



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

31 August 2016

**ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2623
ON WEDNESDAY 31 AUGUST 2016**

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**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2623**

**ON WEDNESDAY, 31 AUGUST 2016
COMMENCING AT 5.30PM**

PRESENT: Administrator Dean Lynch

Staff: Joe Vescio, General Manager
Iliada Bolton, Director Special Projects Officer
Peter Sullivan, Deputy Director Service Delivery
Peter Smith, Director Service Planning
Stephen Molloy, Director Service Support
Erin Donnelly, Secretary Council and Committees

The Administrator opened the meeting at 5.30PM

1. APOLOGIES

Nil

2. CITIZENSHIP CERMONIES

Nil

3. PRESENTATIONS

Nil

4. PUBLIC FORUM

Nil

5. DISCLOSURE OF INTEREST

Nil

6. ADOPTION OF MINUTES OF PREVIOUS MEETING

6.1 ORDINARY COUNCIL MEETING 27 JULY 2016

COUNCIL RESOLUTION

110/16

THAT the minutes of the Ordinary Council Meeting held on 27 July 2016 are confirmed as a true and accurate record of proceedings.

Approved by Administrator Lynch

6.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 27 JULY 2016

COUNCIL RESOLUTION

111/16

THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 27 July 2016 are confirmed as a true and accurate record of proceedings.

Approved by Administrator Lynch

6.3 EXTRAORDINARY COUNCIL MEETING 29 JULY 2016

COUNCIL RESOLUTION

112/16

THAT the minutes of the Extraordinary Council Meeting held on 29 July 2016 are confirmed as a true and accurate record of proceedings, pending the following amendments:

Page 5 Item E. ii

Add 'and green waste'

Approved by Administrator Lynch

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

Note 1: Suspension of Business Agenda Items

That Item 15.3 DA0118/2015 Eco Tourist Resort on the agenda be considered as the next item of business.

6.4 DA0118/2015 ECO TOURIST RESORT

Record No:

Responsible Officer:	Director Service Planning
Author:	Manager Development Assessment
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.10 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP 6.29 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	<ol style="list-style-type: none">1. Draft Conditions of Consent (<i>Under Separate Cover</i>) ⇨2. Revised Application (<i>Under Separate Cover</i>) ⇨3. Revised Site and Building Plans (<i>Under Separate Cover</i>) ⇨4. Request from Applicant to the Crown for SRSC to take control of Spring Hill Road as a public road (<i>Under Separate Cover</i>) ⇨5. Statement of Environmental Effects - Submitted at Lodgement (<i>Under Separate Cover</i>) ⇨6. RFS Bushfire Safety Authority (<i>Under Separate Cover</i>) ⇨7. RMS Conditions (<i>Under Separate Cover</i>) ⇨

8. DPI Water Response *(Under Separate Cover)* ⇨
9. Group Objection to Revised Development Application *(Under Separate Cover)* ⇨
10. Objection to Revised Development Application *(Under Separate Cover)* ⇨
11. Report to November 2015 DOC *(Under Separate Cover)* ⇨
12. Bushfire Report submitted at Lodgement *(Under Separate Cover)* ⇨

Further Operational Plan Actions: No further operational plan actions

Applicant Number:	Da0118/2015
Applicant:	Dabyne Planning
Owner:	Ian Barry
DA Registered:	6 May 2015
Property Description:	Lot 3 DP 1175878 Ph Townsend
Property Number:	107911
Area:	40.21 hectares
Zone:	RU1 – Primary Production
Current Use:	Residential – Dual occupancy dwelling approved and shed
Proposed Use:	Eco Tourist Facility – 3 cabins and community title subdivision
Permitted in Zone:	Yes
Recommendation:	That the development be approved with conditions

EXECUTIVE SUMMARY

The purpose of this report is seek approval for the development of an eco-tourist facility and associated community title subdivision.

The application was submitted to Council in May 2015 as a five (5) cabin eco tourist facility with associated community title subdivision. The development was to use shipping containers as the built form and proposed Spring Hill Road as its access. There has been significant public objection to the development with Council receiving ten objections to the original proposal. The issues raised in the objections are generally similar in theme with the majority of the concern surrounding the suitability of the access to the development (using Spring Hill Road) and the impact of the development on neighbouring properties.

It was considered its original form the development did not satisfactorily meet the requirements of clause 5.13 of the Snowy River LEP 2013 and the access could not be upgraded to meet a standard required by Council for approval. As such the application was recommended for refusal when present to Council's Delivery and Operations Committee in November 2015. Council at this meeting resolved to defer the determination of the application giving the applicant an opportunity to respond to the report and amend before representing the report to Council.

The applicant amended the proposal reducing the size of the development by two (2) cabins, providing an alternative access and redesigning the buildings. This proposal was again notified and advertised and two objections were received (one being a joint objection from a number of the original objectors).

Whilst there is still objection to the development from neighbouring properties it is considered that the applicant has adequately addressed these concerns and there are no reasonable grounds for refusal of the amended application.

COUNCIL RESOLUTION

113/16

That Council

- A. Pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the **consent** for an Eco Tourist Facility comprising 3 cabins plus Community Title Subdivision on Lot 3 DP 1175878 Ph Townsend, 97 Spring Hill Road EAST JINDABYNE NSW 2627 is granted subject to conditions (attached);
- B. That those persons that made submissions be advised of Councils Determination; and
- C. Amend Condition 52 to read: 'The eco tourist facility is to be used solely for the provision of temporary holiday accommodation for guests, for a period of no more than three (3) consecutive months.'

Approved by Administrator Lynch

Note 2: Draft Conditions of Consent DA0118/2015

ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA0118/2015 as submitted to Council on the 4/5/2015 with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
Project 03-15	Statement of Environmental Effects (as amended by correspondence dated 29/1/16 from Dabyne Planning)	Dabyne Planning	April 2015
	Correspondence amending application to 3 eco tourist cabins	Dabyne Planning	29 January 2016
Barry Ian 2 DA Sheet 1 Issue F	Concept Site Plan		28/1/16
Barry Ian 2 DA Sheet 2 Issue E	Floor Plan 2 Bedroom Cabins		8/1/16
Barry Ian 2 DA Sheet 3 Issue D	Elevations Cabin C1		11/1/16
Barry Ian 2 DA Sheet 4 Issue C	Elevations Cabin C2		11/1/16

Barry Ian 2 DA Sheet 5 Issue C	Elevations Cabin C3		11/1/16
Barry Ian 2 DA Sheet 7 Issue B	Landscape Concept Plan		8/1/16
Project 03-15	Bushfire Assessment	Dabyne Planning	April 2015
D15/1265 DA15051296850 MD	Bushfire Safety Authority	NSW Rural Fire Service	28/7/2016
10 ERM 2015/0769	Response from DPI Water	DPI Water	11/10/2015
STH15/00055/04	Response from Roads and Maritime Authority	RMS – Transport	1/7/2016

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

Inconsistency between documents

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

Advertising Signage

3. No external advertising or business signage is approved by this consent. Any future signage will be the subject of a separate development application, where statutorily required.

Prescribed Conditions

4. The developer shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A(11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - The work must be carried out in accordance with the requirements of the Building Code of Australia
 - A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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

Disability Discrimination Act 1992

5. This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

OTHER APPROVALS

Separate Section 68 Approval to Install On-site Sewage Management System

6. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to install on-site sewage management system must be obtained prior to release of the Construction Certificate. Application for approval under Section 68 to Install On-site Sewage Management System must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

Separate Section 68 Approval to Install Wood Heaters

7. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to install wood heaters in the development must be obtained prior to release of the Construction Certificate. Application for approval under Section 68 to Install a solid fuel heater must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

NSW Rural Fire Service – Bushfire Safety Authority (reference D15/1265 DA15051296850 dated 28 July 2016)

8. This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to generally comply with the Concept Site Plan, prepared by unspecified, dated 28/1/2016 reference number BARRY-IAN-2-DA, Issue F.

NOTE - no approval is issued for those components marked on the plan as being "future".

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

2. Prior to issue of subdivision or occupation of the cabin (whichever occurs first), the corresponding asset protection zones (APZ) applicable for each cabin specified in the table below shall be created (as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones') and maintained for the life of the development

Cabin Asset Protection Zones (APZ)

North East South West

1 - 40m 40m 50m 60m

2 - 40m 40m 50m 60m

3 - 40m 40m 50m 50m

3. Where any APZs specified in the Table above extend outside of the lot boundaries for any allotment, The Community Title Management Statement must include a requirement for a management regime that provides for the ongoing maintenance of the APZs for the life of the development.

