garbage Collection, GL2215 DWM recycling Collection and GL2220 DWM Organics Collection
Project	
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

The Resource and Waste Management section has developed a range of related policies for consideration. These policies will enable the section to more efficiently deal with requests from the community regarding current waste management services and to operate the services more efficiently. The Domestic Kerbside Collection Policy, Bank of Bin Policy and Event Waste Management Policy are presented to Council for consideration.

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

**COUNCIL RESOLUTION**

**465/19**

That Council adopt the Snowy Monaro Regional Council Kerbside Collection Policy, the Snowy Monaro Regional Council Bank of Bin Policy and the Snowy Monaro Regional Council Event Waste Management Policy.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 23: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.3.3 REQUEST FOR COUNCIL TO APPLY TO THE CROWN FOR CAPPANANA ROAD TO BE TRANSFERRED TO COUNCIL**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Land & Property Officer
Key Theme:	2. Economy Outcomes
CSP Community Strategy:	6.1 The Snowy Monaro region is a destination that offers a variety of quintessential year – round experiences, attractions and events
Delivery Program Objectives:	6.1.1 Promote tourism and enhance the Snowy Monaro Region as a year round destination of choice through a collaborative approach between all stakeholders and interest groups
Attachments:	1. Correspondence from Residents of Cappanana Road ( <i>Under Separate Cover</i> ) - <b>Confidential</b> 2. Map - Cappanana Road Bredbo ( <i>Under Separate Cover</i> ) - <b>Confidential</b> 3. Correspondence from a Resident on Cappanana Road ( <i>Under Separate Cover</i> ) - <b>Confidential</b>
Cost Centre	1830 – Unsealed Rural Roads - Local

**EXECUTIVE SUMMARY**

On 11 November 2019 Council received a submission from the residents of Cappanana Road, Bredbo for Council to give consideration to initiating transfer of a Crown road known as Cappanana Road to Council to be maintained as a Council public road.

In 2018 Council approved a development application to extend the existing use of Macenmist Black Truffles and Wines and function room on Lot 4 DP 587724.

When Council was considering development application 10.2018.1248.1, Council was aware that access was via a Crown reserve road. The application was for change to an existing use and it was not considered to be a reasonable condition to require the Crown road to be dedicated as a public road with the resultant requirement that the applicant construct the road to Council's road standard.

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

**COUNCIL RESOLUTION**

**466/19**

That Council

- A. Refuse the request to have Capanana Road transferred to Council as a Council public road;
- B. Write to the landowners who signed the petition notifying them of the decision;
- C. Add Capanana Road to the list of Crown Roads to be attached to the MOU for grading by Council at the landowners' cost; and
- D. Request the CEO develop a policy to manage requests to accept the ownership of crown and private roads or undertake maintenance of non-Council roads.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 24: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.3.4 PROTECTION OF THE ENVIRONMENT OPERATIONS (UNDERGROUND PETROLEUM STORAGE SYSTEMS) REGULATION 2019**

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Manager Public Health and Environment
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives:	7.1.1 The Region's natural environment remains protected through delivery of a range of Council programs and regulatory compliance
Attachments:	Nil
Cost Centre	10-1010-1001-40088
Project	<i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019</i>

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

In June 2008 the NSW Government enacted a new piece of legislation to regulate underground fuel tanks across NSW. This legislation was titled the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*, or referred to as the *(UPSS Regulation)*.

At the commencement of the legislation the Appropriate Regulatory Authority (ARA) to administer the legislation was the NSW Environment Protection Authority (EPA), this included meeting the 'Guidelines for Implementing the POEO Undergound Storage Systems) Regulation 2008' developed by the EPA. The guidelines included requirements for the ongoing management of underground petroleum storage systems and also included the decommissioning, abandonment and removal of systems. Most systems are located at service station sites. With the introduction of this legislation there was always the intention to transfer the ARA responsibilities to Local Government with the initial date of transfer earmarked for 2012, however, further groundwork by the NSW EPA was required so extension dates for the handover was provided.

On 1 September 2019 NSW parliament amended clause 91 of the *Protection of the Environment Operations (General) Regulation 2009* making local councils the ARA for regulating the (UPSS Regulations).

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

**COUNCIL RESOLUTION**

**467/19**

That Council notes:

- A. Council is the appropriate regulatory authority for administering the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.
- B. Council's Public Health and Environment staff will be responsible for administering the (*UPSS Regulation*).

