



**SNOWY MONARO**  
REGIONAL COUNCIL

# **BUSINESS PAPER**

**PUBLIC EXHIBITION COPY**

**Ordinary Council Meeting  
24 May 2017**

## **CONFLICTS OF INTEREST**

A conflict of interest arises when the Administrator or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Administrator or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Administrator or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Administrator or General Manager, or another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government.

The contact number for the Director General of Local Government is 4428 4100.

## **COUNCIL CODE OF CONDUCT**

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Administrator, members of staff and delegates of the Council attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Administrator and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Administrator or General Manager are to be made.

## **COUNCIL CODE OF MEETING PRACTICE**

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

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### **Acknowledgement of Owners of Land**

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Ngunnawal and Walgalu people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians.

We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

**ORDINARY COUNCIL MEETING  
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW  
2630**

**ON WEDNESDAY 24 MAY 2017  
COMMENCING AT 5.30PM**

**BUSINESS PAPER**

**1. APOLOGIES**

**2. CITIZENSHIP CEREMONIES**

**3. PRESENTATION**

**4. PUBLIC FORUM**

**5. DISCLOSURE OF INTEREST**

(Declarations also to be made prior to discussions on each item)

**6. ADOPTION OF MINUTES FROM PREVIOUS COUNCIL MEETING**

6.1 Ordinary Council Meeting held on 26 April 2017

6.2 Closed Session of the Ordinary Council Meeting held on 26 April 2017

6.3 Extraordinary Council Meeting held on 9 May 2017

**7. ADMINISTRAOTRS REPORT (IF ANY)**

**8. DELEGATE'S REPORT (IF ANY)**

8.1 Minutes of the Administrators Delegations meeting held 18 April 2017 4

8.2 Minutes of the Administrators Delegations meeting held 24 April 2017 17

8.3 Minutes of the Administrator Delegations Meeting Held 4 May 2017 27

**9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**

9.1 Minutes of the Local Representative Committee Meeting Held 11 May 2017 36

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

10.1 Lease to Optus - Part Lot 2 DP 1064078 50

**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

<b>13. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY</b>	
13.1 Modifications to the Customer Service Counter - Cooma Council Building	52
<b>14. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE</b>	
Nil	
<b>15. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE</b>	
15.1 Snowy Monaro Local Environmental Plan - Project concept plan for development of a new LEP for Snowy Monaro Regional Council	64
15.2 Wheel in Wheel out charge	68
15.3 DA 10.2016.1065.1 Rotary Markets	74
15.4 DA4119/2017 3 Lot Torrens Title Subdivision Thredbo Terrace Jindabyne	93
15.5 DA4164/2017 Dwelling House	149
15.6 Change to Operating Hours at Nimmitabel Transfer Station	235
<b>16. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION</b>	
16.1 Quaterly Budget Review Statement (QBRs) - 31 March 2017	237
16.2 Monthly Funds Management Report - April 2017	247
16.3 SMRC 354 - Loan Borrowings Policy	252
<b>17. REPORTS BY GENERAL MANAGER</b>	
Nil	
<b>18. NOTICE OF MOTION</b>	
<b>19. MOTIONS OF URGENCY</b>	
Nil	
<b>20. QUESTIONS WITH NOTICE</b>	
<b>21. QUESTIONS TAKEN ON NOTICE</b>	
<b>22. CONFIDENTIAL MATTERS .....</b>	<b>255</b>
22.1 Property Review for Former Bombala Cooma and Snowy River Shire Council's	
<i>Item 22.1 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
22.2 Request from the Highview Estate Developer for a discount of the Section 64 Developer Contributions for Seniors Living Developments	
<i>Item 22.2 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.</i>	



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## 8.1 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 18 APRIL 2017

Record No:

Responsible Officer: General Manager  
Author: Secretary Council & Committees  
Attachments: 1. Minutes - Administrator Delegations Meeting held 18 April 2017 [↓](#)

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### EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 18 April 2017 in the Cooma Office, 81 Commissioner Street, Cooma.

### OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 18 April 2017 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*.

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**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Administrator Delegations Meeting**

**13 April 2017**

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**ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY 13 APRIL 2017**

**MINUTES**

Notes:

<b>1.</b>	<b>OPENING OF THE MEETING .....</b>	<b>3</b>
<b>2.</b>	<b>APOLOGIES .....</b>	<b>3</b>
	Nil	
<b>3.</b>	<b>DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST .....</b>	<b>3</b>
3.1	Councillor <Surname> .....	3
<b>4.</b>	<b>DELEGATE'S REPORT (IF ANY) .....</b>	<b>3</b>
4.1	General Manager's Application for Contract Renewal .....	3
<b>5.</b>	<b>ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS.....</b>	<b>4</b>
<b>6.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE .....</b>	<b>4</b>
<b>7.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND .....</b>	<b>4</b>
7.1	RMS request for Council advice on the proposed speed zoning review of Kosciuszko Road, MR286, in Jindabyne and near Rainbow Drive .....	4
<b>8.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY .....</b>	<b>5</b>
<b>9.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY .....</b>	<b>5</b>
9.1	Yooftube - Request for Donation .....	6
9.2	Donation of Artwork to Council .....	6
<b>10.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE.....</b>	<b>7</b>
<b>11.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE .....</b>	<b>7</b>
<b>12.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION .....</b>	<b>7</b>
12.1	Integrated Property, WHS, Public Liability Risk Assessment & BCA/DDA Compliance Report for Council Offices, Council Depots and Hostels & Community Buildings. ....	7

<b>13.</b>	<b>ADMINISTRATOR'S REPORT (IF ANY).....</b>	<b>9</b>
<b>14.</b>	<b>CONFIDENTIAL MATTERS .....</b>	<b>9</b>
14.1	General Manager's Application for Contract Renewal.....	9
14.2	TENDER EVALUATION AND AWARD OF CONTRACT NO. 005/2017 FOR THE DELEGATE WATER METER INSTALLATION PROJECT .....	9
14.3	Review of Submissions received to Undertake Development of Snowy Monaro Tourism Strategy .....	9
<b>15.</b>	<b>REPORT FROM CONFIDENTIAL SESSION .....</b>	<b>10</b>
14.1	General Manager's Application for Contract Renewal .....	10
14.2	TENDER EVALUATION AND AWARD OF CONTRACT NO. 005/2017 FOR THE DELEGATE WATER METER INSTALLATION PROJECT .....	10
14.3	Review of Submissions received to Undertake Development of Snowy Monaro Tourism Strategy .....	11

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**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 13 APRIL 2017  
COMMENCING AT 3.00 PM**

**PRESENT:** Administrator Dean Lynch

**APOLOGIES:**

**Staff:** Joe Vescio, General Manager  
Erin Donnelly, Secretary Council and Committees

**1. OPENING OF THE MEETING**

The Administrator opened the meeting at 3.15PM

**2. APOLOGIES**

Nil

**3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**

**3.1 COUNCILLOR <SURNAME>**

The General Manager declared an interest in Item 14.1 General Manager's Application for Contract Renewal as he has a conflict of interest in this item due to "being the subject of the report". The General Manager left the meeting at 3.20pm and returned at 3.29pm. The General Manager did not take part in discussion or voting on this item.

**4. DELEGATE'S REPORT (IF ANY)**

**4.1 GENERAL MANAGER'S APPLICATION FOR CONTRACT RENEWAL**

Record No:

**Author:** Acting Executive Assistant to the Administrator - Katherine Miners,  
Mayor

**Attachments:** Nil

**EXECUTIVE SUMMARY**

The General Manager's application for contract renewal was considered at the March Council Meeting, and was deferred for consideration at the April Council meeting.

In accordance with Sections 10A, 10B and 10D of the Local Government Act 1993 (as amended) and the Council's Code of Meeting Practice, this Report is recommended to be considered in closed session.

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**COMMITTEE RECOMMENDATION**

**ADA57/17**

That:

- A. On the grounds and for the reasons stated above, the Committee resolve into Closed Session to receive and consider this item identified as Confidential and so listed on this Agenda.
- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Committee in Closed Session on the basis that this item is considered to be of a confidential nature.
- C. That the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto:-
  - is necessary to preserve the relevant confidentiality, privilege or security of such information, and
  - that discussion of the matter in open meeting would, on balance, be contrary to the public interest.
- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matters 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.
- E. That the Recommendations made by the Committee in Closed Session remain confidential until Council considers the Minutes of the Confidential Meeting of the Committee.
- F. That following consideration of the Confidential Committee Minutes by Council, the Resolutions made by the Council be made public after the conclusion of the Closed Session of the Council Meeting and such Resolutions be recorded in the Minutes of the Council Meeting.

That upon this recommendation being moved and seconded, the Chairperson invites representations from the public as to whether this part of the meeting should be closed to consider the nominated item.

**Approved by Administrator Lynch**

**5. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**

Nil

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

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

**7.1 RMS REQUEST FOR COUNCIL ADVICE ON THE PROPOSED SPEED ZONING REVIEW OF KOSCIUSZKO ROAD, MR286, IN JINDABYNE AND NEAR RAINBOW DRIVE**

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. Existing Speed Zones
2. Proposed Speed Zones
3. Overall map
4. Section 3 Map
5. Section 3 SCR
6. Section 3 DCR

Cost Centre 1505 - Engineering Operations Management  
Project N/A

### EXECUTIVE SUMMARY

Roads and Maritime Services is reviewing the speed zoning of Kosciuszko Road covering the entire 60km/h speed zone length through the Jindabyne Township and the 80km/h speed zone to the east towards East Jindabyne. The review by RMS was initiated by a member of the public through the Ministerial process. RMS is proposing to retain the 60km/h speed zone through Jindabyne, but reduce the speed zone from 100km/h to 80 km/h from Mill Creek to near the Rainbow Drive turn off. The RMS is seeking Council's input as part of its local consultation process and would like to know if Council supports the proposal to retain the 60km/h speed limit in Jindabyne and reduce the 100km/h speed limit near Rainbow Drive.

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

### COMMITTEE RECOMMENDATION

ADA58/17

That Council supports:

- A. The retention of the 60km/h speed zoning of Kosciuszko Road within the Jindabyne Township;
- B. The reduction of the speed zone from 100km/h to 80 km/h in Kosciuszko Road between the current 80km/h sign at Mill Creek to just past the Rainbow Drive turn off.
- C. Further consideration of extending a speed zone reduction from 100km/h to 80km/h in Kosciuszko Road past to Snowy Valley Hotel (Jerrara Drive) in future review of speed zones.

Approved by Administrator Lynch

## 8. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

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

## 9.1 YOOFUBE - REQUEST FOR DONATION

Record No:

Responsible Officer:	General Manager
Author:	Acting Executive Assistant to the Administrator
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.4 Continued participation in, and access to the arts, local galleries, museums and historic sites.
Operational Plan Action:	OP4.15 Promote awareness and support delivery of arts and cultural initiatives, including public arts assets, throughout the Region.
Attachments:	1. E-mail from South East Arts - Requesting Support of YOOFube 2017
Cost Centre	7010 Tourism – Natural Account 63151
Project	
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

YOOFube is a short fill competition for those aged 12-20 in the Bega Valley, Eurobodalla, and Snowy Monaro areas for budding filmmakers, and creates a medium for young people to express their creativity and actively participate in the arts.

South East Arts has requested that Council support this program by donating \$1,000 for the *Best Snowy Monaro Film* award.

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

#### COMMITTEE RECOMMENDATION

ADA59/17

That Council approve a donation request to South East Arts for their YOOFube project for the sum of \$1,000.

**Approved by Administrator Lynch**

## 9.2 DONATION OF ARTWORK TO COUNCIL

Record No:

Responsible Officer:	General Manager
Author:	Acting Executive Assistant to the Administrator
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.4 Continued participation in, and access to the arts, local galleries, museums and historic sites.

Operational Plan Action: OP4.15 Promote awareness and support delivery of arts and cultural initiatives, including public arts assets, throughout the Region.

Attachments: 1. E-mail - Donation Request - Andy Lomnici Painting  
2. Andy Lomnici Painting - Image 1  
3. Andy Lomnici Painting - Image 2

Cost Centre

Project

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

Council was approached by owners of a piece of artwork that they would like to donate to Council.

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

### COMMITTEE RECOMMENDATION

ADA60/17

That Council

- A. Accept the donation of the Andy Lomnici artwork; and
- B. Display the Artwork in the Adaminaby Hall

**Approved by Administrator Lynch**

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

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

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

### 12.1 INTEGRATED PROPERTY, WHS, PUBLIC LIABILITY RISK ASSESSMENT & BCA/DDA COMPLIANCE REPORT FOR COUNCIL OFFICES, COUNCIL DEPOTS AND HOSTELS & COMMUNITY BUILDINGS.

Record No:

Responsible Officer: Acting Director Corporate & Community Services

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: OP7.27 Develop and implement WHS policies, procedures and resources for managers and workers.

Attachments:

1. Proposal for BCA Compliance and Property Risk Assessment (*Under Separate Cover*)
2. Integrated Property, WHS, Public Liability Risk Assessment BCADDA Compliance Report Council Offices (*Under Separate Cover*)
3. Integrated Property, WHS, Public Liability Risk Assessment BCADDA Compliance Report Council Depots (*Under Separate Cover*)
4. Integrated Property, WHS, Public Liability Risk Assessment BCADDA Compliance Report Hostels Community Buildings (*Under Separate Cover*)

Cost Centre

Project

Further Operational Plan Actions:

OP7.17 Improve organisation wide Risk Management through use of ISO31000 principles

OP7.24 Undertake an efficient and effective merger of the three Council's as outlined in the guidelines and other processes, as a result of the Fit For the Future Program

## EXECUTIVE SUMMARY

RiskTech were engaged by Council through our insurer StateWide to undertake a series of Council building reviews. Reviews were conducted against a prearranged scope considering WHS, accessibility and building compliance and evaluation of CAPEX and maintenance expenditure to bring inspected buildings up to current BCA/DDA requirements. This report presents the final building reports which incorporate the findings of the inspections and proposes an Action Plan to address identified deficiencies.

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

### COMMITTEE RECOMMENDATION

ADA61/17

That Council

- A. Receive and note the RiskTech "Proposal for BCA Compliance and Property Risk Assessment" and the "Integrated Property, WHS, Public Liability Risk Assessment & BCA/DDA Compliance Report" for Council Offices, Council Depots and Hostels & Community Buildings;
- B. Consider and implement a structured and costed project plan to implement the mitigations identified in action plans contained within the "Integrated Property, WHS, Public Liability Risk Assessment & BCA/DDA Compliance Report" for Council Offices, Council Depots and Hostels & Community Buildings; and
- C. Table the "Integrated Property, WHS, Public Liability Risk Assessment & BCA/DDA Compliance Report" for Council Offices, Council Depots and Hostels & Community Buildings reports at a convenient Health and Safety Committee Meeting to be received and noted by its members.

Approved by Administrator Lynch

### 13. ADMINISTRATOR'S REPORT (IF ANY)

Nil

### 14. CONFIDENTIAL MATTERS

#### COMMITTEE RECOMMENDATION

ADA62/17

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:

#### **14.1 General Manager's Application for Contract Renewal**

Item 14.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **14.2 TENDER EVALUATION AND AWARD OF CONTRACT NO. 005/2017 FOR THE DELEGATE WATER METER INSTALLATION PROJECT**

Item 14.2 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and (dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **14.3 Review of Submissions received to Undertake Development of Snowy Monaro Tourism Strategy**

Item 14.3 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

**Approved by Administrator Lynch**

#### **Note 1: Confidential Session of Committee**

At 3.19 pm the meeting was closed.

#### **Note 2: Resumption of Open Committee Meeting**

At 3.38 pm the Closed Session ended and the Council meeting continued in Open Session.

#### **Note 3: Attendance of General Manager – Conflict of Interest**

The General Manager having declared a conflict of interest with item 14.1, left the meeting and was absent from the meeting from 3.20pm for the duration of Item 14.1 General Manager's Application for Contract Renewal returning at 3.29pm taking no part in discussion or voting on this item

## 15. REPORT FROM CONFIDENTIAL SESSION

### 14.1 GENERAL MANAGER'S APPLICATION FOR CONTRACT RENEWAL

#### COMMITTEE RECOMMENDATION

ADA63/17

That Council :

- A. Receives and notes the application letter from the General Manager;
- B. In considering the contract renewal, have regard for the General Manager's annual performance review outcome as reported to the Contract Employment Committee meeting of 2 February 2017;
- C. Note the offer and acceptance of a contract by correspondence of 10 April 2017 in accordance with Standard Contract of Employment General Managers of Local Councils in New South Wales, Clause 5 'Renewal of Contract'
- D. Offer the General Manager a two year contract with ongoing employment from 1 May 2017 to 30 April 2019 subject to improving KPIs and suggested developments as determined and discussed by the Contract Employment Committee, with an understanding the contract may be terminated under clause 10.3.4(b) as it relates to not substantially meeting terms of the performance agreement. The contract amount is \$250,000 per annum total remuneration package; and
- E. Note that the General Manager in regard to D (above) must score 3 and above in each category by the Contract Employment Committee in the next review to successfully meet the performance agreement at the first annual performance review. The performance requirement of the new contract will be confirmed at the time the contract is signed.
- F. Agree to pay 50% of the performance bonuses in accordance with the conditions of resolution ADA50/16 of 7 October 2016, with the balance to be paid once the remaining KPI's are achieved.

**Approved by Administrator Lynch**

### 14.2 TENDER EVALUATION AND AWARD OF CONTRACT NO. 005/2017 FOR THE DELEGATE WATER METER INSTALLATION PROJECT

#### COMMITTEE RECOMMENDATION

ADA64/17

That Council :

- A. Consider the recommendation in the Tender Evaluation Report following evaluation by the Tender Review Panel of the tenders received on 31<sup>st</sup> march 2017;
- B. That the Contract 005/2017 for the Delegate Water Meter Installation Project be awarded to New Plumbing Solutions for a Lump Sum and Schedules of Amount Contract Amount of Four hundred and eighty six thousand five hundred and fifty four dollars (\$486,544); and
- C. The report, Tender Evaluation and Award of Contract No. 005/2017 for the Delegate Water Meter Installation Project, be made public subject to the supporting documents remaining confidential.

**Approved by Administrator Lynch**

#### 14.3 REVIEW OF SUBMISSIONS RECEIVED TO UNDERTAKE DEVELOPMENT OF SNOWY MONARO TOURISM STRATEGY

##### COMMITTEE RECOMMENDATION

ADA65/17

That Council :

- A. Accept the proposal from University of Canberra to undertake the development of the Snowy Monaro Regional Tourism Strategy at a cost of \$36,740; and
- B. The report, Review of Submissions Received to Undertake Development of Snowy Monaro Tourism Strategy, be made public, subject to the attached submissions remaining confidential.

**Approved by Administrator Lynch**

There being no further business the Administrator declared the meeting closed at 3.38pm

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##### CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 18 April 2017 were confirmed by Council at a duly convened meeting on 24 April 2017 at which meeting the signature hereon was subscribed.

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## 8.2 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 24 APRIL 2017

Record No:

Responsible Officer: General Manager  
Author: Secretary Council & Committees  
Attachments: 1. Minutes - Administrator Delegations Meeting held 24 April 2017 [↓](#)

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### EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 24 April 2017 in the Cooma Office, 81 Commissioner Street, Cooma.

### OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 24 April 2017 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*.

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SNOWY MONARO  
REGIONAL COUNCIL

# Minutes

**Administrator Delegations Meeting**

**24 April 2017**

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**ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY 24 APRIL 2017**

**MINUTES**

Notes:

<b>1.</b>	<b>OPENING OF THE MEETING .....</b>	<b>3</b>
<b>2.</b>	<b>APOLOGIES .....</b>	<b>3</b>
<b>3.</b>	<b>DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST .....</b>	<b>3</b>
	Nil	
<b>4.</b>	<b>ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS .....</b>	<b>3</b>
<b>5.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE .....</b>	<b>3</b>
<b>6.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND .....</b>	<b>3</b>
6.1	2017 Anzac Day Parade and Road Closure for Nimmitabel .....	3
<b>7.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY .....</b>	<b>4</b>
7.1	Updated Regional and Town Signage .....	4
<b>8.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY .....</b>	<b>5</b>
<b>9.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE .....</b>	<b>5</b>
<b>10.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE .....</b>	<b>5</b>
<b>11.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION .....</b>	<b>5</b>
11.1	Community Engagement Strategy .....	5
11.2	Human Resources (HR) Report for Period Ending 28 February 2017 .....	6
<b>12.</b>	<b>ADMINISTRATOR'S REPORT (IF ANY) .....</b>	<b>7</b>
<b>13.</b>	<b>CONFIDENTIAL MATTERS .....</b>	<b>7</b>
13.1	Property Purchases in Vale Street, Cooma .....	7
<b>14.</b>	<b>REPORT FROM CONFIDENTIAL SESSION .....</b>	<b>8</b>

13.1	Property Purchases in Vale Street, Cooma .....	8
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**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY, 24 APRIL 2017  
COMMENCING AT 10.30AM**

**PRESENT:** Administrator Dean Lynch

**APOLOGIES:**

**Staff:** Peter Smith, Acting General Manager  
Erin Donnelly, Secretary Council and Committees

**1. OPENING OF THE MEETING**

The Administrator opened the meeting at 11.14AM

**2. APOLOGIES**

Nil

**3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**

Nil

**4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**

Nil

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

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

**6.1 2017 ANZAC DAY PARADE AND ROAD CLOSURE FOR NIMMITABEL**

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.

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Operational Plan Action: OP2.8 Investigate and implement Traffic Management measures as an aid to increase road safety throughout the Region.

Attachments: 1. Anzac Nimmitabel Cert of Currency 2017  
2. Anzac Nimmitabel ANZAC Day March 2017 TCP  
3. Anzac Nimmitabel Schedule 1, Special Event TMP

Cost Centre 1505 Service Delivery

Project Snowy Monaro Local Traffic Committee

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

The Cooma Monaro RSL Sub Branch has requested that Council consider temporary road closure to hold the annual ANZAC Day parade on 25th April 2017 in Nimmitabel.

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

### COMMITTEE RECOMMENDATION

ADA66/17

That Council approves the 25 April 2017 ANZAC Day temporary road closure of Bombala Street (Monaro Highway), Nimmitabel, between Miller and Clarke Streets from 10:30am until 11:00am subject to:

- A. Confirmation from emergency services that they have been notified,
- B. A Traffic Control Plan,
- C. A Risk Assessment,
- D. A road occupancy licence from the RMS

Approved by Administrator Lynch

## 7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

### 7.1 UPDATED REGIONAL AND TOWN SIGNAGE

Record No:

Responsible Officer: General Manager

Author: Acting Executive Assistant to the Administrator

Key Direction: 3. Strengthening Our Local Economy

Delivery Plan Strategy: DP3.2 Take full advantage of the unique assets and character of our towns and villages.

Operational Plan Action: OP3.5 Enhance entrances to all Regional towns and villages.

Attachments: 1. Redesigned Shire Entry Sign Concept  
2. Updated Suite - Town and Village Signage  
3. Delegate Town Signage - Amended Tagline  
4. Rear of Sign - 'We Are Snowy Monaro' Concept  
5. Regional and Town Signage Report - Ordinary Council Meeting 22 February 2017

Cost Centre

Project

Further Operational Plan Actions:

## EXECUTIVE SUMMARY

The report 'Regional and Town Signage' went to the Council meeting held on 22 February 2017 and the recommendations contained therein were adopted.

However, after some concerns were raised by the community, a number of alterations to original concepts have been proposed.

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

### COMMITTEE RECOMMENDATION

ADA67/17

That Council

- A. Alter Delegate's tagline to 'Experience History';
- B. Alter the regional entry sign concept and tagline to 'Top of Australia'; and
- C. Place advertising for the 'Snowy Guide' application and 'We Are Snowy Monaro' image on the rear face of the signs.

Approved by Administrator Lynch

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

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

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

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

### 11.1 COMMUNITY ENGAGEMENT STRATEGY

Record No:

Responsible Officer: Director Special Projects Office

Author: Administration Special Projects Office

Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.13 Coordinate and initiate community engagement processes that facilitate participation in Council activities and decision making, and keep residents informed on local events, issues and planning
Operational Plan Action:	OP7.34 Support and encourage public engagement methods which invite comment from community and informs the decision making.
Attachments:	1. Community Engagement Strategy ( <i>Under Separate Cover</i> )
Cost Centre	3130
Project	Community Engagement Strategy
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

The purpose of this community engagement strategy is to establish standard processes for community engagement. Community engagement is a planned process with the specific purpose of working with a diverse range of groups covering;

- Consultation
- Extension
- Communication
- Education
- public participation
- participative democracy
- Stakeholder partnerships

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

#### COMMITTEE RECOMMENDATION

ADA68/17

That the Administrator

- Adopts the Community Engagement Strategy
- Endorses the commencement of community engagement to develop the Draft Community Strategic Plan *immediately* and additional resources are provided to complete this either through engagement of a consultant or contractor

**Approved by Administrator Lynch**

### 11.2 HUMAN RESOURCES (HR) REPORT FOR PERIOD ENDING 28 FEBRUARY 2017

Record No:

Responsible Officer: General Manager

Author: Acting Executive Assistant to the Administrator

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 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. Human Resources (HR) Report For Period Ending 28 February 2017
Cost Centre	6010 Human Resources
Project	
Further Operational Plan Actions:	

## EXECUTIVE SUMMARY

Please see the attached report.

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

### COMMITTEE RECOMMENDATION

ADA69/17

That Council receive and note the attached report.

**Approved by Administrator Lynch**

## 12. ADMINSTRATOR'S REPORT (IF ANY)

## 13. CONFIDENTIAL MATTERS

### COMMITTEE RECOMMENDATION

ADA70/17

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

#### **13.1 Property Purchases in Vale Street, Cooma**

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

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 by Administrator Lynch**

**Note 1: 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 2: Confidential Session of Committee**

At 11.16 am the meeting was closed to the press and public.

**Note 3: Resumption of Open Committee Meeting**

At 11.17 am the Closed Session ended and the Council meeting continued in Open Session.

**14. REPORT FROM CONFIDENTIAL SESSION**

**13.1 PROPERTY PURCHASES IN VALE STREET, COOMA**

**COMMITTEE RECOMMENDATION**

**ADA71/17**

That Council proceeds with the purchase of;

Number 55 Vale Street, Cooma Lot 2 DP 1004003

Number 57 Vale Street, Cooma Lot D DP 163898

Number 59 Vale Street, Cooma Lot B DP 154627

That pursuant to the Local Government Act 1993 – Sect 31 that Council classifies the following lots as Operational Land

Lot 2 DP 1004003

Lot D DP 163898

Lot B DP 154627

**Approved by Administrator Lynch**

There being no further business the Administrator declared the meeting closed at 11.17am

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**CHAIRPERSON**

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 24 April 2017 were confirmed by Council at a duly convened meeting on 1 May 2017 at which meeting the signature hereon was subscribed.

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### 8.3 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 4 MAY 2017

Record No:

Responsible Officer: General Manager  
Author: Acting Executive Assistant to the Administrator  
Attachments: 1. Minutes of the Administrator Delegations Meeting Held 4 May 2017 [↓](#)

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#### EXECUTIVE SUMMARY

The Administrator Delegation met on 4 May 2017 in Head Office, Snowy Monaro Regional Council. The Committee's recommendations are presented for Council's consideration and adoption.

#### OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Administrator Delegations meeting, held 31 March 2017 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*.

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# Minutes

**Administrator Delegations Meeting**

**4 May 2017**

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**ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630  
ON THURSDAY 4 MAY 2017**

<b>MINUTES</b>
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Notes:

1. **OPENING OF THE MEETING.....** ERROR! BOOKMARK NOT DEFINED.
2. **PUBLIC FORUM .....** ERROR! BOOKMARK NOT DEFINED.
3. **APOLOGIES.....** ERROR! BOOKMARK NOT DEFINED.  
Nil
4. **DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....** ERROR! BOOKMARK NOT DEFINED.  
Nil
5. **MATTERS DEALT WITH BY EXCEPTION .....** ERROR! BOOKMARK NOT DEFINED.
6. **ADOPTION OF MINUTES OF PREVIOUS MEETING .....** ERROR! BOOKMARK NOT DEFINED.  
6.1 Administrator Delegations Meeting 24 April 2017 ..... **Error! Bookmark not defined.**
7. **BUSINESS ARISING OUT OF THE MINUTES.....** ERROR! BOOKMARK NOT DEFINED.
8. **DELEGATE'S REPORT (IF ANY) .....** ERROR! BOOKMARK NOT DEFINED.
9. **ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS.....** ERROR! BOOKMARK NOT DEFINED.
10. **CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE .....** ERROR! BOOKMARK NOT DEFINED.
11. **CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND .....** ERROR! BOOKMARK NOT DEFINED.
12. **CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY.....** ERROR! BOOKMARK NOT DEFINED.
13. **CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY.....** ERROR! BOOKMARK NOT DEFINED.
14. **CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE .....** ERROR! BOOKMARK NOT DEFINED.
15. **CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE.....** ERROR! BOOKMARK NOT DEFINED.
16. **CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION.....** ERROR! BOOKMARK NOT DEFINED.  
16.1 Regional Networking Expo ..... **Error! Bookmark not defined.**

- 17. REPORTS BY GENERAL MANAGER..... ERROR! BOOKMARK NOT DEFINED.
- 18. NOTICE OF MOTION ..... ERROR! BOOKMARK NOT DEFINED.
- 19. MOTIONS OF URGENCY ..... ERROR! BOOKMARK NOT DEFINED.
- 20. QUESTIONS WITH NOTICE ..... ERROR! BOOKMARK NOT DEFINED.
- 21. QUESTIONS TAKEN ON NOTICE..... ERROR! BOOKMARK NOT DEFINED.
- 22. CONFIDENTIAL MATTERS..... ERROR! BOOKMARK NOT DEFINED.

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MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 4 MAY 2017

Page 3

**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 4 MAY 2017  
COMMENCING AT 3.00PM**

**PRESENT:** Administrator Dean Lynch

**APOLOGIES:**

**Staff:** Peter Smith, Acting General Manager  
Katherine Miners, Acting Executive Assistant to the Administrator

**1. OPENING OF THE MEETING**

The Administrator opened the meeting at 3.00PM

**2. PUBLIC FORUM**

Nil

**3. APOLOGIES**

Nil

**4. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**

Nil

**5. MATTERS DEALT WITH BY EXCEPTION**

Nil

**6. ADOPTION OF MINUTES OF PREVIOUS MEETING**

**6.1 ADMINISTRATOR DELEGATIONS MEETING 24 APRIL 2017**

**RECOMMENDATION**

THAT the minutes of the Administrator Delegations Meeting held on 01 May 2017 are confirmed as a true and accurate record of proceedings.

**7. BUSINESS ARISING OUT OF THE MINUTES**

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MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 4 MAY 2017

Page 4

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.

**8. DELEGATE'S REPORT (IF ANY)**

Nil

**9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**

Nil

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

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

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

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

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

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

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

**16.1 REGIONAL NETWORKING EXPO**

Record No:

Responsible Officer:	Director Service Planning
Author:	Acting Executive Assistant to the Administrator
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.13 Coordinate and initiate community engagement processes that

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MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 4 MAY 2017

Page 5

	facilitate participation in Council activities and decision making, and keep residents informed on local events, issues and planning
Operational Plan Action:	OP7.34 Support and encourage public engagement methods which invite comment from community and informs the decision making.
Attachments:	Nil
Cost Centre	10-3130-1001-63304 (SPO)
Project	Regional Networking Expo
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

Council has identified a Regional Networking Expo as a valuable tool for connecting organisations and residents with Council, as well as building relationships between service groups. This networking opportunity has the potential to facilitate an opening for both government departments and community organisations to develop healthy and open dialogue.

Council will also be able to gather valuable information about the community's expectations for service levels and will be valuable when developing Integrated Planning and Reporting documents. The Expo will include a keynote speaker, a marketing launch and the launch of regional app, 'Snowy Guide'.

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

#### COMMITTEE RECOMMENDATION

ADA72/17

That Council

- A. Organise and promote a Regional Networking Expo;
- B. Allocate \$11,100 to cover all costs for the Expo; and
- C. Develop Promotional material to advertise the conference.

Moved Administrator Lynch

CARRIED

#### 17. REPORTS BY GENERAL MANAGER

#### 18. NOTICE OF MOTION

#### 19. MOTIONS OF URGENCY

#### 20. QUESTIONS WITH NOTICE

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 4 MAY 2017

Page 6

**21. QUESTIONS TAKEN ON NOTICE**

**22. CONFIDENTIAL MATTERS**

There being no further business the Administrator declared the meeting closed at 3.02pm

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CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 4 May 2017 were confirmed by Council at a duly convened meeting on 8 May 2017 at which meeting the signature hereon was subscribed.

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## 9.1 MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE MEETING HELD 11 MAY 2017

Record No:

Responsible Officer: General Manager

Author: Acting Executive Assistant to the Administrator

Attachments: 1. Minutes of the Local Representative Committee Held 11 May 2017 - Closed Session - **Confidential**

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2. Minutes of the Local Representative Committee Held 11 May 2017 - Open Session [↓](#)

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### EXECUTIVE SUMMARY

The Snowy Monaro Local Representative Committee met on 11 May 2017 in Bombala HACC Centre, 163 Maybe Street, Bombala. The Committee's recommendations are presented for Council's consideration and adoption.

### OFFICER'S RECOMMENDATION

That the recommendations of the meeting of the Snowy Monaro Local Representative Committee held on 11 May 2017 be adopted.

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# Minutes

**Snowy Monaro Local Representative Committee  
Meeting**

**11 May 2017**



**SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING  
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628**

**ON THURSDAY 11 MAY 2017**

<b>MINUTES</b>
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Notes:

<b>1.</b>	<b>OPENING OF THE MEETING.....</b>	<b>3</b>
<b>2.</b>	<b>APOLOGIES.....</b>	<b>3</b>
<b>3.</b>	<b>CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING .....</b>	<b>3</b>
3.1	Snowy Monaro Local Representative Committee Meeting 12 April 2017.....	3
<b>4.</b>	<b>REPORTS ON PRIORITY ACTIONS.....</b>	<b>3</b>
4.1	Dean Lynch .....	3
4.2	Angela Ingram .....	4
4.3	Peter Beer.....	4
4.4	Bob Frost .....	4
4.5	Craig Mitchell.....	4
4.6	Annie O'Keeffe.....	5
4.7	Nathan Thompson, Communications Officer.....	5
4.8	Peter Smith, Acting General Manager .....	5
<b>5.</b>	<b>REPORTS &amp; ADVICE ON LOCAL VIEWS &amp; EMERGING ISSUES .....</b>	<b>5</b>
5.1	Review of Operation of Council Swimming Pools.....	6
<b>6.</b>	<b>PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES .....</b>	<b>6</b>
6.1	Minutes of the Yamaga Sister City Committee Held 1 February 2017 .....	6
6.2	Meeting Minutes of Adaminaby School of Arts Hall Section 355 Committee for 9 February 2017 and Strategic Plan 2010-2030.....	7
6.3	Meeting Minutes for Jindabyne Memorial Hall Section 355 Committee 31 January and 4 April 2017 .....	8
6.4	Meeting Minutes for Jindabyne Beautification Section 355 Committee 31 January and 10 April 2017 .....	8
6.5	Minutes of the Bombala and Delegate Tourism Committee Meeting 27 April 2017 .....	10
<b>7.</b>	<b>SPECIFIC ITEMS VARYING FROM MEETING TO MEETING .....</b>	<b>10</b>
7.1	Regional Networking Expo.....	10

8.	REVIEW OF RELEVANT MEETING ACTIONS OR FOLLOW UP REQUIREMENTS.....	10
9.	NEXT MEETING.....	10

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 3

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**MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING  
HELD IN BOMBALA HACC CENTRE, 163 MAYBE STREET, BOMBALA NSW 2632**

**ON THURSDAY, 11 MAY 2017  
COMMENCING AT 6.30PM**

**PRESENT:** Dean Lynch, Administrator (Chair)  
Peter Smith, Acting General Manager  
Nathan Thompson, Communications Officer  
Angela Ingram, LRC Member  
Annie O'Keeffe, LRC Member  
Bob Frost, LRC Member  
Craig Mitchell, LRC Member  
Di Hampshire, LRC Member  
Gabrielle Rea, LRC Member  
John Shumack, LRC Member  
Peter Beer, LRC Member  
Rogan Corbett, LRC Member  
Steve Goodyer, LRC Member  
Katherine Miners, Acting Executive Assistant to the General (secretariat)

**1. OPENING OF THE MEETING**

The Chair opened the meeting at 6.30PM

**2. APOLOGIES**

An apology for the meeting was received from Paul Perkins, LRC Member, and Winston Phillips, LRC Member.