4. Any proposed "screen" plantings and/or landscaping shall comply with the requirements for an Asset Protection zone if located within the distances specified above. If the "screen" plantings are located outside of the APZ requirements, then they shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006' to ensure they do not become a hazard.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

5. Water and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

6. Prior to issue of subdivision or occupation of any cabin (whichever occurs first) the primary access road (being the southern access road which commences as a right of way), from the entrance point off Kosciuszko Road along the southern property boundary and for its length inside the site to the point where it joins up with Spring Hill Road in the north, shall be upgraded/constructed to comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':

- Be lawfully available to access all proposed lots.
- Be all weather surface.
- Have a minimum trafficable width of 6.5 metres
- Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
- Provide a minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between the inner and outer curves is 6 metres.
- The cross fall is not to exceed 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge) unless built to a suitable flood immunity level as determined by the Council.
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).
- Vegetation within 6 metres of either side of the formed road shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. Trees which are tall enough to fall and cut off access shall be removed to provide safe access and egress in the case of a fire. A suitable legal mechanism shall be provided to ensure the management of this land as required above is carried out for the life of the development.

7. Prior to issue of subdivision or occupation of any cabin (whichever occurs first) the access road servicing proposed cabins 1, 2 and 3, which comes off the internal access road shall be constructed to comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':

- An all-weather surface, minimum carriageway width of 4 metres.
- Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
- Provide a minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
- Internal roads provide a turning circle with a minimum 12 metre outer radius within immediate proximity to each cabin.
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between the inner and outer curves is 6 metres. • The cross fall is not to exceed 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge) unless built to a suitable flood immunity level as determined by the Council.
- Roads are clearly signposted and bridges clearly indicate load ratings.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. An Emergency /Evacuation Plan for the facility is to be prepared consistent with the NSW Rural Fire Service document 'A guide to developing a Bush Fire Emergency Management and Evacuation Plan' 2014. The Emergency/Evacuation Plan is to include details on the following:

- 1) under what circumstances will the complex be evacuated

- 2) where will occupants be evacuated to;
- 3) roles and responsibilities of persons co-ordinating the evacuation;
- 4) roles and responsibilities of persons remaining with the complex after evacuation; and
- 5) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. Each cabin shall be constructed at minimum, in accordance with Sections 3 and 5 (BAL 12.5) of Australian Standard 3959-2009 Construction of Buildings in Bushfire-prone Areas and in accordance with Addendum: Appendix 3 of 'Planning for Bushfire Protection' 2006.

General Advice – consent authority to note

- The developer should provide a copy of the above required Emergency and Evacuation Plan to the local Bush Fire Management Committee for their information prior to the occupation of any accommodation of a special fire protection purpose or community title subdivision.
- The RFS notes Council's advice that Spring Hill Road is available as an alternate access for occupants of the site and that no upgrade of Spring Hill Road is permitted by Crown Lands, the owners of Spring Hill Road as part of this proposal.

NSW Roads and Maritime Authority Section 138 Approval under the Roads Act

9.
 - 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 Kosciuszko Road.
 - The proponent must undertake necessary works to achieve Safe Intersection Sight Distance at the access in accordance with Austroads Guide to Road Design — Part 4a: Unsignalised and Signalised Intersections Table 3.2, in both directions, i.e. 300m in both directions for a design speed of 100km/h.
 - Prior to any occupation, the developer must upgrade the junctions of Kosciuszko Road and the existing private access road south of Spring Hill Road, to be a sealed Type Basic left turn (BAL) together with a sealed Type Basic right turn (BAR) configuration in accordance with Austroads Guide to Road Design — Part 4a: Unsignalised and Signalised Intersections. The access must be sealed a minimum distance of 10m back from the edge of seal.
 - 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 occupation.
 - All roadworks and traffic control facilities 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.html>
 - RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Kosciuszko Road. 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

- The developer must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.

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

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

Monetary Contributions

10. Pursuant to Section 94 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 94 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 the issue of a Construction Certificate for the development or any part thereof. (NB: Pro-rata amounts may apply if separate Construction Certificates are issued.)

Community Services & Facilities	1245
Regional Waste Management	1497
Bushfire Services	363
Open Space and Public Art	300
Sports field and Recreation	183
Total	\$3588

Note: The above-specified Contribution Plans may be inspected at Council's Department of Environmental Services offices at Berridale and Jindabyne. The contributions stated in this consent are calculated on the basis of the s94 contribution rates determined in accordance with plan in force on the

date of this consent. If the contributions are not paid within the financial year in which the consent is granted, they will be subject to an increase by CPI.

The above contributions are based on three (3) two bedroom eco tourist cabins.

Landscaping Plan

11. The developer shall submit to Council prior to the issue of the construction certificate a final Landscape Plan. The final Landscape Plan shall address the following additional requirements:

- a) details of proposed maintenance program for a minimum period of 12 months.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

Landscape Maintenance Plan

12. The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

Construction Certificate

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

Appointment of Principal Certifying Authority and Notice of Commencement

14. At least 48 hours prior to the commencement of any works on the site, a "Notice of Commencement of Work and Appointment of PCA Form" will be submitted to Council. This includes that prior to the commencement of works the Applicant will submit to Council:

- (a) A construction certificate for the building work which has been issued by the Certifying Authority (i.e. Council or Accredited Certifier); and,
- (b) Evidence that the person having the benefit of the development consent has:
 - i) Appointed a Principal Certifying Authority (PCA) and notified Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed;
 - ii) notified the PCA that the person will carry out the building work as an owner-builder, if that is the case; and,
- (c) Evidence that the principal PCA has, no later than 2 days before the building work commences:
 - i) notified the consent authority and the Council of his or her appointment, and;
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and,
- (d) Evidence that the person having the benefit of the development consent, if not carrying out the work as an owner-builder has:

- i) notified the Certifying Authority (i.e. Council or Accredited Certifier) of any such appointment; and,
- ii) unless that person is the principal contractor, notified the principal contractor of any critical state inspection and other inspections that are to be carried out in respect of the building work.

Temporary Sanitary Facilities

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

Each toilet provided must be:

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

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

Construction Management Plan

16. Prior to the commencement of any works on the site, a Construction Management Plan will be submitted to and approved by the PCA. The Plan will address, but not be limited to, the following matters where relevant:

- (a) hours of work;
- (b) contact details of site manager;
- (c) traffic management (see also C6 below);
- (d) noise and vibration management (see also C6 below);
- (e) waste management (see also C8 below);
- (f) erosion and sediment control (see also B2);
- (g) flora and fauna management; and,

the Applicant will submit a copy of the approved plan to the Department and Council.

Site Notice

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

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

Temporary Sanitary Facilities

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

Each toilet provided must be:

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

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

Enclosure of the Site

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

DURING WORKS

Approved Plans to be On-site

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

Erosion & Sediment Control

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

22. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geofabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 – the Blue Book".

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

24. The developer is to ensure that all works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.

All-weather Access

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

Site Management

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

- (a) located wholly within the site;
- (b) properly constructed and maintained to industry standards;
- (c) securely anchored to the ground, and
- (d) removed upon completion of the project.

Trade Waste

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

Use of Power Tools

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

Mon – Fri	7.00am to 6.00pm
Saturday	8.00am to 5.00pm

No work to occur on Sundays or Public Holidays

Public Access and Site Security

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

Excavation

30. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.

31. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.

Plumbing & Draining

32. The developer is to ensure that prior to any plumbing work being commenced the licensed plumber / drainer must lodge with Council a Notice of Works two (2) working days prior to commencement of the work.

AND

- Prior to covering any new Plumbing & Drainage work arrange for the work to be inspected by Council Officers by phoning the Jindabyne Council Office on 02 64511550 and paying the appropriate inspection fee. (An additional inspection fee will apply for all work required to be re-inspected)

AND

- Within two (2) working days of the final inspection being completed the Licensed Plumber & Drainer is to provide to the Council and the property owner:-
 - (a) A Certificate of Compliance to AS3500.
 - (b) A dimensioned schematic layout of the sanitary drainage lines.

Notes:-

The Plumbing and Drainage Act 2011 has substantial fines for non-compliance.

33. All plumbing and drainage work is to be installed by a Licensed Plumber & Drainer in accordance with the Australian Standard 3500 and the provisions of the Plumbing and Drainage Act 2011 and BASIX requirements.

Revegetation Works

34. The developer is to ensure that at the completion of site works the following landscaping works are carried out:
- (a) topsoil is spread over all disturbed areas* with priority given to cut and fill batters;
 - (b) all disturbed areas* are re-vegetated using drylands grass mix with a complete fertiliser;
 - (c) all disturbed areas* are to be weed free hay mulched. The hay mulching is to be undertaken by a suitable contractor in accordance with industry standards and best practice.