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 25: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.4 KEY THEME 4. LEADERSHIP**

**9.4.1 MURRAY DARLING ASSOCIATION MEMBERSHIP**

Record No:

Responsible Officer: General Manager  
Author: Executive Assistant Mayor & Councillors  
Key Theme: 4. Leadership Outcomes  
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making  
Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community  
Attachments: 1. MDA Brochure 2019  
Cost Centre 3020- Organisational  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

Council has received an invitation from the board of the Murray Darling Association (MDA), to join the MDA for 2019/2020.

The fee for membership for 2019/2020 is \$6,783.14 GST inc. This fee is calculated at \$0.305 per head of population and based on the latest ABS census data.

This 2019 offer will include two free registrations to the 2019 National Conference.

For more information see attached brochure from the MDA.

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

**COUNCIL RESOLUTION**

**468/19**

That Council join the Murray Darling Association.

**Moved Councillor Castellari**

**Seconded Deputy Mayor Miners**

**CARRIED**

**Note 26: Record of Voting**

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

*Councillors Against: Nil.*

**Note 27: Adjournment of Meeting**

At 7.01PM the meeting adjourned for dinner.

**Note 28: Resumption of Meeting**

The meeting resumed at 7.33PM.

**9.4.2 OLG DISCUSSION PAPER - A NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK FOR LOCAL COUNCILS IN NSW**

Record No:

Responsible Officer: General Manager  
Author: Acting Organisational Risk Officer  
Key Theme: 4. Leadership Outcomes  
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making  
Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability  
Attachments: 1. Snapshot Guide - A new risk management and internal audit framework for local councils in NSW (OLG)  
2. Discussion paper - A new risk management and internal audit framework for local councils in NSW (OLG)  
3. Draft Submission  
Cost Centre 3136  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The Office of Local Government (OLG) has distributed a discussion paper to local government on its development of a new regulatory framework to support Audit, Risk and Improvement Committees (ARIC) and provides operational frameworks for risk management and internal audit.

Council is invited to prepare a response to those core requirements that it either supports or disagrees with.

Responses are due to OLG by 31 December 2019.

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

**COUNCIL RESOLUTION**

**469/19**

That Council:

- A. Receive and note the Office of Local Government (OLG) discussion paper "A new risk management and internal audit framework for local councils in NSW" and;
- B. Provide a written response to the OLG outlining its position on the core requirements, with the response based on the attached draft submission.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 29: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.4.3 ANSWERS TO QUESTIONS WITH NOTICE**

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Secretary Council and Committees
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. In Progress Councillor Questions for Period Ending November 2019
Cost Centre	3120 Governance
Project	
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

In order to provide Councillors with updates on questions asked by Councillors, a report has been generated with a summary of questions that are current and have recently been completed, for the period ending November 2019.

The Councillor Questions In Progress for the period ending November 2019 is attached to this report.

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

**COUNCIL RESOLUTION**

**470/19**

That Council receive and note the Councillor Questions In Progress report for the period ended November 2019.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**



**Note 30: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.4.4 RESOLUTION ACTION SHEET UPDATE**

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Secretary Council and Committees
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.7 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. In Progress Resolution Action Sheet for Period Ending November 2019
Cost Centre	3120

**EXECUTIVE SUMMARY**

In order to provide Councillors with updates on resolutions of Council, a report has been generated with a summary of action that are current and have recently been completed, for the period ending November 2019.

The In Progress Resolution Action Sheet for period ending November 2019 is attached to this report.

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

**COUNCIL RESOLUTION**

**471/19**

That Council receive and note the In Progress Resolution Action Sheet Update for the period ending November 2019.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 31: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.4.5 ROUND 2 DONATION AND SPONSORSHIP SUBMISSIONS FOR THE 2020 FINANCIAL YEAR.**