**3. CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING**

**3.1 SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING 12 APRIL 2017**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC35/17</b>
THAT the minutes of the Snowy Monaro Local Representative Committee Meeting held on 12 April 2017 are confirmed as a true and accurate record of proceedings.	
<b>Moved Chair Lynch</b>	<b>Seconded Mr Frost</b>
<b>CARRIED</b>	

**4. REPORTS ON PRIORITY ACTIONS**

**4.1 DEAN LYNCH**

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 4

**COMMITTEE RECOMMENDATION**

**LRC36/17**

That the LRC note the following:

- The Regional Networking Expo was held on 10 May 2017 and was a success. Council has received positive feedback
- The Major Projects allocation is to be adopted by Council on 24 May 2017
- The 355 Committee structure needs to be assessed, and all members should give consideration to this over the coming weeks
- The next Administrator and General Managers forum with the Department of Premier and Cabinet is being held on 18/19 May 2017
- Free Wi-Fi will be installed in Jindabyne shortly, Cooma's Wi-Fi is being repaired and Wi-Fi for Bombala will be installed next year

**Moved Mrs Rea**

**Seconded Mr Beer**

**CARRIED**

**4.2 ANGELA INGRAM**

**COMMITTEE RECOMMENDATION**

**LRC37/17**

That the LRC note the following:

- Michelago aren't connecting with the concept of the application 'Snowy Guide' due to the use of the word 'Snowy'
- There has been negative feedback on the design of the Norris Park toilets

**Moved Mr Frost**

**Seconded Mrs O'Keeffe**

**CARRIED**

**4.3 PETER BEER**

**COMMITTEE RECOMMENDATION**

**LRC38/17**

That the LRC note the following:

- The Community Safety Precinct Committee Meeting was held on Wednesday 3 May 2017 and various local issues were raised and discussed

**Moved Mr Mitchell**

**Seconded Mrs Ingram**

**CARRIED**

**4.4 BOB FROST**

**COMMITTEE RECOMMENDATION**

**LRC39/17**

That the LRC note the following:

- The free Wi-Fi that is to be running in the major centres may encourage a larger presence of disruptive youth to the CBDs
- The Development Application for the Snowtunes event needs to be reviewed
- Issues raised in the Local Traffic Committee meeting will be communicated with Council shortly
- Security for L'Etape needs to be considered

**Moved Mr Corbett**

**Seconded Mrs Ingram**

**CARRIED**

**4.5 CRAIG MITCHELL**

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 5

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC40/17</b>
That the LRC note the following:	
<ul style="list-style-type: none"><li>• That BighArt are seeking funding from Council for the Project O initiative</li></ul>	
<b>Moved Mr Shumack</b>	<b>Seconded Mr Goodyer CARRIED</b>

**4.6 ANNIE O'KEEFFE**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC41/17</b>
That the LRC note the following:	
<ul style="list-style-type: none"><li>• L'Etape will be running again in 2017 and Lateral Events will be seeking funding from Council</li></ul>	
<b>Moved Mr Mitchell</b>	<b>Seconded Mrs Rea CARRIED</b>

**4.7 NATHAN THOMPSON, COMMUNICATIONS OFFICER**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC42/17</b>
That the LRC note the following:	
<ul style="list-style-type: none"><li>• The 'Your Say' engagement platform is live</li><li>• The community visioning forums are being held over the next month</li><li>• Department of Premier and Cabinet and the Australian Electoral Commission are providing information for future councillors</li><li>• A photography competition is being run again</li></ul>	
<b>Moved Mr Shumack</b>	<b>Seconded Mr Mitchell CARRIED</b>

**4.8 PETER SMITH, ACTING GENERAL MANAGER**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC43/17</b>
That the LRC note the following:	
<ul style="list-style-type: none"><li>• Staff have been instructed to complete the Cathcart Hall project</li></ul>	
<b>Moved Mrs Rea</b>	<b>Seconded Mr Shumack CARRIED</b>

**5. REPORTS & ADVICE ON LOCAL VIEWS & EMERGING ISSUES**

**SUSPENSION OF BUSINESS AGENDA ITEMS**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC44/17</b>
That item 5.1 Review of Operation of Council Swimming Pools be considered as the next item of business in closed session.	
<b>Moved Mrs Ingram</b>	<b>Seconded Mrs Hampshire CARRIED</b>

**Note 1: Confidential Session of Committee**  
At 7.21pm the meeting was closed to the press and public

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 6

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**Note 2: Resumption of open Committee Meeting**

At 7.25pm the closed session ended and the LRC meeting continued in open session.

**5.1 REVIEW OF OPERATION OF COUNCIL SWIMMING POOLS**

Record No:

<b>COMMITTEE RECOMMENDATION</b>		<b>LRC45/17</b>
That Council		
A. Note the information regarding the operation, maintenance and works required at Council Swimming Pools.		
<b>Moved Mrs Hampshire</b>	<b>Seconded Mr Frost</b>	<b>CARRIED</b>

**6. PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES**

**6.1 MINUTES OF THE YAMAGA SISTER CITY COMMITTEE HELD 1 FEBRUARY 2017**

Record No:

Responsible Officer: General Manager  
Author: Acting Executive Assistant to the Administrator  
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 Provide timely, accurate and relevant information to Council to enable informed decision making.  
Attachments: 1. Yamaga Sister City Committee Minutes Held 1 February 2017  
2. Yamaga Sister City Committee Terms of Reference  
Cost Centre  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The minutes of the Yamaga Sister City Committee meeting held 1 February 2017 are presented for information and adoption of recommendation.

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

<b>COMMITTEE RECOMMENDATION</b>		<b>LRC47/17</b>
That Council		
A. Receive and note the information in the minutes of the Yamaga Sister City Committee meeting		

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 7

held on 1 February 2017 and adopt the recommendations contained therein;		
B. Adopt the updated Terms of Reference;		
C. Open grant funding to the Snowy Monaro region (recommendation dot point 4.2); and		
D. Retains the committee's position and purpose.		
<b>Moved Mrs Ingram</b>	<b>Seconded Mr Frost</b>	<b>CARRIED</b>

**6.2 MEETING MINUTES OF ADAMINABY SCHOOL OF ARTS HALL SECTION 355 COMMITTEE FOR 9  
FEBRUARY 2017 AND STRATEGIC PLAN 2010-2030**

Record No:

Responsible Officer:	Director Service Delivery
Author:	Asset Manager
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:	OP4.19 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.
Attachments:	1. Meeting Minutes of Adaminaby School of Arts Hall for 9 February 2017 2. Adaminaby School of Arts Hall Section 355 Committee Updated Strategic Plan 2010-2030
Cost Centre	1550 Halls
Project	

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

A copy of the Meeting Minutes of the Section 355 Committee for Adaminaby School of Arts Hall held on 9 February 2017 and Updated Strategic Plan 2010-2030 are attached for Council's consideration.

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

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC48/17</b>
That Council	
A. Receive and note the Minutes of Section 355 Committee for Adaminaby School of Arts Hall held on 9 February 2017; and	
B. Receive and note the Adaminaby School of Arts Hall Strategic Plan 2010-2030.	
<b>Moved Mr Beer</b>	<b>Seconded Mr Mitchell</b>
	<b>CARRIED</b>

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 8

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**6.3 MEETING MINUTES FOR JINDABYNE MEMORIAL HALL SECTION 355 COMMITTEE 31 JANUARY  
AND 4 APRIL 2017**

Record No:

Responsible Officer: Director Service Delivery  
Author: Asset Manager  
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: OP4.19 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.  
Attachments: 1. Meeting Minutes for Jindabyne Memorial Hall Section 355 Committee 31 January 2017  
2. Meeting Minutes for Jindabyne Memorial Hall Section 355 Committee 4 April 2017  
  
Cost Centre 1550 Jindabyne Memorial Hall  
Work Order OP10000013  
  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

A copy of the Meeting Minutes for Jindabyne Memorial Hall Section 355 Committee held on 31 January and 4 April 2017 are attached for Council's consideration.

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

**COMMITTEE RECOMMENDATION**

**LRC49/17**

That Council

- A. Receive and note the minutes of the Jindabyne Memorial Hall Section 355 Committee held on 31 January 2017;
- B. Receive and note the minutes of the Jindabyne Memorial Hall Section 355 Committee held on 4 April 2017; and
- C. Forward any recommendations for work to the asset manager for further consideration and reporting.

**Moved Mr Frost**

**Seconded Mr Shumack**

**CARRIED**

**6.4 MEETING MINUTES FOR JINDABYNE BEAUTIFICATION SECTION 355 COMMITTEE 31 JANUARY  
AND 10 APRIL 2017**

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MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
 REGIONAL COUNCIL  
 HELD ON THURSDAY 11 MAY 2017 Page 9

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Record No:

Responsible Officer:	Director Service Delivery
Author:	Asset Manager
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:	OP4.19 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.
Attachments:	1. Meeting Minutes for Jindabyne Beautification Section 355 Committee 31 January 2017 2. Meeting Minutes for Jindabyne Beautification Section 355 Committee 10 April 2017 3. Meeting Minutes for Jindabyne Beautification Section 355 Committee Walk Around Jindabyne Lake Foreshore 24 January 2017 4. Meeting Minutes for Jindabyne Beautification Section 355 Committee Walk Around Jindabyne Lake Foreshore 10 April 2017
Cost Centre	1610 Parks, Gardens and Crown

Project

Further Operational Plan Actions:

#### EXECUTIVE SUMMARY

A copy of the Meeting Minutes for Jindabyne Beautification Section 355 Committee held on 31 January and 10 April 2017 and walk around Jindabyne Lake Foreshore on 28 March and 10 April 2017 are attached for Council's consideration.

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

#### COMMITTEE RECOMMENDATION

LRC50/17

That Council

- A. Receive and note the minutes of the Jindabyne Beautification Section 355 Committee held on 31 January 2017;
- B. Receive and note the minutes of the Jindabyne Beautification Section 355 Committee held on 10 April 2017;
- C. Receive and note the notes of the Jindabyne Beautification Section 355 Committee Walk Around Jindabyne Lake Foreshore on 28 March and 10 April 2017; and
- D. Forward any recommendations for work to the asset manager for further consideration and reporting.

Moved Mrs Ingram

Seconded Mr Beer

CARRIED

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 Page 10

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#### 6.5 MINUTES OF THE BOMBALA AND DELEGATE TOURISM COMMITTEE MEETING 27 APRIL 2017

Record No:

Responsible Officer: General Manager  
Author: Acting Executive Assistant to the Administrator  
Attachments: 1. Minutes of the Bombala and Delegate Tourism Committee Held 27 April 2017

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##### EXECUTIVE SUMMARY

The Snowy Monaro Local Representative Committee met on 11 May 2017 in the Bombala HACC Centre. The Committee's recommendations are presented for Council's consideration and adoption.

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC51/17</b>
That Council:	
A. Allocates a suitable budget for updating brochures relating to Bombala and Delegate;	
B. Accepts Expressions of Interests received for membership on the Bombala and Delegate Tourism Committee; and	
C. Forms a Terms of Reference as noted in the minutes.	
<b>Moved Mrs Rea</b>	<b>Seconded Mrs Hampshire CARRIED</b>

#### 7. SPECIFIC ITEMS VARYING FROM MEETING TO MEETING

##### 7.1 REGIONAL NETWORKING EXPO

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC52/17</b>
That Council	
A. Holds a Regional Networking Expo in April 2018; and	
B. That a suitable budget allocation is to be considered in the 2017/2018 Snowy Monaro Regional Council Budget.	
<b>Moved Mrs Hampshire</b>	<b>Seconded Mr Corbett CARRIED</b>

#### 8. REVIEW OF RELEVANT MEETING ACTIONS OR FOLLOW UP REQUIREMENTS

#### 9. NEXT MEETING

Thursday, 15 June 2017 in the Berridale Branch Office, Snowy Monaro Regional Council at 6.30pm.

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON THURSDAY 11 MAY 2017 **Page 11**

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There being no further business the Chair declared the meeting closed at 8.45pm.

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CHAIRPERSON

The above minutes of the Snowy Monaro Local Representative Committee Meeting of Snowy River Shire Council held on 11 May 2017 were confirmed by Committee at a duly convened meeting on 15 June 2017 at which meeting the signature hereon was subscribed.

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## 10.1 LEASE TO OPTUS - PART LOT 2 DP 1064078

Record No:

Responsible Officer:	Director Service Delivery
Author:	Property Officer
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.6 Ensure Council services, facilities and land holdings achieve best practice for sustainability.
Operational Plan Action:	OP1.22 Ensure Council has a safe reliable, sustainable and cost effective assets through the effective management of Facilities, Infrastructure, Plant, Motor Vehicle and Equipment Assets.
Attachments:	Nil
Cost Centre	2060 - Reservoirs
Project	There is no identified project
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

At the meeting of the Administrator Delegations held on 11 November, 2016 (res. ADA74/16) Council resolved to authorise the General Manager to execute the Lease Agreement at the appropriate time. The lease will permit Optus to erect a hut and co-locate their telecommunications equipment on the Telstra tower which is located on lot 2 DP 1064078 (Jindabyne High Zone Water Reservoir).

The lease was executed by both the Administrator and the General Manager but Optus has now requested that the Council seal be affixed to the Lease.

Resolution ADA74/16 did not authorize the affixing of the seal to the lease and it is now necessary to obtain Council's consent to do so.

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

### OFFICER'S RECOMMENDATION

That Council authorize the affixing of the seal to the Lease to Optus of part lot 2 DP 1064078.

### BACKGROUND

At the meeting of the Administrator Delegations held on 11 November, 2016 (res. ADA74/16) Council resolved to authorise the General Manager to execute the Lease Agreement at the appropriate time. The lease will permit Optus to erect a hut and co-locate their telecommunications equipment on the Telstra tower which is located on lot 2 DP 1064078 (Jindabyne High Zone Water Reservoir).

The lease was executed by both the Administrator and the General Manager but Optus has now requested that the Council seal be affixed to the Lease.

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Resolution ADA74/16 did not authorize the affixing of the seal to the lease and it is now necessary to obtain Council's consent to do so.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The community benefits from increased telecommunication options and service and Council, by leasing Council operational land for the purpose of the equipment, receives income from the Providers.

### **2. Environmental**

The equipment is designated low impact and Optus will submit a development application for the construction of the hut. Environmental issues will be administered through the D/A process.

### **3. Economic**

Daly International initially offered Council \$6,000pa with a 2%pa increase. Enquiries made to the Recreation and Property Manager at Cooma revealed that Optus has a similar arrangement with Council for the sum of \$8,000pa. Negotiation resulted in Optus agreeing to a licence fee of \$8,000pa with an increase of 3%pa. The term of the lease comprises 3 X 5 year consecutive leases the first lease commencing on 1 March 2017 and ending on 14 September 2021.

### **4. Civic Leadership**

Council seeks to encourage telecommunications providers to locate and to co-locate their equipment on Council operational property which provides an income stream through the avenue of licence/lease agreements. The income assists Council to maintain its assets through this external income stream.

Council resolution ADA74/16 from the Administrator Delegations Meeting held on 11 November, 2016 is as follows:

#### **COMMITTEE RECOMMENDATION**

**ADA1/16**

That Council

- A. Approve the proposal to issue a lease to Optus to erect a hut and co-locate their telecommunications equipment on the Telstra tower located on Lot 2 DP 1064078 (Jindabyne High Zone Reservoir).
- B. Approve the lease fee of \$8,000pa with a 3% annual increase
- C. Authorise the General Manager to execute the Acceptance of Proposed Commercial Terms attached to this report.
- D. Authorise the General Manager to execute the Lease Agreement at the appropriate time.

**Approved by Administrator Lynch**

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### 13.1 MODIFICATIONS TO THE CUSTOMER SERVICE COUNTER - COOMA COUNCIL BUILDING

Record No:

Responsible Officer:	Director Service Delivery
Author:	Recreation & Property Technical 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:	OP7.27 Develop and implement WHS policies, procedures and resources for managers and workers.
Attachments:	1. Risk Assessment <a href="#">↓</a> 2. Photo <a href="#">↓</a> 3. Quote <a href="#">↓</a> 4. Photo of door <a href="#">↓</a>
Cost Centre	WO1589
Project	The installation of Anti Jump Barrier and Security door and modifications to the Cooma Customer Service Counter
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

A risk assessment of the main customer service area has identified that there is an increasing risk of security issues for the customer service operators at the main counter on the ground floor of the Cooma Council building. A quote has been received for the installation of a bank style security screen and door that will protect staff. It is also proposed to modify the counter so that there is a section that lower to allow wheelchair access. Money has been allocated for the refurbishment of the ground floor toilets. The safety of staff is a matter of high priority and it is proposed that this money be reallocated for this project.

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

#### OFFICER'S RECOMMENDATION

That Council approve

- A. The allocation of some funding from the \$60,000 that is in WO1589 (Council Chambers Refurbish Toilets) for the modifications of the counter to make it wheelchair accessible and for the installation of a bank style security screen and door for the ground floor customer service area in the Cooma office.

#### BACKGROUND

A risk assessment of the Customer Service area on the ground floor was carried out by the Risk Management Officer following some incidents where staff were confronted by aggressive

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customers. Thankfully at this time been no injury or major incidents which have seriously injured or impacted on Customer Service staff. However it has been identified as being a high risk particularly at times when the staff are collecting large sums of money. This project will assist greatly in protecting staff from potentially serious harm. It will also improve staff access to the front door and to the public area in case of emergency or if someone requires assistance.

#### **QUADRUPLE BOTTOM LINE REPORTING**

##### **1. Social**

This project will protect staff from possible aggressive customers and will also make the area accessible for people who use wheelchairs, thereby promoting their independence. The safety of staff is a high priority.

##### **2. Environmental**

There will be minimal impact on the environment. All materials that can be recycled will be placed in the appropriate location at the Cooma landfill. There may be some materials that will end up in the landfill.

##### **3. Economic**

The quote from Genesis Anti Jump Barriers is \$15,012.40 and includes the installation of the screens and a security door with a keypad entry. There will be additional costs associated with this project that will include builder's costs for the modifications to the counter for the doorway and for the wheelchair access area. There is adequate funding to complete this project within the proposed cost centre.

##### **4. Civic Leadership**

This project demonstrates Council's commitment to providing a safe work environment and is in keeping with SMRC 61 – Health & Safety Policy. Builder costs have not been obtained due to work commitments of Council's approved contractor. However it is not anticipated that these costs would exceed the budget.

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## Site Risk Assessment

(Refer to section 1.1 of the CMSC Risk Assessment and Work Method Statement Worksheet)

<b>Assessment Location:</b> <b>Cooma Council Chambers Corporate Services</b>	<b>Activity:</b>	<b>Risk Assessment Team:</b>  <b>Dean Sturgeon</b>
<b>Date of Assessment:</b> <b>04/05/2017</b>		

(Refer to section 8 of the CMSC Risk Assessment and Work Method Statement Worksheet)

Area	Hazard/Risk Description	Risk Assessment			Control Measures	Residual Risk Score
		Consequence	Likelihood	Risk Score		
Customer Service Area	Council customer staff exposed to potential confrontational situations i.e. aggressive or violent behaviour from members of the public.	4	B	S14	<p>Procedure in place to deal with difficult customers.</p> <p>If unable to control the situation, obtain assistance from a Manager or Director.</p> <p>Consider installing CCTV cameras as well as signage indicating "CCTV" to discourage members of the public acting inappropriately.</p>	L4

	Aggressive or violent members of the public throwing items at customer service staff may result in serious injuries	2	C	H17	Consider installing a barrier/security screen on existing front counter to discourage members of the public from acting inappropriately.  Ensure any equipment that has the potential to be thrown at customer service staff is well out of reach of aggressive or violent members of the public.	L1
	Aggressive or violent members of the public accessing unauthorised areas	3	C	S13	Consider installing a barrier/security screen to the front counter to discourage members of the public acting inappropriately.	L1
	Possible emergency situation such as: <ul style="list-style-type: none"> <li>• Robbery/armed hold up</li> <li>• Fire</li> <li>• Bomb threat</li> </ul>	2	D	S12	Procedure in place to deal with such emergencies.  Back to base emergency alarm system installed in customer service area to alert local Police and Councils security contractor.  Consider installing a barrier/security screen on existing front counter to discourage members of the public from acting inappropriately.  Consider installing CCTV cameras as well as signage indicating "CCTV" to discourage members of the public acting inappropriately.	M7

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Risk Assessment Matrix					
CONSEQUENCE			LIKELIHOOD		
Level	Descriptor	Description	Level	Descriptor	Description
1	Catastrophic	Death of one or more persons, major property damage, huge financial loss	A	Almost Certain	Is expected to occur in most circumstances
2	Major	Severe injury/illness, lengthy convalescence or permanent disability, > 10 days lost time	B	Likely	Will probably occur in most circumstances
3	Moderate	Injury incurring > 5 days lost time, financial loss > \$5,000	C	Moderate	Should occur at some time
4	Minor	Superficial injury/illness, medical treatment required but no permanent disability	D	Unlikely	Could occur at some time
5	Insignificant	No injury, low financial cost	E	Rare	May occur but only in exceptional circumstances

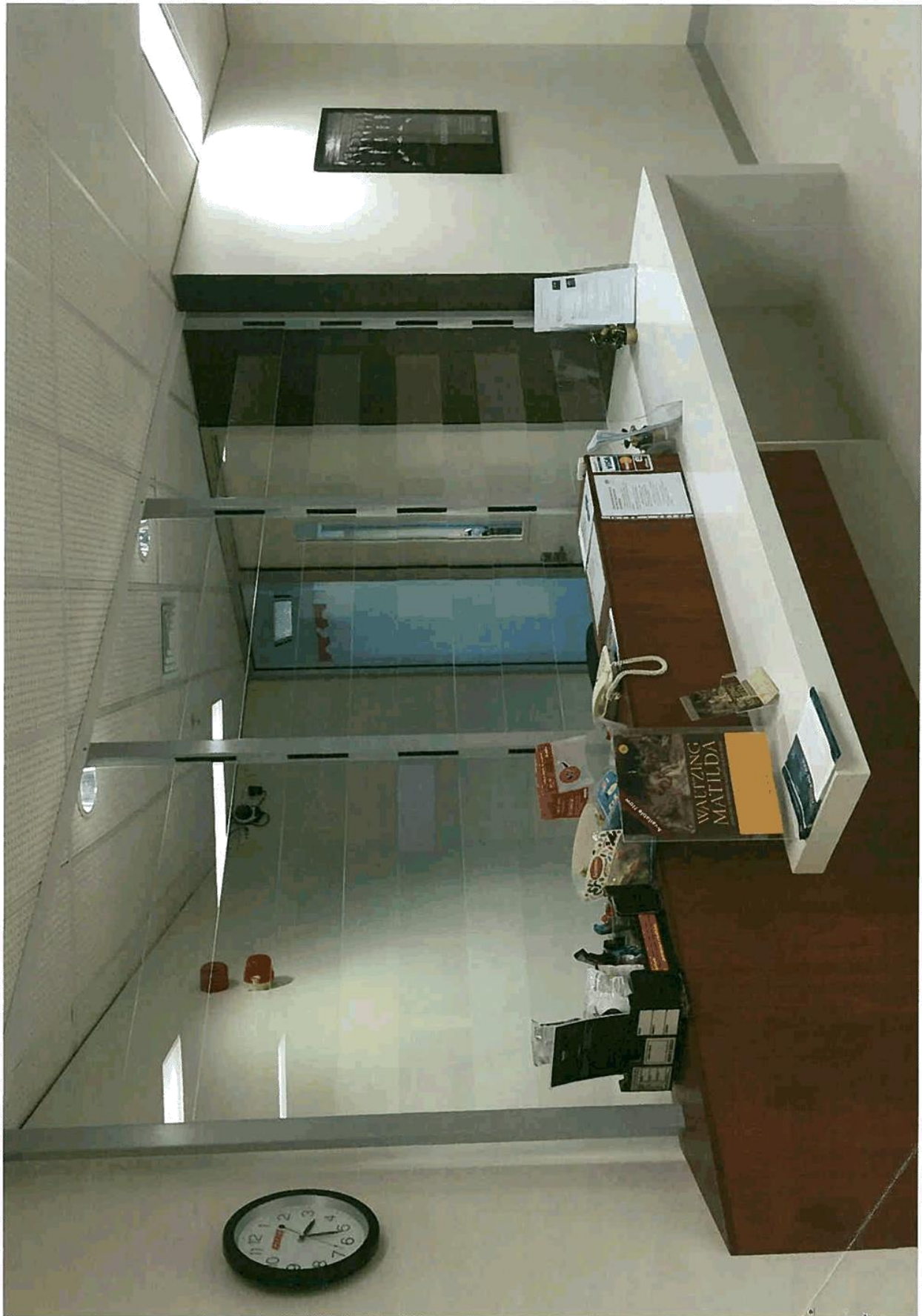
RISK RANKING MATRIX						LEGEND
LIKELIHOOD	CONSEQUENCE					<b>H = High Risk</b> - Senior Management to be advised. Immediate action required.  <b>S = Significant Risk</b> - Senior Management attention needed. Permanent control required within one month.  <b>M = Moderate Risk</b> - Management responsibility must be specified. Permanent control required in three months.
	1 Catastrophic	2 Major	3 Moderate	4 Minor	5 Insignificant	
<b>A</b> (Almost certain)	H 25	H 24	H 22	S 19	S 15	
<b>B</b> (Likely)	H 23	H 21	S 18	S 14	M 9	
<b>C</b> (Moderate)	H 20	H 17	S 13	M 8	L 5	
<b>D</b> (Unlikely)	H 16	S 12	M 7	L 4	L 3	

<b>E (Rare)</b>	<b>S      11</b>	<b>S      10</b>	<b>M      6</b>	<b>L      2</b>	<b>L      1</b>	<b>L = Low Risk</b> - Responsibility to be recorded, action when able
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**(Relevant personnel to print and sign off)**

[illegible]





## QUOTATION

12/4/17

Snowy Monaro Regional Council  
PO Box 714 Cooma

Attention: Dean Sturgeon

### Council customer service area – Anti Jump Barrier and security door

- Supply High Impact Polycarbonate 6mm thick panels 1200mmHigh with 4 teller areas as per bank style design to front of counter being 6 metres long.
- Supply 6mm thick polycarbonate framing –TAB Style design to return of counter being 2.8metres long
- Supply Security door and key pad numbered entry system.
- Supply all Aluminium channels and framing as required.
- Complete system installed .

**Counter Security screens \$12,608.40**

**Security Door and Number keypad entry \$2,404.00**

Allow 3-4 weeks from approval of drawings supplied.

All prices quoted exclude GST.

Door is solid wood supplied primed and painted.

Price includes Design-Supply and Installation of AJB Screens.

Genesis Anti-Jump barriers to supply design drawings prior to manufacture.

50% Deposit required at order and balance upon completion of job.

Quote for Door is only valid if ordered with security screens.

Regards

Tony Hrvatin

Genesis Anti-Jump Barriers,

### Terms and Conditions

1 These prices are valid for 30 days only from date of proposal. All prices exclude GST.

2 Payment terms for first time clients is payment prior to dispatch. For approved clients 14 days from completion of manufacture or unless otherwise agreed.

3 Cancellation. All costs of all design, prototyping, materials, production and project management work undertaken at the time of cancellation will be payable by the Client.

### Quotation

I authorize Genesis Anti Jump Barriers Pty Ltd to produce the above project to the above specifications. I also agree to the terms and conditions.

Name

Date

PON.

Signature





## QUOTATION

### Terms and Conditions

- 1 These prices are valid for 30 days only from date of proposal. All prices exclude GST.
- 2 Payment terms for first time clients is payment prior to dispatch. For approved clients 14 days from completion of manufacture or unless otherwise agreed.
- 3 Cancellation. All costs of all design, prototyping, materials, production and project management work undertaken at the time of cancellation will be payable by the Client.

### Quotation

I authorize Genesis Anti Jump Barriers Pty Ltd to produce the above project to the above specifications. I also agree to the terms and conditions.

Name

Date

PON.

Signature





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## **15.1 SNOWY MONARO LOCAL ENVIRONMENTAL PLAN - PROJECT CONCEPT PLAN FOR DEVELOPMENT OF A NEW LEP FOR SNOWY MONARO REGIONAL COUNCIL**

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:	DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP6.16 Review Local Environment Plan
Attachments:	Nil
Cost Centre	Economic Development and Tourism
Project	LEP harmonisation project
Further Operational Plan Actions:	

### **EXECUTIVE SUMMARY**

This report provides a basic background and concept outline for the delivery of one new Local Environmental Plan for the Council. It also incorporates the development of a long term land use strategy, a new Development Control Plan and Developer Contributions Plans as part of this project.

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

#### **OFFICER'S RECOMMENDATION**

That Council endorse the concept plan outlined in this report for the delivery of a new Land Use Strategy, Local Environmental Plan, Development Control Plan and Developer Contributions Plans for Snowy Monaro Regional Council.

### **BACKGROUND**

A key project following the Council merger is the development of a new Local Environmental Plan (LEP) for Snowy Monaro Regional Council (the Council). At present the local planning framework for the Council consists of the Local Environmental Plans from each of the three former Councils, along with the former Development Control Plans from each of the three former Councils. The former Council's Section 94 or 94A Plans also continue to operate.

Whilst in a practical sense the existing policy framework can continue to operate proficiently and continue to deliver planning outcomes for the community in the short term, in the medium to long term the differences between the planning tools in each of the former Councils will create multiple issues in a strategic sense and will also hamper the efficiency of the development assessment and compliance team. It will also hinder the attainment of a key objective and benefit

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of the merger, being to provide a coordinated strategic planning framework for the Snowy Monaro region.

For some years now the Department of Planning has been pushing Councils towards a more long term strategic approach to their land use planning. In the past, changes made by Councils across the state in the development of their LEPs were too often seen to be ad hoc and responsive to an individual development or particular situation, rather than thought out as part of a longer term strategy. The Department now more than ever is pushing for Councils to have a long term strategy in place that will guide the development of their regions into the future, in order to bring an end to ad hoc planning decisions.

The development of a long term strategy has other advantages. It allows the community to see the direction Council would like to head, it allows appropriate infrastructure planning to take place ahead of on ground delivery, and it also allows Council to be more pro-active in shaping the future of its community. Once such a broad brush direction and strategy is in place, the legal and policy instruments, such as a Local Environmental Plan, Development Control Plan and Section 94 Plan can fall into place and specify the details which are required to give on ground effect to the strategy.

It is intended that the LEP harmonisation project for the Council will follow this broad sequence of first setting and then moving from broad scale and long term strategy towards more local and detailed delivery mechanisms. In other words, from the basic strategic vision which the Council wishes to move development towards over the next 20 years, down to the legal and policy settings that will allow the direction to be achieved.

In practical terms, the broad concept of the LEP harmonisation project at this stage is as follows:

Element	Key Deliverable	Key concepts	Timeframe
Land Use Strategy	20 year development strategy for the region	20 year Settlements Strategy focussing on land use in and around towns  20 year Rural Land Use Strategy focussing on land use in rural areas	Discussion paper on public exhibition September 2017  Draft strategy early 2018  Final strategy March 2018
Local Environmental Plan	Snowy Monaro Local Environmental Plan	Delivering strategy objectives  Merging the existing LEPs  Coordinates with other Council strategic documents	Commence early 2018  Aiming for new LEP mid 2019
Development Control Plan	Snowy Monaro Development Control Plan	Delivers objectives of the Strategy and LEP  Sets details design	Short term 'fixes' on existing DCPs mid 2017

15.1 SNOWY MONARO LOCAL ENVIRONMENTAL PLAN - PROJECT CONCEPT PLAN FOR DEVELOPMENT OF A NEW LEP FOR SNOWY MONARO REGIONAL COUNCIL

		requirements for development Details can be applied consistently through Council region	Commence development of new DCP late 2018 Deliver new DCP mid-2019
Developer Contributions for infrastructure delivery	Snowy Monaro Section 94 Contributions Plan / Snowy Monaro Section 94A Contributions Plan / Snowy Monaro Voluntary Planning Agreements Policy	Must align with strategy objectives Coordinates with existing Council infrastructure Provides transparent and accountable delivery of new infrastructure	Commence mid 2018 Deliver new Contributions Plans mid 2019

A strategic planning project of the breadth described above has a number of risks associated with on time delivery and as time goes on the above timeline for delivery may prove to be too ambitious. The main risk with the project is caused by the number of individual stakeholders involved and the complexity of the issues that need to be addressed in consultation with these stakeholders. However, broadly speaking the present objective is to have all key deliverables finalised by mid-2019. This completion date will compliment both the newly elected Council and the completion of the 3 year post merger period.

There will be a cost involved with the delivery of the project and it is expected that external expertise will need to be sought on a number of specific issues throughout the project. At present this has not been costed as this will require a more detailed project design. Costings will be developed as the project progresses, however it is the intention to minimise the use of external consultants to those areas where their specific expertise is needed. It is not intended at this stage to engage an external consultant to deliver complete parts of the project.

A key priority throughout the project will be community input, and this will be sought in a consistent and transparent way. Coordination will be required with other parts of Council to ensure that the community does not suffer from 'consultation overload' and that quality feedback is being received.

Once all of the project deliverables are in place it is anticipated the Council will be in a good position to facilitate the economic development of the region for years to come.

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

This project will have social implications for the community because it will impact the way development occurs in the region for future.

## **2. Environmental**

A key aspect of the project will be identifying and protecting the environmental assets of the region from inappropriate development.

## **3. Economic**

This project will lay an important part of the framework for the further economic development of the region.

## **4. Civic Leadership**

This project will require leadership from Council in consultation with the community as it sets a direction for the future.

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## 15.2 WHEEL IN WHEEL OUT CHARGE

Record No:

Responsible Officer:	Director Service Planning
Author:	Manager Waste Services
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.7 Provide an integrated waste management service that is socially, economically and environmentally responsible.
Operational Plan Action:	OP1.26 Efficient operation of Domestic and Commercial Waste collection services.
Attachments:	1. Wheel In Wheel Out Charge -Responses to Public Display of New Fee <a href="#">↓</a>
Cost Centre	2215-2210
Project	Wheel in Wheel out Service
Further Operational Plan Actions:	1.28 Efficient operation of Domestic and Commercial Recycling Collection Services

### EXECUTIVE SUMMARY

After the 28 days of public exhibition with minimal comments received (as attached) it is suggested the Wheel In Wheel Out Fee, if re-introduced, should be at the advertised price of \$888.00 annually.

This service was previously offered in the former Snowy River Shire as a fee for service, and primarily in place for multi-unit or holiday properties (i.e. properties deriving significant income from holiday letting). This fee however did not reflect the true cost of delivering the service. Waste department staff believed the resources and funding for this service were better put to providing the service at no cost to the elderly and those physically unable to present bins kerbside for collection. This service has been provided for free to eligible residents in the Cooma Monaro Shire for several years.

The cost of providing this service has been determined to be \$888.00 per household per year to have both waste and recycling bins emptied by council staff using council owned plant. This price is conservative and does not include the cost of site assessment, risk assessment and the physical risk to staff due to increased manual handling tasks.

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Apply the \$888.00 advertised fee once approved and add to 2017/2018 fees and charges commencing 1 July 2017
- B. Offer an exemption of fee for eligible infirmed or elderly residents who meet the following criteria:

- Reside at the residence
  - Be physically incapable of wheeling the bins to the kerb and have no other able bodied person residing with them that could wheel bins to kerb
  - Provide a Doctors Certificate and Statutory Declaration confirming above
- C. Support additional staffing if required to deliver this service

## **BACKGROUND**

The wheel in wheel out (WIWO) service delivered by the former Snowy River Shire Council (SRSC) was used mainly by holiday or absentee property owners and did not reflect the true cost of delivering this service.

Council waste staff have calculated the true cost of this WIWO service by comparing time spent on collection runs and an average time it takes staff to complete this task in a real-time scenario, with both examples reflecting an average time of 5 min per bin per household to complete.

The Waste working group has concerns on how this service could be applied in the whole shire area due to the time, risk and external contractors involved in domestic waste collection. The group believe that this service should be for the community members that require assistance and that absentee owners could engage local contractors to present and remove bins.

After being on placed on public exhibition for the 28 days Council received the attached feedback and believe that the price of \$888.00 be implemented for customers who do not meet the exemption requirements.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The Waste Working Group had previously considered the impacts of providing this as a fee for service across the new shire area. Based on differing kerbside collection services and the impact of introducing a fee to pensioners, it was agreed that the best option would be to reallocate funding and resources used for this service to provide the service for free to those who require assistance as a service to the community.

Without the ability to provide a fee exemption, pensioners would be financially impacted as the true cost of the service (\$765.00 - \$888.00) is more than triple the cost as previously charged and the pensioner discount of up to \$250 will not absorb the increase, leaving pensioners under even more financial pressure. If a fee is introduced, staff strongly recommend an exemption option for eligible residents to reduce financial impact.

Additional staff may be required to deliver the service safely and efficiently depending on the level of uptake.

### **2. Environmental**

Environmental impact could be substantial with large volumes of windblown litter if the property owners present bins early or when windy. This applies to all rate payers and presented bins still remain the property owner's responsibility when full and once emptied for removal.

### **3. Economic**

The following costings have been calculated:

#### **Wages**

At \$37.89 per hour (full time employee cost including on-costs) based on 5 minutes for staff to collect and empty bin= \$3.15 per bin

#### **Plant**

Truck at \$80.00 per hour /5 min of operation =\$6.66

Total cost per bin = \$9.81 x 52 weeks = \$510.00 per year per bin

Each residence has 2 bins; one waste with weekly collection and one recycle on a fortnightly collection, bringing the total cost of this service to \$510.00 for waste plus \$255.00 for recycling collection.

#### **Total cost \$765.00**

As Council waste collections are already running to the maximum hours, additional services will incur overtime. Previously 32 services were offered in Jindabyne which would take an additional overtime, the cost would be \$888.00 per year. Running into overtime also presents further risk to staff.