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

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Plan of Management

35. Prior to the occupation and commencement of use the developer shall submit to Council for approval a plan of management for the eco tourist facility. The plan of management will address the following issues:
- (a) Waste management
 - (b) Provision and maintenance of essential services
 - (c) Code of conduct for visitors
 - (d) Demand reduction strategies for visitor water and energy usage
 - (e) On-going weed monitoring and control.

Code of Conduct for Guests

36. Prior to the occupation and commencement of use the developer is to submit to Council for approval a Code of Conduct for guests. The document should address (but not be limited to) the following issues:
- (a) advice visitors of access points to the site and general circulation patterns;
 - (b) demand reduction strategies for visitor water and energy usage;
 - (c) restricted access areas in order to protect neighbouring properties privacy;
 - (d) advice on visitor etiquette;
 - (e) bushfire prevention strategies; and

- (f) waste management and minimization.

Note: This document is to be provided to guests prior to arrival.

Occupation Certificates

37. An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1997 have been complied with as well as all of the conditions of the Development Consent.

Separate Section 68 Approval to Operate On-site Sewage Management System

38. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to operate on-site sewage management system must be obtained prior to release of the Occupancy Certificate. Application for approval under Section 68 to Operate On-site Sewage Management System must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

Weed Control

39. The developer is to ensure that the site is maintained free of weeds and a Weed Control Program approved by Council's Vegetation Management Unit is implemented which is prior to commencement of use

Eco Tourist Accreditation

40. The eco tourist development shall gain T-QUAL Accreditation and certification through Eco Tourism Australia prior to commencement of operation and shall maintain these (or equivalent accreditations) throughout the life of the development,

Finished Drainage System

41. The developer is to submit two copies of the finished internal storm water drainage system to Council prior to the release of the Final Occupancy Certificate.

Community Management Statement

42. The developer shall prepare a community management statement to the satisfaction of Council that is approved by Council prior to the release of the subdivision certificate.

43. The community management statement must include (but not be limited to the following requirements):

- (a) A restriction on the number of persons to be accommodated in the eco tourist cabins to six (6) persons. This is the maximum occupancy rate allowed for the cabin, even when used by the owner of the property.
- (b) A probation of the use of motorized vehicles such as dirt bikes and all terrain vehicles on the site to ensure that the amenity of the surrounding properties is protected
- (c) include provision for the maintenance of access to the site through the right of carriageway over lots 216 and 218 DP 257432 to be shared between the owners within the community title scheme. This maintenance will include any fencing, gates and grids required to ensure stock safety within lots 216 and 218 DP 257432
- (d) a prohibition on the keeping of domesticated pets within the eco tourist cabins for both guests and owners.

USE OF SITE

Water Supply to Tourist Facilities / Commercial Operations

44. As a facility that will supply drinking water from an independent water supply (not town water) to consumers the operator of the premises will be a private water supplier.

The Private Water Supplier must develop and adhere to a quality assurance management plan (or drinking water management plan) from 1 September 2014 in accordance with the requirements of the Public Health Act 2010 and the Public Health Regulation 2012. Guidance and assistance can be sought from Councils Environmental Health Officers and with reference to:

http://www0.health.nsw.gov.au/publichealth/environment/water/private_supplies.asp

<http://www0.health.nsw.gov.au/resources/publichealth/environment/water/pdf/pwsg.pdf>

A copy of your Drinking Water Management Plan must be provided to Council prior to the commencement of use.

The rainwater tanks and rainwater must be used and maintained in accordance with the NSW Health Private Water Supply Guidelines at all times.

Amenity

45. The developer shall ensure that lighting of the premises is to be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or users of the airfield.

Fencing

46. The developer shall ensure that the development site (lot 3) is fully fenced and signage is erected to inform guests of the boundary of the property and that they must stay within the property boundaries when using the accommodation. This fencing shall be constructed at the full cost of the developer irrespective of the requirements of the Dividing Fences Act.

47. The developer shall lane fence the length of the right of carriage way through lots 216 and 218 DP 257432 with the permission of and at no cost to the burdened land owner. Where gates are required by the burdened land owner this shall be installed at the cost of the developer and where gates are not deemed appropriate then grids are to be installed.

Maintenance of Fencing and Right of Carriageway Access

48. It is the responsibility of the developer (and then the owners within the community title scheme) to ensure that the right of carriageway and associated fencing, gates and grids are maintained to be in compliance with the requirements of these conditions of consent for the life of the development.

Business Operation and Use of Eco Tourist Facility

49. The eco tourist facility shall be available for patrons on a year-round basis and shall not be used solely by the owners of the cabin as a holiday home.

50. The manager of the eco tourist facility must provide to guests a copy of the Code of Conduct prior to their arrival on site and a copy shall be provided within each cabin.

51. A notice must be provided in the reception area of the eco tourist facility asking the guests and visitors to respect the rural nature of the surrounding area and the amenity and privacy of neighbours.

52. The eco tourist facility must be for overnight and temporary accommodation, and shall not be utilised or let for long-term permanent accommodation. Guests shall not be accommodated

for more than 30 consecutive days with an interval of at least 14 days between occupancies, or for more than 90 days in any 12-month period.

53. The development shall be managed by an onsite manager who resides on the subject property. This manager shall be present when the eco tourist facility is occupied. At no time shall the eco tourist cabins be occupied without onsite management in place.

54. The operator is to ensure that any deliveries that related to the development are to occur only during normal working hours (8am–5pm Monday to Saturday) and no deliveries to occur on Sunday or public holidays.

55. Each eco tourist cabin is not to be occupied by a number of persons exceeding six (6).

Annual Fire Safety Certification

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

Roof Water

57. The developer shall ensure that all stormwater is directed from the roof to rainwater storage tanks.

Tank Overflow

58. Tank overflow is to be connected to a retention/infiltration device, swale, appropriate landscaping or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

Rainwater Tanks

59. All fixtures connected to the supply system are marked 'RAINWATER'.

60. The developer shall ensure that rainwater tanks are de-sludged every three years.

61. For Non Charged Systems

The developer shall ensure that rainwater tanks are fitted with a first flush device and filter sock to prevent potential contaminants from entering the tank.

Or

For Charged Systems

The developer shall ensure that the charged line has a flush out drain point.

62. The developer shall ensure that rainwater tanks are fitted with the following:

a) Impervious covers and all access points, except for inlet and overflow, are fitted with close fitting lids.

b) The inlet and overflow shall incorporate a mesh covering and/or strainer.

63. The tank is enclosed and inlets screened, so as to prevent the entry of foreign matter and to prevent mosquito breeding.

64. The developer shall ensure that the roof catchment area is kept clear of overhanging vegetation.

65. Pumps are to be covered or screened to avoid noise nuisances to neighbouring properties.

66. The developer shall ensure that all storm water that is not collected by the tank is directed away from tank foundations, buildings or other structures onto gardens or into rubble pits or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

Garbage Disposal – Commercial

67. Disposal of garbage from the development is the responsibility of the operator and may require a commercial agreement with a waste disposal contactor. No waste or garbage is to be burnt or buried on site (other than compostable materials). How waste is to be managed on site is to be included in the plan of management to be submitted for Council approval prior to the commencement of use.

Maintenance of Garbage Bins

68. The developer shall ensure that the garbage bin/s are:

- (a) maintained in good order and healthy state at all times; and
- (b) only for the purpose of storage and collection of garbage.

Driveways within the Development

69. The developer is to ensure that the driveways within the development are constructed and maintained in accordance with the requirements of the Department of Land and Water Conservation pamphlet “Guidelines for the Planning, Construction and Maintenance of Trails”.

70. The developer is to ensure that in conjunction with the “Guidelines for the Planning, Construction and Maintenance of Trails” the internal driveways are constructed in accordance with the following standards:

- (a) The road must be 4 metres wide;
- (b) Cross slope of the road must be no greater than 1:14 or 7% (i.e. a 28cm drop over 4 metres); and
- (c) Road gradients must not exceed 16.7% (1:6) for gravel construction and 20% (1:5) for sealed surfaces.

Access to Lake Jindabyne

71. The developer shall ensure that guest access to Lake Jindabyne is restricted to trails and paths wholly within Lot 3 DP 1175878 (the subject lot). No access for guests is to be permitted through the right of carriageway over lot 4 DP 1175878.

Location of Back-up Generators

72. The developer shall ensure that the structures proposed to house the diesel generators (required for each cabin) are designed and constructed to achieve satisfactory sound mitigation to minimize noise disturbance to adjoining properties.

Water Supply

73. The eco tourist facility shall be provided with a minimum 10,000 litre water tank per cabin and managers residence for potable supply. This supply is to be augmented by a reticulated feed from the communal tank supplied from Lake Jindabyne.