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Manager Corporate Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	12.3 Our community is empowered and supported in facilitating community outcomes
Delivery Program Objectives:	12.3.1 Community organisations and individuals have the capacity to apply for a range of grants funding opportunities
Attachments:	<ol style="list-style-type: none"><li>1. Attachment 1 - Table 1A - Summary of Requests - Donations and Sponsorships - Round 2 - 2020 Financial Year</li><li>2. Attachment 2 - Table 1B - Summary of Requests for Additional Recurring Donations and Sponsorships - Round 2 - 2020 Financial Year</li><li>3. Attachment 3 - Donations and Sponsorships Application Round 2 - 2020 Financial Year - Applications 1 to 8 (<i>Under Separate Cover</i>)</li><li>4. Attachment 4 - Donations and Sponsorships Application Round 2 - 2020 Financial Year - Applications 9 to 18 (<i>Under Separate Cover</i>)</li><li>5. Attachment 5 - Donations and Sponsorships Application Round 2 - 2020 Financial Year - Applications 19 to 28 (<i>Under Separate Cover</i>)</li><li>6. Attachment 6 - Donations and Sponsorships Application Round 2 - 2020 Financial Year - Applications 29 to 36 (<i>Under Separate Cover</i>)</li></ol>
Cost Centre	3120

**EXECUTIVE SUMMARY**

This report contains details of all applications received in Round 2 Donation and Sponsorship submissions 2020FY for consideration by Council.

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

**COUNCIL RESOLUTION**

**472/19**

That Council

- A. Determine the submissions to be approved for Round 2 Donation and Sponsorship submissions 2020FY;
- B. Authorise payment of the approved value from Round 2 Donation and Sponsorship submissions 2020FY to be made from account 10.3120.1001.63160; and
- C. Approve recurring donations to CWA Jerangle-Peak View hall, Delegate RSL sub Branch Hall and Ando Public hall to cover Council rates.

**Moved Councillor Stewart**

**Seconded Councillor Rooney**

**CARRIED**

**Note 32: Record of Voting**

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

*Councillors Against: Nil.*

**Note 33: Attendance of Mayor Beer – Conflict of Interest**

Mayor Beer declared an interest in Item 9.4.5 as he has a conflict of interest in this item due to “being associated with community groups that have applied for Donations funding”. Mayor Beer left the meeting at 7.34PM and returned at 8.18PM. Mayor Beer did not take part in discussion or voting on this item.

**Note 34: Chair of Meeting**

Following the declaration of a conflict of interest, the Mayor as Chair, departed the meeting at 7.34PM. Cllr Miners assumed the Chair for the duration of this item. Upon the return of The Mayor to the meeting at 8.18PM, he resumed the Chair.

**Note 35: Table 1A - Summary of Requests for Donation and Sponsorship for Submission to Council – Round 2 – July to December 2019**

**Table 1A - Summary of Requests for Donation and Sponsorship for submission to Council Meeting – Round 2 – July to December 2019**

#	Organisation	Request Summary	Total Requested Amount (\$)	Recommendation	Comment
1	Rotary Club of Cooma	Cooma Country, Roots & Blues Music Festival (Sun 17 Nov 2019). A programme of 4 high quality bands playing in the Centennial Park Band Shell.	\$2,000	\$2000	
2	Lions Club of Jindabyne Inc	Easter Art Show and sale in Jindabyne Memorial Hall 4th-19th April 2020. Funding will cover hall hire fees.	\$2,445	\$2445	\$2,536 approved in first round of donation for FY 19-20
3	Rosie O'Sullivan School of Dance	Funding to go towards a dance production, including lighting, sets, costumes and props. It is a showcase of student's talents.	\$1,400	\$1400	
4	Alpine Uniting Church	Financial contribution towards the costs incurred by the alpine Uniting Church to the Op Shop extensions and renovations. The Op-shop is an important community facility in Jindabyne.	\$40,000	\$0	\$2,500 approved in first round of donation for FY 19-20
5	2MNO Community Radio Inc	Funding to cover rates	\$2,000	\$1000	
6	CWA Jerangle-Peak View	Funding to cover rates	\$218.69	\$218.69	Refer to Table 1B
7	Action Sports Training	The Snow/Sport Sale is an annual fundraiser for Action Sports Training, the Local Gymnastics/Trampoline Club. Last year they had 220 sellers. Funding will cover Memorial Hall fees.	\$1,302	\$1000	
8	Bredbo Progress Ass Inc	A community BBQ with games and Santa.	\$500	\$500	
9	Monaro Early Intervention Service	MEIS Speech Therapist and O/T will travel the region attending local Child Care centres and pre-schools, screening children for speech, language, learning and developmental delays. Funding request is to assist with meeting staff and travel costs.	\$500	\$500	

