



**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Ordinary Council Meeting**

**18 July 2019**



**ORDINARY COUNCIL MEETING  
HELD IN JINDABYNE MEMORIAL HALL, THREDBO TERRACE, JINDABYNE NSW 2627  
ON THURSDAY 18 JULY 2019**

<b>MINUTES</b>
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**MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD IN JINDABYNE MEMORIAL HALL, THREDBO TERRACE, JINDABYNE NSW 2627**

**ON THURSDAY, 18 JULY 2019  
COMMENCING AT 5.00PM**

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

**APOLOGIES:** Councillor Peter Beer

**Staff:** Peter Bascomb, General Manager  
Suneil Adhikari, Director Operations & Infrastructure  
Peter Smith, Director Environment & Sustainability  
Peter Cannizzaro, Director Corporate & Community Services  
Amanda Shepherd, Secretary Council and Committees  
Nola Brady, Group Manager Governance  
Joyleen Mathias, Manager Corporate Governance  
Scott Goudie, ICT Manager  
Gordon Grant, Help Desk Officer  
Tarang Kamath, Senior Internal Auditor

**Notes:** *The Mayor opened the meeting at 5.00PM, The Mayor adjourned the meeting at 5.01PM for Public Forum, The Mayor resumed the meeting at 5.38PM, Group Manager Governance was absent from the meeting from 5.22PM during Public Forum, returning at 5.27PM during same item, Councillor Last declared an interest in Item 8.3 as he has a conflict of interest in this item due to "Representing applicants in another subdivision near Golf Club ". Councillor Last left the meeting at 5.49PM and returned at 5.55PM. Councillor Last did not take part in discussion or voting on this item, Manager Corporate Governance was absent from the meeting from 6.17PM during Item 9.3.5 Acquisition of Crown Reserve Road as Council Public Road, returning at 6.20PM during same item, At 7.03PM the meeting adjourned for a dinner break, The meeting resumed at 7.32PM, Councillor Stewart was absent from the meeting from 7.38PM during Item 9.4.11 – Local Government NSW Annual Conference 2019, returning at 7.41PM during same item, At 7:54PM the meeting was closed to the press and public, At 9:11PM the Closed Session ended and the Council meeting continued in Open Session, There being no further business the Mayor declared the meeting closed at 9.12PM.*

## 1. OPENING MEETING

The Mayor opened the meeting at 5.00PM.

## 2. ACKNOWLEDGEMENT OF COUNTRY

### Note 1:Adjournment of Meeting

The Mayor adjourned the meeting at 5.01PM for Public Forum.

### Note 2:Resumption of Meeting

The Mayor resumed the meeting at 5.38PM.

### Note 3:Attendance of Group Manager Governance

Group Manager Governance was absent from the meeting from 5.22PM during Public Forum, returning at 5.27PM during same item.

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

A leave of absence for this meeting was previously granted to Councillor Beer.

### COUNCIL RESOLUTION

244/19

That the apology from Councillor Miners be accepted and leave of absence be granted from 3 September 2019 to 25 September 2019.

That the apology from Councillor Maslin be accepted and leave of absence be granted from 10 September 2019 to 24 September 2019.

That the apology from Mayor Rooney be accepted and leave of absence be granted for the 15 August 2019 Council Meeting.

Moved Councillor Haslingden

Seconded Councillor Old

CARRIED

## 4. CITIZENSHIP CEREMONIES

Nil.

## 5. DISCLOSURE OF INTEREST

### 5.1 Councillor Last

Councillor Last declared an interest in Item 8.3 as he has a conflict of interest in this item due to "Representing applicants in another subdivision near Golf Club ". Councillor Last left the meeting at 5.49PM and returned at 5.55PM. Councillor Last did not take part in discussion or voting on this item.

## 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

245/19

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 20 June 2019;

7.2- Closed Session of the Ordinary Council Meeting held on 20 June 2019;

9.1.1- Draft Library Strategy 2019-2022;		
9.1.2- Section 355 Committee Minutes: Bombala Exhibition Ground, Bredbo Hall and Jindabyne Memorial Hall;		
9.1.3- Draft Community Transport Strategy 2019-2022;		
9.1.5- Draft Snowy Monaro Youth Strategy 2019-2022;		
9.1.6- June Youth Council meeting minutes;		
9.3.1- Transfer of Part Undoo Fire Trail to Council as a Council Public Road;		
9.3.4- Proposed Amendment to the Sewer Pricing and Billing Policy;		
9.3.6- Bombala and Delegate Streetscape Projects;		
9.3.7- Waiver of interest charges for Dual Occupancy Customers only in the Former Snowy River Shire Council area;		
9.3.8- Minutes of the Recreational Facilities Committee meeting held on 27 May 2019;		
9.4.2- Answers to Questions With Notice;		
9.4.3- Resolution Action Sheet Update;		
9.4.7- Audit, Risk and Improvement Committee - Minutes of Meeting and Remuneration Review;		
9.4.8- Grant Applications - Activity as at 30 June 2019; and		
9.4.10- Statutory Updates to 2020 Fees and Charges		
B. That the Officer's Recommendations in the reports listed above are hereby adopted.		
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>	<b>CARRIED</b>

## 7. CONFIRMATION OF MINUTES

### 7.1 ORDINARY COUNCIL MEETING 20 JUNE 2019

<b>COUNCIL RESOLUTION</b>	<b>246/19</b>	
THAT the minutes of the Ordinary Council Meeting held on 20 June 2019 are confirmed as a true and accurate record of proceedings.		
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>	<b>CARRIED</b>

#### Note 4: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

### 7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 20 JUNE 2019

<b>COUNCIL RESOLUTION</b>	<b>247/19</b>	
THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 20 June 2019 are confirmed as a true and accurate record of proceedings.		
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>	<b>CARRIED</b>

#### Note 5: **MOTIONS WITHOUT DEBATE**

THE ABOVE OFFICER'S RECOMMENDATION BECAME A RESOLUTION OF COUNCIL AS A RESULT OF RESOLUTION 245/19 ABOVE AS THERE WAS NO CHALLENGE BY COUNCILLORS.

## 8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

### 8.1 DA10.2018.130.1 - MODIFICATION TO EXTRACTIVE INDUSTRY (BOMBALA BORAL QUARRY) - INCREASE MAXIMUM PRODUCTION VOLUME FROM 100,000 TONNES PER ANNUM TO 200,000 TONNES PER ANNUM

Record No:

Responsible Officer:	Manager Development Assessment
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	<ol style="list-style-type: none"> <li>1. Statement of Environmental Effects (SEE) <i>(Under Separate Cover)</i></li> <li>2. Public Submissions (redacted copies) <i>(Under Separate Cover)</i></li> <li>3. Draft Conditions of Consent <i>(Under Separate Cover)</i></li> <li>4. Original Development Application - Environmental Impact Statement Vol 1 <i>(Under Separate Cover)</i></li> <li>5. Original Development Application - Environmental Impact Statement Vol 2 <i>(Under Separate Cover)</i></li> <li>6. RMS Referral Response <i>(Under Separate Cover)</i></li> <li>7. OEH Referral Response <i>(Under Separate Cover)</i></li> <li>8. EPA Referral Response <i>(Under Separate Cover)</i></li> <li>9. Applicant Response to Submissions <i>(Under Separate Cover)</i></li> <li>10. Noise Modelling Locations Site Plan <i>(Under Separate Cover)</i></li> <li>11. Statement of Concern - Applicant <i>(Under Separate Cover)</i></li> <li>12. Extract - email advice to Boral from DPE <i>(Under Separate Cover)</i></li> </ol>

Further Operational Plan Actions:

Applicant Number:	10.2019.130.1
Applicant:	Boral Land and Property Group
Owner:	Boral Resources (Country) Pty Ltd
DA Registered:	28/11/2018
Property Description:	Lot 229 and Lot 230 DP 756819, High Lake Road
Property Number:	1001599, 1001600
Area:	Bombala
Zone:	RU1 – Primary Production
Current Use:	Quarry
Proposed Use:	Quarry
Permitted in Zone:	Yes
Recommendation:	That the application be approved with conditions

**EXECUTIVE SUMMARY**

This report has been updated to address concerns raised at Council's meeting of 16 May 2019. At that meeting, the recommendation to approve the item with conditions was recorded as a 'Lost Motion' as follows:

**RECOMMENDATION**

That

- A. Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approval is granted for DA 10.2018.130.1 to Modify Extractive Industry to increase maximum production volume from 100,000 tonnes per annum (tpa) to 200,000 tpa. on Lot 229 and Lot 230 DP 756819, High Lake Road, Bombala, 2632, subject to the conditions attached;
- B. Any person who made a submission is notified according to the regulations.

**LOST MOTION**

**Note 1: Record of Voting**

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

**Note 2: Lost Motion**

The above motion moved Councillor Stewart and seconded Councillor Beer was put to the vote and **LOST**. As there was no foreshadowed motion before the meeting, the matter lapsed and the Chair moved to the next item of business.

As no alternative resolution was made, the application remains as being 'undetermined'.

The item is referred to Council again, and Council is requested to determine the application by either approving (with conditions) as is recommended, or by refusing the application.

Determination of the application will provide the applicant with a pathway to either recommence operations under the modified arrangements, or to consider whether to lodge an appeal to the Land and Environment Court if a refusal is made.

It is recommended that the application be approved with the attached modified conditions of consent.

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**

**248/19**

That

- A. Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approval is granted for DA 10.2018.130.1 to Modify Extractive Industry to increase maximum production volume from 100,000 tonnes per annum (tpa) to 200,000 tpa. on Lot 229 and Lot 230 DP 756819, High Lake Road, Bombala, 2632, subject to the conditions attached;
- B. Any person who made a submission is notified according to the regulations.

**Moved Councillor Castellari**

**Seconded Councillor Ewart**

**CARRIED**

**Note 6: Record of Voting**

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

Note 7: **Draft Conditions of Consent – DA10.2018.130.1**

**Integrated Approval Bodies**

The application was not integrated development

**Reasons for Decision**

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

The reasons for the decision were:

1. The proposal adequately satisfies the application provisions and objectives of the Bombala LEP 2012 and the Bombala DCP 2012
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 heritage items, 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 to adjoining landowners and publicly advertised in accordance with the Bombala DCP 2012 and the relevant statutory regulations. The proposal received “2” submissions.
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.

**Conditions**

**ADMINISTRATIVE CONDITIONS**

1. The development being carried out substantially in accordance with the applications and accompanying documents submitted (including the Statement of Environmental Effects, dated November 2018, prepared by EMM Consulting), as modified by any conditions of this consent.  
**Reason: Ensure that the development is completed in accordance with Council’s consent.**
2. NO WORK IS TO COMMENCE on the erection of structures until a Construction Certificate is issued by Council or a private Principal Certifying Authority.  
**Reason: Requirement of the Environmental Planning and Assessment Act and Regulations.**
3. That by 30<sup>th</sup> March 2009 the section of High Lake Road used to access the development be upgraded in both pavement and geometric design as follows:
  - In general road is to be designed in accordance with the Roads and Traffic Authority’s Road Design Guide.
  - A Pavement design is to be completed in accordance with the requirements of the Austroads publication “Pavement Design - A Guide to the Structural Design of Road Pavements” and shall be designed by a qualified Engineer.
  - Pavement shall be designed using 1 X 10<sup>7</sup> Equivalent Standard Axles with a minimum 20-year design life.

- As a minimum the finished pavement it is to have a 6.2m wide sealed Carriageway, consisting of a single-coat 14mm sprayed seal over a 7mm prime seal, which has had adequate curing time.
- A Design for the upgrade of Council's road including a Pavement and Seal Design is to be submitted to Council for Approval prior to commencement of work.
- Council is to inspect the constructed pavement prior to sealing.

**Reason: Provision of adequate access to the development.**

4. Cost of all roading upgrades shall be borne wholly by the developer.

**Reason: Provision of adequate access to the development.**

5. The developer shall attain Section 138 of the Roads Act approval prior to commencement of works within Council road reserves.

**Reason: Request for Roads Act.**

6. That by the 30<sup>th</sup> of July each year a report detailing the quantities of materials produced on the site for the previous 12 months ending 30<sup>th</sup> June be provided to the General Manager of Bombala Council.

**Reason: Monitoring of compliance with the consent.**

7. That by 31 August 2008 a landscaping plan is prepared by the applicant and approved by Bombala Council.

**Reason: Protection of visual amenity.**

8. That the development comply with the General Terms of Approval provided by the Department of Environment and Conservation (attached) modified as follows:

1. Condition L9.3 b) which reads "*b) A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise noise impacts over the life of the proposal;*" should now read "*b) A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise noise impacts over the life of the proposal; including measures to ensure that noise is considered, to the greatest extent practicable, when procuring new equipment ie implementation of "buy quiet" practices.*"

2. Table L6.1 should be replaced with the table below which shows the revised noise levels predicted based on the additional information provided to EPA. The EPA has assessed these noise levels and determined that the activity can hold an Environment Protection Licence (EPL) as the revised noise levels are within 5 dB(A) of the Project Specific Noise Level.

L6. Noise limits

L6.1 Noise from the premises must not exceed the noise limits presented in the table below:

Location	Daytime Quarry Operations
----------	---------------------------

	<i>L<sub>Aeq</sub>(15 minute)</i> <i>All equipment excluding 'campaign drilling operations'</i>	<i>L<sub>Aeq</sub>(15 minute)</i> <i>During designated 'campaign drilling operations' periods as permitted by condition L7</i>
<i>(R2) 'Oxley' during Operational Stages 1-7</i>	40 dB(A)	42 dB(A)
<i>(R1) 'High Lake' during Operational Stages 1-7</i>	40 dB(A)	40 dB(A)
<i>Any other residence excluding 'Oxley' and 'High Lake' during Operational Stages 1-7</i>	40 dB(A)	40 dB(A)
<i>'Oxley' during Operational Stages 8-10</i>	40 dB(A)	40 dB(A)
<i>Any residence excluding 'Oxley' during Operational Stages 8-10</i>	40 dB(A)	40 dB(A)

Please note that all other conditions as set out in the GTA's remain valid.