74. Each cabin shall be connected to a rainwater tank of not less than 10,000 litres as a static water supply for bushfire fighting purposes. These tanks shall be in compliance with the

requirements of the NSW Rural Fire Service and any conditions required under the Bush Fire Safety Authority issue for the development.

75. The communal water tank shall have a capacity of no less than 62,000 litres.

76. The developer shall ensure that any required licences and permits are sought from the Department of Primary Industries – Water for water extraction from Lake Jindabyne.

Off-Street Car Parking

77. The developer is to ensure that a minimum of six (6) car parking spaces (being two (2) per eco tourist cabin) are provided on-site for this development in accordance with the approved Site Plan and the Snowy River Development Control Plan 2013. The car parking spaces must:

- (a) each be a minimum of 5.5m long and 2.6m wide;
- (b) be clearly marked for use by occupants of each dwelling;
- (c) be surfaced; and
- (d) be accessible at all times.

External Finishes

78. Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

79. The developer shall ensure that the materials and colours of external features of any building, driveways, walkways or large paved areas shall be in colours that blend with the surrounding natural materials (e.g. olive or mist green, light or slate grey, light browns) and shall be non-reflective.

Storage of Goods and Materials

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

SUBDIVISION ENGINEERING

Construction Certificate for Subdivision Works and Access Works

81. Construction of subdivision works and access works (including clearing, earthworks, demolition or other works) must not commence until a Construction Certificate for those works has been issued in conformity with the relevant provisions of the Environmental Planning and Assessment Act and related Regulations.

Pre-commencement Meeting

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

Compliance Certificate Inspections (For information only - this is NOT a condition of consent)

The developer must obtain a Compliance Certificate, either from Council or from an Accredited Certifier to demonstrate that all subdivision works have been completed. The subdivision works must be inspected either by Council's inspector or an Accredited Certifier at each of the following

stages of construction to confirm compliance with the standards set out in Council's Development Design and Construction Specifications.

- (a) After placement of all signs in accordance in with the approved Traffic Control Plan.
- (b) After stripping of topsoil from roads and fill areas, all Soil and Water Management Plan controls shall be in place at this stage.
- (c) After completion of road subgrade.
- (d) During field density testing, string line checking and proof rolling of the finished subgrade.
- (e) After placement and compaction of each layer of gravel pavement material.
- (f) During field density testing, string line checking and proof rolling of each finished gravel pavement layer.
- (g) After laying and jointing of all storm water pipelines and headwalls prior to backfilling.
- (h) After completion of works.
- (i) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

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

Traffic Control

83. The developer shall ensure that traffic control measures are implemented for all works within public roads in conformity with Traffic Control Plans prepared and approved by a competent person accredited by Roads and Maritime Services. A traffic control plan prepared and approved by a competent person accredited by the Roads and Maritime Services must be submitted to Council for each stage of development if working on a public road prior to the issue of an approved construction certificate.

Electricity Servicing for each lot in the subdivision

84. Each allotment in the proposed subdivision shall be serviced with electricity at no cost to Council. A letter from Essential Energy advising that its requirements have been met for each proposed lot shall be sufficient to establish compliance with this condition.

Alternatively, the s. 88B Instrument include a restriction on title that notes each lot will not be serviced by mains electricity and that electricity can be obtained by renewable energy only. In the latter case, the applicant must still provide an easement for electricity in the circumstance that a future land owner wishes to connect.

This to be provided prior to the issue of the subdivision certificate for each stage of the subdivision, relating to the lots within the subject stage.

Telephone Servicing

85. The developer shall make arrangements for the provision of telephone services to the lots in the subdivision. Prior to the endorsement of a subdivision certificate, the developer shall submit to the Principal Certifying Authority written notification from a recognized telecommunications carrier to confirm that arrangements have been undertaken for each proposed lot to satisfy this condition.

Alternatively, the applicant is to provide evidence that each lot has access to mobile phone and internet via wireless communications.

This to be provided prior to the issue of the subdivision certificate for each stage of the subdivision, relating to the lots within the subject stage.

Soil and Water Management

86. The developer shall prepare and implement an effective Soil and Water Management Plan in conformity with Council's Development Design and Construction Specifications prior to the commencement of any works on site and shall maintain the control measures until after the effective stabilisation and revegetation of the site.

No Construction Certificate shall be issued for this development until the certifying authority (Council or accredited certifier) is satisfied that the Soil and Water Management Plan satisfies this condition.

Completion of Engineering Works

87. The developer shall complete all engineering works in accordance with the conditions of this consent together with any necessary work to make the construction effective. The costs of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be made good, prior to the issue of the Subdivision Certificate or commencement of the development.

Construction of Rural right of carriageway

88. Access shall be constructed within the existing right of carriageway (within Lot 216 and 218 DP 257432) from the development site to Kosciuszko Road in conformity with Council's Development Design and Construction Specifications to include the following:

- a. a 4.0 metre wide gravel pavement
- b. minimum gravel thickness of 150 mm
- c. suitable drainage works
- d. suitable erosion protection measures
- e. installation of guide posts

Note: The secondary access via Spring Hill Road shall only be available for emergency service vehicles it is not used as a primary access route.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Subdivision Certificate Application

89. The developer is to submit to Council a completed Subdivision Certificate application form together with:

- (a) The original linen plan/s and six (6) copies;
- (b) Community Plan is to comply with clause 2 "Requirements for all plans", schedule 1 of the Community Land Development Act 1989;
- (c) Community Management Statement is to comply with schedule 3 and any other relevant clause or schedule of the Community Land Development Act 1989;
- (d) Subdivision Certificate application form fully completed and accompanied with a fee pursuant to Council's Schedule of Fees & Charges;

- (e) Inspection fee pursuant to Council's Schedule of Fees & Charges – One Subdivision Certificate inspection shall be required to ensure full compliance with conditions of development consent. Any non-conforming issues may incur an addition inspection fee payable prior to the release of subdivision certificate;
- (f) A signed statement that the connection of electricity, water supply and sewerage disposal has been provided to each lot.
- (g) Certificate from Snowy River Shire Council certifying that all necessary and appropriate weed eradication work has been completed on all lots in the subdivision.

7. ADMINISTRATOR'S REPORT (IF ANY)

7.1 MEETING WITH AUSINDUSTRY

The Administrator held a meeting with Simon France from AusIndustry to develop 'Jindy Connect'. The first meeting will be held on 22 September 2016. Jindy Connect is an initiative of the Lake Jindabyne Chamber of Commerce, Snowy Monaro Regional Council, Tourism Snowy Mountains and AusIndustry with a goal of developing, growing and supporting the local business community.

7.2 L'ETAPE MEETING

The Administrator and General Manager met with businesses in Jindabyne on 9 August, to discuss how local business can maximise on the exposure the L'Étape event will create for the area.

7.3 MONARO IN PICTURES BOOK PRESENTATION

On Wednesday, 10 August the Administrator attended the Monaro in Pictures book presentation at NSW Parliament House. The Deputy Premier Tony Grant, Member for Monaro John Barilaro and Honourable Bronnie Taylor were in attendance, for the book's presentation to the State Library.

7.4 STRONGER COUNCILS FRAMEWORK

The Administrator attended the Stronger Councils Framework forum on Thursday 11 August, in Tumut. The forum was hosted by the Department Premier and Cabinet (DPC).

7.5 JOBS FOR NSW BOARD DINNER

The Administrator attended the Jobs for NSW Board dinner held at Roses Restaurant on the 11 August 2016. The dinner was attended by Minister Roberts and Member for Monaro John Barilaro. Local businesses from across the region were invited to address the Board with ideas on how jobs can be generated within the region. The State Government has made contact with the Administrator, since the meeting, who are enthusiastic to progress with projects in the region.

7.6 ANU MEDICAL STUDENTS CIVIC RECEPTIONS

ANU Medical Students Civic Receptions were held on the 15 and 17 August. The Administrator thanked Rogan Corbett and Di Hampshire for hosting the events in Cooma and Bombala.

7.7 LOCAL REPRESENTATIVE COMMITTEE (LRC) VIDEO CONFERENCE

A joint Local Representative Committee meeting was held on Thursday, 18 August. The meeting was conducted via video conferencing, the Administrator expressed his pleasure in the success of the meeting.

7.8 CBRJO FORUM

The Administrator attended a CBRJO forum on the 18 August, hosted by the ACT Government at the National Museum in Canberra.

7.9 COMMUNITY MEETINGS

The Administrator informed Council he has attended various community meetings over the last month, including Chamber of Commerce meetings, Progress Association, sporting groups and tourism meetings.

COUNCIL RESOLUTION

114/16

That Council receive and note the Administrator's Report.