**Table 1A - Summary of Requests for Donation and Sponsorship for submission to Council Meeting –  
Round 2 – July to December 2019**

17	Australia Day Celebrations Committee	In conjunction with their Australia Day Celebrations, they will be running the NSW Strong Wool Championships. This event will require judges, scorers and timekeepers to come from afar, so seeking funding to assist with their travel, accommodations and meals.	\$3,000	\$2000	
18	Nimmitabel Advancement Group Inc.	Stage 1 of 2: Disabled concrete path to disabled ramp, which will provide safe access to sliding doorway.	\$5,423	\$0	\$500 approved in first round of donation for FY 19-20
19	Lake Light Sculpture Inc	Deliver the 2020 Annual Easter Outdoor Sculpture Exhibition event, called Lake Light Sculpture. Held in Banjo Patterson Park 10th-13th April 2020	\$5,000	\$5000	
20	Zone 18 Pony Clubs	The Zone 18 Pony Club camp is a four day camp for children with their ponies and families at the Delegate Showground in early January 2020. This camp is being reinstated after a 20 year absence and it has come about due to requests from the riders, support from the parents and a desire by the Zone executive to help foster a sense of belonging and good horsemanship across the clubs in our Zone. Funding will cover: The Hire of the Delegate Showgrounds and buildings for the duration of the event and the waste collection and recycling services for the event.	\$12,000	\$2000	
21	Management Committee Bombala Exhibition Ground	Waste disposal Bombala Exhibition Ground (Rubbish & Recycling)	\$956	\$956	
22	Delegate Presbyterian Church	Funding to cover rates	\$894	\$500	\$500 approved in first round of donation for FY 19-20
23	Nimmitabel Pony Club Inc.	Nimmitabel Pony Club Gymkhana - hosting zone 18 show-jumping championships. Funding would go towards waste fees.	\$175	\$175	
24	Jindabyne Rugby Union Club	Upgrade Jindabyne Oval Scoreboard to include an LED Screen in scoreboard, which will be wireless control	\$13,000	\$0	

**Table 1A - Summary of Requests for Donation and Sponsorship for submission to Council Meeting –  
Round 2 – July to December 2019**

25	Cooma Chamber of Commerce	Purchase of Chamber specific laptop/software. Funding towards website support social media activity. Funding in lieu of increased workload/community liaison needed as a result of snowy 2.0	\$5,000	\$0	
26	Rotary Club of Bombala	The bi-annual Rotary Bombala markets are developing into a regionally significant event. Stall numbers and visitation continues to grow at double digit rates with spring 2019 event expecting over 120 stall holders. Funding to assist with Sanitation, electricity, waste, security, traffic, indemnity.	\$2,000	\$2000	
27	Cooma & District Kennel & Obedience Club	3 Day all breeds championship shows. Obedience trials and rally trials.	\$1,500	\$1000	\$500 approved in first round of donation for FY 19-20
28	Lake Jindabyne Sailing Club	NSW/ACT Laser Masters Championship Feb 8 & 9th 2020	\$979	\$979	
29	Cooma North Primary School	Lunchtime Lego club - to provide a safe, quieter space for those students overwhelmed by the large playground environment.	\$483	\$483	
30	Cooma Swimming Club	Enhance Cooma Swim Club appeal in the community by engaging club coach. Enable Cooma Swim Club to build on 50years of swimming in the Monaro. Foster partnership with Monaro Aquatic Services to engage coach.	\$7,300	\$2000	
31	The Salvation Army Cooma Corps	Offset of fees incurred dealing with illegal dumping at Cooma Family Store.	\$5,000	\$5000	
32	Save Bombala Inc	An incorporated body that seeks to represent the interests of the Bombala/Delegate communities. Also a vehicle to assist other community groups with developing their governance and financial management arrangements.	\$1,000	\$0	
33	Adaminaby Easter Fair	Annual Street Fair.	\$676	\$676	

**Table 1A - Summary of Requests for Donation and Sponsorship for submission to Council Meeting –  
 Round 2 – July to December 2019**

34	Cooma Gymnastics Club	Gymnastics Kiosk Project	\$479	\$479	
35	Delegate R.S.L sub-branch	Delegate R.S.L Hall- Funding requested to cover rates	\$2,435.80	\$2435.80	Refer to Table 1B
36	Ando Public Hall Committee incorporated	Waive Council Rate Notice Assessment 2019766	\$759.45	\$759.45	Refer to Table 1B
Sub Total Value			\$138,865.89	\$4788.31	
<b>TOTAL AMOUNT REQUESTED:</b>			<b>\$138,865.89</b>		