**Reason: Protection of the Environment.**

9. Prior to clearing or disturbing of any individual *Eucalyptus pauciflora* and *Eucalyptus viminalis* species separate application is to made to Bombala Council to be approved by Council.

**Reason: Protection of the Environment.**

10. Adequate staff amenities in accordance with the Building Code of Australia shall be provided including appropriate disposal of sanitary wastes from the site.

**Reason: Compliance with the Building Code of Australia.**

11. The developer is advised that the *Eucalyptus pauciflora* and *Eucalyptus viminalis* woodland communities are currently proposed as an Endangered Ecological Community under the Threatened Species Conservation Act (1995) and may, in future, require additional approvals for clearing or disturbing.

**Reason: Advice to the applicant.**

12. All building work will comply with the requirements of the Building Code of Australia.

**Reason: Safety of patrons.**

13. That by 30<sup>th</sup> March 2009 the developer shall provide roading in accordance with the requirements from the Roads and Traffic Authority as follows:

- The junction of the Monaro Highway (HW4) and High Lake Road should be upgraded to a sealed Type BAL left turn together with a sealed Type BAR right turn configuration as per Section 4 of the *RTA Road Design Guide* and include a verge in accordance with Section 3.6 of the *RTA Road Design Guide*.

- Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.
- All roadwork's associated with this development will be at no cost to the RTA.
- The developer shall attain Section 138 Approval from Council with RTA concurrence for works within the Classified Road Reserve.
- 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. 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.

**Reason: Safety of the public.**

14. The use of High Lake Road and Pipeclay Springs Road East of the new site entry to the Mount Darragh Road (MR91) by quarry product haulage vehicles leaving the site is prohibited.

**Reason: Safety of the public.**

15. That an application is made to surrender Development Consent 14/93 by the 1 January 2009.

**Reason: To contain operations on the site under a single approval.**

16. That each year an annual noise compliance audit is completed when the drilling campaign is underway and all other site activities are being carried out to assess compliance with the Industrial Noise Policy. A copy of the audit report is to be provided to the General Manager within 28 days of the commencement of the relevant drilling campaign.

**Reason: To determine compliance with the Industrial Noise Policy.**

17. That the developer establish a vegetation corridor enclosed by a stock proof fence within the High Lake road reserve by 1<sup>st</sup> January 2009. The corridor is to extend from the corner of Pipeclay Springs road to a point 100m West of the site entry point with an open section adjacent to the site access road. The fencing and planting is to be in accordance with a plan supplied by Council and the plantings are to be maintained by the developer until 1st January 2010.

**Reason: Control impacts on visual amenity.**

18. That the internal site haulage road from the weighbridge to the entry onto High Lake Road is to be either bitumen sealed or concrete paved and shall be maintained to provide a dust free running surface.

**Reason: To control dust emissions from the site.**

19. That the use of compression braking (exhaust brakes) by quarry product haulage vehicles leaving or entering the site is prohibited while the vehicles are on High Lake Road.

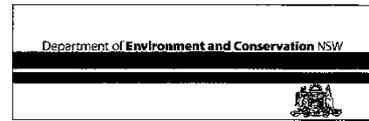
**Reason: Control impacts on local amenity.**

20. The section of High Lake Road required to be upgraded by this consent shall continue eastwards from the new entry to the site a sufficient distance to adequately prevent gravel washing from the unsealed section onto the quarry truck haulage section of the road.

**Reason: Minimise nuisance caused by dust.**

Environment Protection Licence - Protection of the Environment Operations Act 1997

# General Terms of Approval



Notice No: 1069988

## ADMINISTRATIVE CONDITIONS

### A1. Information supplied to the EPA

A1.1 Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the proposal contained in:

- the Development Application DA.07.0013 submitted to Bombala Council on 26 September 2006;
- the document "Bombala Quarry Expansion Environmental Impact Statement" (prepared by Environmental Resources Management Australia, August 2006) relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including the following additional information that was requested by the EPA:
  - a) correspondence received from Bombala Shire Council and accompanying information titled "Bombala Quarry Expansion Representations Report" from Environmental Resources Management Australia, dated 12 February 2007 (DEC file ID DOC07/5950 – FIL06/682).

### A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## DISCHARGES TO AIR AND WATER APPLICATIONS TO LAND

### P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

*Air*

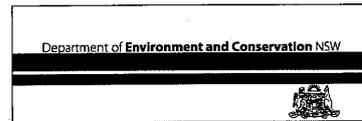
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Dust Monitoring		Dust deposition gauge located at a site to be determined <sup>1</sup> representative of receptors to the south-west of the site
2	Dust Monitoring		Dust deposition gauge located at a site to be determined <sup>1</sup> representative of receptors to the south-east of the site
3	Meteorological Monitoring		To be determined <sup>1</sup>

<sup>1</sup>To be determined in an air monitoring plan to be prepared by the proponent.

P1.2 The licensee must prepare an air quality monitoring plan and submit this to the DEC prior to commencement of operations. This plan must detail the air quality and meteorological monitoring locations and provide justification for the selection of these locations.

Environment Protection Licence - Protection of the Environment Operations Act 1997

# General Terms of Approval



Notice No: 1069988

## LIMIT CONDITIONS

### L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

### L6. Noise limits

L6.1 Noise from the premises must not exceed the noise limits presented in the table below:

Location	Daytime Quarry Operations	
	L <sub>Aeq</sub> (15 minute) All equipment excluding 'campaign drilling operations'	L <sub>Aeq</sub> (15 minute) During designated 'campaign drilling operations' periods as permitted by condition L7
'Oxley' during Operational Stages 1-7	39 dB(A)	41 dB(A)
'High Lake' during Operational Stages 1-7	35 dB(A)	39 dB(A)
Any other residence excluding 'Oxley' and 'High Lake' during Operational Stages 1-7	35 dB(A)	35 dB(A)
'Oxley' during Operational Stages 8-10	36 dB(A)	36 dB(A)
Any residence excluding 'Oxley' during Operational Stages 8-10	35 dB(A)	35 dB(A)

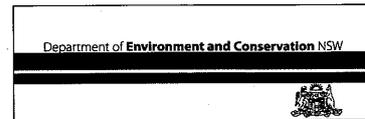
For the purposes of this condition, Daytime is defined as the period from 7:00am to 6:00pm Monday to Saturday, and 8:00am to 6:00pm Sundays and Public Holidays.

For the purposes of this condition Operational Stages 1-10 are as described in correspondence received from Bombala Shire Council and accompanying information contained in the documents described in condition A1.1.

L6.2 Noise from the premises is to be measured at the nearest affected receiver at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the L<sub>Aeq</sub>(15 minute) noise limits in condition L6.1.

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Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

**L6.3** The noise emission limits identified in condition L6.1 apply under meteorological conditions of:

- Wind speed up to 3m/s at 10 metres above ground level; or
- Temperature inversion conditions of up to 3°C/100m and wind speed up to 2m/s at 10 metres above the ground.

### Hours of operation

**L6.4** All construction work at the premises must only be conducted between 7:00am and 5:00pm Monday to Friday and no time on weekends and public holidays, unless inaudible at any residential premises.

**L6.5** Activities at the premises, other than construction work, may only be carried on between 7:00am and 5:00pm Monday to Friday, and between 7:00am and 12:00pm Saturdays and at no time on Sundays and public holidays.

**L6.6** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is to be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L6.7** The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

### L7. Drilling Campaigns

**L7.1** Campaign drilling operations are permitted in up to 2 week campaigns with a maximum 2 campaigns permitted in each annual reporting period.

**L7.2** For the purposes of this condition, 'drilling operations' includes any activity associated with drilling that generates noise that is audible outside of the premises, including engine running and mobilisation of equipment to the drill area.

**L7.3** Campaign drilling operations may only take place between 7:00am to 5:00pm Monday to Friday, with no campaign drilling operations permitted on weekends or public holidays.

### L8. Blasting

**L8.1** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over a period of 12 months.

**L8.2** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time.

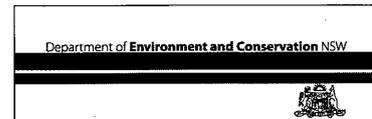
**L8.3** The overpressure level from blasting operations on the premises must not exceed 115 dB (Lin Peak) for more than five per cent of the total number of blasts over a period of 12 months.

**L8.4** The overpressure level from blasting operations on the premises must not exceed 120 dB (Lin Peak) at any time.

**L8.5** For the purpose of determining compliance with blasting limits in conditions L8.1 to L8.4 inclusive, the ground vibration or the overpressure must be measured at:

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### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## REPORTING CONDITIONS

### Annual Return documents

#### *What documents must an Annual Return contain?*

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - a Statement of Compliance; and
  - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### *Period covered by Annual Return*

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
  - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

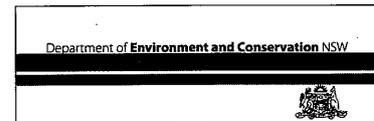
- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
  - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - in relation to the revocation of the licence – the date from which notice revoking the licence operates.

#### *Deadline for Annual Return*

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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### ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
  - the assessable pollutants for which the actual load could not be calculated; and
  - the relevant circumstances that were beyond the control of the licensee.

### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### ***Notification of environmental harm***

**Note:** The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

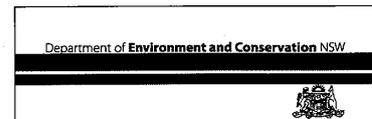
and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
  - the cause, time and duration of the event;

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the type, volume and concentration of every pollutant discharged as a result of the event;

the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

(details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

(any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### **GENERAL CONDITIONS**

#### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

**8.2 DA 10.2019.145.1**

**APPLICATION FOR SECONDARY DWELLING WITH REQUEST FOR LEP VARIATION**

Record No:

Responsible Officer:	Manager Development Assessment
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:	<ol style="list-style-type: none"> <li>1. 4.6 Variation Request (<i>Under Separate Cover</i>)</li> <li>2. BASIX (<i>Under Separate Cover</i>)</li> <li>3. Floor Plan (<i>Under Separate Cover</i>) - <b>Confidential</b></li> <li>4. Site Plans and Elevations (<i>Under Separate Cover</i>)</li> <li>5. Statement Of Environmental Effects (<i>Under Separate Cover</i>)</li> <li>6. Draft Determination (<i>Under Separate Cover</i>)</li> <li>7. Application Form (<i>Under Separate Cover</i>)</li> </ol>

Further Operational Plan Actions:

Applicant Number:	10.2019.145.1
Applicant:	Betty Brunz
Owner:	Betty Brunz
DA Registered:	04/06/2019
Property Description:	8375 Monaro Highway, BOMBALA
Property Number:	Lot: 20 DP:756819
Area:	BOMBALA
Zone:	RU1 Primary Production
Current Use:	Dwelling House
Proposed Use:	Dwelling House and Secondary Dwelling
Permitted in Zone:	Yes, subject to requirements
Recommendation:	Approval

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval for the construction of a secondary dwelling on a rural allotment. The development is additional to the principle dwelling already constructed on the land.

Whilst the subject lot meets the requirements for a dual occupancy under the Bombala Local Environmental Plan 2012 (BLEP), the RU1 zone permits only attached dual occupancies. It does however permit the construction of a 'secondary dwelling' which can be detached from the principle dwelling on the property.

‘Secondary dwellings’ under Clause 5.4(9) of the BLEP have a size restriction of either 60sqm or 43% of the principle dwelling whichever is greater. In this case due to the size of the principle dwelling, the secondary dwelling is restricted to 122sqm.

The application as lodged is for a secondary dwelling with a floor area of 242sqm. As this does not comply with the development standard stipulated by clause 4.5(9) of the BLEP a variation under clause 4.6 of the subject LEP is required.

Clause 4.6 of the BLEP allows for an applicant to apply to vary a standard set out in an LEP if they provide adequate justification to do so. Consent Authorities may assume the concurrence of the Secretary of Planning Industry and Environment for decisions made regarding clause 4.6 variations, however this concurrence is conditional. Whilst there is no limit to the amount of variation that can be applied for any variation to a numerical standard of more than 10% needs to be determined by Council and not at officer level.

The application meets all other relevant development standards, from relevant State Environmental Planning Policies, the Bombala LEP and the Bombala Development Control Plan and as such it is recommended that the development be approved with the variation sought.

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**

**249/19**

That Council:

- A. Pursuant to clause 4.6 of the Bombala Local Environmental Plan 2012 approve the variation sought to the development standard described in clause 5.4 (9)(b) of the Bombala Local Environmental Plan 2012 to allow for a secondary dwelling larger than the maximum permitted size.
- B. Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979 (as amended)* approve DA 10.2019.145.1 for a secondary dwelling, subject to the draft determination attached

**Moved Councillor Ewart**

**Seconded Councillor Haslingden**

**CARRIED**

**Note 8:Record of Voting**

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

*Councillors Against: Councillor Last.*

**Note 9:Draft Conditions of Consent – DA10.2019.145.1**

**Conditions**

**General**

Note The development being carried out in accordance with the approved documents/plans listed in the Schedule below and development application except where amended by the conditions of this Consent as set out in the following conditions or by any subsequently approved Section 96 modification.

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received

	Statement Of Environmental Effects		
	Site Plans		
	Elevations		
	Floor Plans		
	BASIX Certificate		

*Reason:* Requirement that the development is completed in accordance with Council’s consent. P\_1\_01

Note 11: All erosion and sedimentation control devices shall be maintained until the site has been adequately revegetated and no soil remains exposed. Revegetation or stabilisation of disturbed areas shall be commenced as soon as possible on all sites. This includes turfing, seeding, bitumen straw mulching, and landscape planting.

*Reason:* To establish site stability as soon as possible following earthworks. P\_5\_01

Note 12: The approved development is not to be used for tourist or visitor accommodation except when prior development consent has been granted.

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

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

- Bombala Local Environmental Plan 2012

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

*Reason:* Requirement of Environmental Planning and Assessment Act and Regulations P\_0\_03

**Required Works**

Note 13: Driveway areas which exceed 15% grade shall be finished in grooved concrete or equivalent surface roughness to provide vehicle traction in adverse weather conditions for 2 wheel drive vehicles.

*Reason:* To provide safe vehicle access within the development.