Approved by Administrator Lynch

8. DELEGATE'S REPORT

8.1 JINDABYNE CONNECT EVENT

Record No:

Author: Acting Executive Assistant to the Administrator

Attachments: 1. Jindabyne Connect Event - Email from Simon France from AusIndustry [⇒](#)

EXECUTIVE SUMMARY

The aim of the Jindabyne Connect event is to meet monthly to build the connection between businesses across the immediate Jindabyne region (including Perisher and Thredbo) in order to build the capacity and capability of business in the region through collaboration, partnership building and information sharing. The initiative has support from various organisations in the Jindabyne area.

COUNCIL RESOLUTION

115/16

That Council:

- A. Supports the monthly Jindabyne Connect event; and
- B. Provides administrative support by managing invites and collecting RSVPs.

Approved by Administrator Lynch

8.2 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 29 JULY 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations Meeting - 29 July 2016 [⇒](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 29 July 2016 in Head Office, 81 Commissioner Street, Cooma.

COUNCIL RESOLUTION

116/16

That Council receive and note the minutes and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act.*

Approved by Administrator Lynch

8.3 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 8 AUGUST 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations - 8 August 2016 [⇒](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 8 August 2016 in Head Office, 81 Commissioner Street, Cooma.

COUNCIL RESOLUTION

117/16

That Council receive and note the minutes and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act.*

Approved by Administrator Lynch

8.4 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 22 AUGUST 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations Meeting 22 August 2016 [⇒](#)

EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 19 August 2016 in Head Office, 81 Commissioner Street, Cooma.

COUNCIL RESOLUTION

118/16

That Council receive and note the minutes and confirm the adopted recommendations approved by the Administrator in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act.*

Approved by Administrator Lynch

9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

Business Arising Out Of The Minutes

Proceedings in Brief

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

9.1 MINUTES OF LOCAL REPRESENTATIVE COMMITTEE - BOMBALA, HELD ON 3 AUGUST 2016

Record No:

Responsible Officer: Manager Corporate/Governance

Attachments: 1. Minutes of the Local Representative Committee - Bombala [⇒](#)

EXECUTIVE SUMMARY

The Local Representative Committee - Bombala met on 3 August 2016 in the Bombala Branch Office Chambers. The Committee's recommendations are presented for Council's consideration and adoption.

COUNCIL RESOLUTION

119/16

That the recommendations of the meeting of the Local Representative Committee - Bombala held on 3 August 2016 be adopted.

Approved by Administrator Lynch

9.2 MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - COOMA HELD 2 AUGUST 2016

Record No:

Responsible Officer: General Manager

Author: Personal Assistant To Director of Service Support

Attachments: 1. Minutes - Local Representative Committee - Cooma, 2 August 2016 [⇒](#)

EXECUTIVE SUMMARY

The Local Representative Committee - Cooma met on 2 August 2016 in Head Office, 81 Commissioner Street, Cooma. The minutes are presented for Council's information.

COUNCIL RESOLUTION

120/16

That Council receive and note the minutes of the meeting of the Cooma Local Representative Committee held on 2 August 2016 and the recommendations contained therein be adopted.

Approved by Administrator Lynch

9.3 MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE- SNOWY RIVER HELD ON 10 AUGUST 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Local Representative Committee - Snowy River held 10 Augsut 2016 [⇒](#)

EXECUTIVE SUMMARY

The Local Representative Committee - Snowy River met on 10 August 2016 in Jindabyne. The minutes are presented for Council's information.

COUNCIL RESOLUTION

121/16

That Council receive and note the minutes of the Local Representative Committee – Snowy River held on 10 August 2016 and the recommendations contained therein be adopted.

Approved by Administrator Lynch

10. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

10.1 LOCAL HERITAGE FUND 2016-2017

Record No:

Responsible Officer: Director Service Planning

Author: Planning Officer

Key Direction: 4. Creating a Safer, Healthier and Thriving Community

Delivery Plan Strategy: DP4.1 Encourage opportunities to promote and protect our cultural heritage.

Operational Plan Action: OP4.1 Maintain council's heritage management functions.

Attachments: 1. Local Heritage Fund 2016-2017 Guidelines [⇒](#)

Cost Centre 4015

Project Local Heritage Fund 2016-2017

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Once again Council will be offering grant funding to eligible applicants under the Local Heritage Fund. Only the owners/managers of properties listed in Schedule 5 Environmental Heritage of the *Cooma-Monaro Local Environmental Plan 2013* will be eligible to apply for this financial year's funding. Applications open on 10 October 2016 and close on 4 November 2016.

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

COUNCIL RESOLUTION

122/16

That Council

- A. Receive and note the Local Heritage Fund 2016-2017 Report;
- B. Endorse an increase in the Council's financial contribution to the Local Heritage Places program from \$10,000 in 2015-16 to \$13,500 in 2016-17, to be funded from the Strategic Planning budget for Cooma branch; and
- C. Delegate the function of awarding the grant money to individual projects to the Planning Manager – Cooma branch with a maximum funding of \$4000 being awarded to any individual project.

Approved by Administrator Lynch

11. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

Nil

12. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

Nil

13. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY

13.1 REQUEST FOR DONATION - 10TH BIENNIAL RALLY - BOMBALA HISTORIC ENGINE AND MACHINERY SOCIETY INC

Record No:

Responsible Officer:	Director Service Planning
Author:	Economic Development & Tourism Manager
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.1 Encourage opportunities to promote and protect our cultural heritage.
Operational Plan Action:	OP4.6 Continue to develop and promote local history and culture throughout the Region.
Attachments:	Nil
Cost Centre	3050-350-623 – Recurrent Donations

Project 10th Biennial Engine Rally – “Working the Past”
Further Operational Plan Actions: OP4.10 – Promote and provide operational assistance to enhance and encourage events and tourism.
OP4.20 – Promote volunteering as a valued vocation that builds social capital.

EXECUTIVE SUMMARY

The Bombala Historic Engine and Machinery Society Inc have held their Biennial rallies since 1998. They are a major tourism draw card for the Bombala Region attracting visitors and participants from all over NSW and north eastern Victoria. The three day event attracts around 1,000 people to the area.

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

COUNCIL RESOLUTION

123/16

That Council donate \$1,000 to the Bombala Historic Engine and Machinery Society to assist with staging their 10th rally.

Approved by Administrator Lynch

13.2 WOLLONDBIBBY CREEK BRIDGE- SUCCESSFUL GRANT APPLICATION

Record No:

Responsible Officer: Assistant General Manager
Author: Environment and Recreation Coordinator
Key Direction: 2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy: DP2.7 Improve connectivity, accessibility and promote activity through improved pathways.
Operational Plan Action: OP2.12 Continue Councils annual footpath maintenance and construction program in-line with the Shire’s Township Action and Beautification Plan’s.
Attachments: 1. Attachment A- Proposed bridge location ⇨
Cost Centre 0810
Project Wollondibby Creek Bridge
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council have recently been notified of the successful application under the Stronger Communities Program for the Wollondibby Creek Bridge construction. The application sought \$20 000 for capital works which requires a commitment of matching funds from Council.

The Bridge construction forms a key element for the shared trail expansion from Curiosity Rocks to Hatchery Bay. The extension of the Lake Jindabyne shared trail project will add to a growing tourism

asset for our region.

The total cost of the project will be \$43 000, therefore Council's commitment will be \$23 000. A Development Application has been finalised and lodged for the project. The DA includes the details for the bridge scope and design along with land owners consent for the shared trail extension.

The purpose of this report is to inform Council of the successful grant application and to seek endorsement for the commitment of \$23 000 from the Strategic Planning 2016 Budget in order to proceed with the funding agreement.

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

COUNCIL RESOLUTION

124/16

That Council

- A. Receive and note the successful Stronger Communities Program application of \$20 000 for the construction of Wollondibby Creek Bridge; and
- B. Endorse the allocation of \$23 000 from the Strategic Planning Unit 2016 Budget as matching funding to proceed with the project.

Approved by Administrator Lynch

13.3 ADAMINABY MEN'S SHED UPDATE

Record No:

Responsible Officer:	Manager Community & Strategic Planning
Author:	Community Development Officer
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.5 Support the availability of volunteering opportunities and build capacity.
Operational Plan Action:	OP4.10 Promote volunteering as a valued vocation that builds social capital.
Attachments:	Nil
Cost Centre	NA
Project	Adaminaby Men's Shed
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Members of the Adaminaby community recently requested Council support for the establishment of a Men's Shed and in particular with sourcing an appropriate venue for the Shed within Adaminaby village. In July, Council staff met with members of the Adaminaby Men's Shed steering committee. Discussions revealed three proposed sites, detailed in this report, and the need for some administrative support going forward.