The cost to Council for WHS issues could range from \$50 to \$200 should the staff member have to assess properties due to the size of the new Council. This cost has not been included in the costings as not all properties require an assessment.

The impact of this to the pensioners of the Snowy Monaro regional council would be significant as the pensioner rebate allows for a maximum of \$250.00 in total rebate across fees and charges and rates, therefore it is reasonable that eligible infirmed or elderly residents are exempt from paying the fee.

### **4. Civic Leadership**

- Council is attempting to align fees and charges across all areas of SMRC to reflect one council.
- Council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.
- That the fee be advertised and introduced if there are no submissions.

### ***LOCAL GOVERNMENT ACT 1993 - SECT 610F***

#### ***Public notice of fees***

#### ***610F Public notice of fees***

*(1) A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*

*(2) Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.*

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*(3) However, if, after the date on which the operational plan commences:*

*(a) a new service is provided, or the nature or extent of an existing service is changed, or*

*(b) the regulations in accordance with which the fee is determined are amended,*

*the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.*

*(4) This section does not apply to a fee determined by a council for an application made in a filming proposal, if that fee is consistent with a scale or structure of fees set out in an applicable filming protocol.*

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-----Original Message-----

From: Maxwell Stewart

Sent: Thursday, 12 January 2017 8:29 PM

To: records

Subject: Waste service

Dear sir,

I am under the impression that you are an administrator and therefore not entitled to make changes to the way services are operated within the new council. Given that there are large differences between collection sites and services within the new shire, I submit that you are not entitled to make such changes, nor create a new fee for a service.

yours

Maxwell Stewart

-----Safe Stamp-----

Your Anti-virus Service scanned this email. It is safe from known viruses.

For more information regarding this service, please contact your service provider.

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Article From Bombala Times 16 January 2017

[www.bombalatypes.com.au/story/4402564/fee-for-help-with-bins-doesnt-fly/?cs=533](http://www.bombalatypes.com.au/story/4402564/fee-for-help-with-bins-doesnt-fly/?cs=533)

News | Local News

[Aa Larger / Smaller](#) [Night Mode](#)

## Proposed wheelie bin fee doesn't fly with readers

16 Jan 2017, 10 a.m.



The verdict is in – the majority of you would not pay to have someone deal with your rubbish bins for you.

[See your ad here](#)

We asked the question following [council's proposal of a Wheel In Wheel Out waste service](#) for residents and its annual fee.

Of those who responded, 98 per cent said they would not pay someone to wheel their bins in and out for them. Two per cent said they were unsure and nobody said they would take up the offer.

Council's proposal would see residents wishing to opt in pay an annual service fee of \$888 to have council staff collect, empty and return their bins without the need to place them kerbside each week.

Current exemptions from the fee for eligible elderly people or those with disability would remain.

The proposed Wheel In Wheel Out service fee is on public exhibition for comment until February 8.

### 15.3 DA 10.2016.1065.1 ROTARY MARKETS

Record No:

Responsible Officer:	Planning Manager
Author:	Urban and Rural Planner
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	1. Plans ( <i>Under Separate Cover</i> ) ➡ 2. Proposed Determination ↓

#### Further Operational Plan Actions:

Applicant Number:	
Applicant:	The Rotary Club of Cooma Inc
Owner:	Snowy Monaro Regional Council and Land & Property Management
DA Registered:	10.2016.1065.1
Property Description:	Centennial Park – 91 Sharp St COOMA
Property Number:	15890
Area:	Cooma
Zone:	RE1- Public Recreation
Current Use:	Public Recreation
Proposed Use:	Event- Market
Permitted in Zone:	<p><b>2 Permitted without consent</b> Environmental protection works</p> <p><b>3 Permitted with consent</b> Car parks; Community facilities; Environmental facilities; Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads</p> <p><b>4 Prohibited</b> Any development not specified in item 2 or 3</p>
Recommendation:	Approval- Subject to conditions

## EXECUTIVE SUMMARY

The purpose of this report is to provide Council with the information to make a determination of the proposed development under the *Environmental Planning and Assessment Act 1979 (the Act)*. The proposed development is for a monthly market event to be held in Centennial Park. This application is being submitted to council as it is considered to be an application of community importance and some conditions proposed may require changes to the organising of the event which has been operating in excess of twenty years.

## RECOMMENDATION

That Council adopt the attached draft consent as its determination of the development application subject to minor administrative changes (if necessary) prior to signature.

## BACKGROUND

This development application is for the Rotary Club of Cooma's monthly markets held in Centennial Park; these markets have been in operation for over twenty years; however, this is the first formal application lodged for their running.

## ASSESSMENT

The application has been assessed against the provisions of the following documents:

<b>State Environment Planning Policies (SEPPs)</b>	Nil
<b>Local Environmental Plan (LEP) (including draft LEPs)</b>	Cooma Monaro Local Environment Plan 2013
<b>Development Control Plans</b>	Cooma Monaro Development Control Plan 2014

## SECTION 79C

<b>Application:</b>	10.2016.1065.1
<b>Officer:</b>	Quinn Maguire
<b>Date:</b>	12/05/2017
<b>Land:</b>	Centennial Park/91 Sharp Street COOMA 2630 Lot: 701 DP: 1023496
<b>Zone:</b>	RE1 - Public Recreation
<b>Proposal:</b>	Markets (3rd Sunday of Month)

## 1 Existing Site Features

<b>Location</b>	Centennial Park/91 Sharp Street COOMA 2630 - Lot: 701 DP: 1023496
<b>Site Inspection</b>	19/12/2017

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<b>Size</b>	9948.186
<b>Topography</b>	The site is relatively level, with little to no slope
<b>Existing buildings</b>	Band stand, bus shelter and playground equipment
<b>Existing vegetation cover</b>	Maintained lawn grasses, mature established trees and minimal shrubs
<b>Access arrangements</b>	No formal access locations, site has frontage to Sharp St, Massie St and Bombala St. Proposed access via Sharp st over paved section of park.
<b>Existing/available utility services</b>	Existing connections to power, Council water and Council sewage
<b>Any easements and/or restrictions of note</b>	Site is identified as being a heritage item
<b>Crown ownership</b>	Yes- Lot: 701 DP: 1023496 is Crown Owned Land
<b>Other</b>	Site for development is owned and maintained by Council
<b>Surrounding development</b>	Located within the Cooma CBD, predominantly business and community development surrounding

## 2 Proposal

The proposed development is for the Cooma Rotary Markets, which are to take place on Lot: 701 DP: 1023496 (known as Centennial Park), a Council-managed recreation area. The markets are proposed to be held in Centennial Park on the 3<sup>rd</sup> Sunday of the Month 8:30am-1:30pm (including setup and pack down 6:30am-2:00pm).

## 3 Background/History

The site of the proposed market events is known as Centennial Park, this site is Crown reserve which is managed by Council as an area for public recreation. The Rotary Markets have occurred on this site in excess of two decades, this is the first formal development application that has been assessed for this use on the site.

## 4 Consideration of Threatened Species (S.5A)

Council is required under Section 79C to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Threatened Species Conservation Act 1995 (TSC Act) or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 5A of the Act sets out what must be considered in determining whether a proposed development will have a significant impact. Section 5A requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'seven-part test' described in the Section.

The site is not predicted to contain terrestrial biodiversity. The site is a community park, a highly modified environment in an urban area, there are no predicted impacts on any threatened species, populations, or ecological communities, or their habitats due to the proposed development.

## **5 Compulsory Consultations and referrals to other bodies (S.79B, 79BA, 91)**

### **Concurrence requirements**

Nil

### **Bushfire consultation**

Section 79BA requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2006'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 79BA against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The site is not identified as bushfire prone land.

### **Integrated development**

Some types of development require approvals under multiple Acts before they can commence. Section 91 of the Act lists certain approvals under other Acts which may be obtained as part of the development application process. The development is not integrated development

## **6 Provision of any Environmental Planning Instruments (S79C(1)(a)(i))**

No SEPPs apply to this proposal.

However, it should be noted that the construction or installation of a tent, marquee or booth used for a community event may often be considered 'exempt development' if the requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) are met.

Currently under the Codes SEPP which stipulates - 2.120 (a) for all tents, marquees and booths being used at the same time – the development must not have a total floor area exceeding 300m<sup>2</sup> it would only be possible to accommodate one (1) marquee measuring 12 x 6 metres, four (4) food stalls measuring 4 x 6 metres and only eleven (11) market stalls measuring 3 x 4 metres.

As an objective of the Rotary Markets is to increase patronage over time, and the difficulty in determining the exact number of stall holders, visitors etc. each year, it is therefore proposed to stipulate the maximum number and dimensions of the temporary structures that may be erected during the event to fifteen (14) food stalls measuring 4 x 6 metres and fifty five (55) market stalls measuring 3 x 4 metres. If additional temporary structures are required in the future, the applicant may request a Modification of the Consent.

As Council will be permitting a floor area for stalls, tents and booths that is greater than the maximum 300m<sup>2</sup> floor area required to meet the exempt provisions of the Codes SEPP, clause 12 of the SEPP (Miscellaneous Consent Provisions) 2007 has been considered. This is shown below:

### **12 Matters for consideration**

*Before granting consent to the erection of a temporary structure, the consent authority must consider the following matters:*

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- (a) whether the number of persons who may use the structure at any one time should be limited,  
(b) any adverse impact on persons in the vicinity of any noise likely to be caused by the proposed erection or use of the structure and any proposed measures for limiting the impact,  
(c) whether the hours during which the structure is used should be limited,  
(d) any parking or traffic impacts likely to be caused by the erection of the structure or its proposed use,  
(e) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines,  
(f) whether the proposed location of the structure is satisfactory in terms of the following:  
    (i) the proposed distance of the structure from public roads and property boundaries,  
    (ii) the location of underground or overhead utilities,  
    (iii) vehicular and pedestrian access,  
(g) whether it is necessary to provide toilets and washbasins in association with the use of the structure,  
(h) whether the structure is proposed to be erected on land that comprises, or on which there is:  
    (i) an item of environmental heritage that is listed on the State Heritage Register, or that is subject to an interim heritage order, under the [Heritage Act 1977](#), or  
    (ii) a place, building, work, tree, relic or Aboriginal object that is described as an item of environmental heritage or as a heritage item in another environmental planning instrument, or  
    (iii) land identified as a heritage conservation area, an archaeological site or a place of Aboriginal heritage significance in another environmental planning instrument,  
(i) the duration for which the structure should be permitted to remain on the land concerned,  
(j) whether any conditions should be imposed on the granting of consent in relation to the dismantling or removal of the structure in view of any safety issues.

The proposed structures will be permitted on a temporary basis and have limited hours, the park is considered to have adequate space for the structures to be positioned without significant impact to public roads and property boundaries, underground or overhead utilities, or vehicular and pedestrian access. In this way the structures are deemed to be compliant with the provisions of the SEPP.

### **Cooma Monaro Local Environmental Plan 2013**

The proposed development site is zoned RE1 Public Recreation under the Cooma-Monaro Local Environmental Plan 2013 (LEP). The proposed Rotary Markets are deemed to meet the definition of a 'market' (under the CMLEP 2013) which is permitted with consent. The definition of a market is:

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

In accordance with Clause 2.3 of the LEP before determining a development application the consent authority is to have regard to the objectives for development in a zone. The objectives of the RE1 zone read as follows:

#### **Zone RE1 Public Recreation**

##### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposed development is considered to be in character with the surrounding town development and consistent with the objectives of the RE1 Public Recreation zone. The proposed marked event is considered to be a recreational use and in this way the development is considered to be compliant with the provisions of the CMLEP 2013. However, access to the site via the use of vehicles such as cars, is not considered to comply with the objective "to protect and enhance the natural environment for recreational purposes", because of this and due to comments made by referring officers it will be conditioned that vehicles may enter the site and park on the paved areas but they shall not traverse or park on any grassed areas.

Also applicable to this application is **Clause 6.10 Essential Services** which states:

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*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Water is currently available on site which utilises Council's reticulated water system, electricity is available onsite via existing connection and power points, public toilets are present on site (it will be conditioned that if patronage is expected to exceed a certain amount that additional facilities be provided by applicant), stormwater drainage is not considered an issue for an monthly one-day event on a public recreation area. The existing vehicular access from Sharp St and Massie St is considered suitable (subject to conditions and traffic control plan) for organisers and stall holders to gain access to site. In this way the development is deemed compliant.

## **7 Provision of any proposed Environmental Planning Instruments (S.79C(1)(a)(ii))**

The Department of Planning has directed in Circular PS 08-013 issued on 13 November 2008 that for the purposes of this subsection Council is only required to consider proposed environmental planning instruments which have been publicly exhibited within the last three years.

In accordance with the above direction, there are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

## **8 Provision of any Development Control Plan (S.79C(1)(a)(iii))**

### ***Cooma-Monaro Development Control Plan 2014***

*Cooma-Monaro Development Control Plan 2014 (Amendment 1)* (DCP) is applicable to Lot 701 DP 1023496 and outlines a number of general development standards that require consideration of all applications. Upon review it was determined that there are no provisions relating to 'markets' and none of the General Development Controls identified in Chapter 2 .

### **8.1 Variations to Development Standards**

Nil

## **9 Provision of any Planning Agreement (S.79C(1)(a)(iiia))**

There are no planning agreements in place in relation to the proposed development.

## **10 Provision of the Regulations (S.79C(1)(a)(iv))**

This subsection refers to clauses 92-94A of the Regulations. None of these clauses directly apply to the proposal.

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## 11 Impacts of the Development – Environmental, Social & Economic (S.79C(1)(b))

<b>Context and setting</b>	Centennial Park is a Council managed and maintained asset, used for public recreation located within the town's central business district. The context and setting is deemed suitable for a market development.
<b>Access, transport and traffic</b>	<p>There is direct access to the site via paved pathways along the boundaries of Sharp St, Bombala St and Massie St- this is considered suitable for pedestrians</p> <p>The issue of vehicles traversing the site has been assessed by Council officers including the Deputy Director for Service Delivery and the Recreation &amp; Property Manager. The site has no formal driveways or means of access for vehicles, the existing pathways are considered to be for pedestrian use only and in normal use of the park no vehicle access is allowed (unless expressly permitted by council). It has been noted that in documentation provided by the applicant that <i>"limiting or banning vehicle access from the park will be severely detrimental to the ongoing viability of the markets"</i>; however, as there are currently very minimal restrictions set by council for this particular event it is considered to be reasonable that due to the potential impacts of vehicles to the site that conditions are to included as part of consent.</p>
<b>Public domain</b>	The proposed markets are to be conducted on the Crown Reserve (Centennial Park) and are not envisaged to have a negative impact on pedestrian movements or access to public open space. Any potential impacts are foreseen to be mitigated by the updated site plan provided by the applicant which includes clear areas on site which provide access to the existing public amenities from Massie St, Sharp St and Bombala St (including the bus stop).
<b>Impacts on supply of utilities</b>	Water, sewer and electricity are available to the site. No impact on the supply of utilities is envisaged.
<b>Heritage</b>	<p>Centennial Park is noted as being a heritage listed item (#1117); because of this the development was referred to council's heritage officer. Due to the nature of the item it is considered that the use of the site for markets will not have a negative impact on its heritage value, instead it is deemed to be a continuation of the site's use for public recreation purposes.</p> <p><i>"The operation of Markets in Centennial Park is appropriate from a heritage perspective. The only concern, and one that has been identified by others, is the risk of compaction and damage to grass. Ideally, vehicles would be limited to only those with a genuine need to access the park, and those vehicles should remain on the hardstand paved area. Furthermore, the need for vehicle use should not be used to pressure Council to enlarge the area of paving that presently exists."</i> - Council's Heritage Officer</p>

<b>Soils</b>	Referring Council officers have expressed concerns over potential impacts of the development on soils due to compaction from vehicular access. Currently vehicles are able to access the park for setup and pack down purposes on a discretionary basis, however, Council's Deputy Director for Service Delivery and Recreation & Property Manager have provided referrals which advise that this practice should no longer continue. In particular Council's Recreation & Property Manager has expressed that allowing vehicular access on grassed areas of the park has increased maintenance costs and wear and tear on the park which is considered to be above and beyond the amount expected during regular use. The park is considered to be one of Council's most prominent assets and it is considered that if the markets are expected to grow in stall holder number and attendance that in the future that these potential issues will only increase in severity.
<b>Air quality, pollution and microclimate impacts (eg odour)</b>	Due to the nature of the development, no impacts are envisaged.
<b>Flora and fauna</b>	Potential impacts on flora (predominantly maintained lawn grasses) if driving/parking is permitted on the grassed area of the park,
<b>Waste facilities and controls</b>	Public facilities are currently utilised, it will be conditioned that in certain circumstances extra facilities are to be provided by or at a cost to the organisers.
<b>Energy efficiency and greenhouse gas emissions</b>	Due to the nature of the development, no significant impacts are envisaged.
<b>Noise and vibration</b>	Due to the nature of the development, no significant impacts are envisaged.
<b>Technological hazards and other risks to people, property and the environment</b>	Due to the nature of the development, no impacts are envisaged.
<b>Safety, security and crime prevention</b>	Any approval is to stipulate the event organisers are responsible for making satisfactory security arrangements to ensure crowd control and inform the local police of the event prior to occurrence.
<b>Social impact in locality</b>	The proposed markets offer an opportunity for the surrounding local residents to socialise, increase patronage to the town and advertise the local area to the broader community.
<b>Economic impact in locality</b>	<p>It is considered that some local businesses may lose sales to the stall holders on the day of the event, but sales may also increase due to the people visiting the town due to the markets. There is potential for increased economy for the town as a whole via the funds raised by the Association.</p> <p>It is noted that while council may consider economic impacts as part of the assessment, it is not Council's role, nor is it within the scope of their power in assessing development applications to prevent competition within the market.</p>

<p><b>Site and internal design issues</b></p>	 <p>LEGEND</p> <ul style="list-style-type: none"> <li>Active park frontages</li> <li>The 'Cooma Walk'</li> <li>Active hard paved park frontage for general use</li> </ul> <p>No significant site issues foreseen; however, it is noted that the 'Cooma CBD Structure Plan' states that the "active verge to be used for markets" it will be included in conditions that "zone 3" as identified in site map provided by</p>
<p><b>Cumulative impacts</b></p>	<p>The proposed markets do have some potential negative cumulative impacts due to prolonged vehicular access to the park, these are outlined above. There are</p>
<p><b>Impact on pedestrian movements and safety</b></p>	<p>This application is for the markets to be conducted on the Michelago Showground only. No impacts to pedestrian movements or safety are envisaged across the subject site. The erection of temporary structures, fencing and amusement rides is not envisaged to impact on adjoining sites.</p>
<p><b>Impacts on aboriginal heritage</b></p>	<p>An Aboriginal Heritage Information Management System (AHIMS) Basic Search found no records of Aboriginal sites or places in or near the subject site.</p>

## 12 Suitability of the Site (S.79C(1)(c))

<p><b>Natural Hazards</b></p>	<p>Land slip, flooding and subsidence are not envisaged. The site is not bushfire prone land.</p>
<p><b>Potential contamination</b></p>	<p>Nil</p>
<p><b>Availability of utility services</b></p>	<p>Existing water and electricity services are available. Portable generators are also proposed.</p>
<p><b>Potential land use conflicts with surrounding development</b></p>	<p>It is proposed to conduct the Rotary Markets from 8.30 am till 1.30 pm, with set-up commencing from 6.30 am and clean-up concluded by 2.00 pm, on the third Sunday of the month.</p> <p>Due to the distance from surrounding residential development, its positioning within the Cooma CBD, and given the event is for one day per month only, no potential land use conflicts are envisaged.</p>

<b>Effluent disposal</b>	Existing public toilets on site, conditions will include a provision for additional toilets based on expected market attendance.
<b>Topography</b>	The site is level with little to no slope.
<b>Suitability of the access arrangements</b>	Site has strong pedestrian access links for stall holders, volunteers and attendees. Vehicular access to be allowed (subject to traffic control plan) on paved areas.

### 13 Public Submissions (S.79C(1)(d))

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of Chapter 8 of the Cooma-Monaro Development Control Plan 2014. The public exhibition period was 27 days and the period for receiving submissions closed on 09/01/2017.

No submissions were received.

### 14 Public Interest (S.79C(1)(e))

<b>Impact on public infrastructure</b>	There is considered to be sufficient public parking for stall holders, volunteers and attendees. Given that the Rotary Markets are proposed to run from 8.30 am till 1.30 pm it is assumed vehicles will be staggered throughout the day, and any impact on public parking will be short-term and minimal. It has been suggested to market organisers that stallholders should be advised to not park vehicles in spots immediately adjacent to park during the market open hours, in order to free up spaces for potential attendees. Council's Property and Recreation manager has expressed concerns regarding the irrigation infrastructure in the park, it is considered that if there are no vehicles (with the exception of those allowed by Council) allowed on the grassed areas that any potential impacts have been mitigated to the fullest extent.
<b>Disabled Access</b>	Disabled parking available in public car parks, located within close proximity to proposed development.
<b>Federal or State government policies</b>	Consideration has been given to the NSW Premier's Department <i>Event starter guide – A resource for organising events in New South Wales</i> September 2005, and Premier & Cabinet – Division of Local Government <i>Developing a Council Community Events Policy – A toolkit for NSW councils</i> December 2011
<b>Planning studies, strategies or guidelines</b>	Cooma CBD Structure Plan (2009)
<b>Management Plans</b>	Cooma-Monaro Shire Council (Recreation and Property) Asset Management Plan 2012
<b>Restrictions on the title and/or easements upon the land</b>	Nil

<b><i>Credible research findings applicable to the proposal</i></b>	Nil
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## 15 Other Matters

<b><i>Developer Contributions</i></b>	Nil
<b><i>Property Vegetation Plan (PVP)</i></b>	N/A
<b><i>Crown Land</i></b>	Centennial Park is crown land managed by Council for recreation.
<b><i>Approvals under other Acts</i></b>	<i>Liquor Act 2007 (potentially), Food Act 2003</i>
<b><i>Explanation of certain conditions to be imposed</i></b>	<p><b>Vehicular Access to and on Centennial Park</b></p> <p><i>"No vehicles are permitted on grassed area of the park."</i></p> <p><i>"Light vehicles may park on the hard paved area using designated path shown in figure 1 (Rev 2) for set up or pack down from 6:30am to 8:00am and 2:00pm to 3:00pm on the day of the proposed special event."</i></p> <p><i>"Light vehicles integral to the stall will be permitted to park in Zone 1B only."</i></p> <p>These conditions are to address the concerns of Council's officers in relation to undue wear and tear on the park (including damage to infrastructure and maintenance costs). These conditions are deemed to both allow parking on the site per the applicant's request while also protecting a Council asset. These conditions have been evaluated as part of this assessment and it has been concluded that Zone 1 and a significant portion of Zone 3 (subject to design changes- see 'Site and Internal Design Issues' above) should be located within 4m of a parking area and is not expected to cause undue stress on stall holders if sites are allocated with consideration given to those who may need to be located closer to a parking facility. In this way it is considered that while there may be changes to be made to the current way the markets are managed the conditions proposed will not prevent operation of the markets as a whole.</p> <p><b>Two year consent</b></p> <p><i>"Consent will operate for a period of two years from the determination date."</i></p> <p>To ensure that consent remains relevant and that the associated conditions are updated regularly. At the end of this time period the applicant may request a modification to extend the consent.</p>

<b>Enforcement of conditions</b>	Standard enforcement measures. In the case of a breach the applicant/s are to be held responsible as they are identified as organisers of the proposed event and therefore have accepted duty of care for its undertaking.
<b>Internal Referrals</b>	The proposed development was referred to the following internal Council officers. Their comments have also been summarised below:

Officer	Issues raised	Addressed by
Health and Building Surveyor	No significant issues	Conditions
Roads and Stormwater Engineer	Cumulative Impacts on Park	Conditions
Water and Wastewater Engineer	No significant issues	Conditions
Property Manager	Cumulative Impacts on Park	Conditions

## 16 Conclusion

The proposed development is for a monthly market event held in Centennial Park, in this regard the proposed development is permissible with consent. The proposed development complies with the other relevant provisions of the CMLEP 2013 and the DCP 2014. Some issues of potential significance for the market have been raised by referring Council officers. These have been considered in detail in the above report and it is considered that conditions of consent can address these concerns. No objections were raised by the general public following the exhibition period. As such, this assessment recommends approval for 10.2016.1065.1 subject to recommended conditions.

### QUADRUPLE BOTTOM LINE REPORTING

#### 1. Social

The proposed development is expected to have a positive social impact within the locality of the development. The proposed markets offer an opportunity for the surrounding local residents to socialise, increase patronage to the town and advertise the local area to the broader community.

#### 2. Environmental

The proposed development will result in minimal environmental impact within the locality of the development, with measures in place to manage any such impacts appropriately.

#### 3. Economic

The proposed development is expected to have a positive economic impact within the locality of the development.

#### 4. Civic Leadership

In determining this DA Council is demonstrating effective governance by ensuring public input into the assessment and determination process, and ensuring that applications are determined in an efficient and consistent manner.



Enquiries Quinn Maguire  
Cooma Office  
Our Ref 10.2016.1065.1  
Your Ref

The Rotary Club of Cooma Inc  
PO Box 14  
COOMA NSW 2630

## Notice of Determination of a Development Application

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

<b>Application Number</b>	<b>10.2016.1065.1</b>
<b>Property Description</b>	<b>Centennial Park/91 Sharp Street COOMA 2630</b>
	<b>Lot: 701 DP: 1023496</b>
<b>Development Description</b>	<b>Markets (3rd Sunday of Month)</b>

### Determination

Pursuant to Section 80(1)(a) of the *Act*

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application **10.2016.1065.1** relating to the land described above.

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

Authority: Council

Determination Date:

Consent to Operate from:

Consent will Lapse on:

### Integrated Approval Bodies

Pursuant to Section 93 of the *Act*

The development application proposal was not Integrated Development. INT\_01

### Conditions

#### General

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

Document/Plan Schedule
------------------------

Ref	Description	Prepared/Drawn By	Received
-	Statement of Environmental Effects	Applicant	
	Site Plan		
	** DELETE OR ADD ROWS AS REQUIRED		
	**		

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

- 2) This Consent only applies to activities held at Centennial Park, being Lot: 701 DP: 1023496  
*Reason:* The development application only has owner's consent for Lot: 701 DP: 1023496.
- 3) This Consent will operate for a period of two years from the determination date. At the end of this time period the applicant may request a modification to extend the consent.  
*Reason:* To ensure that consent remains relevant and associated conditions are updated regularly.
- 4) All temporary food stalls selling food at the Cooma Rotary Market shall comply with the NSW Food Authority – Guidelines for Food Businesses at Temporary Events.  
*Reason:* To ensure guideline requirements are met. F\_1\_01
- 5) All Mobile Food Vending vehicles selling food at the Cooma Rotary Market shall comply with the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles.  
*Reason:* To ensure compliance with the Mobile Food Vending Guidelines. F\_1\_02
- 6) All for-profit food stalls or mobile food vending vehicles must submit to Council a copy of their food business registration from their usual local government area place of trade. If Snowy Monaro Regional Council is the stall holder usual place of trade, the stall holder must notify their business details with Snowy Monaro Regional Council prior to selling food.  
*Reason:* To ensure compliance Food Act 2003. F\_1\_03
- 7) The event organiser shall obtain a Section 68 Local Government Act 1993 approval from Council to use a standing vehicle or any article for the purpose of selling any article in a public place.  
*Reason:* To ensure Local Government Act 1993 is complied with. F\_1\_05
- 8) Council will provide waste and recycling bins in a compound behind the band shell. The applicant is responsible to distribute the waste and recycling bins for waste and recycling generated by the monthly special event attendees and stall holders. The applicant is also responsible for managing the waste and recycling bin levels during the event and returning the bins to the compound at the completion of the event.  
  
*Reason:* To ensure adequate Waste Management is provide for the community during each special event. R\_0\_01
- 9) No vehicles are permitted on grassed area of the park.  
*Reason:* To maintain the integrity of the facility.
- 10) Light vehicles can park on the hard paved area using designated path shown in figure 1 (Rev 2) for set up or pack down from 6:30am to 8:00am and 2:00pm to 3:00pm on the day of the proposed special event.  
*Reason:* To provide on-site parking for stallholders and ensure vehicles are not left on site after set up or pack down times.
- 11) Light vehicles integral to the stall will be permitted to park in Zone 1B (*shown in figure 1 Rev 2*) only. These vehicles must not be moved between 8:00am and 2:00pm.  
*Reason:* To provide a location for parking of vehicles and ensure public safety.
- 12) Medium / Heavy vehicles shall only be permitted to park within Centennial Park for the purposes of displaying emergency services equipment. Approval is required for these vehicles, in advance, from Council's Facilities Management Department.

Reason: To maintain the integrity of the facility.

- 13) Zone 1A shall be used for the purposes of entertainment, performances or presentations only.

Reason: To maintain the integrity of the facility. [R\\_0\\_02](#)

- 14) The applicant shall ensure adequate traffic management processes are in place at all times.

Vehicular access from Sharp St along the designated path shown is figure 1 (Rev 2), shall only be use from 6:30am to 8:00am on the morning of the proposed special event.

Vehicular access from Massie St along the designated path shown is figure 1 (Rev 2), shall only be use from 6:30am to 8:00am or 2:00pm to 3:00pm on the day of the proposed special event.

During the nominated time for the vehicular access adequate traffic control measure to be in place as per the Section 138 approval.

Reason: To ensure safety of stall holders and the public. [R\\_0\\_03](#)

- 15) The applicant shall ensure pedestrian access paths, as identified on the site plan, remain free and clear at all time.

An Emergency Management Plan is to be developed and submitted to Council for review and approval.

Reason: To ensure safety of stall holder and general public during an emergency. [P\\_0\\_02](#)

- 16) A water service is available for stall holders use, this tap is located adjacent to the Band shell at the front of the park only. This service is available for all stall holders use the applicant shall ensure that all stall holders have access to this water source. The applicant to ensure that stall holders do not use taps in other location

The applicant shall ensure that water use is minimised, and only used for essential requirements directly related to the stall holder on that day.

Reason: To ensure water supply is available to all stall holders during the event. [P\\_0\\_01](#)

- 17) The applicant to provide a report to Council every 6 months on the status of the markets. Report to include the following data per event:

- Number of stall holders
- Breakdown of stall holders sale items
- Estimated attendees
- Income (direct) and estimate sales

Reason: To inform Council of the success of the markets [P\\_0\\_01](#)

- 18) The applicant shall develop an induction process for all stall holders. This shall include ensuring the following information is supplied to all stall holders;

- Stall set up and pack up procedures – including vehicle access and restrictions.
- Site map.
- Emergency Management procedures.
- Identification of parking locations.
- Definition of sale of good requirements / restrictions.

A copy of this is to be provided to Council, and update annually.

Reason: To ensure all stall holders are aware of their obligations to meeting conditions. [P\\_0\\_06](#)

- 19) The fee payable for these events is as per annual Council's fees and charges document; charged per day:

- Use of Council Parks, Reserves and facilities for public fairs, events promotions, filming, shows etc
- Use of PA system with speakers on stage
- Use of PA system with speakers on poles

Reason: To meet with the requirements of the Council adopted annual Fees and Charges. [P\\_0\\_07](#)

- 20) The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.

If the park is deemed to be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative venue.

Reason: To ensure the ongoing integrity of the facility, and public safety using the facility. [P\\_0\\_08](#)

- 21) The event organiser/co-ordinator is to ensure all temporary buildings and structures, vendors' stalls, tents, marquees, and the like are erected in accordance with the manufacturers' details/instructions and are secured to the ground and structurally sound at all times.

Reason: To ensure temporary structures do not constitute a safety hazard to the public, volunteers and stallholders using the site.

- 22) The maximum combined floor area of all temporary structures, being tents, booths and marquees, is limited to 1000m<sup>2</sup>. Any individual tent, booth or marquee must meet the requirements of Clause 2.120 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Note- if additional temporary structures are required at any time during the period of this Consent, the applicant may request a Modification of the Consent.

Reason: To ensure minimal environmental impact from the event, based on the information provided in the application. [P\\_0\\_10](#)

### Design Related Conditions

- 23) The location of Zone 3 is to be adjusted so, where possible, it aligns with the active verge of Centennial Park.

Reason: To ensure development is in keeping with the Cooma CBD Structure Plan 2009. [P\\_0\\_09](#)

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

- 24) All for-profit temporary food stalls and mobile food vans selling potentially hazardous food (i.e. requires temperature control), ready-to-eat and any unpackaged (i.e. **NOT** sold and served in the suppliers original packaging) must appoint a Food Safety Supervisor. A copy of the certificate must be kept at the stall.

Reason: To ensure compliance with Food Act 2003. [F\\_1\\_04](#)

- 25) The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works:

-Working within a road reserve, including using road reserve as an access point.

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

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

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

Reason: In accordance with Roads Act 1993. [R\\_1\\_02](#)

- 26) The application under Section 138 of the Roads Act is to include the following details:
- Design details of the proposed vehicular footpath crossing complying with Council
  - A Traffic Control Plan authorised by an accredited person
  - A plan for the safe management of pedestrians past the access points during the utilisation.

Reason: To ensure effective traffic management and pedestrian interface. [R\\_1\\_03](#)

### Advice to Applicant

- 1) Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety Regulation 2001* and *Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
- 2) Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. This is the law in NSW. If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

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

- 3) It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.
- 4) Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.

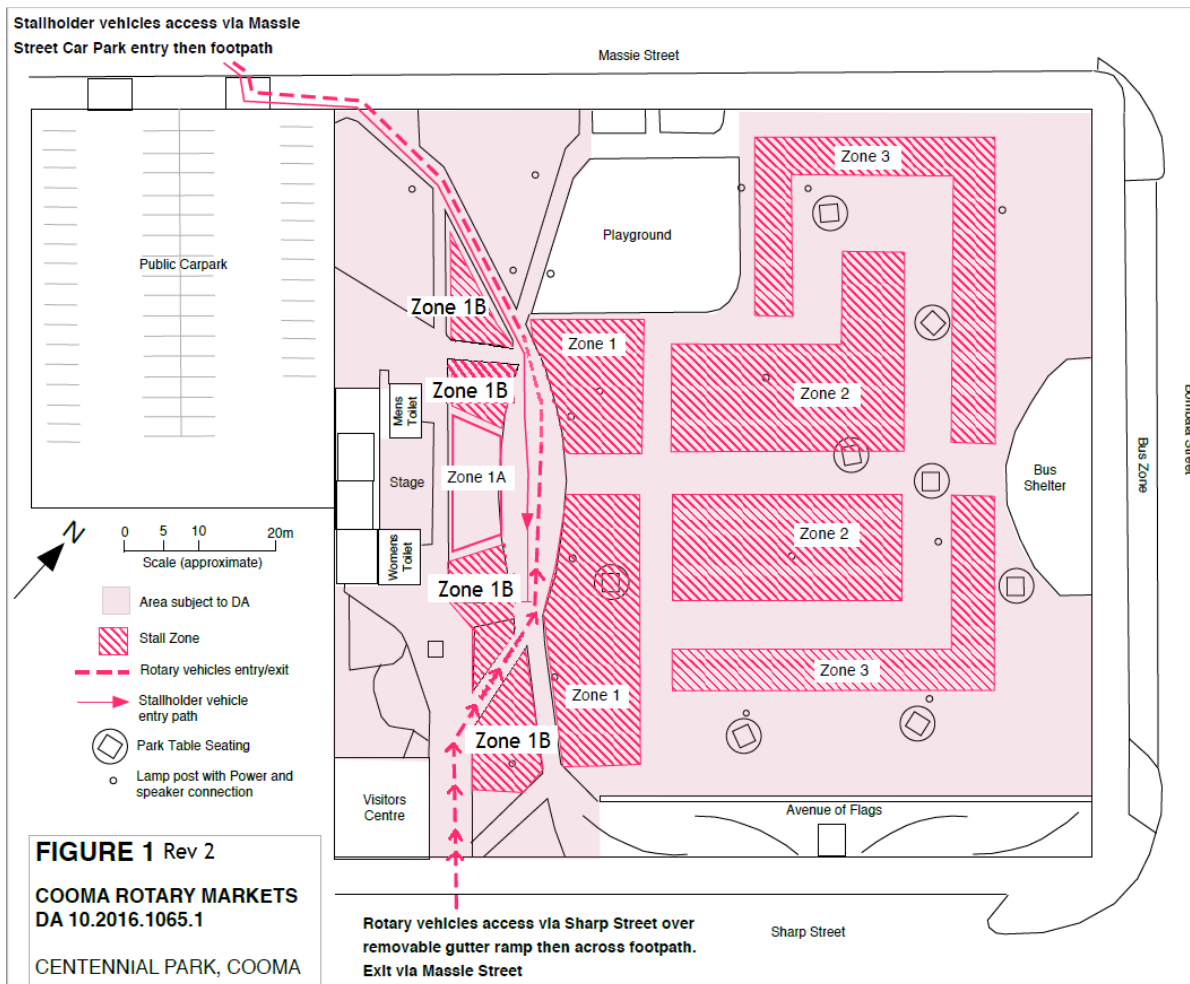
*Reason:* Requirement of Council that all expenses associated with the development are borne by the applicant. [WWW\\_1\\_02](#)

### Notes

- 1) An applicant may request a review of this determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 6 months of the date of this notification. A review under Section 82A cannot be made for Integrated, Designated or Crown Development.
- 2) Section 97 of the Act confers on an applicant or an objector who is dissatisfied with the determination of Snowy Monaro Regional Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.