### Conditions to be met prior to release of Construction Certificate

Note 14: A 307 certificate issued under water management act for s64 contributions is to be obtained and presented to the Principal Certifying Authority prior to release of the construction certificate

Note 15: Monetary Contributions

Pursuant to Section 7.11A of the Environmental Planning and Assessment Act, 1979 and Council's adopted Contributions plans, the following contributions apply to the development: The developer must, pursuant to Section 7.11A of the Environmental Planning and Assessment Act, 1979 and Council's Contributions Plans, pay to Council the above monetary contributions. The contributions are to be paid prior to release of the Construction Certificate.

Contribution Payable = \$1000.00

Note: The above-specified Contribution Plans may be inspected at Council offices. The contributions stated in this consent are calculated on the basis of the s7.11A contribution rates determined in accordance with plan in force on the date of this consent. Where the development is to be connected to Councils water and/or sewage system a certificate of compliance under Section 64 of the Local Government Act (1993) must be obtained from the Council. This may involve payment of a charge authorised under Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 to recover costs of works constructed to serve the development.

### Conditions to be met prior to commencement of work

Note 16: NO WORK IS TO COMMENCE until a Construction Certificate is issued by Council or a private Principal Certifying Authority.

*Reason: Requirement of the Environmental Planning and Assessment Act and Regulations.* B\_1\_02

Note 17: Before commencing any work a sign MUST be erected on the land, visible from the road and indicating:

- a) The owner's name and contact number (including after-hours contact number).
- b) Allotment number
- c) Construction Certificate number.
- d) Principal Contractor's name and contact number.
- e) Principal Certifying Authority's name, address and contact number.

Note: Where Council is the Principal Certifying Authority list details as:

Snowy Monaro Regional Council 81 Commissioner Street, Cooma Phone 1300 345 345
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The sign must also state 'Unauthorised entry to the work site is prohibited'.

The sign must be maintained while building works are carried out and must be removed once works are completed.

*Reason:* Prescribed condition in accordance with clause 98A(2) of the *Environmental Planning and Assessment Regulations*. B.2.01

Note 18: Where earthworks are undertaken to accommodate a new building, precautionary measures must be undertaken to ensure soil mixed in with run-off is contained on the site. It is an offence to allow soil and other runoff to escape from the building site. On-the-spot fines may be issued for offences.

*Reason:* To minimise erosion of land and siltation of waterways, and a requirement of the *Protection of the Environment Operations Act*. B.2.08

Note 19: An application under Section 68 of the Local Government Act 1993 is to be lodged with Council for

the installation and operation of the on-site effluent disposal system. No works are to commence

until the Section 68 application is approved.

*Reason:* In accordance with the Local Government Act 1993.

### Conditions to be met during Construction

Note 20: Residential building works requires that the builder or person who does any residential building work complies with the applicable requirements of Part 6 of the *Home Building Act* whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the approved work.

The builder or person shall obtain and have in force Home Building Insurance and supply to Council a copy of the certificate in respect of insurance complying with the *Home Building Act 1989* prior to the commencement of any residential building work together with the Notice of Commencement required by the Act.

If arrangements for doing the residential building work change while the work is in progress, further work must not be carried out unless Council has been provided with written notice of the updated information.

*Reason:* Prescribed conditions in accordance with clause 98(1)(b) and 98B(2)&(3) of the *Environmental Planning and Assessment Regulation* and requirement of the *Home Building Act 1989*. B\_1\_07

Note 21: All Building Work is to comply with the Building Code of Australia.

*Reason:* Prescribed condition in accordance with clause 98(1)(a) of the *Environmental Planning and Assessment Act and Regulation*. B\_1\_01

Note 22: The following are Critical Stage Inspections as prescribed by the *Environmental Planning and Assessment Act and Regulations*, whereby the Principal Certifying Authority must inspect.

- a) after excavation for, and prior to the placement of any footings;
- b) prior to pouring any in-situ reinforced concrete building element;
- c) prior to covering of the framework of any floor, wall, roof or other building element;
- d) prior to covering water proofing in any wet areas;
- e) prior to covering any stormwater drainage connections;
- f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building;
- g) Council also requires that an inspection be made prior to covering any sanitary plumbing or drainage work.

Note carefully that unless all of the Mandatory Critical Stage Inspections are carried out, an Occupation Certificate cannot be issued for the building.

*Reason:* Requirement of the *Environmental Planning and Assessment Act and Regulations*.

NOTE: IF ANY ADDITIONAL COUNCIL INSPECTIONS ARE REQUIRED AN ADDITIONAL FEE WILL BE CHARGED IN ACCORDANCE WITH COUNCIL'S FEES SCHEDULE. B\_1\_04

Note 23: The builder must at all times maintain on the site a legible copy of the plans and specifications bearing the stamp and Construction Certificate issued by the Principal Certifying Authority.

*Reason:* Requirement of the *Environmental Planning and Assessment Act and Regulations*. B\_1\_08

Note 24: Working hours involving machinery or noisy activities being confined within the hours of 7.00am to 8.00pm, Monday to Saturday and 8.00am to 8.00pm on Sundays or Public Holidays. Please contact Council for further advice regarding noise control.

*Reason:* Requirement of the Protection of the *Environment Operations Act and Regulations* and to protect the amenity of residents in homes in the vicinity. B\_1\_09

Note 25: During building operations the builder shall provide approved temporary closet accommodation - 1 toilet for each 20 persons or part thereof engaged upon the building at any time. In town and village areas, such toilet must be either a temporary water closet (connected to wastewater or septic tank) or an approved type of chemical closet, properly maintained.

*Reason:* To ensure adequate sanitary facilities are available. B\_2\_03

Note 26: No building materials, equipment or structures are to be placed or stored on Council footpaths, nature strips or roadways unless prior approval under Section 138 of the Roads Act 1993 has been issued by Council.

*Reason:* To ensure roads and footpaths are not obstructed and for public safety. B\_2\_04

Note 27: Provision is required to be made for the storage and disposal of all waste building materials.

*Reason:* To ensure the site is kept in a satisfactory condition. B\_2\_05

Note 28: The builder shall keep the building site tidy and shall ensure no waste material escapes at any time during construction or otherwise causes any nuisance.

*Reason:* To ensure the site is kept in a satisfactory condition. B\_2\_06

### Conditions to be met prior to release of Occupation Certificate

Note 29: The building MUST NOT be occupied until an Interim or Final Occupation Certificate has been issued by the Principal Certifying Authority (PCA). If Council is the PCA, an Application for Occupancy must be made and payment of any applicable fees prior to inspection and issue of an Occupation Certificate.

*Reason:* Requirement of *Environmental Planning and Assessment Act and Regulations*. B\_4\_01

Note 30: It is a condition of this Development Consent that all the commitments listed in the Basix Certificate No 1021736S (or any subsequent amendments to this certificate) for the development are fulfilled.

*Reason:* Requirement of the *Environmental Planning and Assessment Regulation*. B\_4\_04

### Ongoing Conditions

Note 31: All private road access to the dwelling on the site shall be maintained in a safe, trafficable condition for all weather use by two-wheel drive vehicles.

*Reason:* In accordance with *Cooma-Monaro Shire Council Development Control*

*Plan 2014.* R.2.06

Note 32: The roof water drainage shall be collected in a rainwater tank. The overflow from that tank shall be dispersed onto the property in a manner that will not cause erosion to the downstream soils.

*Reason:* Requirement of the *Environmental Planning and Assessment Act and Regulation.* R.0.01

Advice to Applicant

Note 1: Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety Regulation 2001* and *Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.

Note 2: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. This is the law in NSW. If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

Note: Under the *Telecommunications Act 1997 (Commonwealth)*, Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.

Note 3: It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.

Notes

1. Section 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within six (6) months after the date on which the applicant received the notice of determination and must be accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.
2. Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
3. In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
4. The applicant is solely responsible for ensuring that all additional consents, permits and/or agreements are obtained from other authorities, as relevant.
5. Headings are for convenience only and do not affect the interpretation of any condition of this development consent.

**8.3 DA10.2016.543.3 - MODIFICATION OF A SUBDIVISION FOR 62 RESIDENTIAL LOTS AT YALLAKOOL ROAD, COOMA - REMOVE CONDITION 32**

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.2 Our local road network is planned, built and repaired to improve movement across the region
Attachments:	<ol style="list-style-type: none"><li>1. Advice from RMS (<i>Under Separate Cover</i>)</li><li>2. Council Correspondence to Applicant and Developer (<i>Under Separate Cover</i>)</li><li>3. Notice of Determination DA10.2016.543.2 (<i>Under Separate Cover</i>)</li><li>4. RMS Referral Response (<i>Under Separate Cover</i>)</li><li>5. OCRE Engineer's Statement of Impacts (<i>Under Separate Cover</i>)</li><li>6. Letter to Minister - June 2018 (<i>Under Separate Cover</i>)</li><li>7. Letter from Vision TP June 2018 (<i>Under Separate Cover</i>)</li><li>8. Response to Vision TP - June 2018 (<i>Under Separate Cover</i>)</li></ol>

Further Operational Plan Actions:

Applicant Number:	10.2016.543.3
Applicant:	Vision Town Planning Consultants P/L

Owner:	Bottomline Group P/L
DA Registered:	21 May 2019
Property Description:	Lot: 101 DP: 1183622
Property Number:	18007
Area:	20 hectares
Zone:	R5 – Large Lot Residential Zone
Current Use:	Extensive agriculture
Proposed Use:	Residential subdivision
Permitted in Zone:	Yes
Recommendation:	See below

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information required to make a determination of this application under the provisions of the *Environmental Planning and Assessment Act 1979*.

This report considers the traffic impacts of the proposal on the intersection of Yallakool Road and the Monaro Highway and the potential risks associated with removing the requirements of Condition 32.

The potential risks have been identified in the body of the report and a summary of previous statements and responses regarding the issue is provided to provide clarity on the issue. Three different recommendations are offered.

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

250/19

That DA 10.2016.543.3, being a proposed modification to a 62 residential lot subdivision at Yallakool Road, Cooma (Lot 101 DP 1183622) be determined as follows:

- A. Pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended) approval is granted for DA10.2016.543.3 - Modification of a Subdivision for 62 Residential Lots at Yallakool Road, Cooma - Remove Condition 32, subject to modified conditions of consent
- B. Any person who made a submission is notified according to the regulations.

**Moved Councillor Stewart**

**Seconded Councillor Ewart**

**CARRIED**

### Note 10: Record of Voting

*Councillors For:* Councillor Corbett, Councillor Ewart, Councillor Maslin, Deputy Mayor Miners, Councillor Old and Councillor Stewart.

*Councillors Against:* Councillor Castellari, Councillor Haslingden and Mayor Rooney.

### Note 11: Attendance of Councillor Last

Councillor Last declared an interest in Item 8.3 as he has a conflict of interest in this item due to "Representing applicants in another subdivision near Golf Club". Councillor Last left the meeting at 5.49PM and returned at 5.55PM. Councillor Last did not take part in discussion or voting on this item.

Note 12: **Draft Conditions of Consent – DA10.2016.543.3**

**Conditions**

**General**

Note 1 The development being carried out in accordance with the approved documents/plans listed in the Schedule below and development application except where amended by the conditions of this Consent as set out in the following conditions or by any subsequently approved Section 4.55 modification.

<b>Document/Plan Schedule</b>			
<b>Ref</b>	<b>Description</b>	<b>Prepared/Drawn By</b>	<b>Received</b>
GV 1	General view	RA Griffiths – Consulting Land and Engineering Surveyor	28/01/2016
LD 1	Lot dimensions	RA Griffiths – Consulting Land and Engineering Surveyor	28/01/2016
LS 1	General view – Landscape and Planting	RA Griffiths – Consulting Land and Engineering Surveyor	28/01/2016
FF 1	General view – Flora and Fauna	RA Griffiths – Consulting Land and Engineering Surveyor	28/01/2016
RD 1	General view – Access Roads, Lot and Easement Layout, Concept Water Supply, Sewer and Stormwater Reticulation	RA Griffiths – Consulting Land and Engineering Surveyor	28/01/2016
	Utility Services Concept Plan		28/01/2016

*Reason:* Requirement that the development is completed in accordance with Council’s consent. [P\\_1\\_01](#)

Note : No water supply service shall traverse or encroach onto any lot to service another.

*Reason:* Services to remain wholly within lot it services. [W\\_1\\_06](#)

Note : An easement for 3m in favour of Council is to be created under Section 88B of the *Conveyancing Act 1919* to burden the lots identified as being encumbered by Wastewater mains as indicated on the approved/submitted plans for the development. Space is to be provided within the Instrument for Council’s General Manager to sign.

*Reason:* To ensure Council has legal and unrestricted access to its Wastewater Drainage infrastructure. [WW\\_1\\_18](#)

Note : An application under Section 68 of the *Local Government Act 1993* is to be lodged

with Council for the required water supply / sewerage supply works. No works are to commence until the Section 68 application is approved.

*Reason:* In accordance with the *Local Government Act 1993*. WWW\_1\_06

Note 1 No lots (other than lot 65) within the subdivision are to be less than 1800m<sup>2</sup> in area.

*Reason:* To comply with clause 4.1 of *Cooma-Monaro Local Environmental Plan 2013*.

Note 1 This consent is for subdivision and associated works only and does not authorise or unauthorise any built structures on the land which may also be shown on the approved plans.

*Reason:* To avoid misinterpretations of the approved plans.

Note 1 An application for a Subdivision Certificate is to be lodged with Council at the time of lodgement of the linen plans as required under Part 4A of the *Environmental Planning and Assessment Act, 1979*. The fee for the Subdivision Certificate application is currently \$85 for each lot on the plan and is payable upon lodgement of the application with Council. Note: The amount to be paid will be in accordance with Council's Fees and Charges at the time of actual payment. Fees may rise at the commencement of each new financial year on 1 July.

*Reason:* In accordance with the *Environmental Planning and Assessment Act, 1979*.