#### 9.4.6 REPORTING PROGRESS AND BENEFITS OF REFORM - DECEMBER 2019

Record No:

Responsible Officer:	Executive Manager Innovation & Business Development
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Operational Plan Action:	10.1.3 Council demonstrates improvement in its knowledge capture, performance and service delivery by fully embracing a learning organisation and innovation mindset
Attachments:	1. Reporting Progress and Outcomes of Reform - December 2019
Cost Centre	3131 Business Development
Project	PJ100179 – Reporting Progress and Outcomes of Reform
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

Following consultation with all amalgamated Councils, in September 2016 the Department of Premier and Cabinet issued an individual framework to Snowy Monaro Regional Council. This included 10 key results that was collectively seen as a measure of amalgamation success.

This report serves a dual purpose, firstly we are providing the Snowy Monaro Regional Council Community with details of the many positive things that have been achieved through operational management which are working towards reforming our organisation in a way that seeks to improve our service delivery; secondly, this report addresses one of the two recommendations from the NSW Audit Office in the performance audit, *“Workforce reform in three amalgamated councils”*.

The following officer’s recommendation is submitted for the Council’s information.

#### COUNCIL RESOLUTION

473/19

That Council receive and note the report on Progress and Outcomes of Reform achieved between September 2017 and December 2019.

Moved Councillor Rooney

Seconded Councillor Haslingden

CARRIED

#### Note 36: Motions Without Debate

The above officer’s recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.



#### 9.4.7 CANCELLATION OF JANUARY 2020 COUNCIL MEETING

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Manager Corporate Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	Nil

#### EXECUTIVE SUMMARY

On 19 September 2019, Council agreed on the Council meeting dates, time and locations for October 2019 to September 2020 [Resolution Number 352/19].

As per the resolution, a Council Meeting is scheduled for Thursday, 16 January 2020 at the Bombala Community Centre, however it has been suggested that the January Council meeting be cancelled, due to the impact of the Christmas and New Year period on the generation of reports and business papers for the January meeting.

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

#### COUNCIL RESOLUTION

474/19

That Council

- A. Endorse cancelling the Council Meeting scheduled on 16 January 2020 at the Bombala Community Centre;
- B. Authorise updating Council's Website to inform members of the public of the cancellation; and
- C. Hold the February 2020 Council Meeting at the Bombala Community Centre.

**Moved Councillor Maslin**

**Seconded Councillor Old**

**CARRIED**

#### Note 37: Record of Voting

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

*Councillors Against: Nil.*

#### 9.4.8 NAMING OF ROADS

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Land, Property & GIS Admin Officer
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. Map Showing Location of Calabria Way and Aratula Drive

Cost Centre

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

Council is the Authority for naming roads in the Local Government Area and two new road names have been proposed for a development off Towrang Vale Road in the Locality of Dairyman's Plains.

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

#### COUNCIL RESOLUTION

475/19

That Council:

- A. Endorse the names Calabria Way and Aratula Drive for advertising prior to the gazettal process;
- B. Proceed to gazette the road names if the Geographical Names Board concurs with the names and no objections are received during the advertising period.

Moved Councillor Rooney

Seconded Councillor Haslingden

CARRIED

#### Note 38: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

#### 9.4.9 UPDATE FROM SNOWY MONARO REGIONAL COUNCIL'S GREEN TEAM

Record No:

Responsible Officer: Chief Executive Officer

Authors: Executive Manager Innovation & Business Development  
Land, Property & GIS Admin Officer

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects

Delivery Program Objectives: 10.1.3 Council demonstrates improvement in it's knowledge capture, performance and service delivery by fully embracing a learning organisation and innovation mindset

Attachments: Nil

Cost Centre PJ100165

Project Green Team

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

This report has been prepared to provide information to council and the community about some of the activities of the Green Team and achievements from operational areas across the organisation as a result of analysis undertaken by members of the Green Team.