On behalf of the above Council:

Quinn Maguire  
Urban & Rural Planner



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**15.4 DA4119/2017 3 LOT TORRENS TITLE SUBDIVISION THREDBO TERRACE JINDABYNE**

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:	DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP6.13 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"><li>1. Draft Conditions of Consent DA4119/2017 <a href="#">↓</a></li><li>2. Plan of Subdivision DA4119/2017 <a href="#">↓</a></li><li>3. Statement of Environmental Effects DA4119/2017 <a href="#">↓</a></li><li>4. Objection to DA4119/2017 <a href="#">↓</a></li><li>5. Application Form DA4119/2017 <a href="#">↓</a></li></ol>

Further Operational Plan Actions:

Applicant Number:	DA4119/2017
Applicant:	Snowy Monaro Regional Council
Owner:	Snowy Monaro Regional Council
DA Registered:	11/1/2017
Property Description:	Lot 22 DP 227005 Ph Clyde
Property Number:	100187
Area:	4926m <sup>2</sup>
Zone:	B2 Local Centre
Current Use:	Snowy River Health Centre, Heath One Centre and Public Car Park
Proposed Use:	Subdivision three lots to annex the health centres from each other and from the car-parking area
Permitted in Zone:	Yes
Recommendation:	That the development be approved with conditions

## EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a three lot Torrens title subdivision on lot 22 DP 227005 known as Thredbo Terrace Car Park. The site encompasses a component of public car parking and two health services buildings. The subdivision seeks to situate each of these uses on separate lots. The subdivision will not confer any additional development entitlements on any of the lots other than that which currently exists. It will allow for a caveat related to the Snowy River

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Health Centre to be relocated to proposed lot one (on which the centre is erected) and not continue to encumber the whole of lot 22.

The application was notified for a period of 14 days and one objection was received, the contents of this submission are considered below.

The development complies with the provisions of the State Environmental Planning Policy (Infrastructure) 2007 and the Snowy River LEP 2013 and DCP 2013. As such it is recommended that the development be approved with conditions.

The development is considered

#### **RECOMMENDATION**

That

1. Pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the consent for Three (3) lot Torrens Title subdivision on Lot 22 DP 227005 Ph Clyde, is granted subject to conditions attached.
2. Those people who made submissions are notified of the outcome.

#### **BACKGROUND**

The proposal is for a three (3) lot Torrens title subdivision that will subdivide the land known as Thredbo Terrace car park to provide lots for the following uses:

Lot 1 – Snowy River Health Centre 2255m<sup>2</sup>

Lot 2 – Health One Facility 505m<sup>2</sup>

Lot 3 – Public carpark 3255m<sup>2</sup>

And the establishment of the following easements:

E1 – Easement for electricity purposes 14m wide

E2 – Easement for electricity purposes (substation) 7.5m wide

E6 – Easement for Access 10m wide

The site to be developed is within the Jindabyne CBD and is accessed via Thredbo Terrace at the northern end of the lot with an exit at the southern end. These access arrangements will not change as part of this application with an easement for access proposed on the plan of subdivision.

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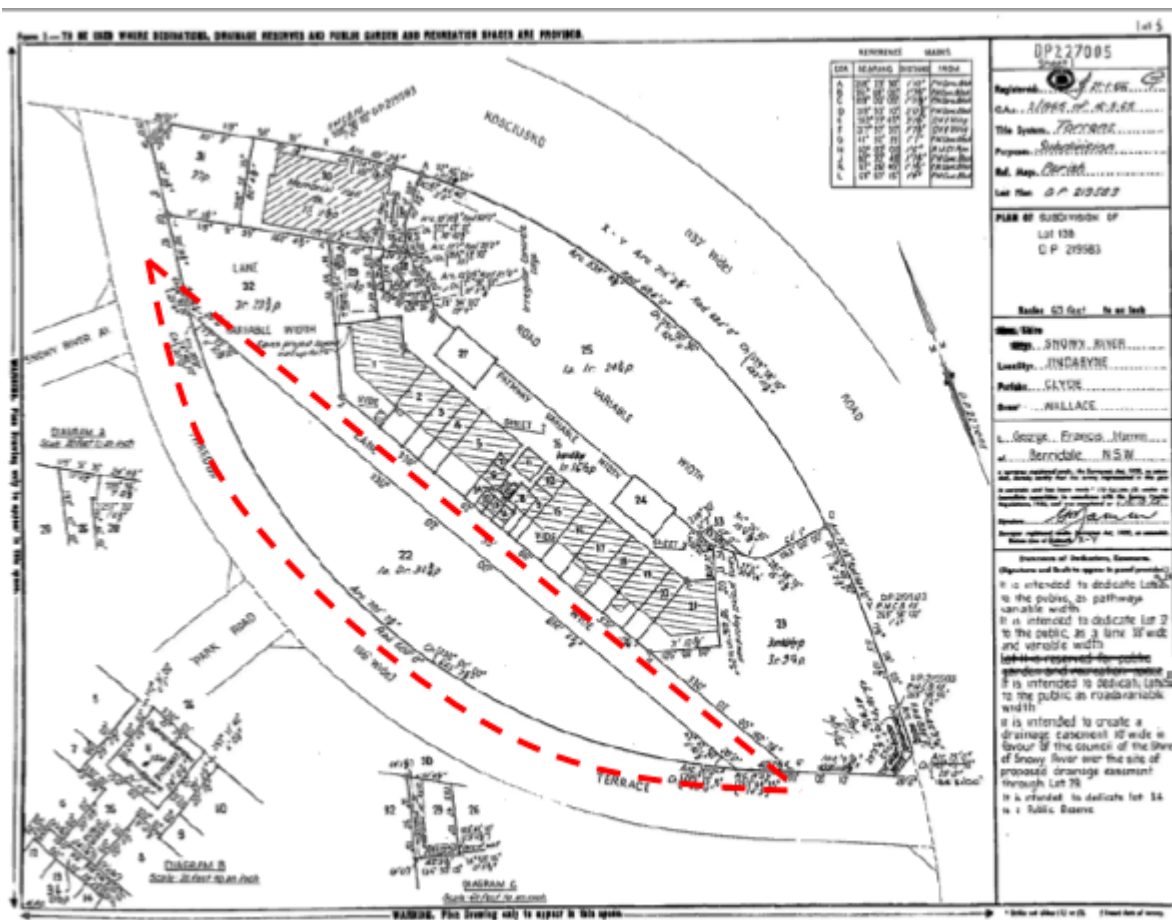
**Location of the proposed subdivision outlined in red.**

The current uses on site are not proposed to change through the subdivision, this includes the existing buildings and the car park. The subdivision will not vest any additional development rights on any of the lots other than that which is currently allowed on the site as a whole.

Under the federal funding agreement for the Snowy River Health Centre a caveat was placed on lot 22 which restricted further development of the land. This caveat relates to the Health Centre building only and the subdivision would allow for it to be removed from the balance of the site and relate only to proposed lot 1.

Proposed lot 2 on which the NSW Government Health One facility is located is to be further subdivided under a stratum subdivision approved as part of the DA0010/2016. This subdivision will commence upon creation of proposed lot 2.

15.4 DA4119/2017 3 LOT TORRENS TITLE SUBDIVISION THREDBO TERRACE JINDABYNE



Deposited Plan showing lot 22

Due to the caveat placed on lot 22 the application was referred to the Department of Health for comment. These comments were requested on two separate occasions and none were received at the time of preparation of the report. It is considered that the Department were given ample time (2 months) to respond should there be any concerns raised with the proposal. As such it is considered that they have no objection to the application as presented. A condition of consent will be included to ensure that all Departmental approvals are given prior to the registration of the plan of subdivision.

The application has been assessed against the provisions of the following documents:

State Environment Planning Policies (SEPPs)	State Environmental Planning Policy (Infrastructure)2007
Local Environmental Plan (LEP) (including draft LEPs)	Snowy River LEP 2013
Development Control Plans	Snowy River DCP 2013

## SECTION 79C

### Section 79C and EP&A Act Checklist

The suitability of the site for the development:	The site is generally suitable for development.
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<b>The provisions of any environmental planning instrument and draft environmental planning instrument:</b>	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of SRLEP 2013 and has been found <b>to</b> achieve an acceptable level of compliance.</p>
<b>The provision of any development control plan:</b>	The application generally complies/does not comply with the provisions of Council's relevant development control plans.
<b>Any matters prescribed by the regulations:</b>	The application generally complies with the <i>EP&amp;A Regulation 2000</i> .
<b>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:</b>	The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed above. The cumulative impacts of the development negate any time, space, nibbling or synergistic effects.
<b>Any submissions made in accordance with the EP&amp;A Act or the regulations:</b>	The application was notified for 14 days. Details of notification and submission received are discussed below.
<b>The public interest:</b>	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

## SUBMISSIONS

The application was notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days.

The application was not required to be publicly advertised.

One submission was received in the notification period

Submission	Response
<ul style="list-style-type: none"> <li>No parking has been provided on the Jindabyne Super Clinic proposed lot 1. All parking for this lot and partly for the</li> </ul>	<ul style="list-style-type: none"> <li>The Snowy River Health Centre and the Health One premises have access to the public car parking area on proposed lot 3,</li> </ul>

<p>adjoining proposed lot 2 containing the Health One Facility are provided on lot 3.</p> <ul style="list-style-type: none"> <li>• The site could be further developed which will impact on the provision of parking for Jindabyne business.</li> <li>• Concerns over the parking assessment of the current buildings on site and the possible future development of the town centre will impact on the provision of parking.</li> <li>• Cumulative impact of the removal of parking throughout Jindabyne.</li> </ul>	<p>this has not changed, and this application will not impact on that parking provision. Merely having the parking on a separate title does not change the access that the buildings have to this area. Easements for access are to be established on the plan of subdivision.</p> <ul style="list-style-type: none"> <li>• The site in its current form could be developed and the impact of that development on parking would be considered. This application is not proposing the change the use of the land on which the car park is situated and as such the possible future development of this area is not a consideration of this development application.</li> <li>• The development applications for the existing buildings have been assessed and determined. As such these are not considerations for this application. Any future development plans on the land surrounding the site which may require parking would be assessed as per Councils planning documents applying at the time of application. This application is merely a subdivision of the existing land with its existing uses and no changes are proposed to the use of the land under each title.</li> <li>• The future development that is mentioned in this development application is with respect to the caveat placed on the whole of lot 22 which relates to the Snowy River Health Centre. The subdivision will allow for the caveat to relate to the lot on which the Health Centre is located and not the balance of the property.</li> <li>• No parking is to be removed as part of this development application.</li> </ul>
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## CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, SEPP, LEP, DCPs, Codes and Policies.

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment.

Accordingly, approval is recommended subject to the imposition of the conditions of consent listed below.

#### **QUADRUPLE BOTTOM LINE REPORTING**

##### **1. Social**

The subdivision will have minimal social impact as the buildings and car park are existing and providing services currently to the community. The subdivision of these uses onto separate lots will not affect how they operate currently. Should further development of the lots occur then further development applications will be submitted for assessment and determination.

##### **2. Environmental**

The development will have little or no environmental impact as it has no associated physical works.

##### **3. Economic**

The subdivision will have little or no economic impact other than allowing for the land to be rationalised into lots for the purposes already approved. It will remove the caveat over the entirety of the land and associate to the use on proposed lot 1 allowing for further development (should that be proposed) to occur without that specific encumbrance.

The subdivision will not attract the payment of s94 developer contributions as no further uses are being approved on site via this application. The uses on proposed lots 1 & 2 were subject to developer contributions at the time of their respective approvals and proposed lot 3 will not attract further contributions as the use on site does not generate any impacts on infrastructure provision.

##### **4. Civic Leadership**

The development application is for works on Council owned and operated land. As such it is appropriate that it not be determined under delegated authority and rather brought to Council for determination.

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Draft conditions of consent DA4119/2017

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA4119/2017 as submitted to Council on the 11/01/2017 4:19:54 PM with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
S704 Rev D	Plan of Subdivision	Kleven Spain	Undated
59-16	Statement of Environmental Effects	Dabyne Planning	January 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.

**SUBDIVISION ENGINEERING**

Right of Carriageway

3. The plan of subdivision shall include the creation of a right-of-carriageway to provide access to lots 2 & 3 over lots 1 & 2. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the existing track is wholly contained within the right-of-carriageway as defined on the plan.

Easements for Services

4. Suitable easements for services shall be established as necessary to allow each lot to be connected to all normal urban utility services, including water supply, sewerage, electricity and telephone services.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

Subdivision Certificate Application

5. 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) Any required or relevant Section 88B instrument under the Conveyancing Act 1919;
  - c) Subdivision Certificate application form fully completed and accompanied with the applicable fee;

Property Numbers/House Numbers

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

Works-as-executed Plan

7. Upon completion of the subdivision works, the developer shall provide Council with a complete set of plans of the works as constructed, detailing all variations from the approved plans and to the acceptance of the Council's Director of Engineering and Operations or his nominee.

These Works-As-Executed plans shall be submitted to Council in hardcopy format (A1), and electronic format (.pdf). These plans must be prepared and certified by a Registered Surveyor or Chartered Professional Engineer.

The developer shall also provide to Council a data file suitable for input into Council's Geographic Information System defining the location of all water supply, sewerage and, stormwater infrastructure to the acceptance of the Council's Director of Engineering and Operations or his nominee.

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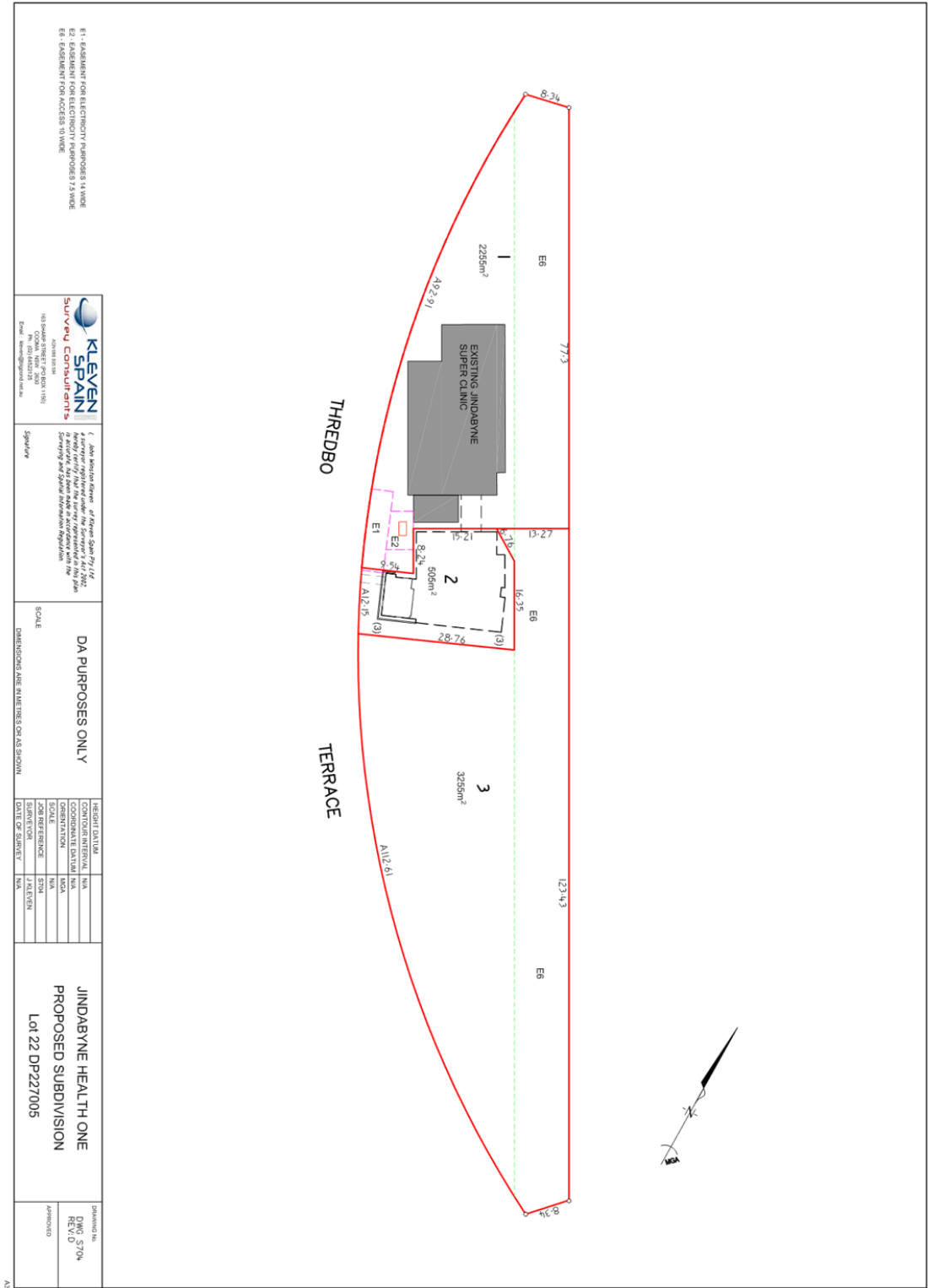
Approval from Department of Health

8. Prior to release of the subdivision certificate the applicant shall present the approval provided by the Commonwealth Department of Health for the removal of the caveat imposed on lot 22 and its transfer to proposed lot 1 of the subdivision.

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

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

15.4 DA4119/2017 3 LOT TORRENS TITLE SUBDIVISION THREDBO TERRACE JINDABYNE  
ATTACHMENT 2 PLAN OF SUBDIVISION DA4119/2017







## STATEMENT OF ENVIRONMENTAL EFFECTS

**THREE (3) LOT TORRENS TITLE SUBDIVISION  
SNOWY RIVER HEALTH CENTRE & HEALTHONE FACILITY  
THREDBO TERRACE, JINDABYNE  
LOT 22 DP 227005**



**For: SNOWY MONARO REGIONAL COUNCIL**

**JANUARY 2016**

**Project: 59-16**

**Dabyne Planning Pty Ltd**

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## STATEMENT OF ENVIRONMENTAL EFFECTS

---

### THREE (3) LOT TORRENS TITLE SUBDIVISION SNOWY RIVER HEALTH CENTRE & HEALTHONE FACILITY THREDBO TERRACE, JINDABYNE LOT 22 DP 227005

This report has been prepared by:

---

Ivan Pasalich

**Principal**

Dabyne Planning Pty Ltd

Nb: If the report is not signed above, it is a preliminary draft.

**For: SNOWY MONARO REGIONAL COUNCIL**

**JANUARY 2016**

**Project: 59-16**

**Dabyne Planning Pty Ltd**

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## CONTENTS

<b>1</b>	<b>Introduction</b>	<b>2</b>
<b>2</b>	<b>The Locality and Site</b>	<b>3</b>
2.1	The Locality	3
2.2	The Site	5
<b>3</b>	<b>Description of the Development</b>	<b>13</b>
3.1	Purpose of the Subdivision	13
3.2	General Description	13
<b>4</b>	<b>Key Matters for Consideration</b>	<b>14</b>
4.1	Vehicle Access, Parking & Pedestrian Movement	14
4.2	BCA – Fire Safety	14
4.3	Utility Services	15
<b>5</b>	<b>Environmental Planning Assessment</b>	<b>16</b>
5.1	Section 79C(1)(a)(i) – Environmental Planning Instruments	16
5.1.1	State Environmental Planning Policies	16
5.1.2	Local Environmental Plans	17
5.2	Section 79C(1)(a)(ii) – Draft Environmental Planning Instruments	23
5.3	Section 79C(1)(a)(iii) – Development Control Plans	23
5.4	Section 79C(1)(a)(iiia) – Planning Agreements	23
5.5	Section 79C(1)(a)(iv) – Regulations	23
5.6	Section 79C(1)(b) – Likely Impacts	23
5.7	Section 79C(1)(c) – Suitability of the Site	24
5.8	Section 79C(1)(d) – Submissions	24
5.9	Section 79C(1)(e) – Public Interest	24
<b>6</b>	<b>Conclusion</b>	<b>25</b>

APPENDIX A – Snowy River DCP 2013 – Assessment Table

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

## 1. INTRODUCTION

Dabyne Planning Pty Ltd has been engaged by Snowy Monaro Regional Council (the Council) to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a three (3) lot Torrens title subdivision of Councils land located at Lot 22 DP 227005 Thredbo Terrace, Jindabyne.

The allotment is currently occupied by the 'Snowy River Health Centre' and 'HeathOne Facility,' a Community Health Facility currently under construction that is located adjacent and connecting to the existing Snowy River Health Centre, with the balance retained for public car parking.

The proposal is to subdivide the lot into three (3) lots with the Snowy River Health Centre' situated on one lot, the HealthOne facility on the second lot and the public car park on the third lot. The HealthOne facility already has approval for a stratum subdivision will can occur within the Torrens title lot to be created.

The purpose of the subdivision is to allocate each building and the public car park with its own allotment, to provide flexibility for their ongoing management and future use.

Due to the funding by the Commonwealth of Australia (Department of Health) of the Snowy River Health Centre (formally known as the GP Superclinic), a caveat over the entire allotment has been imposed, which restricts the use and potential further development over the entire site.

By subdividing the current lot into three (3) separate lots, the caveats will only therefore apply to the lot that the Snowy River Health Centre is situated upon, and not the lot the HealthOne facility is located upon (funded by NSW Health) or the lot comprising of Councils public car park.

An easement for vehicle access over the driveway that follows the northern boundary is proposed, along with easements for the existing electricity services.

A further detailed description of the proposal is provided in Section 3 of the report.

The purpose of this SEE is to:

- describe the land to which the DA relates.
- describe the form of the proposed works.
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

The report has been prepared in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Regulations 2000.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

## 2. THE LOCALITY AND SITE

### 2.1 The Locality

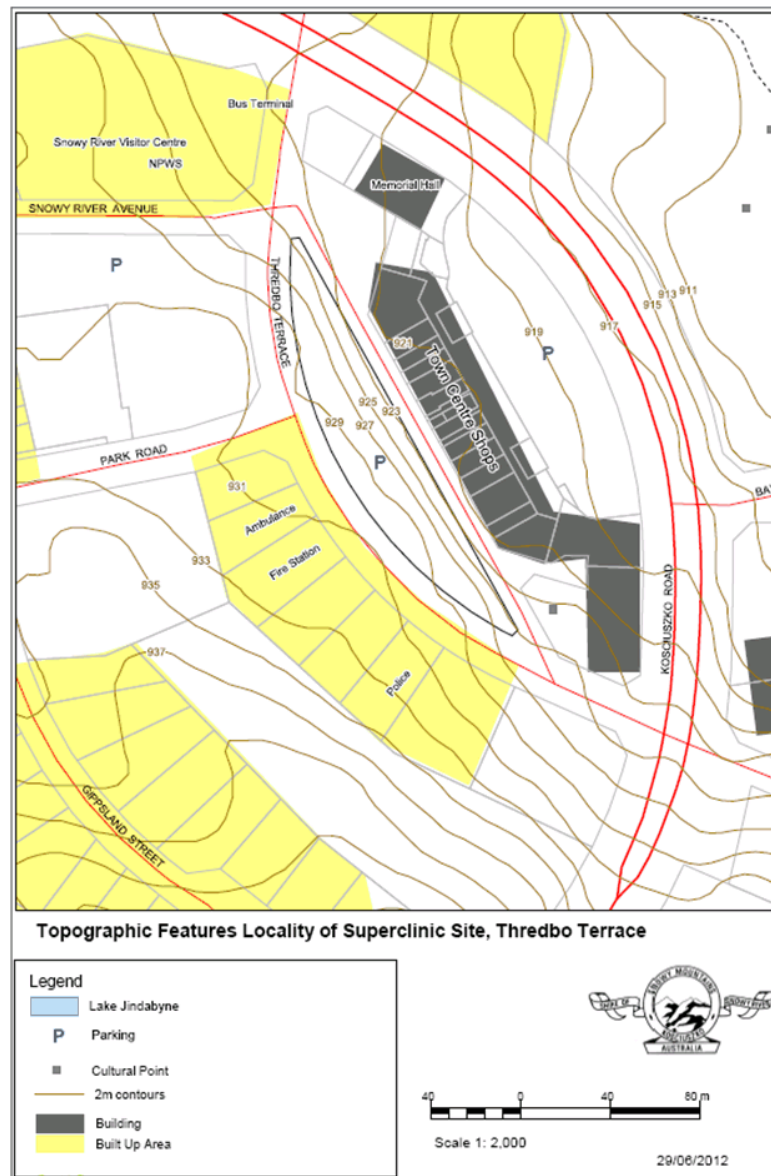
The proposed subdivision will be undertaken of an allotment of land located in the Jindabyne commercial precinct, directly to the west of the Jindabyne Town Centre Shops, as illustrated in the aerial map provided in figure 1 below.



*Figure 1: Locality Map*

The locality comprises of a mix of commercial premises, community facilities and government buildings including the Snowy River Health Centre and HealthOne facility on the same site, Town Centre Shops to the east, Jindabyne Memorial Hall to the north, National Parks and Wildlife Service Jindabyne office and Information Centre to the north west, Mitre 10 Timber and Hardware to the west and Emergency Services agencies including NSW Ambulance, Fire Brigade and Police all located to the west and south along Thredbo Terrace, as illustrated in figure 2 below.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



*Figure 2: Locality map with topographic features*

An aerial photo of the subject site in context with the locality is provided below in figure 3. Due to the Snowy River Health Centre being constructed recently and the HealthOne facility under construction, these buildings are not shown on the aerial photo below.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



*Figure 3: Context of the site within the locality (aerial)*

Together with the topographic features map above, it is evident that the immediate locality around the site is dominated by a symmetrical set of terraces that step up the slope, with the subject site located on the upper terrace with views over the lower terrace and lake.

## **2.2 The Site**

The subject site is legally described as Lot 22 DP 227005 and a copy of the Deposited Plan is provided below in figure 4.

Lot 22, identified above is approximately 6000m<sup>2</sup> in size and is a lozenge shaped allotment with a curved frontage to Thredbo Terrace of approximately 215m and frontage along the top of the embankment above the rear access land servicing the Town Centre Shops of approximately 200m.

As the site is part of an elevated terrace, which sits below Thredbo Terrace and above the Town Centre Shops and associated service lane, the site enjoys good orientation with panoramic views of Lake Jindabyne.

Being part of an elevated terrace, the site is relatively flat with a steep embankment between the edge of the road above, Thredbo Terrace and a steep embankment below, as illustrated in figure 5 below.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



*Figure 5: Photo of the subject site towards the south-west*

The site is devoid of native vegetation being predominantly a car park with a bitumen surface and steep grassy embankments on the edge, as shown in figure 6 below.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



*Figure 6: Aerial photo of the subject site (prior to construction of the Snowy River Health Centre and HealthOne facility)*

The subject site now comprises of the Snowy River Health Centre (formally known as the GP Superclinic) at its northern end and the HealthOne facility, which is currently under construction, adjacent to the south. An updated aerial provided by Google Maps, shows the constructed Snowy River Health Centre in figure 7 below.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



*Figure 7: Aerial photo of the subject site with the Snowy River Health Centre building constructed*

Vehicle access to the site is achieved from the northern entrance to the carpark as illustrated above, with vehicles egressing the site through its southern entrance, with a one-way traffic flow.

Pedestrians can access the site from a number of directions including a staircase from the Town Centre Shops, which connects with a staircase up to Thredbo Terrace in the middle of the site and access from both the northern entry and southern exit of the car park, adjacent to the entrances.

A series of photos of the site and the surrounding environment are provided below.



*Figure 8: Northern entry into the site from Thredbo Terrace*

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

*Figure 9: Vehicle  
entry and Snowy  
River Health Centre*



*Figure 10: HealthOne  
facility under  
construction – to join  
the Snowy River  
Health Centre*



*Figure 11: Car park  
under the HealthOne  
facility under  
construction*



Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

*Figure 12: Vehicle  
access and public car  
park*



*Figure 13: Public car  
park*



*Figure 14: Southern  
exit from the site*



Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

*Figure 15: HealthOne  
facility under  
construction, view  
from Park Road*



*Figure 16: Snowy  
River Health Centre,  
view from Park Road*



Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

### 3. DESCRIPTION OF THE DEVELOPMENT

#### 3.1 Purpose of the Subdivision

The purpose of the subdivision is to allocate each building and the public car park with its own allotment, to provide flexibility for their ongoing management and future use.

Due to the funding by the Commonwealth of Australia (Department of Health) of the Snowy River Health Centre, a caveat over the entire allotment has been imposed, which restricts its use and potential further development over the entire site.

By subdividing the current lot into three (3) separate lots, the caveats will only therefore apply to the lot that the Snowy River Health Centre is situated upon, and not the lot the HealthOne facility is located upon (funded by NSW Health) or the lot comprising of Councils public car park.

An easement for vehicle access over the driveway that follows the northern boundary is proposed, along with easements for the existing electricity services.

#### 3.2 General Description

The proposal is for a three (3) lot Torrens Title subdivision.

Each proposed lot will comprise of:

Lot 1:	Snowy River Health Centre	2255m <sup>2</sup>
Lot 2:	HealthOne facility	505m <sup>2</sup>
Lot 3:	Public Car Park	3255m <sup>2</sup>

The following easements are proposed:

- E1: Easement for electricity purposes, 14m wide
- E2: Easement for electricity purposes (Substation), 7.5m wide
- E6: Easement for Access, 10 wide

The proposed three (3) lot Torrens Title subdivision, does not interfere but has been designed to complement the approved Stratum subdivision of the HealthOne facility, as approved under DA 0010/2016, with easements as outlined above and on the Subdivision Plan (provided separately with the DA) incorporated.

The proposed subdivision will not alter the current approved vehicle access and parking arrangements, with an easement over the northern driveway that will allow continued access for vehicles from the northern entry at Thredbo Terrace, past the Snowy River Health Centre, to both the HealthOne facility and public car park.

[illegible]

Vehicles will then exit the site at its southern end, onto Thredbo Terrace.

Similarly, the approved parking arrangements will not be altered as part of the proposed subdivision.

As for pedestrian access, all the main linkages, including between Thredbo Terrace and the Town Centre shops will not be impacted upon by the proposed subdivision.

The proposed subdivision will create boundaries between the buildings and public car park, which can then create potential Building Code non-compliances, particularly with regard to fire safety.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

As part of the HealthOne facility approval, a Fire Engineering Report (including an Alternate Solution) was prepared by James Alexander of J Squared Engineering (Fire Engineers), to address the non-compliance of the HealthOne building in relation to its setback to the Snowy River Health Centre, including the building connection.

In regards to the proposed subdivision, fire engineering advice from James Alexander was sought.

With the Alternate Solution addressing the fire separation between the HealthOne building and Snowy River Health Centre, the proposed boundary between the buildings is not considered to cause additional fire separation issues.

With a public road forming the western boundary, the new boundary around the electricity substation was also not considered to create additional fire separation issues.

Similarly, the new eastern boundary that separates the HealthOne building (proposed Lot 2) and proposed Lot 3 is not considered to create additional fire separation issues, as an easement for vehicles (Easement E6) is proposed directly to the east, which will prevent a future building being erected within 6m of the existing building.

Therefore the only proposed boundary that was considered to create a potential fire safety issue and BCA non-compliance, was the southern boundary between the HealthOne building (proposed Lot 2) and the public car park within proposed Lot 3. Originally a setback of approx. 1.2m was proposed, however this has been amended with a setback of 3m now proposed, providing adequate separation under the deemed-to-satisfy provisions of the BCA between the windows of the HealthOne building and the new boundary.

#### **4.3 Utility Services**

The site presently enjoys the benefit of power, water, sewerage and communication services.

As outlined above, a range of easements are proposed, with Essential Energy approval obtained in relation to the Electrical transformer and underground power lines.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

## 5. ENVIRONMENTAL PLANNING ASSESSMENT

### 5.1 SECTION 79C(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The following environmental planning instruments apply to the subject site and proposed development:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- Snowy River Local Environmental Plan 2013

Each of the above environmental planning instruments is considered below.

#### 5.1.1 State Environmental Planning Policies

##### State Environmental Planning Policy (Infrastructure) 2007

The proposed subdivision is for the purposes of a 'medical centre' (Snowy River Health Centre), 'community facility' (HealthOne facility) and a car park.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP, 2007) incorporates 'Health services facilities', under Division 10.

Under clause 56 of ISEPP, 2007, the following definition is provided:

**health services facility** means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

The proposed subdivision of the land includes buildings used for both a 'medical centre' and 'community health facility' and is located on land that is zoned B2 Local Centre, a prescribed zone.

Under clause 57 of the ISEPP, 2007, development for the purpose of health services facility may be carried out by any person with consent on land in a prescribed zone.

The subdivision is therefore permissible with consent under ISEPP, 2007.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

### State Environmental Planning Policy (State and Regional Development) 2011

Under SEPP (State and Regional Development) 2011 and Schedule 4A of the EP&A Act, 1979, development for which regional panels may be authorised to exercise consent authority functions of councils is defined.

Under Schedule 4A, only Council related development, including development on Council land with a capital investment value of more than \$5 million and only Crown development that has a capital investment value of more than \$5 million is captured, which would make the Southern Joint Regional Planning Panel (JRPP) the consent authority.

The proposed development is for a three (3) lot subdivision and does not exceed the \$5 million threshold and therefore the subject DA can be determined by Council.

### 5.1.2 Local Environmental Plans

#### Snowy River Local Environmental Plan 2013

The property is located within the Snowy River Shire area of the Snowy Monaro Regional Council and therefore the Snowy River Local Environmental Plan 2013 (SR LEP, 2013) applies.

The subject property is zoned B2 – Local Centre, as illustrated below.

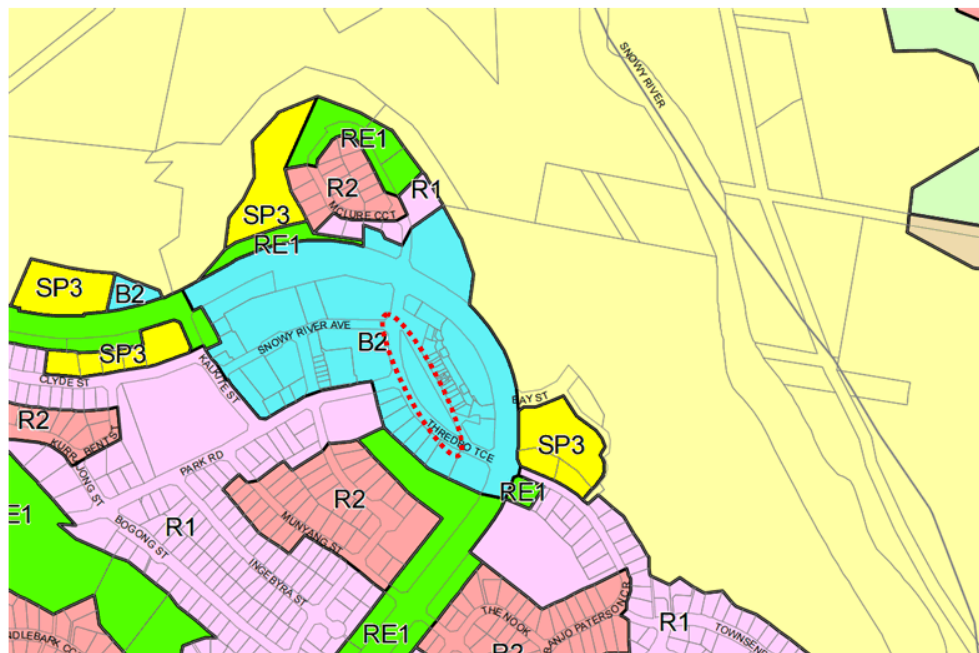


Figure 18: LEP Zoning Map Extract

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

The three (3) proposed lots will be used as follows:

Proposed Lot 1 – Snowy River Health Centre: 'Medical centre'.  
Proposed Lot 2 – HealthOne facility: 'Community facility'.  
Proposed Lot 3 – Public car park: 'Car parks'.

Under the SR LEP 2013, each lot will be used for a land use that is permissible with consent within the B2 zone.

In regards to the proposed subdivision and subject site, the following clauses are considered applicable under the SR LEP, 2013:

**Clause 4.1 Minimum subdivision lot size**

The subject site does not have a minimum lot size in accordance with the lot size map, with an extract provided below.



Figure 19: LEP Lot Size Map Extract

The proposed subdivision is therefore permissible under the SR LEP, 2013 and satisfies the objectives under clause 4.1 as outlined below.