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

COUNCIL RESOLUTION

125/16

That Council receive and note the information in the report about the proposed Adaminaby Men's Shed.
Approved by Administrator Lynch

14. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE

Nil

15. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE

15.1 ADOPTION OF COUNCIL SEAL

Record No:

Responsible Officer: General Manager
Author: Acting Executive Assistant
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action: OP7.2 Completion of reporting requirements in accordance with legislation.
Attachments: 1. Copy of Council Seal ⇒
Cost Centre 3020
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

On 12 May 2016, the NSW Government formed 19 new Councils in NSW by merging 42 Council areas in different combinations and the new Councils were effective immediately.

Snowy Monaro Regional Council is the newly merged Council created from Snowy River Shire Council, Cooma-Monaro Shire Council and Bombala Council.

In order to execute legal documentation under Council Seal with the new Council Name and ABN; it was necessary to obtain a new Council Seal in the name of Snowy Monaro Regional Council. The Seal has now been received at Council and prior to being used must be adopted by Council.

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

COUNCIL RESOLUTION

126/16

That Council approve and adopt the new Council Seal to be used by Snowy Monaro Regional Council.

Approved by Administrator Lynch

15.2 RAGLAN GALLERY & CULTURAL CENTRE

Record No:

Responsible Officer:	General Manager
Author:	Acting Executive Assistant
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.4 Manage Council's community and land use planning processes to achieve regulatory requirements and community aspirations.
Attachments:	<ol style="list-style-type: none">1. Letter to The Administrator from Raglan Gallery Requesting the Provision of an Administrative Support Officer ➡2. Lettet to Mayor of CMSC dated 9 March 2016 From Mary Ziesak Re The Raglan Gallery ➡3. Cooma Shire Council Resolution Pre-Merge ➡4. Copy of Certifcate of Title ➡5. Copy of Lease Between Council and Raglan Gallery ➡
Cost Centre	3020
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council received a letter from the Raglan Gallery requesting provision of an Administrative Support Officer. They envisage this role would be a three day per week role, on the days that the Gallery is open. Their Board has requested that Council provide this supported to ensure the Gallery's viability as a tourist attraction.

No funds have been provided in this year's operational plan/budget for this position and as such should Council proceed will require identification of a project to be deferred and impact on our operating budget on an on-going basis.

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

COUNCIL RESOLUTION

127/16

That Council defer the report Raglan Gallery and Culture Centre to the 28 September, Council Meeting.

Approved by Administrator Lynch

Note 3: Report Deferred

Item 15.2 as listed on the Agenda was withdrawn and will be presented to the September Council Meeting.

Note 4: Amendment to Original Motion

The above recommendation was an amendment to the original motion.

The original motion being:

“That Council

A. Approve a Council employee fulfilling the role of Part-time Administrative Support Officer at the Raglan Gallery and the position be funded through savings identified at the December Budget Review;

OR

B. Advise Raglan Gallery that it is unable to provide a part-time Administrative Officer but will provide a monetary contribution equal to the salary for such a position.

OR

C. Advise the Raglan Gallery that as no funding has been provided in the current Operational Plan for such a position it is unable to fund the employment of a Part-time Administrative Support Officer but will consider such support in the 2018 Budget process.”

15.4 DA 10.2012.29.2 - THE LOTT FOOD STORE AND BAKERY - APPLICATION TO REMOVE CONDITION 11 CONCERNING SECTION 94 PAYMENTS FOR CAR PARKING

Record No:

Responsible Officer: Director Service Planning
Author: Planning Manager
Key Direction: 6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy: DP6.10 Ensure that Council’s policy, land use planning, development assessment enhance liveability.
Operational Plan Action: OP 6.29 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments: 1. Draft Determination [⇒](#)

Further Operational Plan Actions:

Application Number:	10.2012.29.2
Applicant:	The Lott Group Pty Ltd
Owner:	Trazcod Pty Ltd
DA Registered:	Application to delete condition 11 to remove the requirement to pay Section 94 contributions for car parking
Property Description:	Lot 1 & 2 DP 2478 – 177 Sharp Street, Cooma
Property Number:	Parcel Numbers 10934 & 5042
Area:	656m ²

Zone:	B3 – Commercial Core
Current Use:	The Lott Food Store and Bakery
Proposed Use:	The Lott Food Store and Bakery
Permitted in Zone:	Permissible with consent
Recommendation:	Condition 11 be deleted

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of an application to modify the consent for alterations and additions to an existing restaurant and food store (The Lott Cafe) by removing condition 11 of the original consent. This condition required the payment of Section 94 Contributions for car parking.

Council's Section 94 Plan for Car Parking was repealed several years ago and the majority of the funding expended. There are no plans for capital expenditure to improve car parking provision in the vicinity of the Lott Café.

It is recommended the condition be removed.

COUNCIL RESOLUTION

128/16

That DA 10.2012.29.2 being an application to modify the original approval for alterations and additions to the existing restaurant and food store (The Lott café) to remove condition 11 be **APPROVED** as follows:

- A. Condition 11 be deleted;
- B. Conditions 4 and 6 be amended to remove reference to payment of Section 94 Contributions; and
- C. That the attached Notice of Determination (incorporating the above changes) be adopted as Council's determination of the application

Approved by Administrator Lynch

Note 5: Notice of Determination of an Application to Modify a Development Consent

Issued under the Environmental Planning and Assessment Act 1979 (the 'Act')

Application Number	10.2012.29.2 Original Development Application Number: 10.2012.29.1
Property Description	177 Sharp Street COOMA 2630 Lot: 1 & 2 DP: 2478
Development Description	Alterations and Additions to Retail Premises (Remove Condition 11)
Modification Description	Applied for: Remove condition 11 Determined: Remove condition 11, amend conditions 4 & 6

Classification 6

Determination

Pursuant to Section 96 of the Act

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application **10.2012.29.2** relating to the land described above.

The Modification has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Council – Meeting date 31 August 2016

Modification Determination Date:

Original Determination Date: 20/10/2011

Consent to Operate from: 20/10/2011

Consent will Lapse on: 20/10/2016

Integrated Approval Bodies

Pursuant to Section 93 of the Act

This development was not integrated development.

Conditions

1. The development being carried out substantially in accordance with approved plans received by Council on 21 September 2011 and development application and accompanying Statement of Environmental Effects except where amended by the conditions of this Consent as set out in the following conditions or by any subsequently approved Section 96 modification.

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

2. Survey costs, correspondence fees, registration fees and the like are the responsibility of the applicant/developer not Council.

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

3. In accordance with Section 95(1) of the Environmental Planning and Assessment Act 1979, this consent will lapse if the development has not physically commenced within 5 years from the date of this approval.

Reason: To satisfy the requirements of the Environmental Planning and Assessment Act, 1979.

4. The total number of customer seating being provided in the café is restricted to the following:
 - Stage 1 inclusive of the existing restaurant approval a maximum of 62 seats at any one time. This includes both indoor and outdoor seating.
 - Stage 2 No additional seating permitted
 - At the conclusion of all stage 3 total seating to be 92 and be inclusive of the provision on site of the existing two car parking spaces relating to the original approval.

Note: Any increase in this number requires the submission of a Section 96 modification application to Council to modify this condition.

Reason: The car parking demand from the development has been calculated on the basis of the number of seats provided in the proposal.

5. A total of two (2) car parking spaces are to remain at the rear of the café.

Note: Any increase in this number requires the submission of a Section 96 modification application to Council to modify this condition.

Reason: Requirement of Development Control Plan No.25 - Off-street Car Parking.

6. An Occupation Certificate is required for each of the approved 3 stages prior to the use of such stage.

Reason: To ensure the requirements for each stage are duly completed before use.

7. The existing on-site spaces are to be used by staff at all times in preference to on-street spaces. Staff may only use on-street spaces if all the spaces on site are occupied.

Reason: To minimise the impact of the development on on-street parking spaces.

8. The opening hours of the restaurant are restricted to the following hours:

Monday to Wednesday 7.30 am to 4.00 pm

Thursday and Friday 7.30 am to 12.00 pm

Saturdays 8.00 am to 12.00 pm

Sundays 8.00 am to 12.00 pm

Public holidays 9.00 am to 3.00 pm

Note: Any change to the opening and closing hours of the restaurant requires a Section 96 application to Council to modify this consent.

Reason: In consideration of surrounding land uses and to provide consistent opening hours with other similar uses in the town.

9. Council approval is to be obtained under the Roads Act 1993 and Local Government Act 1993 prior to the placement of any additional tables or chairs outside the premises on Council's footpath.

Reason: The footpath area is land vested in the Council.