Terms of Reference for the Snowy Monaro Regional Council Green Team state the following purpose:

- a) *Monitor and evaluate Council's environmental performance against agreed targets;*
- b) *Investigate any and all opportunities and make recommendations for changes / improvements that will enhance Council's environmental performance;*
- c) *Deliver internal awareness and education programs that stimulate and reward environmental initiatives across all departments, where appropriate officers are employed;*
- d) *Raise awareness in the community about matters relating to environmental sustainability;*
- e) *To establish, promote, and maintain a culture of sustainability by the Council and Council staff;*
- f) *Support programs and initiatives that deliver ESD outcomes across all programs, services, and operations.*

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

<b>COUNCIL RESOLUTION</b>	<b>476/19</b>
That Council receive and note the progress report from Council's Green Team	
<b>Moved Councillor Rooney</b>	<b>Seconded Councillor Haslingden</b>
	<b>CARRIED</b>

**Note 39: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**9.4.10 RESCINDING SIGNING OF COUNCIL AND COMMITTEE MINUTES POLICY**

Record No:

Responsible Officer: Acting Director Corporate and Community Services  
 Author: Manager Corporate Governance  
 Key Theme: 4. Leadership Outcomes  
 CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making  
 Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community  
 Attachments: 1. Policy -Signing of Council and Committee Minutes  
 Cost Centre  
 Project  
 Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

Council's new Code of Meeting Practice adopted by Council on 20 June 2019 [Resolution Number 200/17] includes information on the signing of Council and committee minutes in sub section 19.5 and

20.26. This supersedes the Signing of Council and Committee Minutes policy (Adopted by resolution 16/16, 25 May 2016) and that policy is no longer required.

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

**COUNCIL RESOLUTION**

**477/19**

That Council rescind Policy SMRC 7 - Signing of Council and Committee Minutes adopted on 25 May 2016 [Resolution Number 16/16].

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 40: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 454/19 above as there was no challenge by Councillors.

**10. NOTICE OF MOTION**

**10.1 COUNCIL COURT ACTIONS**

Record No:

Responsible Officer: Chief Executive Officer

Author: Councillor John Last

Attachments: Nil

Councillor John Last has given notice that at the Ordinary Meeting of Council on 19 December 2019, he will move the following motion.

**COUNCIL RESOLUTION**

**478/19**

That Councillors be notified of all Court cases being contested by SMRC and receive monthly reports as such.

**Moved Councillor Last**

**Seconded Councillor Maslin**

**CARRIED**

**Note 41: Record of Voting**

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

*Councillors Against: Nil.*

**10.2 NOTICE OF MOTION - COUNCILLOR STEWART - ADVISING FEDERAL GOVERNMENT ON NOT RECEIVING DROUGHT RELIEF FUNDING.**

Record No:

Responsible Officer: Chief Executive Officer

Author: Councillor Bob Stewart

Attachments: Nil

Councillor Bob Stewart has given notice that at the Ordinary Meeting of Council on 19 December 2019, he will move the following motion.

**COUNCIL RESOLUTION**

**479/19**

That Council write to the Federal Government advising of SMRC's disappointment that our region did not receiving drought relief funding.

**Moved Councillor Stewart**

**Seconded Deputy Mayor Miners**

**CARRIED**

**Note 42: Record of Voting**

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

*Councillors Against: Nil.*

**Note 43: Attendance of Cllr Old**

Cllr Old departed the meeting at 8.32PM at the end of item 10.2 for the duration of the meeting.

**11. MAYORAL MINUTES**

Nil

**12. QUESTIONS WITH NOTICE**

**12.1 WATER AT EUCEMBENE COVE**

Councillor Sue Haslingden

Question: Why was the water tank at Eucembene Cove emptied today –a day of total fire ban – with no warning to the 34 residents, some who had building works in progress and thought their fire management plans were active and in place. Very concerned residents were only alerted to no water when trying to turn on taps.

**12.2 BERRIDALE FLOOD WORK AND MEMORIAL PARK**

Councillor Sue Haslingden

Question: Can the Berridale Historical Society, RSL Sub Branch and Community be confident that no works be commenced within the Memorial Park until further investigation and community consultation?

**12.3 RELATIONSHIP BETWEEN JINDABYNE, BOMBALA AND COOMA COUNCIL OFFICES**

Councillor John Last

Question: We advise that we have a client required a certificate under Section 68 Part B(3) if the Local Government Act 1993. A certificate to operate a septic system on rural land. On attendance at the Cooma Office our client was told they could not provide that certificate as it was at the Jindabyne office.