Clause	Response
<p>[1] The objectives of this clause are as follows:</p> <p>(a) to provide for suitable lot sizes that are compatible with, and assist to achieve, the zone objectives,</p> <p>(b) to retain the pattern of subdivision in residential and village zones while allowing infill development of smaller lots in some</p>	<p><i>Each lot has been designed to respond to each building's needs (i.e. setbacks) with the residual lot (proposed Lot 3) for both access and a public car park.</i></p> <p><i>The site and the buildings located upon it do</i></p>

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

<p>areas,</p> <p>(c) to ensure lots have a minimum size that would be sufficient to provide useable areas for building and landscaping,</p> <p>(d) to ensure that lot sizes and dimensions allow dwellings to be sited to protect natural and cultural features, including heritage items, vegetation, views and rural and landscape settings,</p> <p>(e) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,</p> <p>(f) to maintain farm sizes to promote continuing agricultural production,</p> <p>(g) to prevent the fragmentation of rural land,</p> <p>(h) to ensure that areas of high ecological value and significant land sensitivity are preserved and enhanced for future generations.</p>	<p><i>not include any specific natural or cultural features, heritage items, vegetation, views or landscape settings.</i></p> <p><i>The proposed subdivision does not alter or warrant any additional demand for services, it just allocates tenure to each building and the public car park.</i></p>
---	---

#### **Clause 4.4 Floor Space Ratio**

The subject site does not have a floor space ratio control as shown on the Floor Space Ratio Map, with an extract provided in figure 20 below.



Figure 20: LEP Floor Space Ratio Map Extract

#### **Clause 5.10 Heritage conservation**

The subject site is not listed as a heritage item, or located adjacent to an item as shown on the LEP heritage map, with an extract provided below. The closest heritage item is the Memorial Hall (Item 154) which is located over 90m away from the subject site and well below the subject site level. The proposed subdivision will therefore have no impact on this building or its heritage value.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



Figure 21: LEP Heritage Map Extract

#### ***Clause 7.2 Terrestrial Biodiversity***

The subject site comprises of health related buildings and a car park and is not mapped as including any area of terrestrial biodiversity as shown on the terrestrial biodiversity LEP map, with an extract provided below.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017



Figure 22: LEP Terrestrial Biodiversity Map

**Clause 7.5 Active Street Frontages**

The subject site does not include any identified active street frontages as shown on the LEP map, with an extract provided below.



Figure 23: LEP Active Street Frontages Map Extract

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

**Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas**

The subject site is not located within the Lake Jindabyne scenic protection areas as shown on the LEP map, with an extract below.

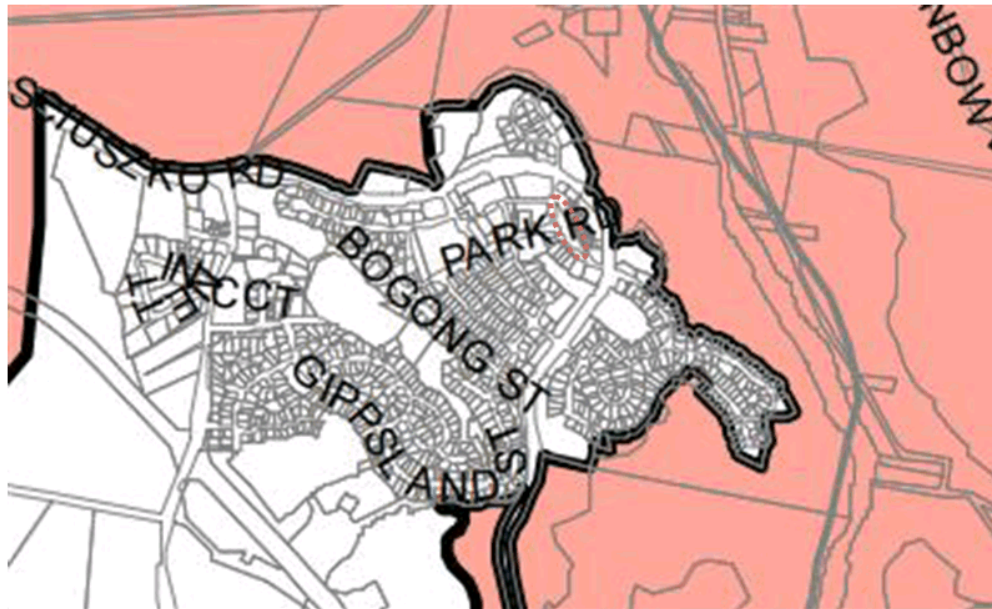


Figure 24: LEP Scenic Protection Areas Map Extract

**Clause 7.9 - Essential services**

Clause	Response
Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	<i>The proposed subdivision will not alter or warrant additional demand for water supply or sewer disposal.</i>  <i>Easements have been included to address the underground electricity and transformer.</i>  <i>An easement for vehicle access has also been included.</i>

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

## **5.2 SECTION 79C(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft Environmental Planning Instruments that are applicable to the site or proposed development.

## **5.3 SECTION 79C(1)(a)(iii) – DEVELOPMENT CONTROL PLANS**

### **Snowy River Development Control Plan, 2013**

The Snowy River Development Control Plan 2013 applies to the subject site and an assessment of the proposed development in accordance with the DCP's Chapter C [relevant parts] & F1 Jindabyne Town Centre is provided in Appendix A.

It is noted that Chapters D & E do not apply to the subject site or proposed subdivision.

## **5.4 SECTION 79C(1)(a)(iiia) – PLANNING AGREEMENTS**

There are no known Planning Agreements applicable to the proposed development.

## **5.5 SECTION 79C(1)(a)(iv) – REGULATIONS**

The development application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

## **5.6 SECTION 79C(1)(b) – LIKELY IMPACTS**

### **Natural Environment:**

The proposed subdivision will be of land that comprises of predominantly either buildings or impervious surfaces, with a grass embankment, comprising of exotic species with some landscaping at its northern end. This site has been highly disturbed and devoid of native vegetation.

Impacts on the natural environment are therefore negligible.

### **Built Environment:**

The proposed subdivision will have no impact on the built environment.

### **Social and Economic impacts in the locality:**

Social and economic impacts from the proposed subdivision within the locality are considered to be positive, through the creation of flexibility with the ongoing use and potential future development of each of the lots.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

#### **5.7 SECTION 79C(1)(c) – SUITABILITY OF THE SITE**

The proposed subdivision has been specifically designed to respond to the site and each building as well as existing services and ongoing vehicle access.

Overall the subject site is considered suitable to be subdivided, providing tenure for each building and the public car park.

#### **5.8 SECTION 79C(1)(d) – SUBMISSIONS**

Any relevant submissions will need to be considered by the Council in the determination of the DA.

#### **5.9 SECTION 79C(1)(e) – THE PUBLIC INTEREST**

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under the Snowy River LEP 2013 and Snowy River DCP 2013.

Consequently, the proposed subdivision is considered to be within the public interest.

Three (3) Lot Subdivision - Thredbo Terrace, Jindabyne ♦ Statement of Environmental Effects | January 2017

## 6. CONCLUSION

With the Snowy River Health Centre and HealthOne facility being funded by separate government agencies and the Commonwealth of Australia (Department of Health) having caveats over the entire site due to its funding arrangement for the Snowy River Health Centre, Council is seeking flexibility by allocating each building its own allotment and the driveway and car park its own allotment.

This allows for the allocation of tenure for each building, making for more efficient ongoing management and additional flexibility for any potential future development.

The subdivision has been specifically designed in response to each building and mostly the existing services on the site and provision for ongoing vehicle access through the site.

On balance, the proposed subdivision is considered suitable for the site and its ongoing needs, with minimal impacts on the natural or built environment, further supporting the current and future health needs of the locality and wider region.



## APPENDIX A

### SNOWY RIVER DCP 2013—ASSESSMENT TABLE

APPENDIX A

Snowy River Development Control Plan 2013	
C1 Subdivision	
<b>2. General Subdivision Requirements</b>	
Control	Comment
<b>C1.2-1 Minimum Subdivision Lot Sizes</b> The minimum subdivision lot sizes are identified in the Snowy River LEP 2013 and the accompanying Lot Size Maps.	<i>The proposal is for a three (3) lot Torrens Title subdivision and the LEP does not include a minimum lot size for the subject site.</i>
<b>C1.2-2 Subdivision Design</b>  (a)The subdivision design must consider the physical characteristics of the land including bushfire hazard and ensure the protection of key environmental features including significant vegetation, natural landforms including rocky outcrops, topographic features and watercourses (refer Chapter C7 – Natural Hazard Management).  (b)Subdivision design must consider the orientation of future dwellings on the site to encourage north facing dwellings.  (c)Council may consent to the creation of a hatchet shaped allotment of land. Where this is proposed within Zone R1 General Residential, R2 Low Density Residential or RU5 Village the subdivision must not involve a lot being developed that is already a hatchet shaped allotment.  (d)All hatchet-shaped allotments in Residential or Village zones must have a minimum access handle width of 6 metres.  (e)The minimum area requirements for all hatchet-shaped allotments are to be measured excluding the access handle.  (f)All allotments are to be of a regular shape.  (g)The allotments to be created must be designed to minimise any bushfire hazard and are to be designed in accordance with Planning for Bushfire Protection 2006 (refer Chapter C7 – Natural Hazard Management). Perimeter roads should be used to assist in minimising fire risk rather than clearing the site.	<i>The proposal is for a three (3) lot Torrens Title subdivision within a Business Zone.  Each proposed lot responds to each building within, the setback requirements and existing services.</i>
C3 Car Parking, Traffic & Access	
<b>3. Vehicle Access</b>	
Control	Comment

Snowy River Development Control Plan 2013	
<p><b>C3.1-1 Permanent and Practical Legal Access</b></p> <p>(a) All development, including all allotments created by subdivision (including boundary adjustments) must have coinciding legal and practical (properly constructed) access in accordance with Council's development design and construction specifications.</p> <p>(b) Access roads are to be designed to minimise road infrastructure by utilising the most direct, and where possible the existing, legal routes.</p> <p>(c) An applicant wishing to construct a Crown public road is required to obtain Council's concurrence to the ownership of the road being transferred to Council. Where the applicant cannot obtain the concurrence of Council to the transfer of ownership, the application for road construction will not be accepted.</p> <p>(d) Access by undedicated roads (including undedicated Crown reserve roads, Forestry roads and Livestock Health and Pest Authority reserves) requires the consent of the public authority (eg. Roads and Maritime Services) and will only be permitted in similar circumstances to those for rights of carriageway and subject to the same conditions applicable to rights of carriageway.</p> <p>(e) Where the development requires a second bushfire access/egress route, this is to be a permanent legal and practical access.</p> <p>(f) Where the existing road alignment does not match the dedicated or legally recognised road alignment, the road alignment should be rectified through re- alignment, closure, road construction or dedication.</p> <p>(g) Any additional length of public road created as part of the development and proposed to be transferred to the control of Council is to be minimised.</p> <p>(h) Direct access from either the Alpine Way or Kosciuszko Road is not to be provided to a development unless the site has no other practical alternatives that exist or can be created.</p> <p>(i) Consideration must be given to whether traffic associated with the proposed development will cause the condition of the roads to deteriorate and whether funds are or will be available for road maintenance and whether any financial contributions from the proposed development are sufficient to upgrade the roads likely to be affected.</p>	<p><i>(a) All three (3) lots will retain coinciding legal and practical access to Thredbo Terrace.</i></p> <p><i>(b) – (j) N/A</i></p> <p><i>(i) The proposed subdivision will not result in increased traffic.</i></p>

Snowy River Development Control Plan 2013	
<p><b>C3.1-2 Rights of Carriageway for Subdivision</b></p> <p>(a) Where access to the allotment is via an existing right of carriageway, the subdivision will only be permitted in exceptional circumstances as follows, where:</p> <ul style="list-style-type: none"><li>- the subdivision is for large rural property where the cost of providing public road access would be prohibitive; or</li><li>- the subdivision is in remote rural localities of the Shire.</li></ul> <p>(b) Access may be provided by a vehicular right of carriageway for development involving subdivision of land into up to five (5) additional residential lots (or development where traffic generation has a similar or greater impact) if:</p> <ul style="list-style-type: none"><li>- the right of carriageway is constructed to a standard approved by the Council; and</li><li>- where relevant, the consent of all adjoining land owners, whose land is burdened by the vehicular right of way, has been gained.</li></ul> <p>(c) Access may be provided by a vehicular right of carriageway for new development (other than that referred to in sub-clauses a) and b) above) where traffic will have a minimal impact if:</p> <ul style="list-style-type: none"><li>- the right of way is constructed to a standard agreed to by Council; and</li><li>- where relevant, the consent of all adjoining land owners, whose land is burdened by the vehicular right of way, has been gained.</li></ul> <p>(d) If further subdivision takes place utilising the right of carriageway and increasing the number of lots utilising the right of carriageway to more than six (6) allotments, the right of carriageway is to be replaced with a public road (refer below).</p> <p>(e) The right of carriageway in non-urban areas is to be a minimum of twenty (20) metres wide.</p> <p>(f) Construction and maintenance of the right of carriageway is the responsibility of the landowner and is to be in accordance with Council's development design and construction specifications.</p> <p>(g) Council may require a Deed of Agreement for the operation, management and maintenance of the right of carriageway.</p>	<p><i>An easement over the existing vehicle access along the northern edge of the site has been incorporated into the subdivision, providing legal access for all three lots.</i></p>

Snowy River Development Control Plan 2013	
<p><b>C3.1-3 Public Roads</b></p> <p>(a) Where subdivision results in six (6) or more additional allotments, the access shall be by way of a public road.</p> <p>(b) Where a new road is to be constructed or an existing road is to be utilised for addition allotment access, it shall be constructed in accordance with Councils development design and construction specifications for access and subdivision on the following basis:</p> <ul style="list-style-type: none"> <li>- Two Lane Gravel Road – any road likely to be extended or form part of a through road and “no through roads” servicing six (6) to ten (10) allotments and not in a R5 Large Lot Residential Zone.</li> <li>- Two Lane Bitumen Road – any road servicing more than ten (10) allotments.</li> </ul> <p>Council may also require this type of road for short lengths of road which connect with an existing sealed road or which are over a gradient of 10%.</p> <p>(c) If the subdivision will result in six (6) or more lots in the R5 Large Lot Residential Zone, each lot is to be linked by a 2 lane bitumen sealed road to the nearest urban centre, constructed to Council’s approved standards.</p> <p>(d) If the subdivision will result in six (6) or less lots in the R5 large Lot Residential Zone, each lot is to be linked to the nearest public road by a two lane road suitable for two wheel drive vehicles, constructed to Council’s development design and construction specifications.</p> <p>(e) Where development (including subdivision) front existing public roads, and where the existing public road is unconstructed or is not constructed to a satisfactory standard for the proposed development (e.g. not presently maintained by Council), the full cost of upgrading that road is to be borne by the developer. This requirement may also apply to subdivision’s that require the construction or upgrading of existing public roads to give access to the subdivision.</p> <p>(f) Each lot is to be provided with an adequate all weather access to enable satisfactory vehicular passage from the public road into the individual allotment. This will generally require gravelling from the road shoulder to the boundary and in most cases will require the provision of a piped gutter crossing in accordance with Council’s specification for property accesses.</p> <p>(g) Each lot to be created must include vehicular access that will be flood free in the event of a 1:50 year probability flood occurring.</p> <p>(h) The location of the individual access points are to be nominated by the developer and subject to approval of, and meeting the standards established by the Director Technical Services and Operations, having regard to road drainage requirements and sight distance.</p> <p><b>C3.1-4 Development Fronting Main or Arterial Roads</b></p> <p>(a) Where development is proposed land which fronts a classified or arterial road, or relies solely on a classified or arterial road for its access; or has access to a road which intersects with a classified or arterial road, where the point of access is within 90 metres of the intersection of the road and the classified or arterial road, the following must be considered:</p> <ul style="list-style-type: none"> <li>- whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity and efficiency of the classified or arterial road;</li> <li>- access points and on-site management plans for vehicle movement and parking;</li> <li>- the effect the development will have on future improvements or realignment of the classified or arterial road.</li> </ul>	<p><i>Not applicable.</i></p> <p><i>Not applicable.</i></p>

Snowy River Development Control Plan 2013	
<p><b>C3.1-5 Adequacy of Access</b></p> <p>(a) The standard of all weather access roads to the development is to adequately cater for existing and potential traffic.</p> <p>(b) The road reserve width is to be sufficient to cater for all functions that the road is expected to fulfill, including the safe and efficient movement of all users and acting as a buffer from traffic nuisance for residents.</p> <p>(c) The carriageway width is to allow vehicles to proceed safely at the operating speed intended for that road.</p> <p>(d) The design of intersections is to allow all movement to occur safely and projected traffic volumes are to be used in designing all intersections.</p> <p>(e) All intersections and vehicular entrances are to satisfy the relevant design standards published by the Roads and Maritime Authority.</p> <p>(f) Access is designed in accordance with the design criteria set out in the Aust Roads Guide to Road Design and the Council's Development Design and Construction Specifications.</p>	<p><i>The approved access arrangements are not proposed to be amended as part of the proposed subdivision.</i></p>
<p><b>C3.1-6 Minimising Impacts</b></p> <p>(a) Consideration is to be given to the impact the traffic associated with the proposed development will have on existing roads, road safety and other road users.</p> <p>(b) Physical impact on the environment and on the visual landscape are to be minimised through site planning and design.</p> <p>(c) Car parking areas and access roads to be designed, surfaced and sloped to facilitate stormwater infiltration on-site.</p> <p>(d) Access roads are not to exceed 12% slope and are to be designed to work with the contours of the land (minimising cut and fill).</p> <p>(e) Access roads are not to proceed through rock outcrops, natural features or existing vegetation stands and are not to be located on prominent hill faces or ridgelines.</p> <p><u>Note:</u> Refer to Planning for Bush Fire Protection 2006 (PBP) at <a href="http://www.rfs.nsw.gov.au">www.rfs.nsw.gov.au</a> for any special access requirements related to developments within Bush Fire Prone Land (Refer Chapter C7 – Natural Hazard Management).</p>	<p><i>The approved access arrangements are not proposed to be amended as part of the proposed subdivision.</i></p>
<p><b>C3.2-1 Pedestrian and Cycle Access</b></p> <p>a) All development is to provide high quality accessible routes to public and semipublic areas, including major entries, communal open space, site facilities, parking areas and pedestrian pathways.</p> <p>b) All pedestrian links are to have appropriate levels of illumination.</p> <p>c) All entrances to buildings are to be accessible from the street and are to integrate ramps into the overall building and landscape design to promote equity of access.</p> <p>d) The design of <i>commercial premises</i> or other non-residential forms of development shall consider staff change rooms and shower facilities to encourage bike riding as a form of transport.</p> <p>e) Potential pedestrian and vehicle conflict is to be minimised by ensuring clear sight lines at pedestrian and vehicle crossings, utilising traffic calming devices and separating and clearly distinguishing pedestrian and vehicular accessways (eg using bollards or changes in pavement treatment).</p> <p>f) All vehicle access points to a development are to provide a minimum 1.5 metres landscaped setback to neighbouring properties.</p>	<p><i>The proposed subdivision will not alter or obstruct the pedestrian and cycle access through the site.</i></p>

Snowy River Development Control Plan 2013	
F1 Jindabyne Town Centre	
4.1 Urban Form	
Control	Comment
<b>F1.1-1 Views, Vistas &amp; Landmarks</b> (a) Significant views and vistas within the Town Centre, including those identified in the Jindabyne Town Centre Masterplan are to be maintained and enhanced (refer Landform and Views diagram below). (b) Buildings are to be designed to maximise view sharing. (c) Views from Lake Jindabyne and surrounding residential and rural areas are to be considered to ensure the visual amenity of these areas is protected.	<i>The proposed subdivision will have no impact on views, vistas or landmarks.</i>
<b>F1.1-2 Active Site &amp; Street Frontages</b> (a) New buildings in the Town Centre are to provide continuous retail or active commercial uses on the ground floor. (b) Restaurants, cafes and the like are to consider providing openable shop fronts. (c) Active ground floor uses are to be the same general level as the footpath and can be readily accessible (d) Street level activity is to be maximised by wrapping shopfronts around corners. (e) Building frontages are to encourage street level activity. (f) Minimise blank walls at ground level. (g) Maximise glazing for retail uses on the ground floors. (h) Do not use opaque or reflective glass on the ground floor (i) Use grilles or transparent security shutters with a minimum of 70% transparency on retail frontages. Solid shutters are not permitted (j) Entrances to internally orientated shopping or commercial arcades, and the arcades themselves must be a minimum of 7 metres wide.	<i>The proposed subdivision will have no impact on active street frontages.</i>
<b>F1.1-3 Street Corners</b> (a) Each frontage of a building on a corner site should be designed as a main street frontage. (b) Development on corner sites should be designed to add variety and interest to the street and clarify the street hierarchy. (c) The design of the development should emphasise verticality at corners, if possible by concentrating the tallest portion of the building on the corner itself. (d) Design devices such as increased wall heights, splayed corner details, and other architectural features to reinforce the way finding attributes of street corners should be utilised where possible	<i>Not applicable.</i>
<b>F1.1-4 Outdoor Dining</b> (a) Consider incorporating areas of outdoor dining in café and restaurant developments where possible. (b) The location of outdoor dining areas should provide good amenity, landscaping and outlook, solar access in the winter and shading in the summer and a traffic environment that can be calmed or supports outdoor dining usage. (c) Lighting and heating should be provided for evening use of outdoor dining areas. (d) Outdoor dining areas should not take away from space used for street furniture or interrupt utilities or other infrastructure. (e) Prioritise pedestrian flows and access for people with disabilities along main streets by keeping the minimum clear width of footpath travel between the building and outdoor dining area. (f) Along secondary streets with narrow footpaths or lanes, outdoor dining may be located discreetly along the wall of the building. (g) Provide high quality and durable outdoor furniture of contemporary design and materials	<i>Not applicable.</i>

Snowy River Development Control Plan 2013	
<p><b>1.1-5 Safety, security &amp; crime prevention</b></p> <p>(a) A formal crime risk assessment, consistent with the Department of Planning 'Crime Prevention Through Environmental Design' is to be carried out for certain types of development as specified by Council.</p> <p>(b) Buildings must be designed to enable occupants to overlook streets and public open space to provide casual surveillance. Opportunities for casual surveillance should be provided by:</p> <ul style="list-style-type: none"> <li>orientating commercial and retail space and living areas (where residential dwellings are located in the development), so they have views over public or commercial open spaces;</li> <li>providing clear lines of sight between building and car park entrances and the street;</li> <li>footpaths, landscaped areas and driveways must provide opportunities for surveillance and allow safe movement of residents around the site.</li> </ul> <p>(c) Opportunities for concealment are to be minimised by:</p> <ul style="list-style-type: none"> <li>avoiding blind or dark alcoves near stairwells and lifts;</li> <li>providing well lit routes throughout the development;</li> <li>ensuring car parking areas, pathways and common areas of developments are adequately lit at all times.</li> </ul> <p>(d) Entrances to buildings must be clearly visible and accessible from the street.</p> <p>(e) Community buildings and public open space areas are to be provided with sufficient lighting and security.</p> <p>(f) The demarcation of public, communal and private areas in a development is to be clearly recognisable.</p> <p>(g) Large expanses of wall and fences which may attract graffiti are to be avoided.</p> <p>Note: refer to Chapter C2 Design (Crime Prevention Through Environmental Design) for detailed controls.</p>	<p><i>The proposed subdivision only allocated tenure to each building and the car park and will not generate safety, security or crime prevention issues.</i></p>
<p><b>F1.1-6 Integrating large format uses/shopping centres</b></p> <p>(a) Integrate the internal and external layout of stand-alone shopping centres with the existing street network to improve walkability and legibility. Ensure pedestrian and cycle connections between the street network and the shopping centre are clear, direct, safe and attractive links that are well lit, with good signage and meet access requirements.</p> <p>(b) Locate more intensive and extended-hour uses towards the street and around public spaces to ensure areas around the shopping centre are active at night and help with natural surveillance.</p> <p>(c) Improve pedestrian access to shopping centres with entries that align with the street and existing connections. Pedestrian entries should be highly visible, connected to the public domain and easy to find.</p> <p>(d) Design path and way finding signage to improve access, orientation and connections to spaces within and outside the shopping centre.</p> <p>(e) Avoid long expanses of blank walls along street frontages or other public areas.</p> <p>(f) Provide active frontages to enable natural surveillance of public areas.</p> <p>(g) Provide bicycle parking close to shopping centre entries.</p> <p>(h) Ensure that service areas, site storage and loading bays are located away from public spaces, streets and residential development.</p>	<p><i>The proposed subdivision only allocated tenure to each building and the car park and will not interfere with the access to and from the Town Centre Shops.</i></p>
<p><b>F1.1-7 Universal Design/Accessibility</b></p> <p>(a) Prioritise pedestrian flows for people with disabilities by providing a clear travel path along the building line.</p> <p>(b) Where outdoor dining is provided along the wall of a building on secondary streets with narrow footpaths or lanes, access for people with a disability should be considered.</p>	<p><i>The proposed subdivision will not interfere or obstruct any existing access arrangements.</i></p>
<p><b>4.2 Traffic, access, parking and servicing</b></p>	

Snowy River Development Control Plan 2013	
<p><b>F1.2-1 Vehicle access &amp; parking</b></p> <p>(a) Car parking provision and design is to be in accordance with Chapter C3 Car parking, traffic and access.</p> <p>(b) Potential pedestrian and vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> <li>ensuring clear sight lines at pedestrian and vehicle crossings;</li> <li>utilising traffic calming devices;</li> <li>separating and clearly distinguishing between pedestrian and vehicular accessways (for example by using bollards, change of hard pavement in rear lane).</li> </ul> <p>(c) Car parking areas are to include suitable landscaping, both within and on the perimeter of the car park, to improve appearance and provide shade.</p> <p>(d) Where car parking is located within a development, the appearance of carparking and service vehicle entries are to be improved by:</p> <ul style="list-style-type: none"> <li>screening and locating garbage collection, loading and servicing areas within the development; and</li> <li>avoiding black holes in the façade by providing security doors to carpark entries.</li> </ul> <p>(e) Safe and secure access is to be provided for building users, including direct access for residential apartments.</p> <p>(f) Parking and storage of bicycles (both resident and visitor) is to be provided at convenient and secure locations.</p> <p>(g) Where doors are not provided to a car park, ensure that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed.</p> <p>(h) All vehicle access points to a development are to provide a minimum 1.5 metres landscaped setback to neighbouring properties.</p>	<p><i>The approved access and parking arrangements are not proposed to be amended as part of the proposed subdivision</i></p>
<p><b>F1.2-2 Pedestrian and cycle access</b></p> <p>(a) All development is to provide high quality accessible routes to public and semi-public areas, including major entries, lobbies, communal open space, site facilities, parking areas and pedestrian pathways.</p> <p>(b) All pedestrian links are to have appropriate levels of illumination.</p> <p>(c) All entrances to buildings are to be accessible from the street and are to integrate ramps into the overall building and landscape design to promote equity of access.</p> <p>(d) Facilities for bicycle storage are to be provided in accordance with Chapter C3 Car Parking, Traffic and Access.</p> <p>(e) All new developments are to consider including change room and shower facilities for staff.</p>	<p><i>The proposed subdivision will not alter or obstruct the pedestrian and cycle access through the site.</i></p>
<p><b>4.3 Building and Site Design</b></p>	
<p><b>F1.3-1 Height</b></p> <p>Note: Maximum Building Heights are included in clause 4.3 of the Snowy River Local Environmental Plan 2013.</p> <p>(a) A minimum floor to ceiling height for ground level retail and commercial floorspace where active public uses are encouraged is 3.6 metres.</p> <p>(b) A minimum floor to ceiling height of 3.0 metres is required for the upper level commercial floor space.</p> <p>(c) A minimum floor to ceiling height of 2.7 metres is required for all residential floorspace</p>	<p><i>Not applicable.</i></p>
<p><b>F1.3-2 Density / Floor space ratio</b></p> <p>(a) The maximum floor space ratio for the site is to be in accordance with the Snowy River LEP 2013 (clause 4.4 Floor Space Ratio).</p> <p>(b) The area of terraces and balconies with outer walls of less than 1.4 metres high is not to be included in the calculation of floor space ratio in accordance with the Snowy River LEP 2013.</p>	<p><i>Not applicable.</i></p>
<p><b>F1.3-3 Setbacks</b></p> <p>(a) The front setback requirements at ground level are shown in the Build to Lines and Setbacks figure in the Jindabyne Town Centre Master Plan (refer below).</p> <p>(b) New buildings are to be sited and designed to form a strong, predominantly continuous built edge to the primary street frontage, Town Square and public parks and pathways. Where an allotments has frontage to two or more streets, the primary street frontage is the widest public street adjoining that allotment. Where an allotment has frontage to a street and public path or pathway, a strong, built edge is to be provided to both.</p> <p>(c) All ground level setbacks are to be landscaped.</p> <p>(d) Vehicle access points and loading docks may be located within the setback area where they do not have a detrimental impact on the appearance of the development or pedestrian and cycle movement</p>	<p><i>The existing building setbacks are already established with the proposed subdivision only proposing new side boundary setbacks, which are not subject to any controls.</i></p>

Snowy River Development Control Plan 2013	
<p><b>F1.4-1 Building facades &amp; articulation</b></p> <p>(a) Buildings are to be designed to address the street and ensure that rear and side façades (where visible) also provide visual interest to the street and surrounding neighbours.</p> <p>(b) The design of the development should include architectural features that give a human scale to the building, particularly at ground level.</p> <p>(c) The design of the building façade, or a series of facades, should form a rhythm that complements and is harmonious with the streetscape.</p> <p>(d) Building articulation should respond to the environmental conditions of the site including orientation, breezes and privacy.</p> <p>(e) The maximum unarticulated building length is 9 metres along the primary street frontage and 10 metres along the secondary street frontage.</p> <p>(f) All facades, including rear facades, must include windows.</p> <p>(g) Predominantly clear glazed shopfronts are to be provided to ground floor retail development and for commercial development where the site is required to have an Active Street Frontage.</p> <p>(h) Curtain walling, large expanses of glass and large expanses of concrete are to be avoided in the design of the building as these do not create well-articulated and harmonious facades.</p> <p>(i) Grilles and transparent security shutters are to have a minimum of 70% transparency. Solid roller shutters, screens or grills on shopfronts and dwellings are not appropriate.</p>	<p><i>Not applicable.</i></p>
<p><b>F1.4-2 Building entrances</b></p> <p>(a) Building entries are to address the primary street frontage and form an integral part of the building façade.</p> <p>(b) Building entries are to be clearly visible from the street, convenient for pedestrians, and a clearly identifiable element of the building.</p> <p>(c) Building entries must be designed to have equal access to all people.</p> <p>(d) Safe and secure access is to be provided by providing a clear line of sight between one circulation space and the next, providing sheltered, well lit and highly visible spaces for building entry and for the collection of mail.</p> <p>(e) Separate entries from the street are to be provided for pedestrians and cars.</p> <p>(f) Entries and associated circulation spaces are to be of an adequate size to allow movement of furniture between public and private spaces.</p>	<p><i>Not applicable.</i></p>
<p><b>F1.4-3 Solar access, overshadowing &amp; natural daylight</b></p> <p>(a) Shadow diagrams, including elevations showing shadow impacts on any walls (and windows) of adjoining development and areas of open space must be submitted with the development application for all new buildings of two or more storeys. Any adverse overshadowing impact may require a reduction in the height or design changes of the proposed development.</p> <p>(b) Solar access and overshadowing requirements for shop top housing are to be in accordance with Chapter D1 Residential Accommodation.</p> <p>(c) The height and design of buildings should not significantly impact on sunlight access or overshadow public open spaces, outdoor dining areas and the Town Square.</p>	<p><i>Not applicable.</i></p>
<p><b>F1.4-4 Awnings</b></p> <p>(a) Continuous awnings are to be provided on the main pedestrian activity paths and areas identified as having Active Street Frontages (refer Snowy River LEP 2013 - Active Street Frontages Map).</p> <p>(b) Awnings over a public footpath are to be:</p> <ul style="list-style-type: none"> <li>• a minimum clear height of 3 metres above the footpath;</li> <li>• a depth of 2 metres where non-residential uses adjoin;</li> <li>• not less than 600mm from the edge of the road/kerb.</li> </ul> <p>(c) Along streets with existing awnings, any new awnings are to be aligned with the existing and are to be designed to be complimentary with the existing.</p> <p>(d) Under awning lighting is to be provided to facilitate night use of the footpath and to improve public safety.</p>	<p><i>Not applicable.</i></p>

Snowy River Development Control Plan 2013	
<p><b>F1.4-5 Signage &amp; advertising</b></p> <p>(a) Advertising signs are to be in accordance with Chapter C6 Advertising and Signage.</p> <p>(b) The location, size and design for signage associated with a development is to be included in the development application plans and elevations.</p> <p>(c) The location and design of signage and advertising is not to:</p> <ul style="list-style-type: none"> <li>• obscure important architectural features or dominate the architecture of buildings</li> <li>• protrude from the awnings</li> <li>• project above any part of the building to which it is attached</li> <li>• cover a large portion of the building façade</li> </ul> <p>(d) Fin signs, projecting wall signs and roof signs are not permitted.</p> <p>(e) Commercial signage on local shops is to be limited to identification signs with one sign permitted for each shop front. These may be located on shop front windows, above entrances or suspended under colonnades or awnings in accordance with Chapter C6 Advertising and Signage.</p>	<p><i>Not applicable.</i></p>
<p><b>F1.4-6 Materials and finishes</b></p> <p>(a) New development is to utilise high quality and durable materials and finishes.</p> <p>(b) The exterior finishes of new development is to include earthy colour schemes consistent with the Snowy River Design Guidelines and avoid corporate and bright colours that are inconsistent with the character of the Jindabyne Town Centre streetscape.</p> <p>(c) Materials and finishes are to be in accordance with the Snowy River Design Guidelines.</p> <p>(d) The facades of new development is to include a variety of materials and finishes and avoid large expanses of any single material</p>	<p><i>Not applicable.</i></p>
<p><b>F1.5-1 Open space</b></p> <p>(a) The amount of open space provided on a site is to be in accordance with the requirements for the type of development proposed (eg. Chapter D1 Residential Accommodation).</p> <p>(b) Publicly accessible open space is to be located so that it forms a focus of the development and provides a landscape buffer between buildings and provides for a pleasant outlook.</p> <p>(c) Publicly accessible open space should be consolidated into useable areas and demonstrate that its size and dimensions allow for a variety of uses.</p> <p>(d) Open space should be located so that solar access is maximised</p>	<p><i>Not applicable.</i></p>
<p><b>F1.5-2 Landscape design</b></p> <p>(a) All development applications are to include a landscape plan (refer Chapter A2 Development Application Requirements).</p> <p>(b) Landscape design is to be in scale with the development and should relate to building form, facilitate stormwater infiltration through the use of permeable surfaces, and be easily maintained.</p> <p>(c) Landscaping is to ensure amenity of private and publicly accessible open spaces by providing:</p> <ul style="list-style-type: none"> <li>• shade from the sun and shelter from the wind;</li> <li>• accessible and safe routes through the space and between buildings.</li> </ul> <p>(d) Landscape design is to improve the energy and solar efficiency of development and the microclimate of open spaces by:</p> <ul style="list-style-type: none"> <li>• locating trees for shading low-angle sun on the eastern and western sides of buildings;</li> <li>• using deciduous trees (where appropriate) for shading of windows and open space areas in summer and allowing solar access in winter.</li> </ul> <p>(e) Landscape design is to minimise water consumption by including local native plants with low water demand (refer Recommended Species for Landscaping – Chapter C5) and using plants with low fertiliser requirements.</p> <p>(f) The landscape plan must outline how landscaped areas are to be maintained for the life of the development.</p>	<p><i>Not applicable.</i></p>
<p><b>F1.5-3 Deep soil zones</b></p> <p>(a) The development, where possible, is to include deep soil zones which will accommodate existing mature trees as well as allow for the planting of trees/shrubs that will grow to be mature trees.</p> <p>(b) Deep soil zones are to have a pervious surface.</p> <p>(c) Deep soil zones are not to be built upon.</p>	<p><i>Not applicable.</i></p>

## **Submission on DA 4119/2017**

### **Snowy River Shire Council Subdivision proposed Lot 22 DP 227005**

I wish to object to the proposed subdivision which will separate the lot containing the Snowy River Health Centre from the lot which contains the car parking spaces required to service it.

No parking has been provided on the Jindabyne Super Clinic proposed Lot 1. All parking for this lot and partly for the adjoining proposed Lot 2 containing the Health One facility are provided on the proposed Lot 3.

Clearly there is an intention on behalf of Council to further develop the proposed Lot 3.

How will the interests of Jindabyne retailers and their customers be protected from the overdevelopment of this site which was previously a parking area paid for and for the benefit of Jindabyne commercial and retail operation. This specially included my Razorback / Mitre 10 lot, the development of which has not been completed and which has substantial additional development approval which included payments of car parking contributions towards car parking spaces on this Thredbo Terrace site. These contributions have been paid but the additional retail space has not yet been constructed.

The parking assessment for the development of the Snowy River Health Centre and Health One looked at demand for car parking and existing use of this car park at a point in time and failed to take into account development approved but not yet constructed on the Razorback / Mitre 10 site.

It also failed to take into account the parking needs of further development of the upper floors of the Jindabyne Town Centre.

Regardless of this, the parking assessment concluded that when the code requirements of the Snowy River Health Centre and Health One are added to demand from other adjoining retail operations observed at this point in time the existing car park comprising the proposed Lot 3 just meets the requirements.

Further development of this parking area, as this proposed subdivision is alluding to, can only result in a shortage of car parking in our retail precinct as a result of the need / use from the health facilities unless another level of car parking was provided within its design.