Note 2 A restriction to user is to be created under Section 88B of the Conveyancing Act 1919 to apply to the part of lots 25, 26, 28, 29, 30 and 31 shown on the approved plans (General View – Flora and Fauna plan). The restriction to user is to prevent the following activities within the area it covers:

- The removal or relocation of bushrocks;
- Ploughing of the area, application of fertilisers or any other such means of tilling or improving the soil;
- The erection of any buildings, structures or tanks;
- The construction of any solid fences within or around the edge of the restriction area
- The planting of trees or shrubs
- The grazing of livestock
- The storage of any sort of material or goods
- The redirection of water and runoff towards or away from the restriction area.

Council is to be empowered as the only authority able to release, vary or modify the restriction to use.

*Reason:* To prevent impacts from the subdivision upon the Natural Temperate Grassland and Hoary Sunray (*Leucochrysum albicans*) present on the site and provide on-going long term protection for these threatened species.

Note 2 Lot 66 on the approved plans is to be dedicated to Council as Open Space (as part of the registration process of the subdivision).

*Reason:* To provide a linkage for the public between the subdivision and Snowy Oval.

Note 2 Lot 65 on the approved plans is to be dedicated to Council as a public laneway (as part of the registration process of the subdivision).

*Reason:* To provide a linkage for the public between the subdivision and Snowy Oval.

Note 2 Lot 67 on the approved plans is to be dedicated to Council as a public road (as part of the registration process of the subdivision).

*Reason:* To make this lot a public road owned by Council.

Note 2 An easement is to be created under Section 88B of the Conveyancing Act 1919 for stormwater drainage. The easement is to burden lot/s through which stormwater infrastructure is to be located, including open channels and be in favour of Snowy Monaro Regional Council or the local government entity in existence at the time of lodgement of the instrument. Council is to be empowered as the only authority able to vary, modify or remove the easement. Space is to be provided on the 88B Instrument for Council's General Manager to sign.

*Reason:* To provide Council legal access to infrastructure and to provide adequate stormwater drainage for the approved/impacted lots. [R\\_8\\_11](#)

### Design Changes

Note 2 The following pairs of lots on the approved plans are each to be consolidated into a single allotment:

- Lots 24 & 63
- Lots 54 & 64

The consolidated lots are to be shown on the plans for the Subdivision Certificate.

*Reason:* Land within the Transgrid easement (lots 63 & 64) cannot be dedicated as public open space as this is not supported by Transgrid or Council.

Note 2 The boundary between Lots 41 and 42 on the approved plans is to be adjusted such that the area of lot 42 is increased to at least 1800m<sup>2</sup>. The adjusted boundary is to be shown on the plans for the Subdivision Certificate.

*Reason:* Lot 42 must be increased in size to at least 1800m<sup>2</sup> to comply with clause 4.1 of *Cooma-Monaro Local Environmental Plan 2013*.

Note 2 The drainage easement on the approved plans shown on lots 54 and 57 is to be extended as required across Lot 64.

*Reason:* To ensure stormwater can legally drain across lot 64.

Note 2 The boundary between Lot 52 and 54 on approved plans is to be adjusted in the north east corner of Lot 52 such that the drainage easement is entirely located on Lot 54.

*Reason:* To provide for the easement entirely within lot 54 and reduce the potential for fencing or other obstructions to be placed in the easement.

Note 2 The drainage easement on Lot 59 on the approved plans is to be extended through

Lot 60 to the new road. The easement is to be in favour of Council.

*Reason:* To permit stormwater from the road reserve to be drained across lot 60 and into the easement shown on the approved plans.

Note : The existing stockyard on site is to be allocated to Lot 46 or Lot 47 and is not to form part of the Yallakool Road reserve.

*Reason:* This asset is not required by Council.

Note : The internal road hierarchy within the subdivision shall be modified in consultation with Council's Engineer to provide for the loop road to be the feeder road. The loop road shall be designed as the through road with all other internal roads to be tee intersections off the feeder road. The loop road should be described as Road 1 on the design plans and the three cul-de-sac roads shall be described as Roads 2, 3 and 4 respectively. The developer may include threshold treatments in the design to designate the entry to each of the cul-de-sac roads.

*Reason:* In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R\_0\_01

### Design Related Conditions

Note The minimum internal diameter, class and material of pipe used in the construction of the water reticulation system shall be 100mm PN12 mPVC.

The minimum water service pipe size, class and material (watermain to meter) is to be 20mm Type 'A' copper.

The minimum water meter size to service an individual property is to be 20mm.

*Reason:* Requirement of the CMSC Water Supply Development Standard. W\_1\_01

### Required Works

Note Each lot created shall be provided with a metered water supply service connection in accordance with *Cooma-Monaro Shire Council Water Supply Development Standard*.

*Reason:* Development to be provided with an adequate water supply service in accordance with Council's Policy and Regulations. W\_1\_03

Note The Council water main shall be extended to service the development in accordance with *Cooma-Monaro Shire Council Water Supply Development Standard*.

*Reason:* Development to be provided with an adequate water supply service. W\_1\_05

Note A wastewater drainage service is to be provided for the development, in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard*.

*Reason:* Development shall be provided with adequate means to dispose of wastewater (sewage). WW\_1\_03

Note Each lot created shall be provided with a separate 150mm diameter service connection in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard*.

*Reason:* Development to be provided with adequate means to dispose of wastewater (sewage). WW\_1\_04

Note The Council's wastewater drainage system is to be extended to service the proposed development. Works are to be designed and carried out in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard*.

*Reason:* Development to be provided with adequate means to dispose of wastewater (sewage). [WW\\_1\\_06](#)

Note The existing 11kV overhead powerline across Lots 24-37 and Lot 65 is to be removed. All power supply lines within the subdivision (other than on Lot 66 unless required by Essential Energy) are to be underground within the new public road reserves.

*Reason:* To comply with clause 4.1.8.2 of *Development Control Plan 2014* and requirement of Essential Energy.

Note The existing stock shelter shed on Lot 47 is to be demolished and removed from the site. The stock yard also located on this lot may remain or be removed at the discretion of the applicant.

*Reason:* Lot 47 will be constrained by a large easement for stormwater and the shed occupies the likely house site on this lot. It is also located at the entrance to the subdivision and will not be suited aesthetically to the new streetscape.

Note The proponent shall prepare a site management plan for Lot 66. The plan shall include the design and construction of a combined cycleway/shareway of concrete construction along the full length of the water course designed to ultimately link Snowy Oval to the cul-de-sac at the north west end of the site. The cycleway/shareway shall further be extended along proposed Lot 65 linking the internal access road with the cycleway/shareway at the unnamed waterway. The combined cycleway/shareway shall be designed in accord with the relevant Australian Standard and constructed at the expense of the applicant, but construction is not to commence until the site management plan has received written endorsement from Council and TransGrid.

Note: Design of the cycleway/walkway will require further consultation with TransGrid and Council. TransGrid have advised that any such path should not be constructed directly underneath the Transmission lines and should maintain a 17m horizontal clearance from the centreline of the catenaries. It is obviously noted that the path will be required to cross underneath the transmission lines at some point, but these crossing points should be minimised in length.

*Reason:* To provide a public thoroughfare connecting the subdivision with Snowy Oval and in accordance with Cooma-Monaro Shire Council Development Control Plan 2014.

Note All proposed new public roads within the subdivision are to be constructed and provided with street trees planted at the rate of 1 per 30 metres of road frontage.

*Reason:* In accordance with the provisions of clause 4.1.6 of *DCP 2014*.

Note Each lot (other than Lots 65 and 66) shall be provided with a separate water meter in accordance with the *Cooma-Monaro Shire Council Water Supply Development Standard*.

*Reason:* Development to be provided with an adequate water supply service.

Note The applicant shall supply and plant within the road reserve street trees in the

position shown on the approved Construction Certificate plans. The applicant shall also:

- a) fertilise and water the tree for one year from the date of planting;
- b) replace any dead trees.

Note: Street trees are to be spaced 8 metres apart.

*Reason:* In accordance with *Cooma-Monaro Development Control Plan 2014*.

**Note Condition Deleted – 10.2016.543.3**

~~The developer must upgrade the junction of Yallakool Road and the Monaro Highway to be an Auxiliary Left turn Treatment (AUL) together with a Channelised Right turn Treatment – Short Turn Lane [CHR(S)] in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.~~

~~Where required, the developer must also upgrade/provide lighting in accordance with Australian Standard AS/NZS 1158.~~

~~All roadworks, traffic control facilities and other works associated with this development,~~

~~including any modifications required to meet RMS standards, will be at no cost to RMS. All~~

~~works must be completed prior to issue of the Subdivision Certificate.~~

~~*Reason:* Requirement of Roads and Maritime Services.~~

Note Street lighting is to be installed in accordance with *AS 1158 – Street lighting* at the intersections of the new roads with Yallakool Road and the intersection of Yallakool Road and Yallakool Lane. The development is also to make provision for the future installation of street lighting throughout the subdivision by the installation of underground conduits as part of the subdivision works.

*Reason:* To ensure new intersections have adequate lighting for safety reasons and that provision is made within the subdivision now for the future installation of street lights throughout the subdivision. P\_0\_06

Note Roads within the subdivision are to be designed and constructed in accordance with the following design standards shown in *Appendix 5 of Development Control Plan 2014*:

- Internal loop road – Category 5
- Long cul-de-sac ending at Lot 58 – Category 4
- Two short cul-de-sacs – Category 3
- Yallakool Lane – Category 3

*Reason:* Requirement of *Development Control Plan 2014* and to specify the road construction standards for the development. P\_0\_07

35) The developer shall construct that section of Yallakool Lane from Yallakool Road, including the intersection, for the full length of the site boundary and in accord with Council's Specification for Engineering Works. A turning circle shall be provided at the end of the newly constructed laneway and the road closed off by installation of bollards and a rangers gate for maintenance access. A vehicular footpath crossing shall be constructed to service the rangers gate.

Note: The intent of this condition is to restrict through road access along Yallakool

Lane to the intersection with Monaro Highway.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R\_0\_03*

- 36) Arrangements are to be made for the provision of underground electricity, telephone services and street lighting for the development. The developer may choose to install gas reticulation.

Construction standards are to be as follows:

- Facilities to be placed within the footpath verge in accordance with the services alignments described in Council's Specification for Engineering Works.
- Provision of street lighting shall comply with the provisions of Austroads Guide to Traffic Engineering Practice Part 12 Roadway Lighting and AS 1158.1 – Public Lighting Code.
- Provision of other services in accord with the relevant standards if not otherwise prescribed in Council's Specifications.

*Reason: To provide adequate services to all lots at acceptable standards. R\_1\_08*

- 37) Guide posts and delineators, traffic warning and guideposts shall be provided on the public road carriageway in accordance with the requirements of DCP 2014.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R\_3\_03*

- 38) The applicant shall nominate, in writing to Council, the preferred name/s for the proposed new public road/s for approval by Council. Road name signs bearing the approved names shall be erected in accordance with the requirements of Council's Development Control Plan 2014.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R\_3\_04*

- 39) The intersection/s of the proposed access road/s with the public road (Yallakool Road) and the intersection of Yallakool Road and Yallakool Lane shall be designed and constructed as a TYPE BAL/BAR intersection in accordance with Austroads Standard, 'Guide to Traffic Engineering Practice, Part 5 - Intersections at Grade'.

Construction standards to be as follows:

- a) Proposed corner lots adjacent to the intersection shall be provided with minimum splay corners of 6 metres by 6 metres. Land comprising the cut-off corners shall form/be dedicated as part of the public/access road reserve.
- b) A two coat hot bitumen seal, provided in accordance with the requirements of Council's Specification for Engineering Works, for the full pavement width including tapers, splays and widening. The seal shall extend from the edge of the existing seal to at least the alignment of the road reserve boundary of the through/existing sealed road.
- c) The provision of taper flares to accommodate left turn vehicles to and from the intersecting road.
- d) Intersections of the new roads with Yallakool Road shall provide for a 15 metre radius turning movement for a design 19m semi-trailer.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. P\_5\_01*

- 40) A vehicular entrance/s is to be constructed from the road carriageway to all lots in the subdivision and shall be shown on the plans submitted for the issue of a

Construction Certificate.

Construction standards are to be as follows:

- a) An all weather, compacted gravel pavement of not less than 100 mm thickness.
- b) Provision of a reinforced concrete pipe culvert across the table drain, of not less than 375 mm diameter or an alternative structure complying with the requirements of Council's Specification for Engineering Works.
- c) Provision of reinforced concrete or mortared rock headwalls on the culvert.
- d) Any culvert shall be located such that the culvert structure is at least 2.5 metres from the edge of pavement in accordance with Roads and Traffic Authority 'Road Design Guide - Section 3 Clear Zone'.
- e) The access, including culvert and headwalls, shall be designed to provide at least a 6 metre radius to the edge of pavement for turning vehicles.
- f) Any gate constructed at the allotment access shall be located at least 15 metres from the edge of pavement.
- g) Complying with Standard Drawing B 238.
- h) Vehicular entrances shall be sealed to a minimum of 15 metres from the edge of the traffic lane.
- i) Vehicular entrances shall be located so as to provide the required sight distance in each direction along the road carriageway, when measured 3 metres back from the edge of the road carriageway, in accordance with Austroads Guide to Traffic Engineering Practice Part 5 – Intersections at Grade.
- j) The longitudinal gradient of the vehicular access located on the low side of the road carriageway shall not exceed 3% for a minimum distance of 10 metres measured from the edge of the road carriageway.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. R\_6\_01*

- 41) Stormwater drainage to ensure the proper drainage of all roads and drainage lines shall be constructed in accordance with the requirements of Council's *Specification for Engineering Works*. Construction standards are to be as follows:

- a) Culverts shall be reinforced concrete of not less than 450 mm diameter and such greater diameter as determined by design
- b) Culverts shall extend the full width of the road formation and shall be provided with reinforced concrete or mortared rock headwalls.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. R\_8\_01*

- 42) Inter-allotment drainage shall be constructed across the relevant Lot/s on the approved plans in accordance with the requirements of Council's Specification for Engineering Works and in compliance with the requirements of Transgrid for structures within electricity easements.

*Reason: To provide adequate stormwater drainage for residential lots. R\_8\_03*

#### **Conditions to be met prior to commencement of work**

- 43) RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Monaro Highway. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to construction.