10. Rubbish bins for general waste and not for customer use are to be stored and kept in a location which is not visible from the footpath of Sharp or Soho Street.

Reason: To ensure that the streetscape is not impacted by unsightly rubbish bins and potential associated odours.

11. Deleted.

12. The applicant is required prior to the release of the Occupation Certificate for stage 3 to submit to the Office of Finance and Services - Land and Property Information a consolidation plan for lots 1 and 2 DP 2478 being the whole of the land the subject of this development and provide evidence to Council of the submission.

Reason: Requirement of the Building Code of Australia

13. A separate development application is to be lodged for any new and/or additional signage on the site

Note: This condition does not apply to signs which are listed as exempt or complying development in an environmental planning instrument.

Reason: To ensure that future signs on the premises are lawful and of an acceptable environmental impact.

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

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

15. The completion of the concrete path to the main door of the premise required to be accessible prior to occupation of stage 1 of the development following approval of a Section 138 approval under the Roads Act.

Reason: To comply with AS 1428.1

16. All doors within required exits are to open in the direction of egress.

Reason: To comply with the Building Code of Australia

17. All latches on doors shall be operational by a single handed downward action or pushing action on a single device which is located between 900mm and 1100mm from the floor.

Reason: To comply with the Building Code of Australia.

18. Any roller door serving as part of a required exit must be held in the open position while the building or part of the building is lawfully occupied.

Reason: To comply with the Building Code of Australia.

19. Signage in accordance with AS 1428.1 is to be placed on the accessible sanitary facility.

Reason: To comply with the Building Code of Australia.

20. Portable fire extinguishers are to be provided in accordance with AS 2444.

Reason: To comply with the Building Code of Australia.

21. Exit signage and emergency lighting is to be provided in every passageway or hallway or the like and in every room more than 100 metres squared.

Reason: To comply with the Building Code of Australia.

22. Any liquor consumed or sold on the premise is to be in accordance with a license issued by the Office of Liquor Gaming and Racing.

Reason: To ensure lawful consumption of alcohol.

23. The heater is to be installed in accordance with the Building Code of Australia (BCA) 2008 Part 3.7.3 and Australian Standard 2918.

Reason: to ensure compliance with the BCA and AS 2918.

24. Any chimney or flue must be a minimum of 15 metres horizontally from any adjacent structure of similar or greater height, or, if it is not the required distance, then the top of the flue or chimney should be a minimum of 1 metre higher than the taller of the two structures.

Reason: to avoid 'fumigation conditions'.

25. The solid fuel heater shall have a compliance plate affixed to the rear of the heater stating that the heater meets the current Australian Standard AS/NZS4013:1999.

Reason: to ensure compliance with AS/NZS 4013.

26. The heater shall not be operated until an installation inspection has been carried out and Council clearance received to operate the heater.

Reason: to ensure compliance with AS 2918.

27. The fitout of the food premises is to comply with the Food Act, 2003, Food Regulation 2004, Food Standards Code and the Australian Standard 4674 for the Design, Construction and Fitout of Food Premises and other relevant Standards. Details of compliance are to be included in the plans and specifications for the construction certificate to the satisfaction of the certifying authority

Reason:- to ensure the fitout complies with relevant standards

28. The design and construction of food premises must comply with the following requirements, as applicable:-

- (a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- (b) The intersection of walls with floors and plinths to be coved, having a minimum radius of 25mm.
- (c) Walls of the kitchen preparation areas and the like to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.
- (d) Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- (e) All service pipes throughout the premises are to be concealed in the walls, floors, plinths and ceilings. Where this is not possible, the pipes should be fixed on non-corrosive brackets so as to provide at least 25mm clearance between the pipe and any vertical surface and 100mm between the pipe and any horizontal surface. NOTE: The use of corrugated electrical conduit is not permitted.
- (f) The ceilings of kitchens, food preparation areas, storerooms and the like, to be of rigid smooth-faced, non absorbent material i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- (g) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework or the like.
- (h) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particle board or similar material is not permitted unless laminated on all surfaces. Shelving should be fixed 25mm clear of the walls.
- (i) Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.
- (j) Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.

(k) A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian/New Zealand Standard 1668 Parts 1 & 2.

(l) Food premises must have hand washing facilities that are located where they can be easily accessed by food handlers:

(a) within areas where food handlers work if their hands are likely to be a source of contamination; and

(b) if there are toilets on the food premises-immediately adjacent to the toilets or toilet cubicles.

Hand washing facilities must be:

(a) permanent fixtures;

(b) connected to, or otherwise provided with, a supply of warm running potable water;

(c) of a size that allows easy and effective hand washing;

(d) clearly designated for the sole purpose of washing hands, arms and face; and

(e) accessible and no further than 5 m, from any place where food handlers are handling open food.

(m) Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fitting.

Sufficient detail shall be included in the construction certificate plans to confirm compliance with these requirements.

Reason:- To ensure the fitout complies with the food premises standards.

29. Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian/New Zealand Standard 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the PCA prior to a construction certificate being issued for the subject works

A certificate being submitted at the completion of the installation from a practicing Mechanical Engineer certifying that the construction, installation and operation of the exhaust hood ventilation system meets the requirements as AS/NZS 1668.1 and/or AS/NZS 1668.2.

Reason:- To ensure compliance with the BCA and AS/NZS 1668

30. The food business shall have a temperature measuring device that is readily accessible and can accurately measure the temperature of potentially hazardous foods to +/- 1 degree Celcius

31. All food premises shall appoint a Food Safety Supervisor. A copy of the appointed Food Safety Supervisors certificate shall be supplied to Council prior to any occupancy certificate being issued

Reason: To comply with Food Regulation 2010

Modified Conditions

Condition/s 4 and 6 have been amended in this modification. MOD_01

Condition 11 was deleted in this modification. MOD_01

Advice to Applicant

- 1) Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the Occupational Health and Safety Regulation 2001 and Work Cover Authority requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
- 2) Telstra - "Before You Dig" - damage to telephone cables can disrupt communication services and cost YOU money. For prompt location of telephone cables ring 1800 678 875 - calls to this number are free. (In an emergency ring 1100.)

Notes

- 1) An applicant may request a review of this determination under Section 96AB of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 28 days of the date of this notification. A review under Section 96AB cannot be made for Integrated, Designated or Crown Development.
- 2) Section 97AA of the Act confers on an applicant or an objector who is dissatisfied with the determination of Snowy Monaro Regional Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.

16. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION

16.1 SETTING OF ANNUAL FEES FOR LOCAL REPRESENTATIVE COMMITTEE MEMBERS

Record No:

Responsible Officer:	Director Service Support
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action:	OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.
Attachments:	1. 2016 Annual Determination - Local Government Remuneration Tribunal ⇒
Cost Centre	Governance
Project	Operational
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Under guidelines issued by the Department of Premier and Cabinet, the Administrator is able to set the fees for Local Representative Committee members.

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

COUNCIL RESOLUTION

129/16

That Council determine \$11 290 be the annual fee for members of the Local Representative Committees – Bombala, Cooma-Monaro and Snowy River.

Approved by Administrator Lynch

16.2 MONTHLY FUNDS MANAGEMENT REPORT - JULY 2016

Record No:

Responsible Officer: Director Service Support
Author: Finance Manager
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action: OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments: Nil
Cost Centre 4010 Financial Services
Project Funds Management
Further Operational Plan Actions: OP7.2 Completion of reporting requirements in accordance with legislation

EXECUTIVE SUMMARY

The following details funds management position for the reporting period ending 31 July 2016. Cash and Investments as at 31 July 2016 are \$70,996,520.

Certification

I, Jo-Anne Mackay, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Regulation 212 of the Local Government (General) Regulation 2005, that investments as detailed in the attached listings were invested in accordance with Section 625 of the Local Government Act 1993, the Regulations and Council's Investment Policies.

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

COUNCIL RESOLUTION

130/16

That Council:

- A. Receive and note the report indicating Council's Funds Management position as at 31 July 2016.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

Approved by Administrator Lynch

CARRIED

16.3 REFER FINANCIAL STATEMENTS TO AUDIT - 2015/16 - COOMA BRANCH

Record No:

Responsible Officer:	Director Service Support
Author:	Finance Manager
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.3 Completion of Financial statutory and regulatory reports in accordance with specified requirements.
Attachments:	Nil
Cost Centre	4010 – Financial Services
Project	Financial Statements
Further Operational Plan Actions:	OP7.2 Completion of reporting requirements in accordance with legislation

EXECUTIVE SUMMARY

Council's 2015/16 Financial Statements are now complete. In accordance with Section 413(2) of the Local Government Act 1993, Council is required to refer them to audit

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

COUNCIL RESOLUTION

131/16

That Council

- A. Authorise the Administrator, the interim General Manager and the Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements and the Special Purpose Financial Statements.
- B. Authorise the Administrator, the interim General Manager, the Lodge Manager and the Responsible Accounting Officer to the sign the Statement by Councillors and Management for the Yallambee Lodge General Purpose Financial Statements.
- C. Authorise the Administrator, the interim General Manager and the Responsible Accounting Officer to the sign the Statement by Councillors and Management for the Monaro Regional Library General Purpose Financial Statements.
- D. Refer the 2015/16 Financial Statements for audit.