There was evidence of this need / use spreading during the recent construction of the Health One facility, whereby angle parking off Park Rd was time limited to allow for Health Centre staff and customers to park.

These spaces were constructed by my company for the benefit of my Razorback / Mitre 10 customers.

### **Related Matters in this Precinct**

Snowy River Shire Council have prior to amalgamation developed planning proposals to create a Town Square in an existing car park on the western end of the Jindabyne Town Centre.

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Proposed extensions of the Memorial Hall will result in the loss of informal parking adjoining it.

Further work upgrading Snowy River Ave will likely result in the loss of further car parking spaces.

The cumulative result of these various proposals would be very significant.

It is clear that the further development of the proposed Lot 3 should not be allowed to compromise commercial parking requirements in the Jindabyne C. B.D.

How do we ensure that any further development of Lot 3 provides the approximately 50 spaces currently existing and any additional spaces to provide for any future development of the proposed Lot 3.

The Federal Governments' health department should keep the covenant in place to ensure parking remains available for the use of the Super Clinic staff and patients.

Council clearly has a conflict of interest being the owners of the land and may be tempted to compromise enjoyment by retail customers, that is, parking for locals and tourists, in an endeavor to attract further health facilities.

While we may support the establishment of further health facilities on this site this should not be at the expense of others who have provided / paid for car parking in this area.

It should not be necessary to subdivide this lot in order to limit the Federal Governments restriction on it.

How will the future interests of retail and commercial customers be protected when Councils car parking needs assessment fail to take into account future car parking needs of a growing Jindabyne.

Yours faithfully

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Internal Receipt Job No 20067 1001 63504



SNOWY MONARO  
REGIONAL COUNCIL

# Development Application

made under the Environmental Planning and Assessment Act 1979 Section 78A

Office Use Only	
DA Number	10. DA4119/2017

## PLEASE COMPLETE ALL SECTIONS

APPLICANT			
Name/Company: Snowy Monaro Regional Council			Phone: 6451 1569
Contact Name (if Company): Elizabeth Bellingham, Facility Manager Snowy River Health Centre			Fax:
Postal Address: PO Box 714			Mobile:
Town: Cooma	State: NSW	Postcode: 2630	Email: Elizabeth.Bellingham@snowymonaro.nsw.gov.au

OWNER			
Name/Company: Snowy Monaro Regional Council			Phone:
Contact Name (if Company):			Fax:
Postal Address:			Mobile:
Town:	State:	Postcode:	Email:
Is the subject land Crown Land <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> → Please attach Authority			
OFFICE USE ONLY NAR Numbers			

LAND TO BE DEVELOPED (Please attach additional sheet if inadequate space provided)					
No:	Street: Thredbo Terrace				Town: Jindabyne
Lot: 22	Section:	DP/SP: DP 227005	Lot:	Section:	DP/SP:
Lot:	Section:	DP/SP:	Lot:	Section:	DP/SP:
OFFICE USE ONLY Parcel Numbers					

PROPOSED DEVELOPMENT		
Description of development: Three (3) Lot Torrens Title Subdivision		
<input type="checkbox"/> Erect, alter or add to a building or structure <input type="checkbox"/> Change the use of land or building (or classification under the BCA) <input type="checkbox"/> Carry out a work		
<input checked="" type="checkbox"/> Subdivide land or building <input type="checkbox"/> Demolition <input type="checkbox"/> Signage/Advertising		
<input type="checkbox"/> Other (specify):		
TYPE OF DEVELOPMENT (tick all that apply)		
<input type="checkbox"/> Single dwelling <input type="checkbox"/> Residential alterations/additions <input type="checkbox"/> Multi-Unit <input type="checkbox"/> Second Occupancy <input type="checkbox"/> Seniors Living <input type="checkbox"/> Other residential <input type="checkbox"/> Mixed	<input type="checkbox"/> Storage Shed <input type="checkbox"/> Garage <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial/Business <input type="checkbox"/> Retail <input type="checkbox"/> Office <input type="checkbox"/> Food Premises	<input type="checkbox"/> Tourist <input checked="" type="checkbox"/> Subdivision <input type="checkbox"/> Infrastructure <input type="checkbox"/> Community/Education Facilities <input type="checkbox"/> Education Facility <input type="checkbox"/> Event <input type="checkbox"/> Other

COST (including materials and labour)	
This is the estimated total cost of any construction, internal fit-out and demolition, including GST and labour. Council checks your estimate against current building cost indices. Developments with no construction work such as subdivisions or change of uses have a separate standard fee and no estimated cost is required.	
COST (including materials and labour) :	\$0

STAGED DEVELOPMENT		
Are you lodging a <a href="#">Staged Development Application</a> ? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Section 83B of the <i>Environmental Planning and Assessment Act 1979</i> defines a staged Development Application (DA) as one which sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent DAs. The application may set out detailed proposals for the first stage of development.		
INTEGRATED DEVELOPMENT (Approvals from State Agencies)		
Is this application for <a href="#">Integrated Development</a> ? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Please tick which other approvals are required. If yes Council requires an additional set of plans, a Statement of Environmental Effects (SEE) and a fee for each relevant government agency. Please check with Council for current applicable fee.		
Roads Act 1993 <input type="checkbox"/> <a href="#">s138</a>	Heritage Act 1977 <input type="checkbox"/> <a href="#">s58</a>	
Rural Fires Act 1997 <input type="checkbox"/> <a href="#">s100B</a>	National Parks and Wildlife Act 1974 <input type="checkbox"/> <a href="#">s90</a>	
Petroleum (on shore) Act 1991 <input type="checkbox"/> <a href="#">s9</a>	Protection of the Environment Operations Act 1997 <input type="checkbox"/> <a href="#">s43(a)</a> <input type="checkbox"/> <a href="#">s43(b)</a> <input type="checkbox"/> <a href="#">s43(d)</a> <input type="checkbox"/> <a href="#">s47</a> <input type="checkbox"/> <a href="#">s48</a> <input type="checkbox"/> <a href="#">s55</a> <input type="checkbox"/> <a href="#">s122</a>	
Fisheries Management Act 1994 <input type="checkbox"/> <a href="#">s144</a> <input type="checkbox"/> <a href="#">s201</a> <input type="checkbox"/> <a href="#">s205</a> <input type="checkbox"/> <a href="#">s219</a>	Water Management Act 2000 <input type="checkbox"/> <a href="#">s89</a> <input type="checkbox"/> <a href="#">s90</a> <input type="checkbox"/> <a href="#">s91</a>	
Mine Subsidence Compensation Act 1961 <input type="checkbox"/> <a href="#">s15</a>	Mining Act 1992 <input type="checkbox"/> <a href="#">s63</a> <input type="checkbox"/> <a href="#">s64</a>	
Integrated Development is defined by the <i>Environmental Planning and Assessment Act 1979</i> as development which needs a Development Consent and one or more additional approvals under the Acts mentioned above in order to be legally carried out. Further explanatory notes are available from Council on request.		
IS/DOES THE PROPOSED DEVELOPMENT:		
	YES	NO
Designated Development <sup>▲</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Likely to significantly affect a threatened species, population or ecological community, or it's habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involve the use of or work on a Crown Road Reserve or other land owned by the Crown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development by the Crown? (Part 5A of the Act applies to development by the Crown)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
On land which is also subject to a Property Vegetation Plan under the <i>Native Vegetation Act 2003</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development which requires a Site Compatibility Certificate from the Department of Planning prior to lodgement in accordance with <i>State Environmental Planning Policy (Infrastructure) 2007</i> , <i>State Environmental Planning Policy (Housing for seniors or people with a disability) 2004</i> , or any other State Environmental Planning Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development which requires a <a href="#">BASIX Certificate</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involve land which has easements or restrictions on the Title? (If yes, please specify the nature of these easements or restrictions in your Statement of Environmental Effects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Likely to affect a threatened species, population or ecological community protected under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require an approval under Section 68 of the <i>Local Government Act 1993</i> for any of the activities listed on the next page?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Biodiversity compliant development <sup>❖</sup> ? If yes, please specify the reason in your Statement of Environmental Effects	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require Concurrence <sup>✧</sup> from any authorities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposal <a href="#">State significant development</a> ? If yes, please provide (a) a list of authorisations and the applicable Act, (b) the capital investment value of the development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the land the subject of this application critical habitat?	<input type="checkbox"/>	<input type="checkbox"/>

APPROVALS UNDER SECTION 68 – LOCAL GOVERNMENT ACT, 1993	
Do you wish to carry out any S68 activities (listed below) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES – Complete details below	
<p>If you wish to carry out one of the following activities, you need the approval of Council. Identify the activities you propose to carry out, and the relevant documents you need to include in your Application, by placing a cross in the appropriate boxes. Please include the relevant documents as detailed in the Section 68 Checklist with your Application. Note: Alternatively these can be applied for separately using 'Section 68 Application' form.</p> <p>Under Section 78A of the <i>Environmental Planning and Assessment Act 1979</i> a person can apply to Council for both a development consent and a S68 Approval in the one Development Application. In determining the Development Application, Council may apply any of the provisions under the Local Government Act 1993 that it could apply if the Development Application were an application under that Act for the relevant approval. In particular, if the Development Consent is granted, Council may impose a condition that is authorised under that Act to be imposed as a condition of consent.</p> <p>In granting a Development Consent in which a Section 68 approval is also contained, Council may, (without limiting any other condition in the Consent) impose in relation to the approval taken to have been granted under Section 68, either or both of the following conditions:</p> <p>(a) A condition that the approval is granted only to the applicant and does not attach to or run with the land to which it applies.</p> <p>(b) A condition that the approval is granted for specific time.</p>	
<p><b>A Structures</b></p> <p><input type="checkbox"/> A1 Installing a manufactured home, moveable dwelling or associated structure on land.</p> <p><b>B Water supply, wastewater and stormwater drainage work</b></p> <p><input type="checkbox"/> B1 Carrying out water supply work. Please choose: <input type="checkbox"/> Install/alter private water system <input type="checkbox"/> Install/alter public infrastructure <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B2 Draw water from a Council water supply or a standpipe or sell water so drawn.</p> <p><input type="checkbox"/> B3 Install, alter, disconnect or remove a meter connected to a service pipe. <input type="checkbox"/> Establish new water service/meter connection <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B4 Carry out wastewater drainage work. <input type="checkbox"/> Establish new wastewater consumer service <input type="checkbox"/> Install/alter internal wastewater drainage <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B5 Carry out stormwater drainage work.</p> <p><input type="checkbox"/> B6 Connect a private drain or wastewater drain with a public drain or wastewater drain under the control of a Council or with a drain or sewer which connects with such a public drain or wastewater drain.</p> <p><b>C Management of waste</b></p> <p><input type="checkbox"/> C1 For fee or reward, transport waste over or under a public place.</p> <p><input type="checkbox"/> C2 Place waste in a public place.</p> <p><input type="checkbox"/> C3 Place a waste storage container in a public place.</p> <p><input type="checkbox"/> C4 Dispose of waste into a wastewater drain of the council.</p> <p><input type="checkbox"/> C5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility. (eg Install Septic System, AWTS etc) Please choose: <input type="checkbox"/> Aerated Waste Treatment System (AWTS) <input type="checkbox"/> Dry Composting System <input type="checkbox"/> Septic Tank <input type="checkbox"/> Wet Composting System <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> C6 Operate a system of wastewater management (within the meaning of Section 68A).</p>	<p><b>D Community Land</b></p> <p><input type="checkbox"/> D1 Engage in a trade or business.</p> <p><input type="checkbox"/> D2 Direct or procure a theatrical, musical or other entertainment for the public.</p> <p><input type="checkbox"/> D3 Construct a temporary enclosure for the purpose of entertainment.</p> <p><input type="checkbox"/> D4 For fee or reward, play a musical instrument or sing.</p> <p><input type="checkbox"/> D5 Set up, operate or use loudspeaker or sound amplifying device.</p> <p><input type="checkbox"/> D6 Deliver a public address or hold a religious service or public meeting.</p> <p><b>E Public roads</b></p> <p><input type="checkbox"/> E1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.</p> <p><input type="checkbox"/> E2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.</p> <p><b>F Other activities</b></p> <p><input type="checkbox"/> F1 Operate a public car park. ⇨</p> <p><input type="checkbox"/> F2 Operate a caravan park or camping ground.</p> <p><input type="checkbox"/> F3 Operate a manufactured home estate.</p> <p><input type="checkbox"/> F4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance.</p> <p><input type="checkbox"/> F5 Install or operate amusement devices (within the mean of the Construction Safety Act 1912).</p> <p><input type="checkbox"/> F6 Use a standing vehicle or any article for the purpose of selling any article in a public place.</p> <p><input type="checkbox"/> F7 Carry out an activity prescribed by the regulations or an activity of a class or description by the regulations.</p> <p><b>Note:</b></p> <p>^ Private means work/infrastructure that will be the responsibility of landowners, usually all development from the water meter or sewer tapping point, back to the dwelling/building.</p> <p>• Public means work/infrastructure that will be handed over for the responsibility of Council, eg, Council mains work/extensions etc.</p>

REQUIRED ATTACHMENTS		
<input checked="" type="checkbox"/> 1 copy of the relevant Council checklist/s applying to the proposed development. <input checked="" type="checkbox"/> All plans/reports/documentation required by the above checklist. <input checked="" type="checkbox"/> 1 copy of directional map/details to the site for remote rural properties.		
POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT [Sec 14 (4) EP&A Act]		
Have you or any person with a financial interest in this development application made a political donation or gift within the last 2 years? <input type="checkbox"/> No <input type="checkbox"/> Yes – please complete and attach a Political Donations and Gifts Disclosure Statement (available from Council's website).		
Applicants Signature	Name	Date
CONSENT OF ALL OWNERS		
All owners must sign this application form or provide written authority for the lodgement of the application. <b>Note: Company Ownership</b> In the case of a company ownership, in accordance in s127 of the Corporations Act 2001, please state in the signature/name area the authority of each signatory (Director/Secretary etc) (eg as Director of ABC Holdings Pty Ltd) OR attach further documentation as required. <input type="checkbox"/> Owners consent attached OR ↓		
As the owner/s of the above property described in this application I/we consent to its lodgement. I/we hereby permit any duly authorised officer of Snowy Monaro Regional Council to enter the land or premises to carry out inspections and surveys or take measurements or photographs as required for the administration the Act(s), Regulations, or Planning Instruments. We advise that as landowners we are not aware of any known hazards that may be of harm to officers visiting the site.		
Signature	Name	Date
	JOSEPH G. VESCOLO.	5/1/17.
Signature	Name	Date
DECLARATION AND SIGNATURE OF APPLICANT		
I/we the undersigned hereby apply for approval of the development proposal as described and as per the plans and specifications and documents accompanying the Application. I/we undertake to develop in accordance with any approval granted by Council and conform with the provisions of the relevant Act(s), Regulations, codes and the Local Environmental Plan. I/we further undertake to pay any fee or charge, assessed by Council in connection with development and indemnify Snowy Monaro Regional Council against all claims arising from negligence (or otherwise) resulting from work carried out in connection with the development within the road reserve.		
Signature	Name	Date
	DENNIS TREZISE	9/1/2017
Signature	Name	Date
SITE WORKS MUST NOT COMMENCE WITHOUT COUNCIL APPROVAL		
<b>Construction materials purchased/work done/arrangements made prior to consent are at the owner/applicants' risk.</b>		

- ⚠ **Designated Developments** are listed in Schedule 3 of the Environmental Planning and Assessment Regulations 2000. Special procedures apply to the notification and assessment of Designated Development under the Act)
- ❖ Development that requires **Concurrence** is listed in 79B of the Environmental Planning and Assessment Act 1979.
- ❖ **biodiversity compliant development means:**
- (a) development proposed to be carried out on biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995, or
  - (b) development in respect of which a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995, or
  - (c) development to which the biodiversity certification conferred by Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 applies, or
  - (d) development for which development consent is required under a biodiversity certified EPI (within the meaning of Part 8 of Schedule 7 to the Threatened Species Conservation Act 1995).

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## 15.5 DA4164/2017 DWELLING HOUSE

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:	DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP6.13 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"><li>1. Draft Conditions of Consent DA4164/2017 <a href="#">↓</a></li><li>2. Development Plans <a href="#">↓</a></li><li>3. Site Survey Plan <a href="#">↓</a></li><li>4. Statement of Environmental Effects <a href="#">↓</a></li><li>5. Submissions received (1-4) DA4164/2017 <a href="#">↓</a></li><li>6. Submissions received (5&amp;6) DA4164/2017 <a href="#">↓</a></li><li>7. Development Application Form <a href="#">↓</a></li></ol>

### Further Operational Plan Actions:

Applicant Number:	DA4164/2017
Applicant:	Mr C Odell
Owner:	Mr Carl H Odell & Ms Jennifer L Flanders
DA Registered:	21/03/2017
Property Description:	Lot 3 DP 1184903 Ph Jinderboine
Property Number:	108029
Area:	3963m <sup>2</sup>
Zone:	SP3 – Tourist
Current Use:	Vacant Land
Proposed Use:	Dwelling House
Permitted in Zone:	Yes under the provisions of clause 5.3 of the Snowy River LEP 2013
Recommendation:	That the development be approved with conditions

## EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the construction of a two storey four bedroom dwelling house at 58 Jerrara Drive East Jindabyne. The site is zoned SP3 Tourist and the applicant has proposed the dwelling house under the provisions of Clause 5.3 of the Snowy River LEP 2013. Clause 5.3 allows for uses to be approved that are allowable in adjoining land use zones within 20metres of zone boundaries. In this case dwelling houses are permitted in the adjoining R5 –

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Large Lot Residential zone. It is considered in this case that the application satisfies the provisions of Clause 5.3 and as such it is recommended that it be approved with conditions.

It must be noted that it is the intention of the developer to utilise the SP3 Tourist zoning in the future by providing tourist and visitor accommodation with the proposed dwelling to become a manager's residence.

Issues relating to the previous use of the site as access to Lake Jindabyne have been raised in submissions to the development application. This lot is private land and the past access through the site along Council easement for service and maintenance was informal and not legal.

As such any objection raised to the development on these grounds is not considered relevant to the assessment of the application.

#### **RECOMMENDATION**

That

- A. Pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the consent for two storey dwelling on Lot 3 DP 1184903 Ph Jinderboine, is granted subject to conditions attached.
- B. Those who made submissions are advised of the determination.
- C. That Council officers are delegated to make minor amendments to the draft conditions of consent prior to issue.

#### **BACKGROUND**

The following report has been prepared by Councils Town Planner:

The proposed development is a double storey dwelling house comprising of 4 bedrooms on a lot in East Jindabyne. The allotment was created by subdivision SC0004/2012. The land is constrained by a number of easements including an easement for services and access for service vehicles which is vested in the Snowy River Shire Council (SMRC). The development design has taken into consideration the easements on site and as such they will not have any negative impacts upon the proposed dwelling.

Due to the zoning of the property in SP3 –Tourist the application seeks to utilise Clause 5.3 (Development near zone boundaries) of the *Snowy River Environmental Plan 2013* and be assessed against the objectives of the adjoining R5 Large Lot Residential zoning. As dwelling houses are prohibited in the SP3 zone it is necessary to situate the dwelling at the front of the lot within 20 metres of the zone boundary with R5.

The objective of Clause 5.3 is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on one side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

It is considered that under Clause 4 (a) that the proposed development is consistent with the objectives of the adjoining R5 zoning where allotments neighbouring the allotment and within the

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surrounding locality are majority single dwellings. The SP3 zoning is due to the land originally being part of the Siesta Villa (tourist) development prior to it being subdivided under SC0004/2012. R5 land and single dwelling development is dominant in this locality.

Under Clause 4(b) the proposed development is desirable in the locality given that there is infrastructure (sewer and water) and all other services to the site. The allotment can be practically assessed against all planning instruments that relate to the site and given the suitability of the development for the site and the consistent character of the proposal with the surrounding locality, is supportable in this instance.

## ASSESSMENT

The application has been assessed against the provisions of the following documents:

<b>State Environment Planning Policies (SEPPs)</b>	SEPP – Building Sustainability Index: BASIX 2004
<b>Local Environmental Plan (LEP) (including draft LEPs)</b>	Snowy River LEP 2013
<b>Development Control Plans</b>	Development Control Plan 2013

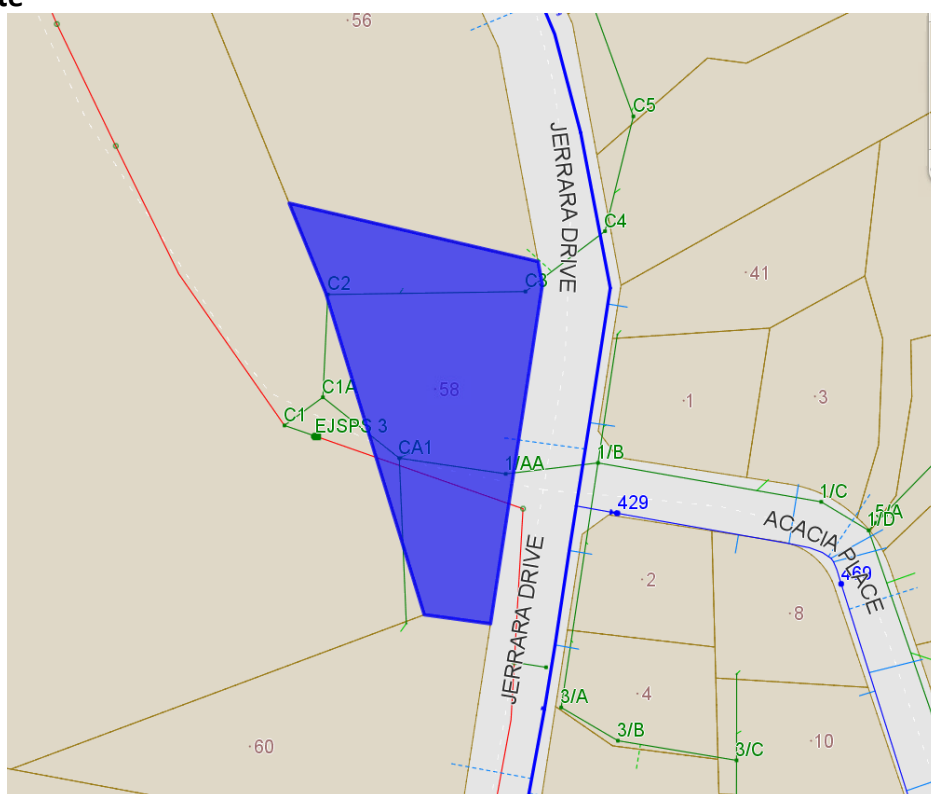
## SECTION 79C

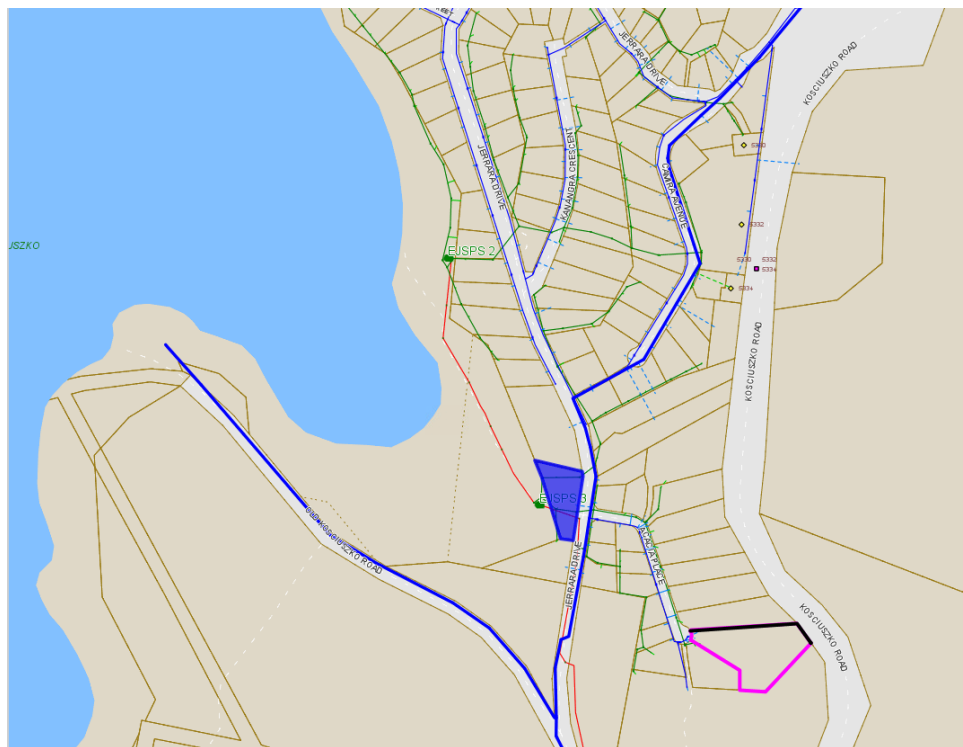
### Section 79C and EP&A Act Checklist

<b>The suitability of the site for the development:</b>	The site is generally suitable for development.
<b>The provisions of any environmental planning instrument and draft environmental planning instrument:</b>	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of SRLEP 2013 and has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of the draft LEP 2013.</p>
<b>The provision of any development control plan:</b>	The application generally complies/does not comply with the provisions of Council's relevant development control plans.
<b>Any matters prescribed by the regulations:</b>	The application generally complies with the <i>EP&amp;A Regulation 2000</i> .
<b>The likely impacts of that development, including environmental impacts on both the</b>	The likely impacts of the development have been appropriately considered as part of this

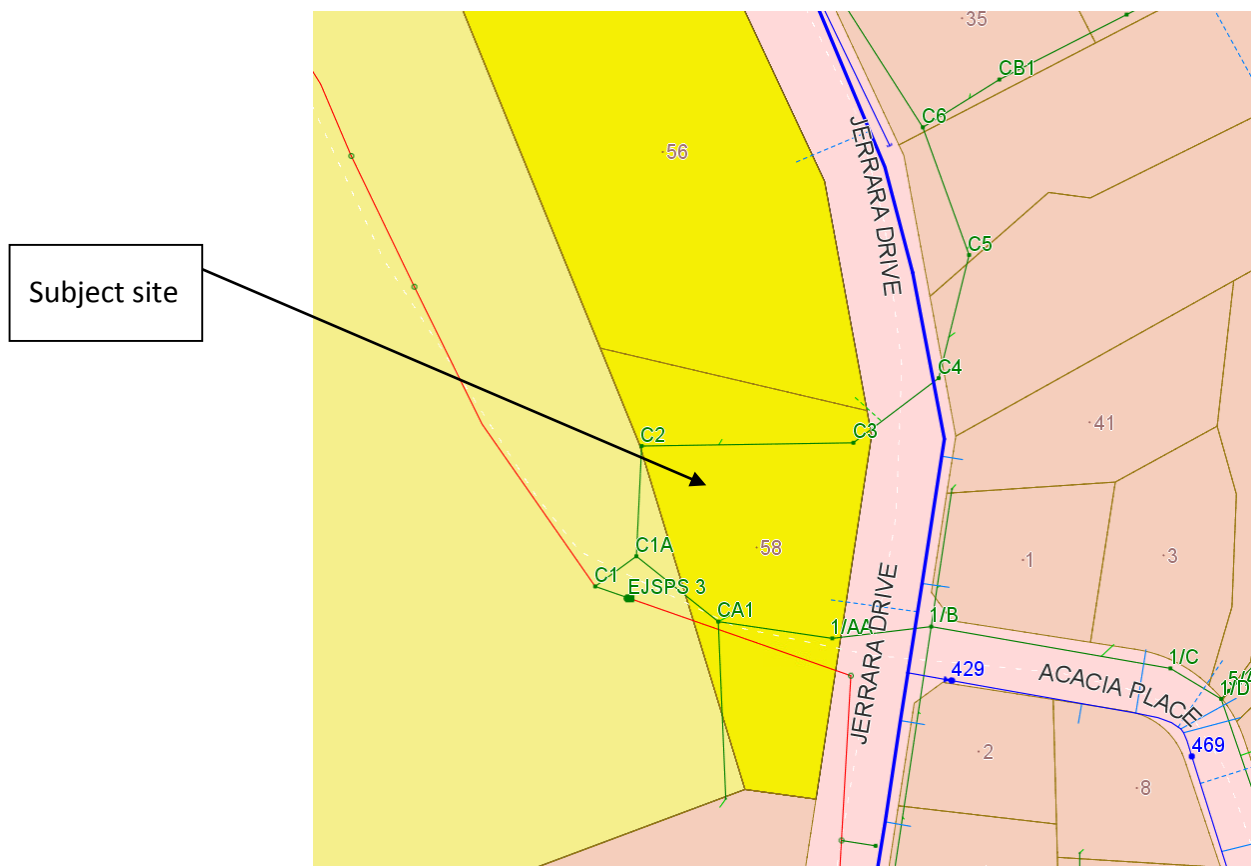
<b>natural and built environments, and social and economic impacts in the locality:</b>	application, and appropriately addressed above. The cumulative impacts of the development negate any time, space, nibbling or synergistic effects.
<b>Any submissions made in accordance with the EP&amp;A Act or the regulations:</b>	The application was notified and submissions received are discussed below.
<b>The public interest:</b>	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

### The Subject Site





**58 Jerrara Drive, East Jindabyne**



**Snowy River Local Environmental Plan Zoning (All pink R5, Yellow SP3)**



**Easterly aspect looking at the site from the intersection of Acacia Place, East Jindabyne**



**Westerly view across allotment**

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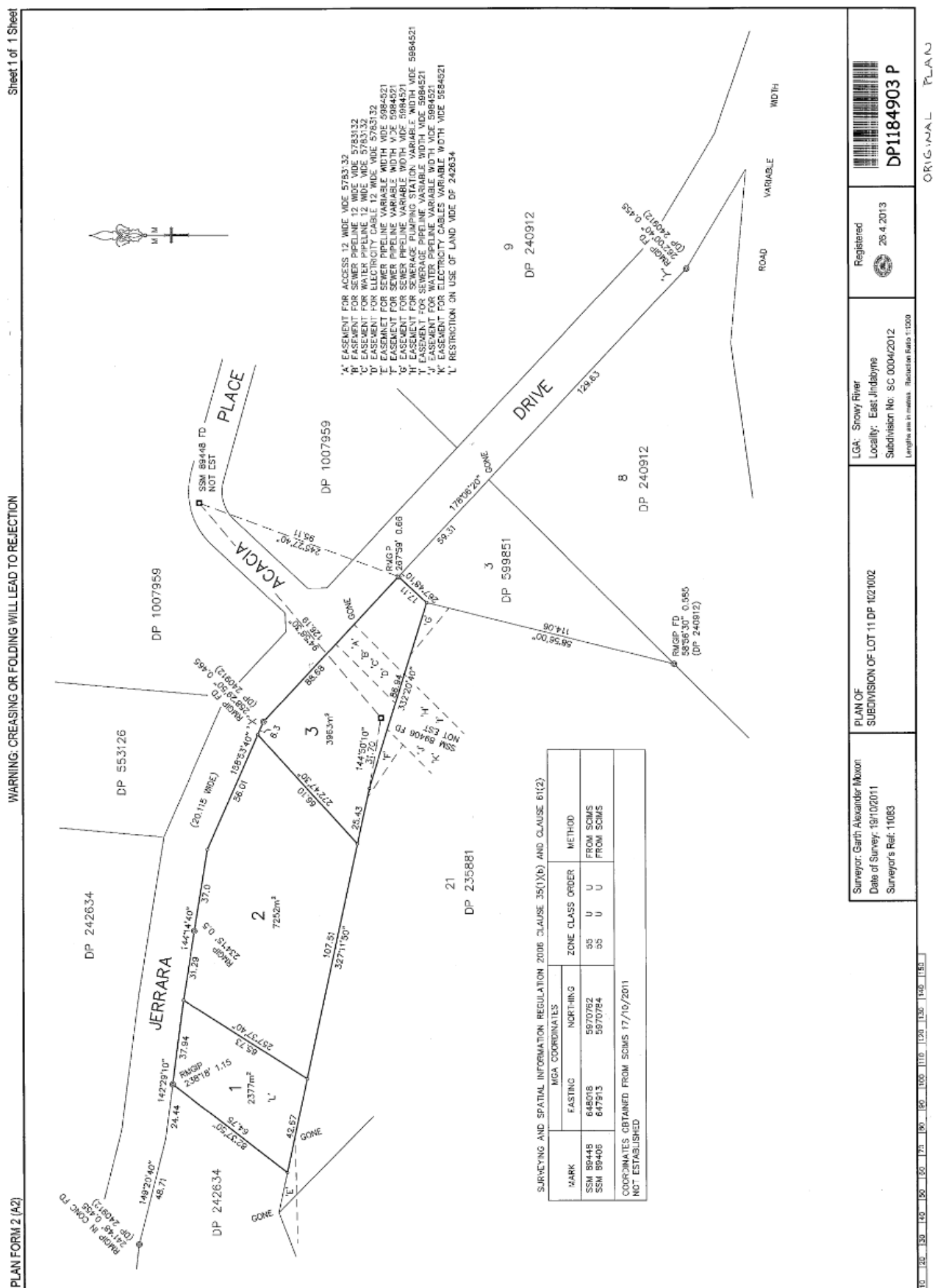
**Access off Jerrara Drive**



**Fencing along Jerrara Drive**

<b>Slope</b>	gentle slope exists – no impediment to development exists
<b>Significant vegetation</b>	Tree removal was approved as exempt development as the trees was deemed to be dangerous in nature.

<b>Adjoining development</b>	Of a similar nature, scale and design to proposal- the design outcome is of positive influence to the locality.
<b>Suitability of proposed works / building</b>	acceptable having regard to constraints of the land
<b>Streetscape</b>	Proposal generally compatible with adjoining development
<b>Stormwater disposal</b>	Storm water is to be directed to the rainwater tank initially. Storm water disposal is currently under assessment by Council's Development Engineer.
<b>Services</b>	electricity / telephone / water- all available
<b>Views</b>	nil impact to and from site
<b>Contamination</b>	nil identified
<b>Bushfire</b>	the subject site is not classified as bushfire prone
<b>Flooding</b>	nil impact
<b>Vehicular access</b>	Access off Jerrara Drive is suitable and is to be sealed from the edge of Jerrara Drive to the property boundary.
<b>Aboriginal sites</b>	nil identified under AHIMS search
<b>Threatened species</b>	nil identified on-site
<b>Grasslands</b>	nil identified on-site
<b>Rivers/streams</b>	not applicable
<b>Effluent disposal</b>	connection to Council's main
<b>Prevailing winds</b>	nil impact
<b>Easements</b>	An easement runs through the allotment from Jerrara Drive to Council land for service vehicles to access sewerage pumping station, and other services such as water, electricity. The easement is not for community access to the lake. See DP over page



### **Previous Development History**

The land was part of a 3 lot subdivision of SC0004/2012. No previous development has occurred on the site.

### **3.2 The provisions of any environmental planning instrument**

#### **State Environmental Planning Policies**

The proposal has been assessed against the provisions of all known SEPP's and the development has been found to achieve an acceptable level of compliance. The SEPP's examined include (where applicable):

<b><i>State Environmental Planning Policies</i></b>	<b><i>Compliance/Relevance</i></b>
<b>SEPP 21 – Caravan Parks</b>	Not relevant
<b>SEPP 22 - Shops and Commercial Premises</b>	Not relevant
<b>SEPP 33 - Hazardous and Offensive Development</b>	Not relevant
<b>SEPP 64 – Advertising and Signage</b>	Not relevant
<b>SEPP 65 – Quality Residential Flat Building</b>	Not relevant
<b>SEPP – Building Sustainability Index: BASIX 2004</b>	BASIX Certificate applies No. 806751S
<b>SEPP – Affordable Rental Housing 2005</b>	
<b>SEPP - Housing for Seniors or People with a Disability - 2004</b>	Not relevant
<b>SEPP - Infrastructure - 2007</b>	Not relevant
<b>SEPP- Major Development - 2005</b>	Not relevant

### **3.3 Snowy River Local Environmental Plan 2013**

- The subject land is zoned: SP3 Tourist (assessed against R5 large Lot Residential under SRLEP2013 Clause 5.3- Development near zone boundaries)
- Definition of land usage under SRLEP 2013: SP3 Tourist/ R5 Large Lot Residential

#### **3.3.1 Land use Zones**

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### **Zone SP3 Tourist**

#### **1 Objectives of zone**

- *To provide for a variety of tourist-oriented development and related uses.*
- *To provide tourist development that is compatible with the environmental, scenic or landscape qualities of the area.*
- *To enable other uses that complement tourist development without eroding the retail hierarchy of the local centres and villages.*
- *To ensure that development is sympathetic with the rural setting, scenic values and landscape features of the area.*

#### **2 Permitted without consent**

*Nil*

#### **3 Permitted with consent**

*Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Medical centres; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide a buffer between urban development and broad acre rural and environmental areas.*

#### **2 Permitted without consent**

*Extensive agriculture; Home occupations*

#### **3 Permitted with consent**

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*Agricultural produce industries; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Charter and tourism boating facilities; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Recreation areas; Respite day care centres; Roads; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures*

#### **4 Prohibited**

*Turf farming; Any other development not specified in item 2 or 3*

#### **3.1.2 Snowy River Local Environmental - Clause 5.3 Development near zone boundaries**

The application seeks to utilise Clause 5.3 (Development near zone boundaries) of the Snowy River Environmental Plan and be assessed against the objectives of the adjoining R5 Large Lot Residential zoning.