Note: It is requested that Council advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: WAD.southern@rms.nsw.gov.au.

*Reason:* Requirement of the Roads and Maritime Services. P\_0\_10

- 44) An Aboriginal Heritage Management Plan (AHMP) must be prepared by a qualified archaeologist, in conjunction with OEH prior to commencement of any development activities. The AHMP must include, but not be limited to:
- Detail on the procedures to be followed if Aboriginal objects are found at any stage during the life of the development works and allow for the formulation of appropriate measures to manage any unforeseen impacts to Aboriginal heritage values;
  - Specifically detail the procedures to be followed if any Aboriginal skeletal material is uncovered during the development works and allow for the development of appropriate measures to manage this material;
  - An outline of the process that will be followed for consultation with Aboriginal stakeholders and OEH, where required; and
  - An outline of the process for how the AHMP procedures will be managed and adhered to during the operational life of the development activities..

*Reason:* Requirement of the Office of Environment and Heritage. P\_0\_10

- 45) All site workers and contractors are to be provided with induction training on the identification of Aboriginal objects, Aboriginal cultural awareness and procedures that must be followed in the event of discovery of Aboriginal objects.

OEH reminds the proponent that it is an offence to do any of the following without an exemption or defence (penalties apply):

- knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence)

Accordingly, no harm can occur to any Aboriginal objects unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by the Office of Environment and Heritage (OEH).

*Reason:* Requirement of the Office of Environment and Heritage. P\_0\_10

- 46) The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works within the public road reserve:
- a) Vehicular footpath crossings
  - b) Construction of new vehicular entrance point/s for Lot/s accessing Yallakool Road and Yallakool Lane
  - c) Intersection construction works on the local road network, including provision of street lighting at the new intersections with Yallakool Road
  - d) Roadworks on Yallakool Road and Yallakool Lane

- e) Signage installation works
- f) Water Supply and Sewerage works within the Road Reserve
- g) Any other works within the Public Road Reserve

The applicant shall make application to Council for approval under Section 138 of the Roads Act 1993 using the Application for Works within a Road Reserve form. All works shall be in accordance with Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.

The Section 138 approval must be sought prior to commencement of the works.

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

Reason: In accordance with Roads Act 1993. R\_1\_02

#### Conditions to be met prior to release of Construction Certificate

- 47) An application under S68 of the Local Government Act 1993 containing engineering design, plans and specifications for the water main extension prepared in accordance with *Cooma-Monaro Shire Council Water Supply Development Standard* shall be submitted to and approved by Council's Director of Engineering Services prior to the issue of the Construction Certificate.

*Reason:* To ensure the proposed new infrastructure conforms to Council standards.

W\_1\_08

- 48) An application under S68 of the Local Government Act 1993 containing engineering design, plans and specifications for the new wastewater drainage main prepared in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard* shall be submitted to and approved by Council prior to issue of the Construction Certificate.

*Reason:* To ensure the proposed new infrastructure conforms to Council standards.

WW\_1\_09

- 49) Prior to the issuing of the construction certificate, the developer must enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Monaro Highway.

*Reason:* Requirement of Roads and Maritime Services. P\_0\_09

- 50) All pavement design on the State road network must be in accordance with Austroads standards. It should be noted that pavement investigations need to consider the suitability of the existing shoulder to accommodate new loadings and if necessary, the developer must upgrade the existing shoulder.

*Reason:* Requirement of Roads and Maritime Services. P\_0\_09

- 51) Any new services or modifications to existing services associated with this development application that involve works on, over or under the Monaro Highway (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project.

Note: It is the developer's responsibility to identify these works to RMS project manager.

*Reason:* Requirement of Roads and Maritime Services. P\_0\_09

- 52) An application for a Construction Certificate is to be submitted to Council for approval for works required by this consent.

The work includes:

#### Road Works

- Engineering designs, plans and specifications for the construction/upgrading of the proposed/existing public road/s, prepared in accordance with the requirements of Council's Specification for Engineering Works and including the requisite design for adequate site distances for intersection design, road sealing works and any conditions included in this consent. This includes all new roads within the subdivision site, vehicular footpath crossings to newly created lots plus upgrades to Yallakool Road and Yallakool Lane.
- Soil and water management proposals during construction
- Signage design details including street names, guide signs and warning signs.
- Bus pullover bays (2 required) for future school bus routes including design allowance for a bus shelter at each site designed in accord with the Australian Standards for accessible bus stop facilities in consultation with Council and the bus operator (it is NOT a requirement to construct the bus shelters – simply to make provision in the designs for the pullover area)
- Cycle Path and access within the proposed public reserve.
- The provision of underground electricity and telephone services in accordance with the requirements of the relevant authorities
- The provision of gas reticulation if the developer determines to proceed with this service.
- Road pavement investigations, testing and design for public roads to be bitumen sealed shall be undertaken in accordance with the requirements of Council's Specification for Engineering Works
- A copy of test results of proposed road pavement materials by an approved laboratory, for compliance with the requirements of Council's Specification for Engineering Works
- Sample of the tested material

#### Drainage

- Engineering design plans and specifications of the intersection treatment, prepared in accordance with the requirements of Council's Specification for Engineering Works.
- Drainage design for the subdivision shall include inter-allotment drainage, an assessment of downstream runoff effects and the capacity of downstream channels. Measures designed to mitigate downstream effects shall be provided on the design plans including the construction of energy dissipation structures and pollutant traps prior to discharge to the receiving waterway.
- Stormwater drainage - Hydrological and hydraulic design calculations shall be provided for all stormwater design including a statement of the stormwater design philosophy for the subdivision.
- Street Lighting in accordance with Australian Standard AS/NZS1158 for the subdivision at the local road intersections.

**Note:** A single construction certificate may be issued for all the works specified above, or alternatively a series of separate construction certificates may be issued for particular parts of the specified works only.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. R\_1\_01*

- 53) The applicant shall apply to Council for property addressing of all lots within the subdivision and shall pay the current fee for issue of a rural address number/s. The application and fee shall be paid prior to issue of the Construction Certificate.

*Reason: To allow identification of rural properties. R\_6\_05*

#### **Conditions to be met during Construction**

- 54) 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 (Water & Wastewater Manager – 6455 1821) immediately of any damage occasioned 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. W\_1\_07*

- 55) 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 (Water & Wastewater Manager – 6455 1821) immediately of any damage occasioned 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. WW\_1\_08*

- 56) Any infrastructure pipes crossing a Transgrid easement will need to be non-metallic (i.e. plastic / PVC) and the position placement of the pipes marked at ground level by plastic marker posts.

Note: TransGrid uses 40 tonne mobile plant and equipment to undertake maintenance of its transmission lines and towers, including cranes and elevated work platforms, therefore any subterranean infrastructure must be designed to withstand the weight of such mobile plant passing over it, as TransGrid will not be responsible for any damage arising from use of its transmission easement in this regard.

*Reason: Requirement of Transgrid to protect electricity infrastructure on the site and ensure public safety.*

- 57) Any excavation must be at least 30 metres away from any transmission structure or guy.

Note: TransGrid's transmission structures possess subterranean earthing straps that

are hazardous if disturbed, especially under fault conditions.

*Reason:* Requirement of Transgrid to protect electricity infrastructure on the site and ensure public safety.

- 58) Any underground services installed will need to be a minimum 30m away from any transmission structure.

*Reason:* Requirement of Transgrid to protect electricity infrastructure on the site and ensure public safety.

- 59) Any development or construction work occurring within a TransGrid easement must be carried out in accordance with the '*TransGrid Easement Guidelines for Third Party Development*' (**Guidelines**). No development may occur on TransGrid's easement without prior written consent of TransGrid. No building structures are permitted on the easement. Further, no fencing is permitted on the easement without TransGrid's prior written approval. Fencing and access gates proposed either in or immediately adjacent to the high voltage transmission line easement must be appropriately earthed and isolated, in accordance with the design specifics advised by TransGrid.

Note: TransGrid's assessment has been undertaken on the basis that no aboveground structures are proposed on the easement [except for the plastic marker posts associated with subterranean pipe installations], therefore no structures are permitted on the easement as part of the development application.

*Reason:* Requirement of Transgrid to protect electricity infrastructure on the site and ensure public safety.

- 60) All works are to be carried out in accordance with the NSW WorkCover 'Work Near Overhead Power Lines Code Of Practice 2006 (link shown below), and please also refer to TransGrid's Easement Guidelines For Third Party Development (V10) (**Guidelines**): <http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>

*Reason:* Requirement of Transgrid to protect electricity infrastructure on the site and ensure public safety.

- 61) During construction erosion and sediment controls must be installed and maintained at all times.

Note: Particular attention should be paid to preventing sediment entering the small watercourse on Lot 66.

*Reason:* To prevent the movement of sediment from the site and into watercourses and drainage channels in the vicinity.

- 62) During construction appropriate measures must be employed at all times to minimise the generation of airborne dust from the development. Such measures may include, but are not limited to, the following:

- Wetting of all new road surfaces whilst work is being undertaken;
- Covering any temporary stockpiles of earth with suitable sheeting material;
- Minimising work likely to generate dust on windy days;
- Maintaining as much existing surface vegetation on the site as possible during construction works;

- Cleaning up and/or securing areas of sediment movement and erosion created within the site during construction promptly.

*Reason:* To minimise environmental impacts from the works on site.

- 63) The area on lots 25, 26 and 28-31 on the approved plans which will be subject to the restriction to user (upon registration of the subdivision plan) must be protected from disturbance at all times during construction works on the site.

*Reason:* To protect threatened species located in this area.

- 64) All roadworks and traffic control facilities on the Monaro Highway must be undertaken by a pre-qualified contractor.

A copy of pre-qualified contractors can be found on the RMS website at:

[http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.h](http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html)

[tml.](http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html)

*Reason:* Requirement of Roads and Maritime Services.

- 65) Adequate measures for erosion and sediment control shall be implemented prior to, during and following construction works. Such treatment shall include the revegetation of all disturbed areas.

*Reason:* In accordance with Council's Specification for Engineering Works.R\_9\_01

#### **Conditions to be met prior to release of Subdivision Certificate**

- 66) The following Works as Executed records, prepared in accordance with *Cooma-Monaro Shire Council Water Supply Development Standard* shall be submitted to Council prior to the final inspection of the completed works:

- (a) Works as Executed plans for the constructed works;
- (b) Certification from a registered surveyor that all pipes and manholes are wholly contained within the respective easements or reserves;

*Reason:* To ensure the constructed works comply with the approved plans and specifications. W\_1\_12

- 67) The following Works as Executed records, prepared in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard*, shall be submitted to Council prior to the final inspection of the works:

- (a) Works as Executed plans for the constructed works;
- (b) Certification from a registered surveyor that all pipes and manholes are wholly contained within the respective easements or reserves;

*Reason:* To ensure the constructed works comply with the approved plans and specifications. WW\_1\_14

- 68) An 88B Instrument is to be prepared for all proposed easements, restriction to user and for any utility services (eg gas, electricity, etc) on any lot which benefits another lot. Council is to be empowered as the only authority able to vary or extinguish the parts of the Instrument which burden or benefit the Council.

*Reason:* To ensure legal access for all lots to appropriate utility services.

- 69) Prior to release of the Subdivision Certificate, a copy of a 'Notice of Arrangement for Electricity Supply to a new Subdivision' from an electricity service provider is to be provided for the approved development.

Note: The Notice must indicate that satisfactory arrangements have been made to supply electricity to the approved lots. It must also specifically identify the approved development (preferably by the DA number on the consent) and not simply identify the site.

*Reason:* To confirm that an electricity supply is available for connection to future development on the approved lots in accordance with clause 4.1.8 of DCP 2014.

- 70) Prior to release of the Subdivision Certificate, a copy of a 'Provisioning Confirmation' letter from the telephone service provider is to be provided to Council.

Note: The Provisioning Confirmation must specifically identify the approved development (preferably by the DA number on the consent) and not simply identify the site.

*Reason:* To confirm that a telephone service is available for connection to future development on the approved lots in accordance with clause 4.1.8 of DCP 2014.

- 71) Prior to release of the Subdivision Certificate, the applicant is to provide Council with a plan of the site showing the approximate location of all existing utility services (ie electricity, telephone, gas, water, sewer, stormwater) if any, on the lots. If there are no services on the site, a statement is to be provided in this regard.

*Reason:* To verify the location of these services and any easements subsequently required to be shown on the linen plans.

- 72) All conditions identified as 'Required Works' in this consent must be completed.

*Reason:* To ensure the development is completed prior to registration of the subdivision.

- 73) Written confirmation must be obtained from TransGrid confirming the construction works within the TransGrid easements have been completed satisfactorily.

*Reason:* To protect electricity infrastructure on the site and ensure public safety.

- 74) All work specified in any Construction Certificate, Section 138 Roads Act approval or Section 68 Local Government Act approval applying to the development must be complete.

*Reason:* To ensure the development is complete prior to registration.

- 75) An easement is to be created under Section 88B of the Conveyancing Act 1919 for stormwater drainage. The easement is to burden lot/s through which stormwater infrastructure is to be located, including open channels and be in favour of Snowy-Monaro Regional Council or the local government entity in existence at the time of lodgement of the instrument. Council is to be empowered as the only authority able to vary, modify or remove the easement. Space is to be provided on the 88B Instrument for Council's General Manager or Authorised Person to sign.

*Reason:* To provide Council legal access to infrastructure and to provide adequate stormwater drainage for the approved/impacted lots.

76) For works which are to revert to Council's ownership and control, cash or other acceptable form of security, of not less than 10% of the cost of works undertaken in association with the consent, shall be lodged with Council for a period of six months to cover:

- maintenance or rectification works during this period
- bitumen sealed sections of the access road
- erosion and sediment control measures including revegetation of the site.

The six month period commences from the date of issue of the Subdivision Certificate. Any repairs required during or at the conclusion of the six month period will be funded from the bond.

After this six month period, arrangement is to be made with Council's Engineer for inspection of the works. Council will refund any remaining amount of the bond following inspection.

*Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R\_10\_02*

### **Fees & Contributions**

77) A contribution under Section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* shall be paid in accordance with the following:

a) **Cash Contribution Required**

In accordance with the *Cooma-Monaro Section 94 Contributions Plan*, a cash contribution shall be paid to Council in accordance with this condition.

b) **Amount and Purposes of Contribution**

The amount payable will be reassessed at the time of payment in accordance with Council's adopted Fees and Charges at that time.

The contribution is required and shall be held by Council in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and the *Cooma-Monaro Section 94 Contributions Plan* for the purposes of:

Description	Lots	\$/Lot	Total
Open Space	61	2,825.00	\$172,325.00
<b>TOTAL</b>			\$172,325.00

Note: Council's Section 94 Plan provides for a reduction in this amount in lieu of land dedicated as open space. A deduction for land dedicated to Council in Lots 65 and 66 will require further negotiation and agreement with Council on the value to be accepted for the land in these lots.

c) **Timing of Payment**

The contribution shall be paid prior to release of the Subdivision Certificate.

d) **Inspection**

A copy of the *Cooma-Monaro Section 94 Contributions Plan* may be inspected at the offices of Council at any time during normal office hours.

*Reason:* In accordance with Section 94 of the *Environmental Planning and Assessment Act 1979* and Council's *Section 94 Contributions Plan*.

78) The applicant shall pay the current fee for issue of a rural address number/s. The fee shall be paid prior to issue of the Subdivision Certificate.

Note: The street numbers of the new lots are ideally indicated on the Subdivision Plan for registration. As such it is advisable that this fee be paid prior to engaging your surveyor to prepare the final plan for registration so that Council can advise of the new addresses for each lot for inclusion in the surveyors plan. Council can issue street numbers once the fee is paid and the location of the access points to the lots are known. These are to be included on the plans for the Construction Certificate.

*Reason:* To allow identification of rural properties.

**Ongoing Conditions**

79) The terms of the restriction to user applying to Lots 25, 26, 28, 29, 30 and 31 are to be complied with at all times.

Note: This condition does not apply where Council provides written authorisation that a certain activity which would be contrary to the terms may be permitted in a particular instance.

*Reason:* To protect threatened species on the site.

**Modified Conditions**

Conditions:

1,7,9,11,21,22,23,24,25,26,27,28,29,30,31,32,35,40,47,48,52,66,67,69,70,71,72,74,77,78 have been amended in the first modification 10.2016.543.2 (issued 14/08/2017)

Condition:

32 has been deled in the second modification 10.2016.543.3 (this consent)

**9. OTHER REPORTS TO COUNCIL**

**9.1 KEY THEME 1. COMMUNITY**

**9.1.1 DRAFT LIBRARY STRATEGY 2019-2022**

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Community Support Services and Aged Care
Key Theme:	2. Economy Outcomes
CSP Community Strategy:	5.1 Advocate for and promote education and lifelong learning opportunities

Delivery Program Objectives: 5.1.1 The Region's Library Network promotes community connectedness and facilitates the provision of information and services for the community

Attachments: 1. Draft Library Strategy 2019-2022  
2. Draft Library Strategy 2019-2022 - Feedback

Cost Centre

Project

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

This report is seeking Council approval to adopt the Draft Library Strategy 2019-2022.

At an ordinary Council meeting held on 7 February 2019, Council resolved to endorse the Draft Library Strategy and Community Transport Strategy to be placed on Public Exhibition for a period of 28 days commencing 13 February 2019. The Council Resolution reference is 29/19.

The public exhibition period provided the community with an opportunity to comment on the strategy documents.

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

### COUNCIL RESOLUTION

251/19

That Council adopt the Library Strategy 2019-2022.

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

### Note 47: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

## 9.1.2 SECTION 355 COMMITTEE MINUTES: BOMBALA EXHIBITION GROUND, BREDBO HALL AND JINDABYNE MEMORIAL HALL.

Record No:

Responsible Officer: Director Corporate and Community Services

Author: Governance Officer

Key Theme: 1. Community Outcomes

CSP Community Strategy: 1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle

Delivery Program Objectives: 1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible

Ordinary Council at its meeting on 04 July 2019 resolved that the matter be deferred to the meeting to be held on 18 July 2019.

Attachments: 1. Minutes of the Bombala Exhibition Ground Section 355 Management Committee Meeting held 13 March 2019

2. Minutes of the Bombala Exhibition Ground Section 355 Management Committee Meeting held 4 April 2019
3. Minutes of the Bombala Exhibition Ground Section 355 Management Committee Meeting held 8 May 2019
4. Minutes of the Bredbo Hall Section 355 Management Committee Meeting held 6 September 2018
5. Minutes of the Bredbo Hall Section 355 Management Committee Meeting held 4 February 2019
6. Minutes of the Bredbo Hall Section 355 Management Committee Meeting held 11 April 2019
7. Minutes of the Jindabyne Memorial Hall Section 355 Management Committee Meeting held 23 May 2019

### EXECUTIVE SUMMARY

Council has received minutes from the following Section 355 Committees, Bredbo Hall, Bombala Exhibition Ground and Jindabyne Memorial Hall. These minutes are attached for Councils information.

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

#### COUNCIL RESOLUTION

252/19

That Council receive and note:

- A. Minutes of the Bombala Exhibition Ground Section 355 Management Committee meeting held 13 March 2019, 10 April 2019 and 8 May 2019;
- B. Minutes of the Bredbo Hall Section 355 Management Committee meeting held 6 September 2018, 4 February 2019 and 11 April 2019;
- C. Minutes of the Jindabyne Memorial Hall Section 355 Management Committee meeting held 23 May 2019

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

#### Note 48: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

### 9.1.3 DRAFT COMMUNITY TRANSPORT STRATEGY 2019-2022

Record No:

Responsible Officer: Director Corporate and Community Services  
Author: Group Manager Community Support Services and Aged Care  
Key Theme: 1. Community Outcomes  
CSP Community Strategy: 1.2 High quality community support and residential aged care services are available and accessible to residents across the region  
Delivery Program Objectives: 1.2.1 Competitive cost effective aged care and community support services are available within the region  
Attachments: 1. Draft Community Transport Strategy 2019-2022  
2. Draft Community Transport Strategy 2019-2022 - Feedback

Cost Centre

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

This report is seeking Council approval to adopt the Draft Community Transport Strategy 2019-2022.

At an ordinary Council meeting held on 7 February 2019, Council resolved to endorse the Draft Library Strategy and Community Transport Strategy to be placed on Public Exhibition for a period of 28 days commencing 13 February 2019. The Council Resolution reference is 29/19.

The public exhibition period provided the community with an opportunity to comment on the strategy documents.

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

<b>COUNCIL RESOLUTION</b>	<b>253/19</b>
That Council adopt the Community Transport Strategy 2019-2022.	
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>
	<b>CARRIED</b>

Note 49: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.1.4 MONTHLY FUNDS MANAGEMENT REPORT - JUNE 2019**

Record No:

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

**Attachments:**

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 June 2019.

Cash and Investments are \$88,114,069.

**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.

<b>COUNCIL RESOLUTION</b>	<b>254/19</b>
That Council:	
A. Receive and note the report indicating Council's cash and investments position as at June 2019;	
B. Receive and note the Certificate of the Responsible Accounting Officer; and	
C. Reconsider their investments and look for alternatives	
<b>Moved Councillor Stewart</b>	<b>Seconded Councillor Haslingden</b>
	<b>CARRIED</b>

**Note 50: Point of Order**

Councillor Stewart raised a point of order on the basis that he believed a recommendation to Council on the item had already been moved.

Mayor responded to the point of order and advised that in the pre meeting briefing, that a point C could be added to the resolution.

**Note 51: Record of Voting**

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

*Councillors Against: Councillor Castellari, Councillor Ewart and Councillor Last.*

**9.1.5 DRAFT SNOWY MONARO YOUTH STRATEGY 2019-2022**

Record No:

Responsible Officer: Group Manager Economic Development and Tourism  
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. Draft Youth Strategy  
Cost Centre 2910  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The draft Snowy Monaro Youth Strategy provides Council the opportunity to formalise a long term commitment to young people of the region. The draft document outlines a commitment to build on the important work Council already does in the youth sector, and articulates a vision to cultivate communities in which young people can actively participate in social, civic and economic opportunities.

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

<b>COUNCIL RESOLUTION</b>	<b>255/19</b>
That Council:	
A. Receive and note the draft Youth Strategy 2019-2022; and	
B. Endorse the public exhibition of the draft Strategy for a period of 28 days to provide the community with an opportunity to provide feedback.	
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>
	<b>CARRIED</b>

Note 52: **Motions Without Debate**

The above officer’s recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.1.6 JUNE YOUTH COUNCIL MEETING MINUTES**

Record No:

Responsible Officer: Director Environment & Sustainability  
Author: Youth Officer  
Attachments: 1. June Youth Council minutes  
2. Draft letter to Mike Kelly

**EXECUTIVE SUMMARY**

The Youth Council met on 4 June 2019 in Cooma. The Committee’s recommendations are presented for Council’s consideration and adoption.

**COUNCIL RESOLUTION**

**256/19**

That the minutes of the Youth Council meeting held on 4 June 2019 be adopted and that Council endorse the recommendation at 9.1 to forward a letter to the Honourable Mike Kelly.

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

**Note 53: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.2 KEY THEME 2. ECONOMY**

Nil.

**9.3 KEY THEME 3. ENVIRONMENT**

**9.3.1 TRANSFER OF PART UNDOO FIRE TRAIL TO COUNCIL AS A COUNCIL PUBLIC ROAD**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Land & Property Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.1 Management of road corridors is effective and efficient Ordinary Council at its meeting on 20 June 2019 resolved that the matter be deferred to the meeting to be held on 18 July 2019.
Attachments:	1. Aerial View - Undoo Fire Trail and Part Unnamed Crown Reserve Road
Cost Centre	1830 – Unsealed Rural Roads : Local

**EXECUTIVE SUMMARY**

Council conditioned a Modification of Development Consent (MOD 10.2015.473.2) requiring the developer to apply to the Crown to have part of the Crown road known as the Undoo Fire Trail and a section of unnamed Crown reserve road transferred to Council as a Council public road. The Undoo Fire Trail runs from the intersection of Badja Road, Countegany for a distance of approximately 1.088km in a westerly direction to the intersection of another unnamed Crown reserve road and then turning onto the unnamed Crown reserve road in a north westerly direction for a distance of approximately 524m as demonstrated on the plan attached to this report.

Only Council has the power to request that Crown roads be transferred to Council as Council public roads. The developer recently contacted Council requesting that Council progress this matter urgently.

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

**COUNCIL RESOLUTION**

**257/19**

That Council approve the proposal to apply to the Crown to transfer approximately 1.6km of Crown reserve road to Council comprising part Undoo Fire Trail and part unnamed Crown Reserve road as demonstrated on the map attached to this report.

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

Note 54: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.3.2 ESTABLISHMENT OF ACCESS TO LOT 10 DP 7505534 AND LOT 73 DP 750565 - SOUTHERN TABLELANDS 4 WHEEL DRIVE CLUB**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Land & Property Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard
Delivery Program Objectives:	8.2.1 Council maximises its Asset utilisation to deliver services today and into the future
Attachments:	1. Bundarra Road
Cost Centre	1802 – Road Management Operations
Project	TBA

**EXECUTIVE SUMMARY**

On 27 February 2019 the Southern Tablelands 4 Wheel Drive Club wrote to Council regarding assistance to establish coinciding legal and practical access to their property being Lot 10 DP 750554 and lot 73 DP 750565.

The Club previously accessed their property using a registered right of carriageway(ROC) accessed via Bundarra Road which followed a track in use since 2007.

Lot 1 DP 440253 has new owners and they've requested the Club cease passing through their property as the Club has no legal right to do so. The owners of lot 1 shared a video of the Club passing through their property, bumper to bumper, with headlights shining into their home which is very close to the track.

Realignment of Bundarra Road over the constructed road, acquisition of part lot 20 DP 655382 and opening of a section of Crown reserve road as a Council public road will give all residents legal, practical and coinciding access to the bridge after which a negotiated amendment to the Right of Carriageway will provide access for the 4WD to their property.

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

**COUNCIL RESOLUTION**

**258/19**

That Council

- A. Negotiate with the owner of lot 15 to realign the road over the track through his property.
- B. Engage the services of a surveyor to survey the off-line section of Bundarra Road through lot 15.
- C. Close the section of Bundarra Road which is off line.
- D. Dedicate the section of Bundarra Road to be closed to the landowner in compensation.
- E. Take ownership of the bridge which has been constructed over the creek.
- F. Acquire the land within the proposed road reserve 20 wide in accordance with a survey plan.
- G. Apply to the Crown to have the Crown reserve road which passes through lot 20 transferred to Council as a Council public road.
- H. Acquire approximately 3ha of lot 20 around the Crown reserve road in order to create a more viable access to the bridge.
- I. Gazette the length of Bundarra Road as a Council public road from the intersection of Jerangle Road to the creek .
- J. Authorise the expenditure amount of \$60,000 in the 2020 Financial Year Budget with funding to be provided from Other Internal Reserves account 35116.

**Moved Councillor Castellari**

**Seconded Councillor Haslingden**

**CARRIED**

Note 55: **Record of Voting**

*Councillors For: Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Old, Mayor Rooney and Councillor Stewart.*

*Councillors Against: Councillor Last, Councillor Maslin and Deputy Mayor Miners.*

**9.3.3 SCFMPP-202 BOMBALA SHOWGROUND KIOSK**

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Project Manager

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard

Delivery Program Objectives: 8.2.3 Stronger Communities fund project delivers improved community infrastructure and assets through the Major Projects Program (MPP)

Attachments: 1. SCFMPP Bombala Showground Kiosk Assessment (*Under Separate Cover*) - **Confidential**  
2. SCFMPP Bombala Showground Kiosk - Pricing detail (*Under Separate Cover*) - **Confidential**

Cost Centre SCFMPP-202 PJ100072

Project Bombala Showground Kiosk

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

The purpose of this report is to inform council of the design, development and tender evaluation process for the proposed new Bombala Showground Kiosk. This project is to replace the existing building as it has passed its usable lifespan and not fit for renovations.