Unbelievably our client was told they had to travel to the Jindabyne Office to obtain a copy of the document.

Surely in this day and age the Jindabyne office could of either copied the certificate and faxed it through or alternatively sent it through to the Cooma office electronically while our client waited at the counter.

We demand that you look into this situation and resolve it as it is totally impracticable and in no way expresses any efficiency that is operating within Council.

#### **12.4 SECURITY GUARD AT COUNCIL MEETINGS**

Councillor John Last

Question: Why do we still have a security guard at our Council Meetings?

#### **12.5 WATERING OF MAIN STREET TREES AND PLANTS**

Councillor Anne Maslin

Question: Can Council arrange to water the new trees and plants in Bombala's Main Street, Forbes Street and Therry Street, given the fact they have been planted in adverse, hot conditions.

As yet there is apparently no provision for ongoing watering of the plants.

This will be a long, hot summer period. Could Council furthermore ensure that the water is drawn from the Bombala River, not from the town drinking water supply.

#### **12.6 ACTION FOR RESOLUTION 310/19 - NSW GOVERNMENT FUNDING OF \$6.5 MILLION**

Councillor Anne Maslin

Question: In the interest of transparency, when will Council make formal approach in writing to the NSW Government to action resolution 310/19:

##### **NSW Government Funding**

That Snowy Monaro Regional Council lobby the NSW Government for a grant of \$6.5 million to cover the outstanding costs of amalgamating the Cooma Monaro, Snowy River and Bombala Shire Councils and reduce the current deficit.

It is noted that although an informal approach has been made in October, nothing so far has been resolved from the NSW Government.

#### **12.7 MICHELAGO CREEK BRIDGE**

Councillor John Rooney

Question: A. What was the outcome of the RFT/RFQ process to upgrade Ryrie Street and construct a bridge over Michelago Creek?

What are the next steps to be taken on this project?

When will the matter come to Council for consideration?

#### **12.8 COOMA TAXI RANK - VALE STREET**

Councillor John Rooney

Question: There have been some issues with the Cooma Taxi Rank in Vale Street Cooma. The signage is small, faded and difficult to see.

There are no longer any bench seating available so the public and taxi drivers can use them.

Coverage is needed for the drivers and the taxis. Can something be done about these?

### 13. CONFIDENTIAL MATTERS

#### COUNCIL RESOLUTION

480/19

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 Heavy patching and Shoulder rehabilitation Tender**

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

#### **13.2 Request for Lease - Snowy River Health Centre**

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, (di) of the Local Government Act because it contains , commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and (dii) of the Local Government Act because it contains and information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.3 Sale of Council Land - Percy Harris Street Leesville by Auction off the Plan**

Item 13.3 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.4 Request to extend lease**

Item 13.4 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.5 Legal Actions and Potential Claims Against SMRC as at 30 November 2019**

Item 13.5 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.6 Audit, Risk and Improvement Committee - Minutes of Meeting held on 23 October 2019**

Item 13.6 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.7 Delegate Preschool Compliance Report**

Item 13.7 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.8 Tender Award - Snowy Oval Amenities Building**

Item 13.8 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.9 Award Of Tender For The Reseal And Relining Of The Snowy 1 Reservoir - Cooma Water Supply System**

Item 13.9 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

**Moved Councillor Last**

**Seconded Deputy Mayor Miners**

**CARRIED**

**Note 44: Invitation to Public**

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

**Note 45: Confidential Session of Committee**

At 8.38PM the meeting was closed to the press and public.

**Note 46: Resumption of Open Committee Meeting**

At 9.12PM the Closed Session ended and the Council meeting continued in Open Session.

**14. REPORT FROM CONFIDENTIAL SESSION**

**13.1 HEAVY PATCHING AND SHOULDER REHABILITATION TENDER**

**COUNCIL RESOLUTION**

**481/19**

That Council approve the officers recommendation and award McMahons Earthmoving the contract to carry out heavy patching and shoulder rehabilitation works across the Monaro Region to the contract value of \$345,152.00 (Including GST).