Authorise the interim General Manager to issue the 2015/16 Financial Statements upon receiving the auditor's reports.

Approved by Administrator Lynch

16.4 REQUEST WITH ASSISTANCE OF LEGAL FEES FROM COWRA SHIRE COUNCIL

Record No:

Responsible Officer:	General Manager
Author:	Acting Executive Assistant
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action:	OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. 2016 07 20 Letter from LGNSW Request for Legal Assistance for Cowra Shire Council ↗
Cost Centre	1120 – Animal Control
Project	No Identified Project
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

LGNSW have sent a letter to Council now that this matter has been resolved by the Land & Environment Court to give consideration to offering financial support to Cowra Shire Council for legal fees incurred defending an appeal matter before the Land & Environment Court, with regards to animal welfare under section 124 of the Local Government Act 1993

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

COUNCIL RESOLUTION

132/16

That Council advise LGNSW that as Snowy Monaro Regional Council are not members of LGNSW and no funds have been provided in the current Budget Snowy Monaro Regional Council is not able to contribute to the legal fees incurred by Cowra Shire Council.

Approved by Administrator Lynch

16.5 DISCLOSURE OF PECUNIARY INTEREST RETURNS - 1 JULY 2015 TO 12 MAY 2016

Record No:

Responsible Officer:	Director Service Support
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.

Operational Plan Action:	OP7.1 Ensure statutory registers are maintained and publicly available.
Attachments:	Nil
Cost Centre	Corporate Services/Governance
Project	Tabling of Disclosures by Councillors and Designated Persons Section 499 Returns
Further Operational Plan Actions:	OP7.2 Completion of reporting requirements in accordance with legislation OP7.6 Ensure that governance structures are open, transparent and fully accountable and these are supported by relevant instruments.

EXECUTIVE SUMMARY

Following the amalgamation of Bombala, Cooma-Monaro Shire and Snowy River Shire Councils on 12 May 2016, former councillors of these areas were required to complete a disclosure of pecuniary interest for the period 1 July 2015 to 12 May 2016. The Administrator was also required to submit a return within 3 months of obtaining this position. The provision of these returns is required under Section 449 of the Local Government Act.

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

COUNCIL RESOLUTION

133/16

That Council

- A. Note the tabling of the Disclosure of Pecuniary Interest Returns for former Councillors of Bombala, Cooma-Monaro Shire and Snowy River Shire Councils and the Administrator, Mr Dean Lynch from 1 July 2015 to 12 May 2016; and
- B. Ensure that the returns are available for inspection at the Berridale, Cooma and Bombala Branch Offices.

Approved by Administrator Lynch

16.6 ADOPTION OF SMRC 61 - HEALTH AND SAFETY POLICY

Record No:

Responsible Officer:	Director Service Support
Author:	Risk Management Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.9 Provide a work place that ensures the health, safety and wellbeing of employees is maintained through the management of potential risks
Operational Plan Action:	OP7.26 Develop and implement WHS policies, procedures and resources for managers and workers.
Attachments:	1. DRAFT - SMRC 61 - Health and Safety Policy <i>(Under Separate Cover)</i> ↗

Cost Centre 6010 Human Resources

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

A Health and Safety policy has been developed for Council to assist it in meeting its *Work Health and Safety Act 2011*, s19, primary duty of care. The policy was created by the Work Health and Safety Working Group established before the creation of Snowy Monaro Regional Council to generate health and safety documentation.

Following their creation, the documents have been to Consultative Committee, Work Health and Safety Committee and through the document control system including staff consultation.

These documents are now ready for consideration of adoption

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

COUNCIL RESOLUTION

134/16

That Council consider and adopt SMRC 61 - Health and Safety Policy.

Approved by Administrator Lynch

17. REPORTS BY GENERAL MANAGER

17.1 DPC COMMUNITY SATISFACTION SURVEY

The General Manager informed Council the DPC has engaged JWS Research to undertake a community satisfaction survey with the community. Snowy Monaro Regional Council (SMRC) has asked for an additional 15 questions to be included, specific to our region which will incur an additional charge.

17.2 STAFF SURVEYS

The General Manager informed Council the Staff Surveys have been completed. The former Snowy River Shire Council (SRSC) staff completed the survey before the merger, both the former Cooma Monaro and Bombala Council have now completed the survey and a report on the results will come to Council.

17.3 DPC WORKSHOP

The General Manager informed Council the Administrator and himself will be attending the next DPC workshop in Sydney on Friday, 9 September.

COUNCIL RESOLUTION

135/16

That Council receive and note the Reports by General Manager.

Approved by Administrator Lynch

Note 6: Late Report Not On Agenda

The attention of the Council was drawn to 11.1 late report not listed on the Council agenda and business paper concerning Adoption of the Snowy Monaro Local Traffic Committee Recommendations from the 10 August 2016 Meeting and requested that Council consider the late reports as matters of urgency.

COUNCIL RESOLUTION

136/16

That Council Consider the following report as a matter of urgency:

11.1 Adoption of the Snowy Monaro Local Traffic Committee Recommendations from the 10 August 2016

Approved by Administrator Lynch

17.5 ADOPTION OF THE SNOWY MONARO LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS FROM THE 10 AUGUST 2016 MEETING

Record No:

Responsible Officer: Director Service Delivery
Author: Development Engineer
Key Direction: 2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy: DP2.3 Continually monitor and improve traffic management throughout the Shire.
Operational Plan Action: OP2.8 Investigate and implement Traffic Management measures as an aid to increase road safety throughout the Region.
Attachments: 1. Minutes - SMRC Local Traffic Committee [⇒](#)
Cost Centre 1510 Engineering and Operations Management
Project Local Traffic Committee

EXECUTIVE SUMMARY

A copy of the Minutes from the Snowy Monaro Local Traffic Committee (SMLTC) Meeting held on 10th August 2016 is attached for Council's consideration and adoption of the recommendations.

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

COUNCIL RESOLUTION

137/16

That Council

- A. Receive and notes the minutes of the Snowy Monaro Local Traffic Committee meeting held on 10 August 2016; and
- B. Adopt the Snowy Monaro Local Traffic Committee recommendations LTC 10/16, 11/16, 12/16, 13/16, 14/16, 15/16 and 16/16 of 10th August 2016.

Approved by Administrator Lynch

18. NOTICE OF MOTION

Nil

19. MOTIONS OF URGENCY

Nil

20. QUESTIONS WITH NOTICE

Nil

21. QUESTIONS TAKEN ON NOTICE

Nil

22. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

138/16

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

22.1 Request to Undertake Private Works on Townsend Street (The Crack) - Jindabyne

Item 22.1 is confidential in accordance with s10(A)(2)(f) of the Local Government Act because it contains details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property 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.

Approved Administrator Lynch

Note 7: Invitation to Public

Upon the above motion being moved and seconded, the Administrator 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 8: Confidential Session of Committee

At 5.55 pm the meeting was closed to the press and public.

Note 9: Resumption of Open Committee Meeting

At 5.57 pm the Closed Session ended and the Council meeting continued in Open Session.

23. REPORT FROM CONFIDENTIAL SESSION

22.1 REQUEST TO UNDERTAKE PRIVATE WORKS ON TOWNSEND STREET (THE CRACK) - JINDABYNE

COUNCIL RESOLUTION

139/16

That Council

- A. Receive and Note the Report on Townsend Street (The Crack) Jindabyne;
- B. Approve to undertake Private Works on Townsend Street;
- C. Due to the location of Townsend Street (The Crack) and its prominent position near Lake Jindabyne and therefore exposure to tourists approve waiving 50% of the overall cost for the repair of Townsend Street (The Crack); the remainder to be funded by the residents;
- D. Undertake all further work necessary to gazette Townsend Street (The Crack) as a Council Public Road, absorb all maintenance costs thereafter and include Townsend Street (The Crack) on Councils Asset Register; and
- E. Not proceed with the works until such time as the residents have contributed their share.

Approved by Administrator Lynch

There being no further business the Administrator declared the meeting closed at 5.58pm



CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 31 August 2016 were confirmed by Council at a duly convened meeting on 28 September 2016 at which meeting the signature hereon was subscribed.