Information in this report and attached documentation provide the breakdown of costs to complete the construction as designed.

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

### COUNCIL RESOLUTION

259/19

That Council review and award the packaged works contract as per attached PWA tender assessment and recommendation.

Moved Councillor Stewart

Seconded Councillor Maslin

CARRIED

### Note 56: Record of Voting

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

Councillors Against: Nil.

## 9.3.4 PROPOSED AMENDMENT TO THE SEWER PRICING AND BILLING POLICY

Record No:

Responsible Officer: Director Operations & Infrastructure  
Author: Group Manager Water & Wastewater Services  
Key Theme: 3. Environment Outcomes  
CSP Community Strategy: 7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient  
Delivery Program Objectives: 7.2.1 Water and sewer management services and operations meet legislative and quality requirements  
Attachments: 1. Amended Sewerage Pricing and Billing Policy  
Cost Centre 2110 – Sewer Management  
Project  
Further Operational Plan Actions:

## EXECUTIVE SUMMARY

Harmonisation of water and sewer fees and charges for the region was completed in 2019 with the exception of the liquid trade waste (LTW). The LTW charges will be phased in as it requires the inspection of the premises to determine the charges that will apply to the different types of businesses. The implementation of LTW in Bombala, Cooma, Delegate and Nimmitabel will commence in mid July 2019.

Based on a charging regime adopted in the former Cooma-Monaro Shire Council area for multiunit dwellings, this report proposes adoption of an amendment to the Sewer Pricing and Billing Policy to

enable the discount to apply region wide.

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

**COUNCIL RESOLUTION**

**260/19**

That Council

- A. Approve the following proposed amendment to the SMRC Sewerage Pricing and Billing Policy to be placed on public exhibition for a period of 28 days.

Add the following subclause 2.2.1 under the current clause 2.2 "Residential and Non-residential Strata, Flats, Dual Occupancies and Vacant Properties":-

2.2.1 – Discount on sewer access charges for multiunit properties with area under 35m<sup>2</sup>

The sewer access charge for multiunit properties with an area under 35m<sup>2</sup> will be discounted by 50% of the 20mm residential access charge. The 20mm access charge that will apply shall be the charge as set in the Annual Fees and Charges for that particular year.

All customers who qualify for this discount will need to make an application to Council in writing stating the number of units with area under 35m<sup>2</sup> subject to meeting the following criteria:

- All units are legal and considered habitable residential units
- All units are serviced by one service line / water meter
- All units are a studio style accommodation (one living area, separate bathroom, kitchen) and each unit has a floor area of no more than 35m<sup>2</sup> measured as the internal area (including any internal dividing walls).

- B. Approve the following amendment to the SMRC Sewerage Pricing and Billing Policy:-

All references in the current policy to the "Revenue Policy" to be amended to "Fees and Charges".

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

Note 57: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.3.5 ACQUISITION OF CROWN RESERVE ROAD AS COUNCIL PUBLIC ROAD**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Land & Property Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.3 Advocate and work with other levels of government, community and industry to improve outcomes
Delivery Program Objectives:	10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries
Attachments:	1. Maps of Crown Reserve Road between Polo Flat Road and Carlaminda Road 2. Letter from Snowy Hydro Limited Confirming Responsibility for Construction of Road following Gazettal to Council ( <i>Under Separate Cover</i> ) - <b>Confidential</b>

Cost Centre 1830 – Unsealed Rural Roads - Local

### EXECUTIVE SUMMARY

Snowy Hydro has negotiated with the Crown to use Crown land (ID 15036917 lot 3 DP 863686) at Polo Flat for its operations while the Snowy 2.0 project is in progress. The Crown has agreed to this request on condition that Council agrees to have the Crown reserve road (approximately 780m) which passes through the land transferred to Council as a Council public road.

Snowy Hydro has confirmed (letter from Snowy Hydro attached) that it will be responsible for construction of the road following gazettal to Council.

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

### COUNCIL RESOLUTION

261/19

That Council

- A. Agrees to the request from Snowy Hydro Limited to apply to the Crown to have the Crown reserve road (approximately 780m), which runs from Polo Flat Road to Carlaminda Road, transferred to Council as a Council public road on condition that Snowy Hydro Limited will be responsible for the construction of the road to Council's road standard after it is dedicated to Council;
- B. Fund the Application Fee for the Gazettal of the Crown Reserve Road to Council from the General Fund; and
- C. Any ongoing maintenance costs to be incurred by Snowy Hydro Limited, for the period of operation of the proposed segment plant

Moved Councillor Ewart

Seconded Councillor Old

CARRIED

### Note 58: Record of Voting

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

Councillors Against: Nil.

### Note 59: Attendance of Manager Corporate Governance

Manager Corporate Governance was absent from the meeting from 6.17PM during Item 9.3.5 Acquisition of Crown Reserve Road as Council Public Road, returning at 6.20PM during same item.

### 9.3.6 BOMBALA AND DELEGATE STREETScape PROJECTS

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Project Manager

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard

Delivery Program Objectives: 8.2.3 Stronger Communities fund project delivers improved community infrastructure and assets through the Major Projects Program (MPP)

Attachments: 1. SCFMPP Bombala & Delegate Streetscapes Tender Evaluation Report

*(Under Separate Cover)* - **Confidential**

2. SCFMPP Bombala & Delegate Tender Price Assessment (*Under Separate Cover*) - **Confidential**

3. Financial Analysis (*Under Separate Cover*) - **Confidential**

Cost Centre

SCFMPP-113 PJ100142: Delegate Streetscapes

SCFMPP-226 PJ100145: Bombala Streetscapes

SCFMPP-154 PJ100152: Bombala Therry St Streetscape

Project

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

The purpose of this report is to inform council of the outcomes of the design, development and tender evaluation process for the proposed Bombala and Delegate Streetscape upgrade works package for approval and award. Information in the report and attached documentation provide the breakdown of costs to complete the construction as designed.

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

### COUNCIL RESOLUTION

262/19

That Council:

- A. Transfer the remaining budget from the Bombala Streetscape and Therry Streetscape projects to the Bombala Balancing Project 1 (PJ100145).
- B. Transfer the additional funds required for the detailed scope of works for the Delegate Streetscape works to be completed from the Bombala Balancing Project 1 (\$287,618.29 PJ100143) and Bombala Balancing Project 2 (\$90,952.73 PJ100145).
- C. Review and award the packaged works contract as per the tender assessment and recommendation attached.

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

### Note 60: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

## 9.3.7 WAIVER OF INTEREST CHARGES FOR DUAL OCCUPANCY CUSTOMERS ONLY IN THE FORMER SNOWY RIVER SHIRE COUNCIL AREA

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Water and Waste Engineer

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 12.2 Residents have access to timely, relevant and accurate information on issues that affect them

Delivery Program Objectives: 12.2.2 Council provide convenient ways for customers to engage with us and we respond appropriately

Attachments: Nil

Cost Centre 13-2010

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

A new water billing policy was adopted by Council in June 2018 and has been implemented in all areas of Council. A few inconsistencies identified in former Councils were addressed through the new water billing policy.

Dual Occupancy charge was one of the inconsistent charge which wasn't charged in the former Snowy River Shire Council area. This charge has now been levied to all dual occupancy customers region wide.

This report is to address requests received to give relief to customers who have delayed paying the charges levied for dual occupancies by waiving the interest charges.

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

#### COUNCIL RESOLUTION

263/19

That Council approves waiving of the interest charges for dual occupancy customers only in former Snowy River Shire Council area (Jindabyne, East Jindabyne, Tyrolean Village, Adaminaby, Dalgety, Kalkite and Berridale) until October 2019.

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

#### Note 61: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

### 9.3.8 MINUTES OF THE RECREATIONAL FACILITIES COMMITTEE MEETING HELD ON 27 MAY 2019

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Open Space & Recreation Manager

Attachments: 1. Minutes of the Recreational Facilities Committee Meeting held on 27 May 2019

### EXECUTIVE SUMMARY

The Recreational Facilities Committee meeting was held on the 27 May 2019 in the Cooma Council Chambers. The Committee's minutes and recommendations are presented for Council's consideration.

#### COUNCIL RESOLUTION

264/19

That Council receive and note the minutes of the meeting of the Recreational Facilities Committee held on 27 May 2019.

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

#### Note 62: MOTIONS WITHOUT DEBATE

THE ABOVE OFFICER'S RECOMMENDATION BECAME A RESOLUTION OF COUNCIL AS A RESULT OF RESOLUTION 245/19 ABOVE AS THERE WAS NO CHALLENGE BY COUNCILLORS.

## 9.4 KEY THEME 4. LEADERSHIP

### 9.4.1 WEBCASTING

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Manager Information & Communications Technology
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	12.2 Residents have access to timely, relevant and accurate information on issues that affect them
Delivery Program Objectives:	12.2.2 Council provide convenient ways for customers to engage with us and we respond appropriately
Attachments:	Nil.
Cost Centre	3110

### EXECUTIVE SUMMARY

The Code of Meeting Practice adopted by Council at the Ordinary Council meeting held on 20 June 2019 has a mandatory requirement for all Council meetings to be webcast from 14 December 2019.

As Council currently rotates the location of Council meetings between multiple sites, additional webcasting equipment will be required to facilitate the multiple site requirement at those locations outside the Cooma office where fixed webcasting equipment is currently located. Given the locations of these meetings, a mobile, portable solution has been considered.

To maintain consistency, there are a number of options available through the existing webcasting service provider Interstream.

The recommended solution is a portable three camera webcasting solution that allows Council to webcast from any location at a low cost with no additional ongoing service charges.

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

<b>COUNCIL RESOLUTION</b>	<b>265/19</b>
That Council defer motion until a member of staff can view the proposed equipment	
<b>Moved Councillor Maslin</b>	<b>Seconded Councillor Last</b>
	<b>CARRIED</b>

### Note 63: Record of Voting

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

*Councillors Against: Nil.*

### 9.4.2 ANSWERS TO QUESTIONS WITH NOTICE

Record No:

Responsible Officer:	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. Version for Council Meeting - In Progress Questions with Notice - Updates to End of June 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 June 2019.

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

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

<b>COUNCIL RESOLUTION</b>	<b>266/19</b>
That Council receive and note the Councillor Questions In Progress report for the period ended June 2019.	
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>
	<b>CARRIED</b>

#### Note 64: **Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

### 9.4.3 RESOLUTION ACTION SHEET UPDATE

Record No:

Responsible Officer: 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 Actions - Includes all Actions up to end of June 2019

Cost Centre 3120 Governance

Project

Further Operational Plan Actions:

## 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 June 2019.

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

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

### COUNCIL RESOLUTION

267/19

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

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

### Note 65: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

## 9.4.4 SCHEDULING OF THE SNOWY MONARO REGIONAL COUNCIL MAYOR AND DEPUTY MAYOR ELECTION

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager 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
Cost Centre	3110

## EXECUTIVE SUMMARY

Under section 230(1) of the *Local Government Act 1993*, Mayors elected by Councillors now hold office for 2 years.

As advised by the Office of Local Government in *Circular 18-23*, on 5 September 2018, Councils that held delayed ordinary elections or first elections (following the creation of a new council) in September 2017 will hold their next Mayoral elections in September 2019 if their Mayor is elected by Councillors. This election will be for a term of 1 year to realign to Council ordinary elections in September 2020.

To meet these requirements Council will be required to hold an extraordinary Council meeting in September 2019 prior to the scheduled ordinary Council meeting.

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

**COUNCIL RESOLUTION**

**268/19**

That Council approves the scheduling of an extraordinary Council meeting be held at 5pm on Monday 2 September 2019 for the election of the Mayor and Deputy Mayor for the period of September 2019 to September 2020, in accordance with *Section 255 of the Local Government Act 1993*, and in the event that Councillor Beer is not available, an alternate date is considered.

**Moved Councillor Castellari**

**Seconded Councillor Haslingden**

**CARRIED**

Note 66: **Record of Voting**

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

*Councillors Against: Nil.*

Note 67: **Point of Order**

Councillor Stewart raised a point of order on the basis that the record of voting on individual items should not be necessary.

Councillor Castellari pointed out that 11.10 in the Code of Meeting Practice, states that votes must be recorded on Items.

Staff responded to the point of order and advised that moving forward, votes will be recorded, and a report will be brought to the next Council meeting to change 11.10 of the Code of Meeting Practice.

**9.4.5 DETERMINATION OF THE NUMBER OF COUNCILLORS**

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager 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
Cost Centre	3110

**EXECUTIVE SUMMARY**

Council is required by Section 224(2) of the *Local Government Act 1993* (the *Act*), to determine the number of Councillors.

Under the provisions of the *Act*, Council is unable to change the number of Councillors without first obtaining approval at a constitutional referendum.

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

**COUNCIL RESOLUTION**

**269/19**

That Council resolves:

- A. Pursuant to Section 224(2) of the *Local Government Act 1993*, that Council will comprise of nine (9) Councillors, including the Mayor from 2024, and
- B. That a constitutional referendum be held at the September 2020 election, and the determined number of nine (9) Councillors would apply from 2024.

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

**Note 68: Record of Voting**

*Councillors For: Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Old and Mayor Rooney.*

*Councillors Against: Councillor Haslingden, Councillor Last, Councillor Maslin, Deputy Mayor Miners and Councillor Stewart.*

**Note 69: Mayoral Casting Vote**

Upon the vote being put there was an equality of votes in favour of the motion and against the motion. In accordance with Clause 24.0 (8) of Council's code of meeting practice the Mayor exercised his casting vote and voted in favour of the motion

**Note 70: Amendment to Original Motion**

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

The original motion Moved: Councillor Castellari, Seconded: Councillor Maslin was:

*"That Council resolves:*

- A. *Pursuant to Section 224(2) of the Local Government Act 1993, that Council will comprise of seven (7) Councillors, including the Mayor from 2024, and*
- B. *That a constitutional referendum be held at the September 2020 election, and the determined number of seven (7) Councillors would apply from 2024."*

**Note 71: Point of Order**

Mayor Rooney raised a point of order on the basis that there several discussions occurring at once while Councillors were discussing item.