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**



### 13.2 REQUEST FOR LEASE - SNOWY RIVER HEALTH CENTRE

**COUNCIL RESOLUTION**

**482/19**

That Council :

- A. Accept the request to lease space within Snowy River Health Centre from Mr Gavin Fuller and consider the proposed lease terms;
- B. Accept the proposal to rent the space at 50% reduced rate for a period of three years and allow a sublease on non-operational days.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

### 13.3 SALE OF COUNCIL LAND - PERCY HARRIS STREET LEESVILLE BY AUCTION OFF THE PLAN

**COUNCIL RESOLUTION**

**483/19**

That Council

- A. Approve for Lots 14, 15 and 16 at Leesville Industrial Estate to be sold off the plan via Public Auction;
- B. Authorise the Chief Executive Officer to establish the reserve price for Lots 14, 15 and 16 at Leesville Industrial Estate ahead of the auction, and to negotiate with the highest bidder should the property fail to meet the Reserve;
- C. Authorise for the Chief Executive Officer to select the Agent to carry the sale;
- D. Authorise the Chief Executive Officer to undertake all negotiations for the sale of Lots 14, 15 and 16 at Leesville Industrial Estate; and
- E. Authorise the Chief Executive Officer to execute all legal documents and contracts for the Sale of Lots 14, 15 and 16 at Leesville Industrial Estate.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

### 13.4 REQUEST TO EXTEND LEASE

**COUNCIL RESOLUTION**

**484/19**

That Council:

- A. Approve the extension of the Lease and Operation of Cooma Festival Swimming Pool for an additional season 2020/2021;
- B. Authorise the expenditure of \$284,231.00 as quoted in the attached submission from Monaro Aquatic Services.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

### 13.5 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC AS AT 30 NOVEMBER 2019

**COUNCIL RESOLUTION**

**485/19**

That Council receive and note the information in the Legal Actions and Potential Claims Against SMRC as at 30 November 2019 report.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**13.6 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MINUTES OF MEETING HELD ON 23 OCTOBER 2019**

**COUNCIL RESOLUTION**

**486/19**

That Council

- A. Receive and note the attached minutes of meeting of the Audit, Risk and Improvement Committee held on 23 October 2019, and
- B. Reports to ARIC be written not verbal or otherwise recorded.

**Moved Councillor Haslingden**

**Seconded Councillor Last**

**CARRIED**

**13.7 DELEGATE PRESCHOOL COMPLIANCE REPORT**

**COUNCIL RESOLUTION**

**487/19**

That Council approve the expenditure of \$29,980 ex GST from internal reserves and engage the services of Grounded Structural Engineering and Drafting Services to undertake a Building Condition and Compliance Assessment of Delegate Pre-School in order to submit for grant funding early in 2020.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**13.8 TENDER AWARD - SNOWY OVAL AMENITIES BUILDING**

**COUNCIL RESOLUTION**

**488/19**

That Council

- A. Accept the tender recommendation report and award the contract for the Snowy Oval Amenities building to Davone Construction Pty Ltd (ABN 48 618 967 696) for \$705,448.18 (Excl GST).
- B. Approve the transfer of the additional fund required from the SCFMPP Funding.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**13.9 AWARD OF TENDER FOR THE RESEAL AND RELINING OF THE SNOWY 1 RESERVOIR - COOMA WATER SUPPLY SYSTEM**

**COUNCIL RESOLUTION**

**489/19**

That Council approve:

- A. The award of tender as per the recommendation in the tender evaluation report for a tender amount of \$920,488.20 (Including GST).
- B. The shortfall in the budget allocation be adjusted in the quarterly budget review in December.

**Moved Councillor Rooney**

**Seconded Councillor Haslingden**

**CARRIED**

**13.10 CHIEF EXECUTIVE OFFICER'S ANNUAL REVIEW**

**COUNCIL RESOLUTION**

**490/19**

That Council:

- A. Approve the variation of the Chief Executive Officer's contract by:
  - a) Extending the term from three years to five years;
  - b) Increasing the total remuneration package from \$300,000 pa to \$320,000;
  - c) Permitting the CEO to participate in Council's leaseback vehicle arrangements in a manner consistent with other senior staff.
- B. Authorise the Mayor to develop an appropriate Deed of Variation to give effect to the above;
- C. Authorise the Performance Review Panel to determine a new performance agreement with the Chief Executive Officer's.

**Moved Councillor Last**

**Seconded Councillor Stewart**

**CARRIED**

There being no further business the Mayor declared the meeting closed at 9.17PM.

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CHAIRPERSON



The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 19 December 2019 were confirmed by Council at a duly convened meeting on 20 February 2020 at which meeting the signature hereon was subscribed.