#### **3.3.3 CLAUSE 5.3 Development near zone boundaries**

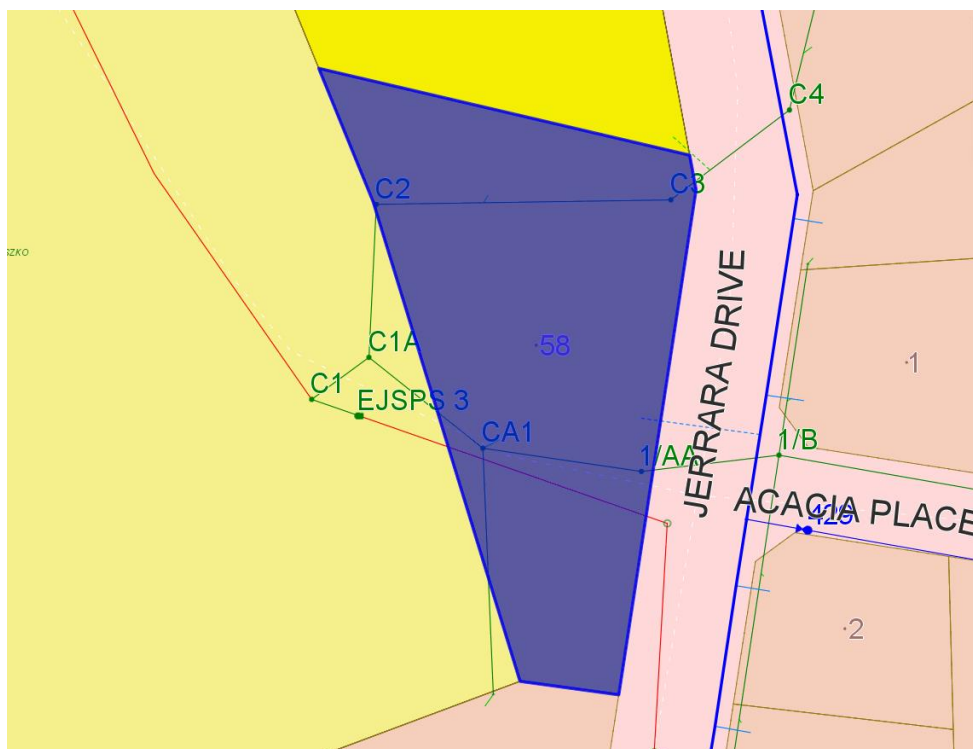
*(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*

*(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is:*

*(a) 50 metres from any zone boundary shared with Zone RU1 Primary Production, and*

*(b) 20 metres from any other zone boundary.*

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**Enlighten image shows the pink R5- Large Lot Residential zone indicated on Jerrara Drive and adjoining the subject site.**

*(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

It is considered that under Clause 4 (a) that the proposed development is consistent with the objectives of the adjoining R5 zoning where allotments neighbouring the allotment and within the surrounding locality are majority single dwellings. The SP3 zoning is due to the land originally being part of the Siesta Villa (tourist) development prior to it being subdivided under SC0004/2012. R5 land and single dwelling development is dominant in this locality.

Under Clause 4(b) the proposed development is desirable in the locality given that there is infrastructure (sewer and water) and all other services to the site. The allotment can be practically assessed against all planning instruments that relate to the site and given the suitability of the development for the site and the consistent character of the proposal with the surrounding locality, is supportable in this instance.

- The proposal is considered to be consistent with the aims and objectives of the plan.

In the assessment of this application, the following special provisions from SRLEP 2013 are of relevance and have been assessed for compliance:

Provision	Response/Acceptable Solution
<b>PART 1 Preliminary</b>	
<b>PART 2 Permitted or prohibited development</b>	
<b>PART 3 Exempt and Complying Development</b>	Not applicable
<b>PART 4 Principal development standards</b>	Not applicable
Clause 4.1 Minimum subdivision lot size	The allotment is 3963m2 which meets the minimum lot size.
Clause 4.1AA Minimum subdivision lot size for community title schemes	Not applicable
Clause 4.1A Minimum lot size for dual occupancies, multi dwelling housing and residential buildings in certain rural and residential zones	Not applicable
Clause 4.1B Exceptions to minimum subdivision lot sizes for certain residential development	Not applicable
Clause 4.1C Lot averaging subdivisions in zone R5	Not applicable
Clause 4.2 Rural Subdivision	Not applicable
Clause 4.2A Subdivision of land in zone E3	Not applicable
Clause 4.2B Minimal subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	Not applicable
Clause 4.2C Exceptions to minimal subdivision lot sizes for certain rural subdivision	Not applicable
Clause 4.2D Erection of dwelling houses and dual occupancies on land in certain rural, residential and environment protection zones	<ul style="list-style-type: none"> <li>- The lot is the minimum lot size</li> <li>- The lot was created before this plan was commenced</li> <li>- Boundaries were not required to be aligned</li> <li>- There are no previous</li> </ul>

	development approved on the land
Clause 4.3 Height of building	complies
Clause 4.4 Floor space ratio	complies
Clause 4.5 Calculation of Floor Space Ratio	satisfactory
Clause 4.6 Exception to development standards	
<b>PART 5 Miscellaneous provisions</b>	
Clause 5.1 Relevant acquisition authority	Not applicable
Clause 5.2 Classification and reclassification of public land	Not applicable
Clause 5.3 Development near zone boundaries	<p>It is considered that under Clause 4 (a) that the proposed development is consistent with the objectives of the adjoining R5- Rural Residential zoning where allotments neighbouring the allotment and within the surrounding locality are majority single dwellings. The SP3 zoning is due to the land originally being part of the Siesta Villa property prior to it being subdivided under SC0004/2012. R5 land and single dwelling development is dominant in this locality.</p> <p>Under Clause 4(b) the proposed development is desirable in the locality given that there is infrastructure (sewer and water) and all other services to the site. The allotment can be practically assessed against all planning instruments that relate to the site and given the suitability of the development for the site and the consistent character of the proposal with the surrounding locality, is supportable in this instance.</p>
Clause 5.4 Controls relating to miscellaneous permissible uses	Not applicable
Clause 5.5 Development within the coastal zone	Not applicable
Clause 5.6 Architectural roof features	Not applicable

Clause 5.7 Development below mean high water mark	Not applicable
Clause 5.8 Conversion of Fire Alarms	Not applicable
Clause 5.9 Preservation of trees or vegetation	The site is not identified as having any biodiversity significance. 3 trees were required to be removed for the purpose of the development. Supporting letter dated 20 March, 2017 states that the largest tree was inspected by Barry Aitchison from Berridale, a professional tree and safety expert who identified that the tree was rotting from the base and could potentially spilt and fall at any moment. The tree was removed as exempt development.
Clause 5.9AA Trees or vegetation not prescribed by development control plan	Not applicable
Clause 5.10 Heritage conservation	Not applicable
Clause 5.11 Bushfire hazard reduction	Not applicable
Clause 5.12 Infrastructure development and use of existing buildings of the crown	Not applicable
Clause 5.13 Eco-tourism facility	Not applicable
<b>PART 6 Land release areas</b>	
Clause 6.1 Public utility infrastructure Clause 6.2 Development control plans for land release areas	Not applicable
<b>PART 7 Additional local provisions</b>	Not applicable
Clause 7.1 Flood planning	Not in a flood prone location
Clause 7.2 Terrestrial biodiversity	Not applicable
Clause 7.3 Riparian land and watercourses	Not applicable
Clause 7.4 Wetlands	Not applicable
Clause 7.5 Active street frontages	Not applicable
Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas	The dwelling will be visible when viewed from the lake however given that the design is empathetic to the site and surrounding locality there will be not be any negative visual impacts caused by

	the development when viewed from Lake Jindabyne.
Clause 7.7 Development within the eastern approaches to Kosciuszko National Park	Not applicable
Clause 7.8 Serviced apartments	Not applicable
Clause 7.9 Essential services	The following services are available to the site: a) Water b) Electricity c) Sewer d) Storm water disposal e) Vehicular access
<b>SCHEDULE 1 Additional permitted uses</b>	Not applicable
Clause 1 Uses of certain land at Rushers Bay Av and Old Kosciuszko Rd, East Jindabyne.	Not applicable
Clause 2 Uses of certain land at The Station Jindabyne	<i>Not applicable</i>
Clause 3 Use of certain land on the foreshore of Lake Jindabyne	<i>Not applicable</i>
<b>SCHEDULE 2 Exempt development</b>	<i>Not applicable- The application is not exempt development</i>
<b>SCHEDULE 3 Complying development</b>	<i>The proposal is not complying development</i>
<b>SCHEDULE 4 Classification and reclassification of public land</b>	<i>Not applicable</i>
<b>SCHEDULE 5 Environmental heritage</b>	<i>Not applicable</i>

The proposal has also been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance.

### 3.4 Any Development Control Plan


Snowy River Development Control Plan (DCP) 2013

In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	Response/Acceptable Solution
<b>A1 Introduction</b>	
<b>A2 Development application requirements</b>	
1. Background	It is identified that the demand for residential purposes is expected to grow within the Shire and it is deemed suitable that the proposed development is proposed on the site given that it will be managed and occur in an environmentally sustainable manner.
2. Preparing DA Application	Satisfactory
3. Site Analysis	Satisfactory
4. Site planning & layout	A Statement of Environmental Effects was submitted with the application. The layout of the site satisfies the objectives and provisions of the Environmental Planning & assessment Act, Snowy River LEP 2013 and the DCP.
5. Required information 5.1 – Subdivision 5.2 – Other than subdivision 5.3 – Tree works 5.4 – Landscaping 5.5 – Other info requirement	5.1 The site was subdivided under SC0004/2012 5.2 Not applicable 5.3 The site is not identified as having any biodiversity significance. 3 trees were required to be removed for the purpose of the development. Supporting letter dated 20 March, 2017 states that the largest tree was inspected by Barry Aitchison from Berridale, a professional tree and safety expert who identified that the tree was rotting from the base and could potentially spilt and fall at any moment. The tree was removed as exempt development. 5.4 There is more than adequate provision for landscaping on the large site.
<b>A3 Public Notification</b>	The application was notified for a period of 14 days from the 19 April, 2017 to the 4 May, 2017. 4 submissions were received (in summary): 1. Concerned about the barbed wire that has

	<p>been constructed on the new fence bordering the property; and</p> <ol style="list-style-type: none"> <li>2. Issues with the access (easement) being blocked off restricting public access to the foreshore of lake Jindabyne <ul style="list-style-type: none"> <li>- Expressed that the 'change of zone is a banal oversight of the growth of the entire area'</li> <li>- Concerned that the barbed wire fence that adjoins the boundary to Siesta Villa is potentially dangerous; and</li> </ul> </li> <li>3. The use of barbed wire unacceptable in a residential area; and <ul style="list-style-type: none"> <li>- The fencing now restricts pedestrian access to the walking track that leads to Rushes Bay.</li> </ul> </li> <li>4. Lake access is now restricted resulting in no walking access to Rushes Bay when the lake is high also vehicles are now unable to access the small bays in the area; <ul style="list-style-type: none"> <li>- An old tree had been removed;</li> <li>- The owner has fenced the property putting up a barbed wire fence; and</li> <li>- What will happen when the shared pathway is completed from Rushes Bay to Tyrolean Village?</li> </ul> </li> </ol>
<b>B1 Rural localities, Towns &amp; Villages</b>	
1.1 – Brothers/Bobundara	Not applicable
1.2 – Adaminaby/Eucumbene	Not applicable
1.3 – Rocky Plains/Eucumbene	Not applicable
1.4 – Berridale/Coolrington	Not applicable
1.5 – Dalgety/Numbla Vale	Not applicable
1.6 – Moonbah/Ingebirah	Not applicable
1.7 – Crackenback	Not applicable
1.8 – Jindabyne	The Planning responses for Jindabyne will not be negatively impacted under this consent
<b>B2 Town &amp; Village Plans</b>	
1. Jindabyne and surroundings	The planning principles for the Jindabyne area are supported under this proposal.
2. Berridale Village	Not applicable

3. Adaminaby & surrounding villages	Not applicable
4. Dalgety Village	Not applicable
<b>C General planning considerations</b>	
C1 Subdivision	Not applicable
C2 Design	<p>1.3. Visual Character Controls- It is considered that the design of the proposed dwelling is characteristic of the locality and suitable for the site given the proposed use of building materials and architectural design features. The dwelling will be of positive visual influence to the locality and blend harmoniously in with the surroundings.</p> <p>The dwelling will be visible when viewed from the lake however given that the design is empathetic to the site and surrounding locality there will be not be any negative visual impacts caused by the development when viewed from Lake Jindabyne.</p> <p>Building materials include:</p> <p><u>Roof</u>- colorbond black corrugated steel</p> <p><u>External walls</u>- timber frame lined with blue board &amp; faced with a feature stone surface, timber features and colorbond cladding.</p> <p>Floor: concrete slab construction</p> <p>The dwelling has been designed to give an earthy feel and blend visually with the local area.</p> <p>1.4 View Sharing- The objectives of view sharing have been adopted by the developer by ensuring the second story of the dwelling is of a minimal size (being 6.5m wide) when viewed from residences on the eastern side of Jerrara Drive. The remainder of the dwelling is single level with a low pitched roof ensuring the properties on the eastern side of Jerrara Drive (which are elevated higher than the proposed) are able to obtain views over the roofline of the dwelling towards lake Jindabyne. No submissions have been received relating to view loss.</p>

	<p>The image below is taken from the approximate upper floor level of the properties on the eastern side of Jerrara Drive.</p> 
C3 Car-parking, Traffic & Access	<p>Access to the site is satisfactory. Parking is proposed in the form of a double garage which is accessed via the easement and is located on the southern elevation of the dwelling providing 2 parking spaces house in accordance with Table C3.4.2 'Table of parking Requirements' (pp.10 Car parking, Traffic &amp; Access). The garage is located behind the building line.</p>
C4 Heritage	N/A
C5 Tree preservation & Landscaping	<p>Tree removal is considered satisfactory for the purposes of the development.</p>
C6 Signage & Advertising	NA
C7 Natural Hazard Management	NA
C8 Environmental Management	NA
C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal	<p>BASIX Applies</p> <p>Sewer is available onsite</p> <p>Water is available to the site</p>
C10 Waste management & Recycling	
<b>D Residential Development</b>	
<b>D1 Residential Accommodation</b>	
1. Background	
2. Aims	<p>A high standard of design is proposed reflecting the character of the existing neighbourhood, minimizing the loss of amenity to the locality and adjacent</p>

	residents.
3. Site Planning & layout	
1.1 Site Planning 1.2 Minimum lot size 1.3 Site coverage 1.4 Open space	<p>The allotment is a minimum of 3000m<sup>2</sup>.</p> <p>The footprint of the dwelling is satisfactory when considering site coverage.</p> <p>More than adequate provision for POS is provided on the allotment. 25m<sup>2</sup> at the lower level of the dwelling, with a minimum width of 4m<sup>2</sup> is provided.</p>
4. Building Envelope	
4.1 Building height 4.2 Floor space ratio 4.3 Setback	<p>4.1 Building height- the maximum building height of the dwelling is 6.7m</p> <p>4.2 The FSR for the site is suitable</p> <p>4.3 The proposed front setback at 6m is a variation to the DCP where an 8m front setback is required for a double storey dwelling. In this instance the variation is supportable due to their not being any dwellings immediately adjacent to the proposed and therefore a building line (setback) not established on the western side of Jerrarah drive. Additionally the proposal allows the dwelling to be located within the 20m buffer zone as required under Clause 5.3 of the Snowy River LEP, 2013.</p> <p>Side setbacks:</p> <p>North boundary- 33.69m</p> <p>South boundary- 42.29m</p> <p>Rear boundary – 17m</p>
5. Building Design 5.1 Building form 5.2 Visual character & streetscape	<p>5.1 BUILDING FORM The proposed dwelling respects the adjoining development by maintaining a sympathetic scale.</p> <p>A minor cut of maximum 750mm is required in response to the gentle slope of the site.</p> <p>The proposed development incorporates architectural features and articulation which is enhanced by a varied use of building materials that are characteristic of other dwellings in the locality.</p>

	<p>The roofline of the dwelling has been designed to minimize the bulk of the building by having a large portion of the dwelling single storey additionally the dwelling is located lower than the road level.</p> <p>5.2 VISUAL CHARACTER AND STREETScape</p> <p>The architectural themes of the proposed dwelling and proposed post and rail fencing style are aimed at conserving and enhancing the visual character of the street.</p> <p>The garage, as accessed from the side of the dwelling will not be a dominate feature when viewed from the street allowing the façade of the dwelling to express its architectural features to the street.</p>
6. Amenity	
<p>6.1 Solar access &amp; overshadow</p> <p>6.2 Energy conservation</p> <p>6.3 Visual privacy</p> <p>6.4 Acoustic privacy</p> <p>6.5 Landscape Design</p> <p>6.6 View sharing</p> <p>6.7 Safety &amp; security</p>	<p>6.1 No overshadowing</p> <p>6.2 BASIX commitments apply</p> <p>6.3 Not applicable due to the distant location of adjoining dwellings. The privacy of the occupants is maintained by careful positioning of windows whilst allowing the front entrance to have casual surveillance of the street.</p> <p>6.4 Satisfactory- there will be no noise impacts due to this development.</p> <p>6.5 More than adequate provision for landscaping exists on the site. Landscaping is proposed in the form of native species, shrubs and trees with granite boulder features. Landscape plan provided with the application.</p> <p>6.6 View Sharing- The objectives of view sharing have been adopted by the developer by ensuring the second story of the dwelling is of a minimal size (being 6.5m wide) when viewed from residences on the eastern side of Jerrara Drive. The remainder of the dwelling is single level with a low pitched roof ensuring the properties on the eastern side of Jerrara Drive (which are elevated higher than the</p>

	<p>proposed) are able to obtain views over the roofline of the dwelling towards lake Jindabyne. No submissions have been received relating to view loss.</p> <p>6.7. The main entry to the dwelling is located on the eastern elevation facing Jerrara Drive and is readily identifiable. The front entrance door is located to look over the street and provides glazed areas to allow for surveillance of the street.</p>
7. Carparking & access	<p>Access to the site is satisfactory. Parking is proposed in the form of a double garage which is accessed via the easement and is located on the southern elevation of the dwelling providing 2 parking spaces house in accordance with Table C3.4.2 'Table of parking Requirements' (pp.10 Car parking, Traffic &amp; Access). The garage is located behind the building line.</p>
8. Services & site facility	
8.1 Services	8.1 All services available
8.2 Site facility	8.2 provision to allow for all facilities as prescribed on the site.
9. Fencing & ancillary development	
9.1 Fencing & walls 9.2 Outbuilding	<p>The owner of the property has erected a metal fence bordering the allotment and has installed a layer of barbed wire along the top for site security. After a number of submissions relating to the safety of the barbed wire, on the 9/5/2017 the owner agreed to remove the barbed wire adjacent to the child's playground at Siesta Villa and had applied red tape to the barbed section fronting onto Jerrara Drive. Council has agreed to allow the barbed wire facing Jerrara Drive (for site security) to remain only for a period of 3 months from the date of the consent- this is to be conditioned upon the consent.</p>
<b>E Non-residential Development</b>	
<b>E1 Tourist Accommodation</b>	
1. Background	Not applicable
2. Bed & Breakfast Accommodation	Not applicable
3. Farm Stay Accommodation	Not applicable
4. Eco-tourist Accommodation	Not applicable

<b>E2 Agriculture &amp; Rural Industry</b>	Not applicable
<b>E3 Commercial &amp; Retail Development</b>	Not applicable
1. Retail Premises, Wholesale Supplies & Rural Industries	Not applicable
2. Outdoor Dining & Trading	Not applicable
<b>E4 Industrial Development</b>	Not applicable
<b>E5 Recreation Facility</b>	Not applicable
<b>E6 Educational Establishment</b>	Not applicable
<b>F Controls for specific sites &amp; localities</b>	Not applicable
<b>F1 Jindabyne Town Centre</b>	Not applicable
<b>F2 Berridale Village Centre</b>	Not applicable
<b>F3 Adaminaby Village Centre</b>	Not applicable
<b>F4 Dalgety</b>	Not applicable
<b>F5 Ivy Cottage Estate (O'Brien Av)</b>	Not applicable
<b>F6 Tyrolean Village (Rainbow Dv)</b>	Not applicable
<b>F7 Highview Estate – Part 1</b>	Not applicable
<b>F7 Highview Estate – Part 2</b>	Not applicable
<b>F8 Lakewood Estate</b>	Not applicable
<b>F9 Cobbin Ck Estate Stages 1, 2 &amp; 3</b>	Not applicable
<b>F10 High Country Estate Stages 1 &amp; 2</b>	Not applicable

The proposal has also been examined in detail against the provisions of Council's relevant Development Control Plans (Section 79(C)(a)(iii) of the Act) and has been found to achieve an acceptable level of compliance.

### **3.5 Any matters prescribed by the regulations:**

The application generally complies with the *EP&A Regulation 2000*.

### **3.6 The likely impacts of the development**

The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed above. The cumulative impacts of the development negate any time, space, nibbling or synergistic effects.

### **3.7 Any submissions made in accordance with the EP&A Act or the regulations**

#### **Public Notification - General**

The application was notified, in accordance with the Snowy River Development Control Plan 2013 (DCP 2013) and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days.

The application was not publicly advertised.

#### **Summary of Submissions**

A total of 6 submissions were received during the notification period, summarized as follows:

Submission	Response
Concerned about the barbed wire that has been constructed on the new fence bordering the property	<p>The applicant was contacted and the barbed wire is to be removed from the fence boarding Siesta Villa in the proximity of the children's playground.</p> <p>The balance of the barbed wire fencing can remain on site during the initial phase of construction but must be removed within three months of commencement.</p>
<p>Issues with the access (easement) being blocked off restricting public access to the foreshore of lake Jindabyne</p> <ul style="list-style-type: none"><li>- Expressed that the 'change of zone is a banal oversight of the growth of the entire area'</li><li>- Concerned that the barbed wire fence that adjoins the boundary to Siesta Villa is potentially dangerous</li></ul>	<p>The easement is not a public access to the Lake and the applicant has the right to fence this to protect his property. This is not a planning matter. There has been no change in the zoning of the property it remains SP3 tourist and the balance of the lot can be developed as such as part of a later application if so applied for.</p> <p>See comments re barbed wire fence above</p>

<p>The use of barbed wire unacceptable in a residential area; and</p> <ul style="list-style-type: none"> <li>- The fencing now restricts pedestrian access to the walking track that leads to Rushes Bay.</li> </ul>	<p>See comment re barbed wire fence above</p> <p>It must be noted that the Code SEPP does not categories the R5 zone as being residential when dealing with fencing. Barbed wire fences are not permitted as exempt development in residential zones however the code is silent on the matter for rural zone in which the R5 zone is included.</p> <p>See comments relating to access over the private property above.</p>
<p>Lake access is now restricted resulting in no walking access to Rushes Bay when the lake is high also vehicles are now unable to access the small bays in the area;</p> <ul style="list-style-type: none"> <li>- An old tree had been removed;</li> <li>- The owner has fenced the property butting up a barbed wire fence; and</li> <li>- What will happen when the shared pathway is completed from Rushes Bay to Tyrolean Village?</li> </ul>	<p>See comments regarding lake access through the private land and barbed wire fencing above. The tree removal is noted above and considered allowable under the provisions of the LEP and DCP.</p>
<p>Supports the application and the easement being closed for public access. Identified safety concerns due to the high numbers of cars and children at lake side beaches that have been accessed by the easement on the subject site. 'I would like to thank Council for restricting it and lend our support to it staying that way!'</p>	<p>The easement is not a public access to the Lake and the applicant has the right to fence this to protect his property.</p>
<p>DA Deficiency</p> <ul style="list-style-type: none"> <li>- Plans not in accordance with checklist</li> <li>- No flood study or stormwater drainage impacts</li> <li>- Statement of Environmental Effects does not address matters</li> <li>- No streetscape impact or analysis of impacts to adjoining neighbours with regard to view loss or restriction of public access to the lake.</li> </ul>	<p>Council is satisfied that the plans submitted with the application are in accordance with schedule 1 of the Environmental Planning and Assessment Regulation 2000.</p> <p>The objector was not given all of the plans as submitted with the application (due to privacy controls), however plans relating to storm water control were received with the application and will be assessed accordingly.</p> <p>Council is satisfied with the Statement of Environmental effects as submitted with the application. No significant</p>

<p>Permissibility</p> <ul style="list-style-type: none"> <li>- Dwelling houses are not permitted in the SP3 tourist zone. The use of the site for a dwelling is inconsistent with the objectives of the SP3 zone.</li> <li>- The 20m provision requires all development is to be located adjacent to the other zone.</li> </ul> <p>Access to the Lake</p> <ul style="list-style-type: none"> <li>- Concerns regarding the public access to the lake has being obstructed</li> <li>- 'A residential dwelling on this lot, therefore cannot satisfy the objectives of the SP3 zone as it would further restrict or hinder public access to the lake.</li> </ul> <p>Other Planning Issues</p> <ul style="list-style-type: none"> <li>- Front setback variation</li> <li>- Two storey dwelling in this location creates view loss</li> </ul>	<p>environmental impact will result from the proposal. Council is satisfied that the proposal will be of positive influence to the streetscape and the objectives of view sharing are satisfied.</p> <p>The dwelling house is a permissible use on the site under Clause 5.3 (development near zone boundaries) of the Snowy River Local Environmental Plan (see section 3.3) as assessed against the objectives of the adjoining R5 large Lot Residential Zoning (see map pg. 5). The dwelling is to be located wholly within the 20m zone.</p> <p>The easement is not a public access to the Lake and the applicant has the right to fence this to protect his property.</p> <p>Regardless of the lot zoning, the property is private land and the easement is not for public access.</p> <p>The front setback at 6m is a variation to the DCP where an 8m front setback is prescribed for a double storey dwelling. In this instance the variation is supportable due to there not being any dwelling immediately adjacent to the proposed and therefore a building line (setback) not established. It is noted there are a number of properties with setbacks of less than 8 metres in the vicinity with the adjoining Siesta Villa having a reduced setback of 3m.</p> <p>The roofline of the dwelling has been designed to minimize the bulk of the building. The developer has ensured that the objectives of view sharing have been satisfied by proposing a second story which is a minimal size (being only 6.5m wide on the upper level) when viewed from</p>
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	residences on the eastern side of Jerrara Drive (which are elevated higher than the proposed) and are able to obtain views over the roofline of the dwelling towards lake Jindabyne.
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### **3.8 The public interest:**

The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent

### **3.9 Planning Principles - Land & Environment Court:**

The planning principles by the NSW land & Environment Court have been checked and are considered not applicable in this case.

### **2.0 Planning Agreements:**

N/A

### **3.0 Conclusion:**

#### **Consideration of Key Issues**

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, DCPs and Policies. The key issues arising out of the assessment of this application comprise:

1. Barbed wire fencing that has been erected around the perimeter of the allotment is to be conditioned on the consent to be removed 3 months after the 'endorsement date' of the consent.

The Snowy Monaro Regional Council is the consent authority for this application.

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural & built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed below.

#### **QUADRUPLE BOTTOM LINE REPORTING**

##### **1. Social**

The development will have no social impacts being a dwelling house in an area of predominately single family homes and dual occupancy development.

## **2. Environmental**

The environmental impacts of the development have been considered as per the requirements of S79c of the Environmental Planning and Assessment Act. The development is considered an appropriate use of the site.

## **3. Economic**

There are no economic impacts associated with the development

## **4. Civic Leadership**

The application has received an amount of community interest and due to the issues relating to access to the Lake through the site and the use of Clause 5.3 it was considered prudent to present it to Council for determination.

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## Draft Conditions of Consent DA4164/2017

**ADMINISTRATIVE CONDITIONS**

## Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA4164/2017 as submitted to Council on the 21/03/2017 5:19:56 PM with supporting documentation including, but not limited to the development plans 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.

## Prescribed Conditions

3. 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
  - Residential building work within the meaning of the **Home Building Act 1989** must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

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

- (i) the name and licence number of the principal contractor, and
-

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

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

## OTHER APPROVALS

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

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

attachments and prescribed fee, prior to release of the Construction Certificate.

#### Sewer Connection

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

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

##### Stormwater and Drainage Works Design (Dwelling Houses Only)

6. The developer is to submit (three) 3 copies of a satisfactory stormwater drainage design for the development to the Council prior to the release of the Construction Certificate. The design is to be in accordance with the requirements of the approved BASIX Certificate.

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

##### Construction Certificate

7. 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

8. 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.

Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

9. Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates

- (a) in the case of work to be done by a licensee under that Act:
    - i) has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
    - ii) is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
  - (b) in the case of work to be done by any other person:
    - i) has been informed in writing of the persons name, contact address details and owner-builder permit number; and
    - ii) has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
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**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

#### Easements

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

#### Temporary Benchmark

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

#### Site Notice

12. 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.

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#### Temporary Sanitary Facilities

13. 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.

#### Termite Control

14. Prior to the commencement of works, the Applicant will submit to the satisfaction of the PCA (i.e. Council or Private Certifier) documentation confirming the building will be protected from termite attack in accordance with the provisions of Australian Standard AS 3660.1. The submitted documentation will include:

- (a) details of the proposed methods to be used; and
- (b) certification of works performed;

15. A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:

- (a) the method of protection;
- (b) the date of installation;
- (c) where a chemical barrier is used, its life expectancy as listed on the National
- (d) Registration Authority label; and
- (e) the need to maintain and inspect the system on a regular basis.

**NOTE:** Under slab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

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## Master Water Meter

16. The developer shall ensure that a master water meter and backflow prevention device is provided to the property prior to commencement of works on-site.

**DURING WORKS**

## Approved Plans to be On-site

17. 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 &amp; Sediment Control

18. 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.
19. 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".
20. 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.
21. 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.
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#### All-weather Access

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

#### Public Property

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

#### Site Management

24. 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

25. (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.
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## Use of Power Tools - Residential and Village Areas

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

Mon - Fri 7.00am to 6.00pm

Saturday 8.00am to 5.00pm

No work to occur on Sundays or Public Holidays

## Inspection Notification

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

## Public Access and Site Security

28. 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

29. 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.
30. 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.
31. The developer is to ensure that if an excavation associated with the development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- (a) preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and
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- (b) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

32. The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

An **allotment of land** includes a public road and any other public place.

33. The developer is to ensure that the toe of any embankment to a site excavation is a minimum 900mm from the external walls and graded to drain all surface water away from the building. The ground level adjacent to the building is to be no less than 150mm below the top of the reinforced concrete floor slab.

#### Plumbing & Draining

34. The developer is to ensure that prior to any plumbing work being commenced the licensed plumber / drainer must lodge with Council a Notice of Work 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 Certificate of Compliance to AS3500. A sewer service diagram. Notes:- The Plumbing and Drainage Act 2011 has substantial fines for non-compliance.
35. 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.
36. The developer shall ensure that a licensed plumber and drainer undertakes the connection to Council sewer system. The sewer riser is to be flush with the finished surface levels of the land and provided with a cap and concrete collar.
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**Hot Water Installation**

37. All new heated water installations shall deliver heated water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

(a) 45°C for aged, the sick, children or people with disabilities in healthcare or aged care buildings, early childcare centres, primary & secondary schools & nursing homes or similar facilities for the aged, the sick, children or people with disabilities, and

(b) 50°C for all other situations.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of the works.

**Revegetation Works**

38. 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 Snowy River Development Control Plan 1998 – Circular R3 Revegetation works.

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

**Sewerage Connection**

39. The developer shall make arrangements with Council (via S68 Ancillary Application) for the connection of the development to Council's sewerage system.

**Water Supply (Single Dwelling Houses)**

40. The developer shall make arrangements with Council (via S68 Ancillary Application) for the provision of a 20 mm water service to the site with water meter, gate valve and approved backflow prevention device.

**PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

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#### Occupation Certificates

41. 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.

#### BASIX Certificate

42. A BASIX certificate is to be submitted with the application for occupation certificate (For complying development, this is the BASIX Certificate applicable when the complying development certificate was issued. For DA development, this is the BASIX Certificate applicable when the construction certificate was granted). It is noted that the certifying authority must not issue the occupation certificate unless satisfied that specified BASIX commitments have been complied with.

#### Landscaping Plan

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

#### Barbed Wire Fencing

44. The barbed wire that has been erected on the boundary fences is to be removed after three (3) months of the date of endorsement of this consent.

### USE OF SITE

#### Stormwater Management Plan

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

#### Tank Overflow

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

#### Rainwater Tanks

47. All fixtures connected to the supply system are marked 'RAINWATER'.
48. The developer shall ensure that rainwater tanks are de-sludged every three years.
49. 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.
50. 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.
51. The tank is enclosed and inlets screened, so as to prevent the entry of foreign matter and to prevent mosquito breeding.
52. The developer shall ensure that the roof catchment area is kept clear of overhanging vegetation.
53. Pumps are to be covered or screened to avoid noise nuisances to neighbouring properties.
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54. 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.

#### Rainwater Tanks - Mains Top Up

55. The developer shall ensure that each tank is fitted with: an automatic mains water top up or bypass system via a float switch to ensure water supply during prolonged dry periods. Top up systems should not be triggered until the tank is at least 80% empty (ie to keep the tank water level at approximately 900 litres or less in a 4,500 litre tank). A backflow prevention device in accordance with *Australian Standard AS 3500.1.2* (1998). a first flush device and filter sock to prevent potential contaminants from entering the tank.

#### Garbage Disposal – Residential

56. The developer shall ensure that a 240-litre capacity wheeled garbage bin and a 360 litre recycling bin of a type provided by Council must be provided for each dwelling.

Note - to arrange for the provision of bins for the development please contact Councils Berridale office on (02) 6451 1195.

#### Maintenance of Garbage Bins

57. 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.

#### Driveway

58. The developer shall ensure that provision of a sealed driveway (being concrete or bitumen) be provided from the edge of the existing road seal to the property boundary.
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**Driveway Design**

59. The developer shall ensure that the proposed driveway has:

- (a) a gradient not exceeding 16%;
- (b) changes in gradient not exceeding 6.7%; and
- (c) a length per change of gradient of not less than 4 metres.

**External Finishes**

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

61. 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.

62. 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.

63. That the approved colours of the exterior of the building are:

Roof: Black Colorbond steel

Trim: Colorbond steel

Walls/Cladding: Stone surface face, timber cladding, black colorbond steel

Note: This condition can be amended with the written consent of Council.

**Services**

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

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Amenity

65. The developer shall ensure that lighting of the premises is to be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

Property Number

66. The developer shall attach to the front of the development the following house number that is clearly visible from the street frontage of the property: 58

Degree of Permanency

67. The development is occupied with a degree of permanency. In this regard, separate consent from Council is required to use the development for short term holiday accommodation.