Discussions continued.

**9.4.6 PROPOSED CLOSURE AND SALE OF PUBLIC PATHWAY IN KALKITE**

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Land & Property Officer

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard

Delivery Program Objectives: 8.2.6 Council's infrastructure is maintained to meet compliance standards and to deliver high level services

Attachments: 1. Email from landowners of lot 39 in Gardenia Court Kalkite (Under Separate Cover) - **Confidential**  
2. Aerial map showing lots 38, 39 and Council Land being Lot 5 in Kalkite

*(Under Separate Cover)* - **Confidential**

Cost Centre 1830 – Unsealed rural roads - local

### **EXECUTIVE SUMMARY**

Over a period of two and a half years, Council has considered the request from landowners to close and sell the public pathway which runs between lots 38 and 39 DP 260285 in Gardenia Court, Kalkite.

The latest resolution was made on 18 May 2018 when Council resolved to postpone further consideration of this matter until both parties had confirmed in writing their intention to purchase 50% each of the pathway between their properties.

Recently the owners of lot 38 wrote to Council asking why this matter was not progressing and that they were willing to purchase the whole of the pathway for \$20,000 including GST. Council contacted the owners of lot 39 to enquire if they were still interested and received an email reply to say that they could only purchase half the pathway if they could make arrangements to pay for the land through a “special rate” to be paid in conjunction with their land rates.

This matter has been unresolved since 2015 and the owners of lots 38 and 39 D 260285 are continuing to disagree on the boundary adjustment, asking price etc.

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

#### **OFFICER’S RECOMMENDATION**

That Council:

- A. Withdraw the pathway from sale and continue to maintain it as a public asset.
  - B. Notify both parties of the resolution to withdraw the pathway from sale.
- OR
- C. Agree to close the pathway and sell the land 50% to each adjoining landowner for \$10,000 including GST each.
  - D. Notify the owners of lot 39 that Council approves the payment for 50% of the pathway as a “special rate” to be paid in conjunction with the land rates to be fully paid prior to 30 June 2020.
  - E. Apply to the Crown to close the public pathway.
  - F. Engage the services of a surveyor to create a plan of subdivision with the pathway to be divided along its length (front to back).
  - G. Engage the services of a solicitor to draw up contracts for the sale of the land.
  - H. Authorise the General Manager to execute the documents for the sale of the property.

#### **LAPSED MOTION**

### Lapsed Motion

The above motion failed to gain a mover and a seconder and therefore LAPSED, through want of a mover and a seconder. The lapsed motion was in the following terms:

“That Council:

- A. Withdraw the pathway from sale and continue to maintain it as a public asset.
- B. Notify both parties of the resolution to withdraw the pathway from sale.

OR

- C. Agree to close the pathway and sell the land 50% to each adjoining landowner for \$10,000 including GST each.
- D. Notify the owners of lot 39 that Council approves the payment for 50% of the pathway as a “special rate” to be paid in conjunction with the land rates to be fully paid prior to 30 June 2020.
- E. Apply to the Crown to close the public pathway.
- F. Engage the services of a surveyor to create a plan of subdivision with the pathway to be divided along its length (front to back).
- G. Engage the services of a solicitor to draw up contracts for the sale of the land.
- H. Authorise the General Manager to execute the documents for the sale of the property”

*Report Withdrawn*

### 9.4.7 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MINUTES OF MEETING AND REMUNERATION REVIEW

Record No:

Responsible Officer:	General Manager
Author:	Senior Internal Auditor
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. 2019 06 14 - Audit, Risk and Improvement Committee - DRAFT Minutes of Meeting 2. 2019 06 14 - Audit, Risk and Improvement Committee - DRAFT Chair's Discussion Summary of Meeting
Cost Centre	3136 - Internal Audit

### EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee met on 14 June 2019 in Committee Room, Cooma. The DRAFT minutes of meeting and Chair’s discussion summary are presented for Council’s information.

Council to consider an increase in remuneration, to the members of the Audit, Risk and Improvement Committee, as per Office of Local Government (OLG) Council Circular 19-07 2019/20 Determination of the Local Government Remuneration Tribunal. The circular determines an increase of 2.5% to mayoral and councillor fees for the 2019/20 financial year, with effect from 1 July 2019. It is considered appropriate that the same percentage increase be applied to the independent members of the Audit, Risk and Improvement Committee.

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

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**COUNCIL RESOLUTION**

**270/19**

That Council

- A. Receive and note the DRAFT minutes and Chair's discussion summary of the meeting of the Audit, Risk and Improvement Committee held on 14 June 2019.
- B. Approve an increase of 2.5% in remuneration to the members of the Audit, Risk and Improvement Committee.
- C. Adopt the recommended remuneration as Chair: \$7,687.50 per annum (ex GST) and Member: \$1,025 per scheduled meeting (ex GST).

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

**Note 72: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.4.8 GRANT APPLICATIONS - ACTIVITY AS AT 30 JUNE 2019**

Record No:

Responsible Officer: Chief Financial Officer

Author: Grants Officer

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income

Delivery Program Objectives: 11.2.3 Alternative sources of revenue to rating income are identified and maximised

Attachments: Nil

Cost Centre 4010

Project

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

This report provides an update on Grants activity for the quarter ended 30 June 2019.

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

**COUNCIL RESOLUTION**

**271/19**

That Council receive and note the information related to Grants activity for the quarter ending 30 June 2019.

**Moved Councillor Castellari**

**Seconded Councillor Corbett**

**CARRIED**

**Note 73: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

#### 9.4.9 RATES HARMONISATION - DETERMINATION OF PREFERRED OPTION

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Chief Financial Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Delivery Program Objectives:	11.2.1 Councils has best practice management for financial sustainability
Attachments:	1. Local Government Amendment Bill 2019 2. Local Government Act 1993 - Section 218CB
Cost Centre	Financial Services
Project	Rates Harmonisation
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

The recent *Local Government Amendment Bill 2019 (NSW)* has introduced an amendment to section 218CB of the *Local Government Act 1993* to change the rating years from 3 rating years to 4 rating years.

Accordingly, this provides merged councils the choice of delaying rates harmonisation for a further 12 months to allow for further community consultation.

Accordingly, merged councils have two options for timing the implementation of their new rating structures from 1 July 2020, or 1 July 2021.

The Office of Local Government have requested a resolution be passed by Council confirming which option that Snowy Monaro Regional Council will adopt.

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

<b>COUNCIL RESOLUTION</b>	<b>272/19</b>
That Council determine the preferred option for rates harmonisation as Option 2 - Implementation from 1 July 2021	
<b>Moved Councillor Stewart</b>	<b>Seconded Councillor Maslin</b>
	<b>CARRIED</b>

#### Record of Voting

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

*Councillors Against:* Nil.

#### Note 74: **Adjournment of Meeting**

At 7.03PM the meeting adjourned for a dinner break

#### Note 75: **Resumption of Meeting**

The meeting resumed at 7.32PM.

**9.4.10 STATUTORY UPDATES TO 2020 FEES AND CHARGES**

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Chief Financial Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Delivery Program Objectives:	11.2.3 Alternative sources of revenue to rating income are identified and maximised
Attachments:	1. OLG Circular - Companion Animals Registration Fee Increase 2. 2020 Fees And Charges - Animal Management
Cost Centre	4010 Financial Services
Project	2020 Fees and Charges
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

Council received notification for the CPI increase to fees set under the *Companion Animals Regulation 2018* via the Office of Local Government Circular on 12 June 2019 (Attachment 1). The published version of the 2020 Fees and Charges has been updated to reflect the revised fees (Attachment 2).

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

<b>COUNCIL RESOLUTION</b>	<b>273/19</b>
That Council receive and note the updated fees and charges for companion animals registration fees set by the <i>Companion Animals Regulation 2018</i> .	
<b>Moved Councillor Castellari</b>	<b>Seconded Councillor Corbett</b>
	<b>CARRIED</b>

**Note 76: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 245/19 above as there was no challenge by Councillors.

**9.4.11 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2019**

Record No:

Responsible Officer:	General Manager
Author:	Executive Assistant Mayor & Councillors
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.3 Advocate and work with other levels of government, community and industry to improve outcomes
Operational Plan Action:	10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries
Attachments:	Nil

Cost Centre 3020

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

Council has been invited to attend the Local Government NSW (LGNSW) Annual Conference which will be held from Monday 14 October to Wednesday 16 October 2019 at the William Inglis Hotel, Warwick Farm.

This conference is the main policy making event for the local government sector. Voting delegates must be registered to attend the Conference and must be registered as a voting delegate. Snowy Monaro Regional Council must have 3 voting delegates in attendance for voting and motions during formal business sessions.

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

#### COUNCIL RESOLUTION

274/19

That Council

- A. Authorise the Mayor and the General Manager to attend the Local Government NSW Annual Conference in October 2019;
- B. Authorise Councillor Castellari and Councillor Ewart to attend as the remaining voting members;
- C. Authorise the expenditure and allocate an approximate amount of \$6,720.00 in the 2020 Financial Year Budget with funding to be provided from Mayor and Councillor Conferences.

**Moved Councillor Castellari**

**Seconded Councillor Maslin**

**CARRIED**

#### Note 77: **Record of Voting**

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

*Councillors Against: Nil.*

#### Note 78: **Attendance of Councillor**

Councillor Stewart was absent from the meeting from 7.38PM during Item 9.4.11 – Local Government NSW Annual Conference 2019, returning at 7.41PM during same item.

### 10. NOTICE OF MOTION

Nil.

## 11. MAYORAL MINUTES

### 11.1 IPART ELECTION COST REVIEW

Record No:

Author: Group Manager Governance - Nola Brady, Mayor

Attachments: 1. 19-12 Consultation by IPART on recommended reforms to local government election costs and extension of the deadline for councils to make a decision on the administration of their elections

#### EXECUTIVE SUMMARY

Following the issue of the Office of Local Government (OLG) Circular 19-12 on 27 June 2019 and the release of the Draft Recommended Reforms to Government Election Costs, the Independent Pricing and Regulatory Tribunal (IPART) invites written comment on this document and encourages all interested parties to provide submissions addressing the matters discussed. Submissions are due by 19 July 2019 via electronic submission.

#### COUNCIL RESOLUTION

275/19

That Council

- A. Receive and note the report; and
- B. Authorise the Snowy Monaro Regional Council response in the body of this report regarding the draft report be submitted to IPART by 19 July 2019.

**Moved Councillor Haslingden**

**Seconded Deputy Mayor Miners**

**CARRIED**

#### Note 79: RECORD OF VOTING

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

*COUNCILLORS AGAINST: NIL.*

## 12. QUESTIONS WITH NOTICE

### 12.1 TREE CLEARING OF THE LAKE FORESHORE

Councillor Brian Old

Question: When is the next stage of this project going to commence?

### 12.2 QUESTION FOR GENERAL MANAGER

Councillor John Last

Question: I sent an email to the General Manager a request for a transcript regarding a Michelago meeting.

Answer: General Manager advised he had responded to Councillor Last's question, and has requested the transcript. However, it may take four weeks to come through.

### 13. CONFIDENTIAL MATTERS

#### COUNCIL RESOLUTION

276/19

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 Australian Tourist Park Management - NRMA - Caravan Park Jindabyne**

Item 13.1 is confidential in accordance with s10(A)(2)(diii) of the Local Government Act because it contains information that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.2 Request for licence over Council carpark**

Item 13.2 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (diii) of the Local Government Act because it contains and information that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.3 Legal Actions and Potential Claims Against SMRC as at 30 June 2019**

Item 13.3 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.

#### **13.4 Code of Conduct**

Item 13.4 is confidential in accordance with s10(A)(2)(i) of the Local Government Act because it contains alleged contraventions of any code of conduct requirements applicable under section 440 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **13.5 Contract 039/2018 Green waste processing varitation request**

Item 13.5 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and (g) of the Local Government Act because it contains and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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 Stewart

Seconded Councillor Maslin

CARRIED

Note 80: **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 81: Confidential Session of Committee**

At 7:54PM the meeting was closed to the press and public.

**Note 82: Resumption of Open Committee Meeting**

At 9:11PM the Closed Session ended and the Council meeting continued in Open Session.

## **14. REPORT FROM CONFIDENTIAL SESSION**

### **13.1 AUSTRALIAN TOURIST PARK MANAGEMENT - NRMA - CARAVAN PARK JINDABYNE**

**COUNCIL RESOLUTION**

**277/19**

That Council consider the approval for the Lessee to execute the 2 x 5 terms on the Lease Agreement when the first option to renew is due in October 2019 which will take the Lease Agreement through until October 2029.

**Moved Councillor Castellari**

**Seconded Councillor Ewart**

**CARRIED**

### **13.2 REQUEST FOR LICENCE OVER COUNCIL CARPARK**

**COUNCIL RESOLUTION**

**278/19**

That Council adopts option 'B' as outlined in the body of the report

**Moved Councillor Stewart**

**Seconded Councillor Old**

**CARRIED**

### **13.3 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC AS AT 30 JUNE 2019**

**COUNCIL RESOLUTION**

**279/19**

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

**Moved Councillor Maslin**

**Seconded Councillor Ewart**

**CARRIED**

**13.4 CODE OF CONDUCT**

<b>COUNCIL RESOLUTION</b>	<b>280/19</b>
That Council	
A. Receive and note the report and attachments; and	
B. Pursuant to Clause 8.56 d) of the Procedures for the Administration of the Model Code of Conduct, that Council formally censure Councillor Last.	
<b>Moved Councillor Maslin</b>	<b>Seconded Councillor Stewart</b>
	<b>CARRIED</b>

**13.5 CONTRACT 039/2018 GREEN WASTE PROCESSING VARIATION REQUEST**

<b>COUNCIL RESOLUTION</b>	<b>281/19</b>
That Council adopt either option 'B' as outlined in the recommendations of the report	
<b>Moved Councillor Ewart</b>	<b>Seconded Councillor Haslingden</b>
	<b>CARRIED</b>

There being no further business the Mayor declared the meeting closed at 9.12PM.



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CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 18 July 2019 were confirmed by Council at a duly convened meeting on 15 August 2019 at which meeting the signature hereon was subscribed.