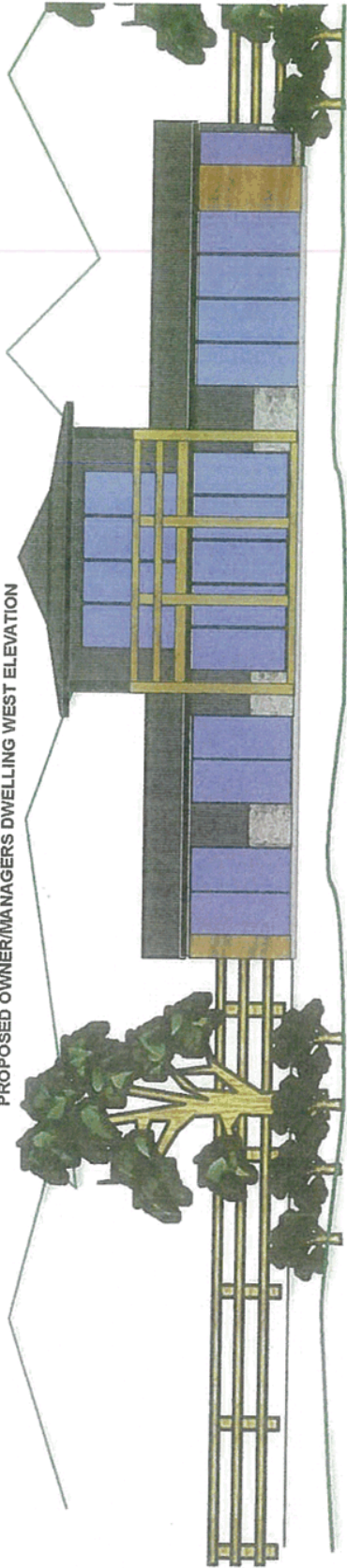
Occupancy (Garages/Sheds Only)

68. The developer is to ensure that the proposed structure is not used for habitable purposes.
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NEIGHBOURS NOTIFICATION PLAN / 58 JERRARA DR  
DWELLING & 2 BEDROOM SERVICED APARTMENTS

4 BEDROOM

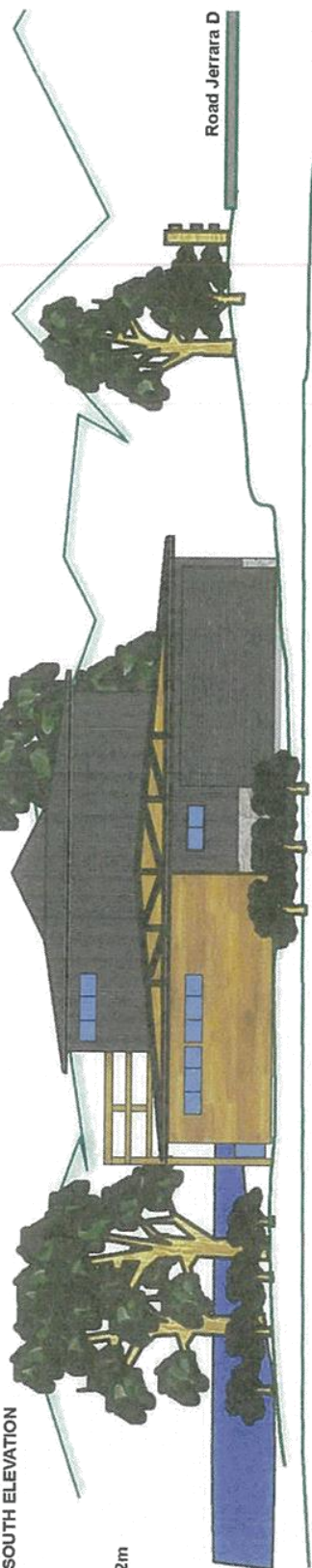
58 JERRARA DRIVE EAST JINDABYNE  
PROPOSED OWNER/MANAGERS DWELLING WEST ELEVATION



NEIGHBOURS NOTIFICATION PLAN / 58 JERRARA DR  
4 BEDROOM DWELLING

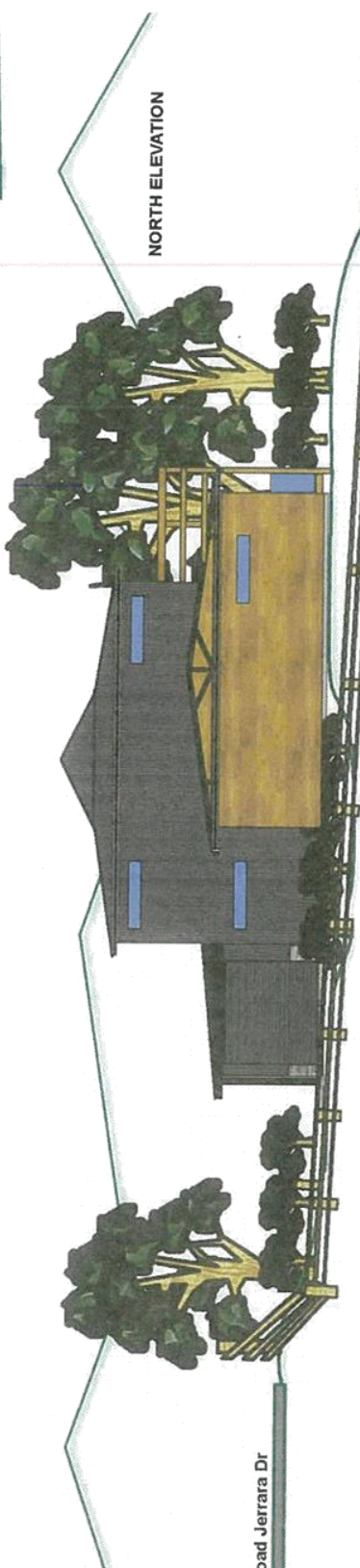
SOUTH ELEVATION

1m  
.5m  
2.4m 6.2m  
.2m  
2.4m  
.2m



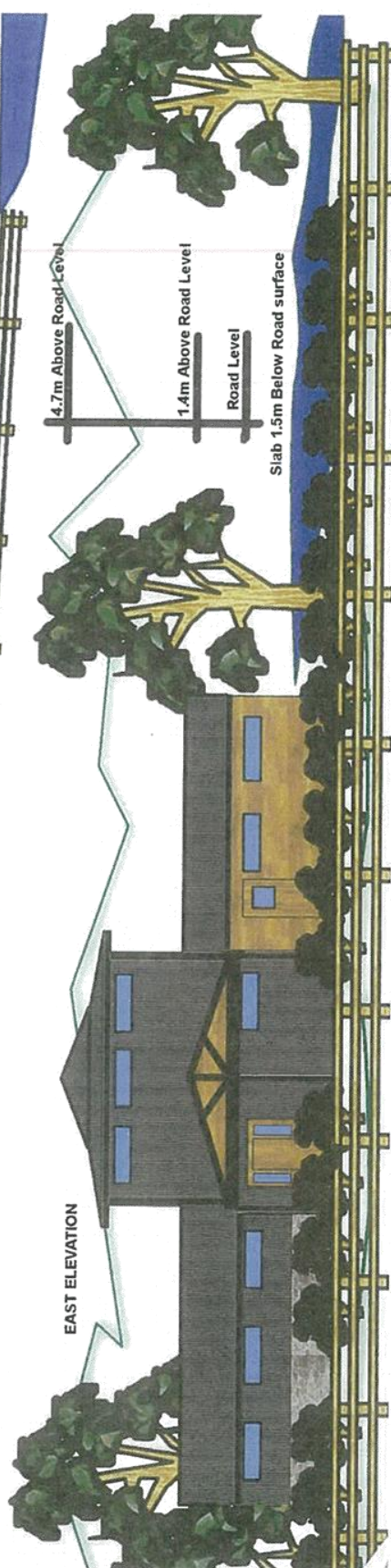
NORTH ELEVATION

1m  
.5m  
.4m 6.2m  
2m  
.4m  
2m

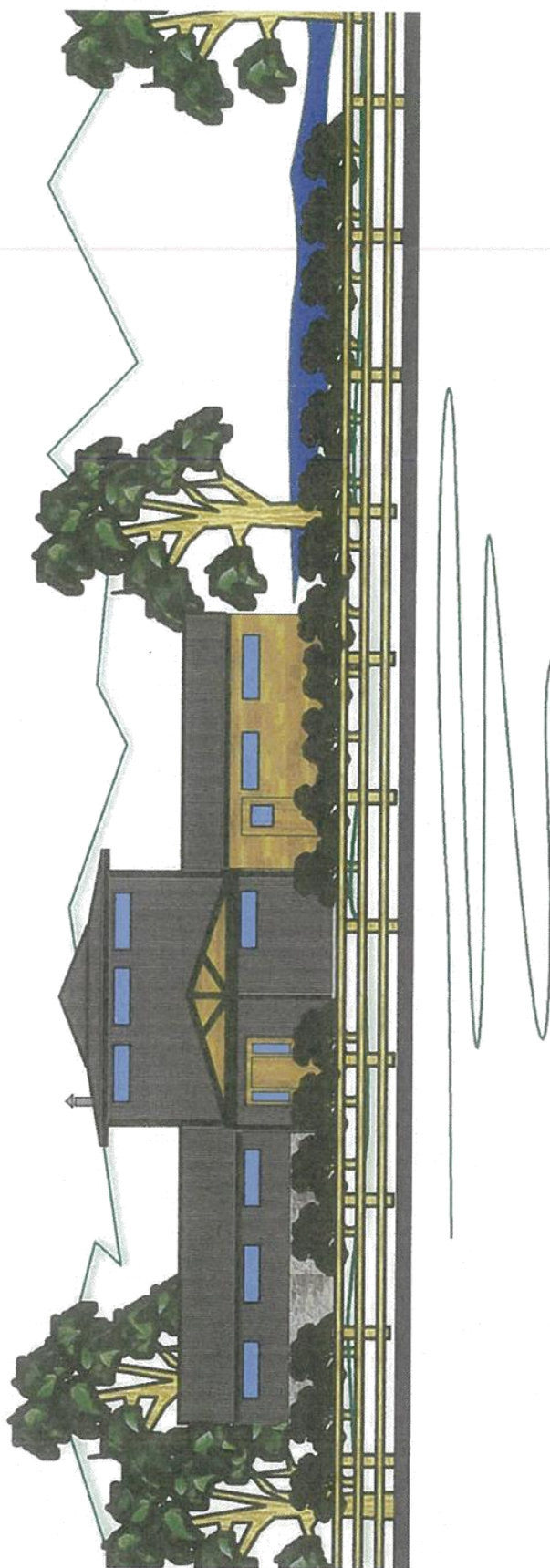


EAST ELEVATION

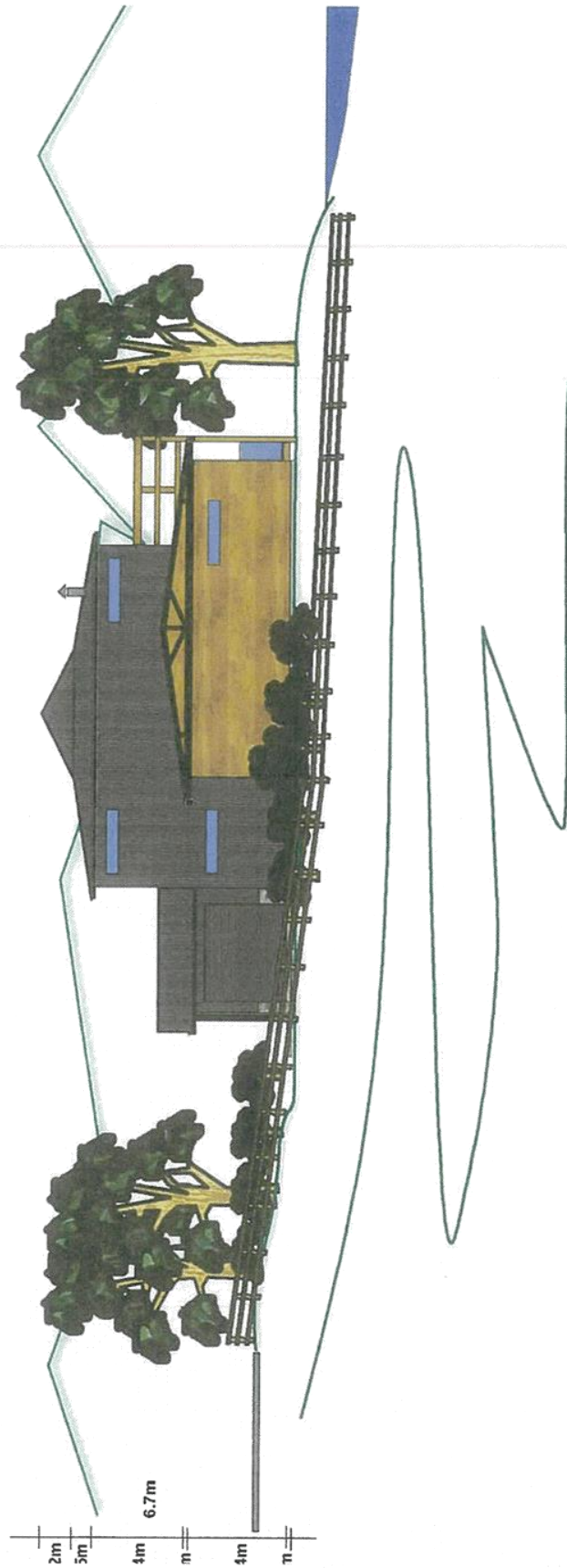
4.7m Above Road Level  
1.4m Above Road Level  
Road Level  
Slab 1.5m Below Road surface



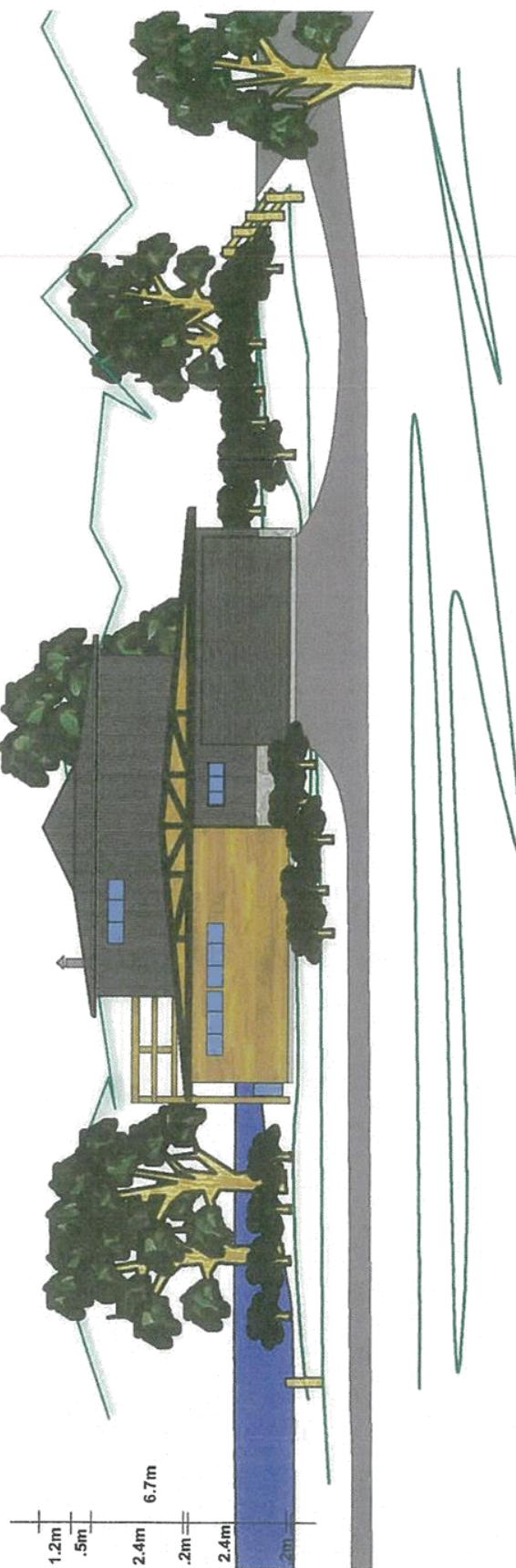
58 JERRARA DRIVE EAST "11" ABYNE  
PROPOSED DWELLING  
EAST ELEVATION



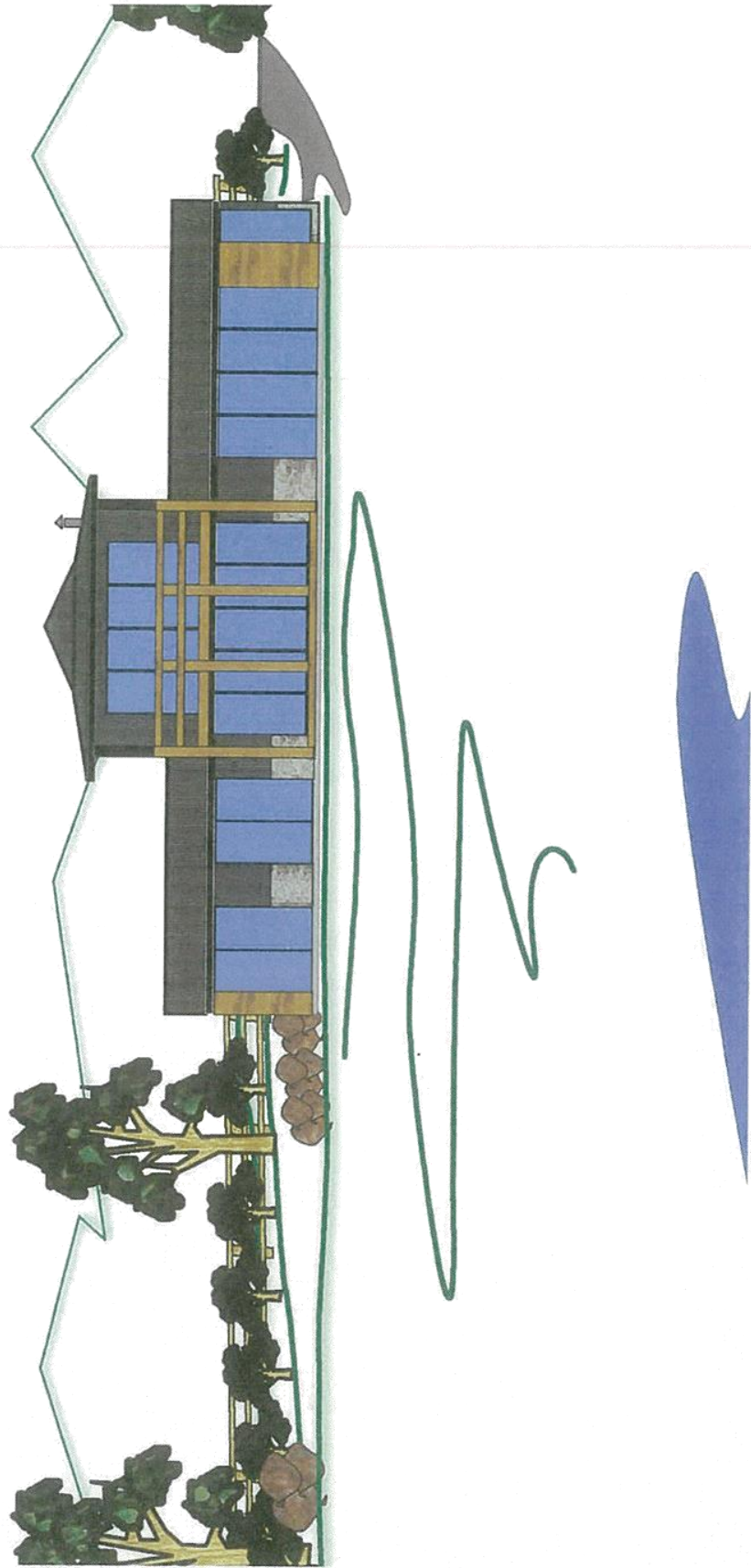
58 JERRARA DRIVE PASADENA DABYNE  
PROPOSED DWELLING PLANS  
NORTH ELEVATION

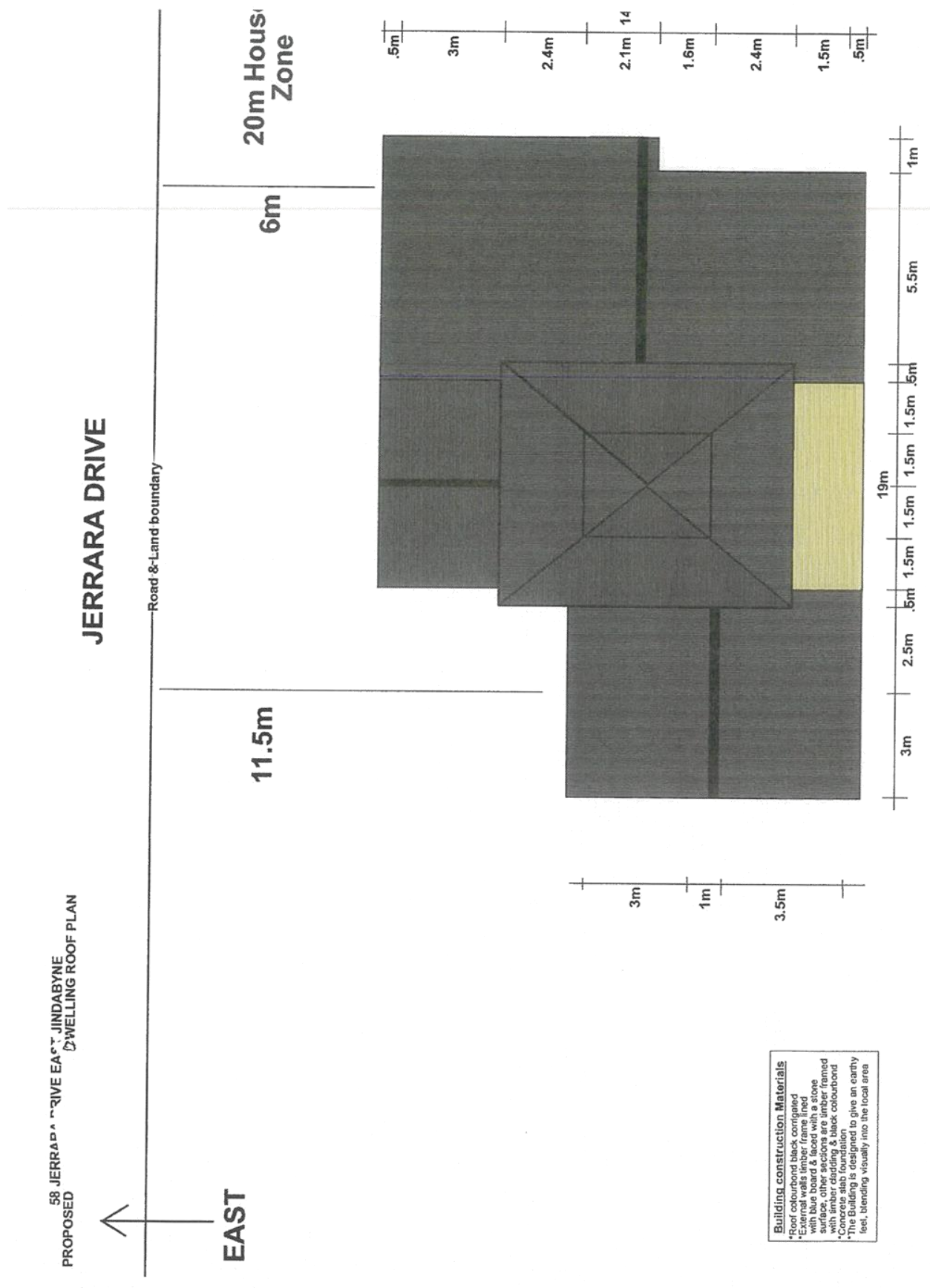


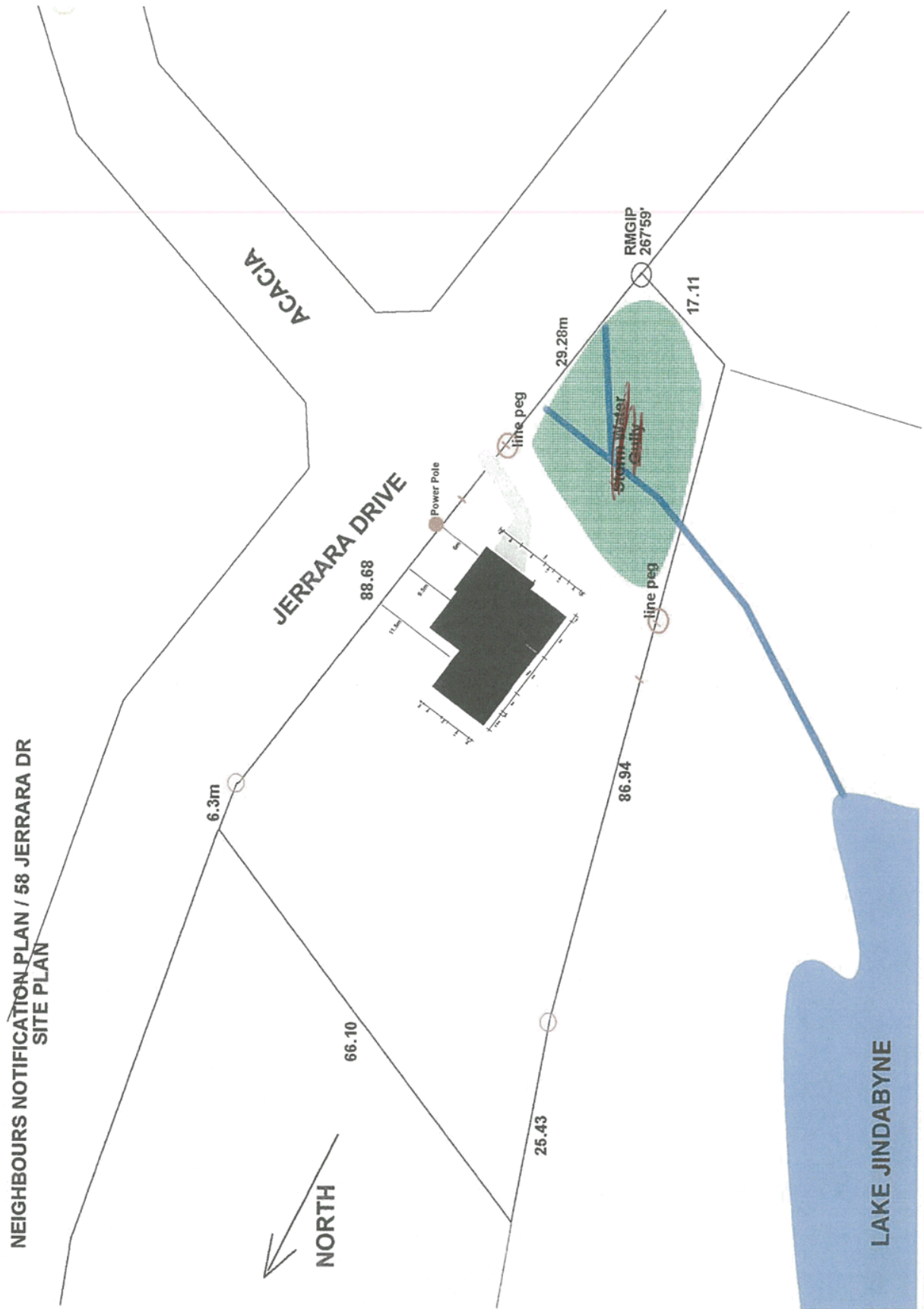
58 JERRARD DRIVE EAST JINDABYNE  
PROPOSED  
DWELLING PLANS  
SOUTH ELEVATION



58 JERRARA DRIVE EAST JINDABYNE  
PROPOSED 1 DWELLING PLANS  
WEST ELEVATION







# LEP 2013 Clause 5.3 Development near Zone Boundaries 20m from road boundary east Can accommodate a house within the 20m zone

3 exotic trees to be removed in the building envelope. The trees are dangerous to the public, owners, guests & east Jindabyne's infrastructure services on the block, the roots will eventually damage sewerage lines and other under ground East Jindabyne Council services

20m Building Envelop for House



LEP 2013 Clause 5.3  
20m Line

Clause 5.3 LEP 2013  
development near zone boundaries  
enables a dwelling house to be built in  
this 20m zone on the block

JERRARA DRIVE

25.43

LOT 3 DP: 1184903 JERRARA DRIVE  
STREET ADDRESS: 58 JERRARA DRIVE  
SNOWY SHIRE ZONING: SP3 TOURIST  
3963 sqm

SP3 Serviced apartments can be positioned anywhere on the land if it does not interfere with services on the lot

LAKE JINDABYNE

SEWER MAN HOLES  
WATER LINE  
POWER PUMP STATION  
SEWER PUMP LINES  
SEWER GRAVITY LINES

20m Zone line

RMGIP 267'59"

17.11

29.28m

8.15m from line peg edge of 12m easement

line peg

8.15m from line peg edge of 12m easement

line peg

5.84m from line peg edge of 12m easement

line peg

86.94

EJUSP3

Edge of 12m easement

26.25

66.10

6.3m

25m

88.68

29.28m

Storm Water Catch

### Location & Uses of Buildings on Adjoining Sites

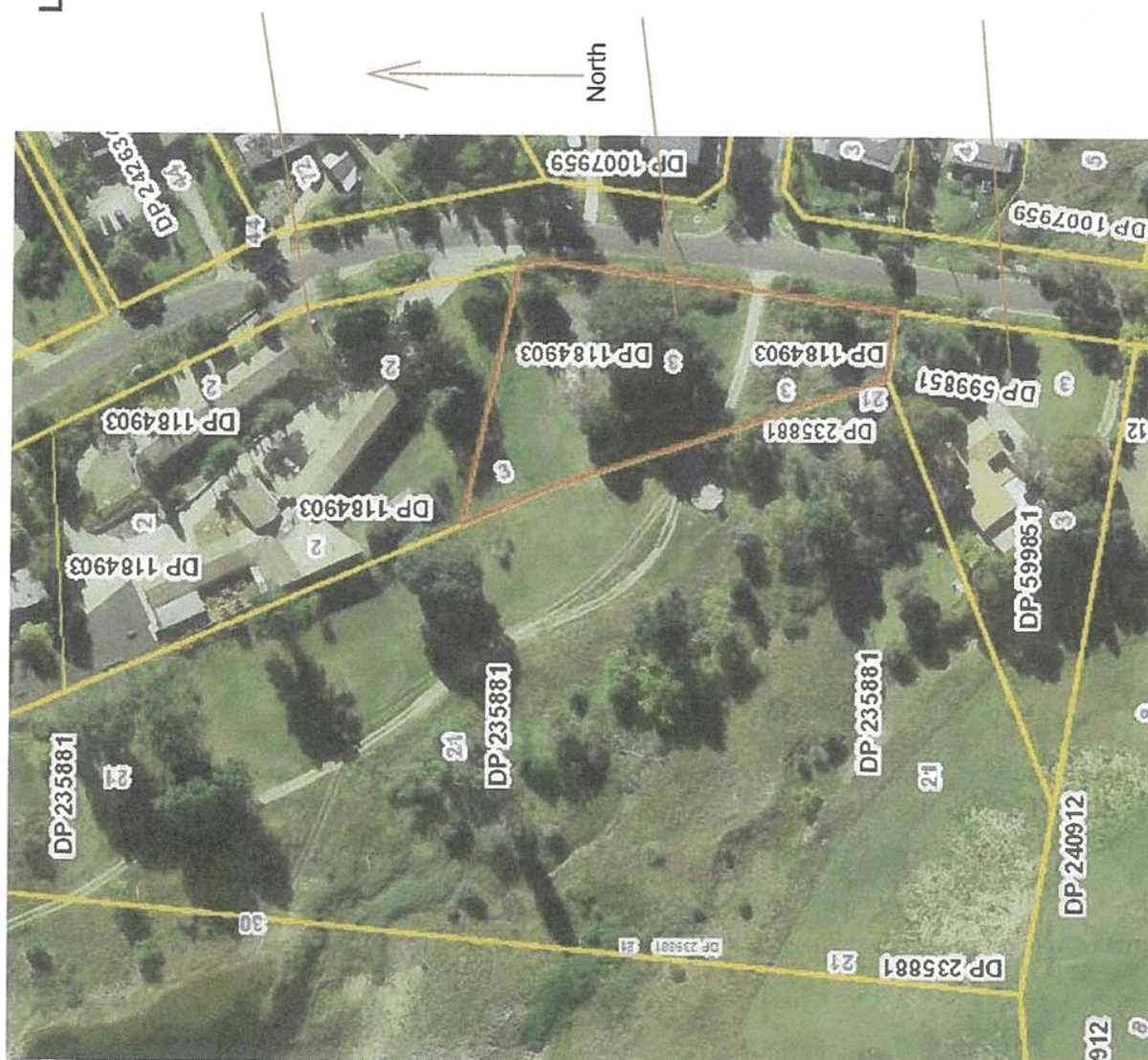
To the North of 58 Jerrara Dr is Lot 2 DP 1184903 zoned SP3 in the same original subdivision as our Lot 3 DP 1184903. It comprises of a large Motel (Siesta Villa) with a restaurant & Bar, occupying most of the usable land on it's site.

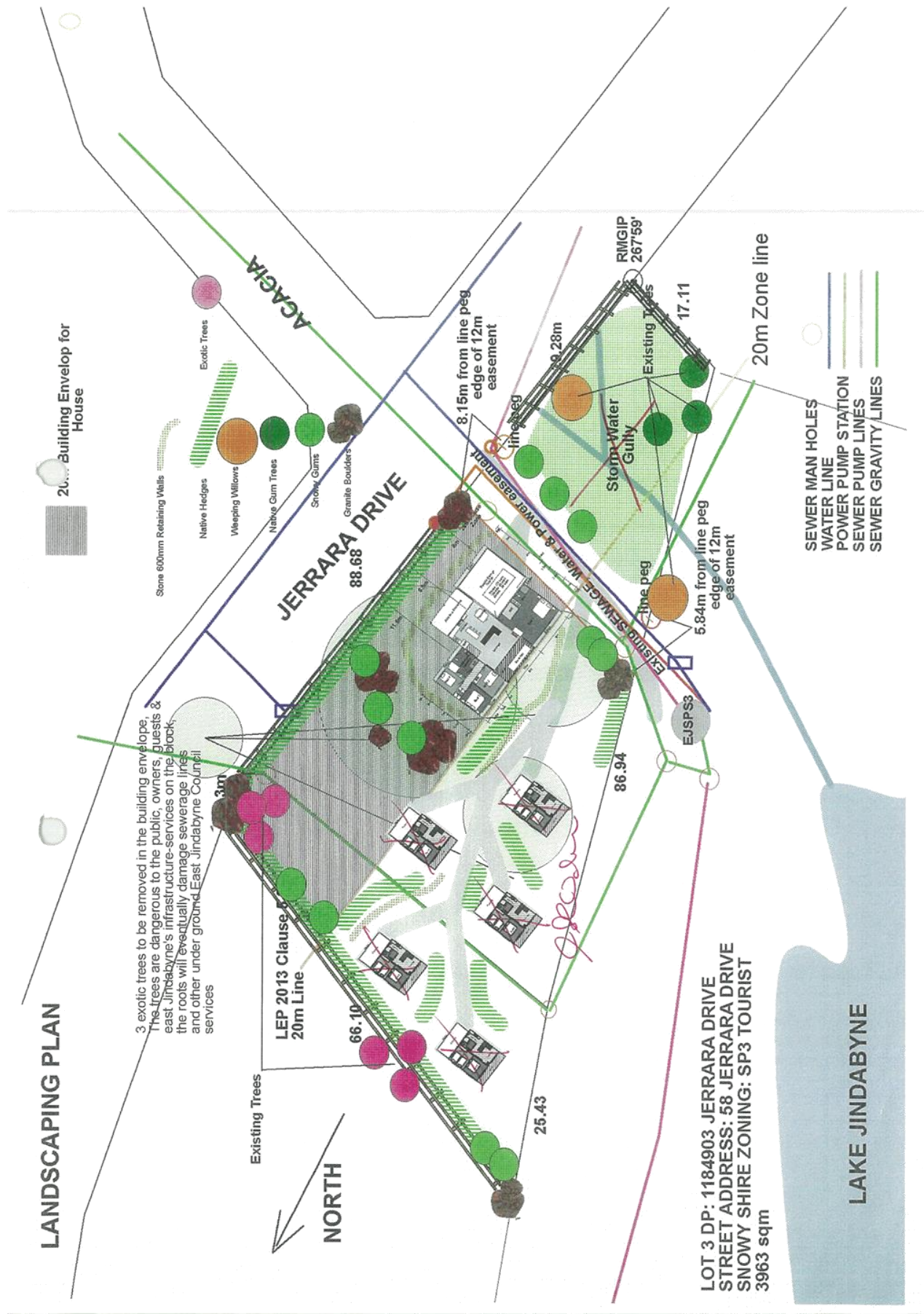
The builings are approximately 40 metres from any buildings within our development of 58 Jerrara Dr

Lot 3 DP 1184903  
58 Jerrara Dr

To the South, Lot 3 DP 599851 zoned RU5. A residential dwelling is located on this adjoining property and is positioned more than 20 meters from the road side boundary of Jerrara Dr

This Dwelling is more than 40 meters from the closest building in the proposed development on 58 Jerrara Dr





The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on San plans	Show on CCDCD plans & spec	Crutcher check
<b>Landscape</b>			
The applicant must plant indigenous or low water use species of vegetation throughout 200 square metres of the site.	✓	✓	
<b>Fitures</b>			
The applicant must install downhatches with a minimum rating of 3 star (> 7.5 but <= 9 Litres) in all showers in the development.			✓
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.			
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	

Alternative water				
Housewater tank				✓
The applicant must install a rainwater tank of at least 22000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulations with regard to the installation and maintenance of rainwater harvesting systems, as well as the requirements of all applicable regulations with regard to the installation and maintenance of rainwater harvesting systems.			✓	✓
The applicant must connect the rainwater tank to:				✓
• at least one outdoor tap in the development (note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply)			✓	✓
• at indoor cold water taps (not including taps that supply clothes washers) in the development			✓	✓

## Thermal Comfort Commitment

	UA passes	plans & specs	errors
Floor, walls and ceiling/roof	✓	✓	✓

The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.

Construction	Additional insulation required (in Value)	Other specifications
floor - concrete slab on ground	Nil	
floor - concrete slab on ground	2.00 (or 2.40 including construction)	
external wall - framed (unheated), floor cement, metal roof	1.14 (or 1.50 including construction)	
internal wall shared with garage - plasterboard		
ceiling and roof - flat ceiling / gabled roof		
ceiling and roof - flat ceiling / gabled roof		
ceiling 2.55 (or 3.00 including construction)		unventilated, data note allowance > 0.7m
ceiling 2.55 (or 3.00 including construction)		unventilated, data note allowance > 0.7m

## Thermal Comfort Commitments

DA passes	plans & specs	check
windows, glazed doors and skylights	<p>applicant must install the windows, glazed doors and skylight devices described in the table below. In accordance with the specifications listed in the table, relevant oversighting specifications must be satisfied for each window and glazed door.</p> <p>glazing must have a 1-sq-ft (7 square inches) and up to 7 square glazed doors (do 7 square inches) which are not listed in the table below.</p> <p>glazing must meet also be applied in relation to windows and glazed doors.</p>	<p>✓</p> <p>✓</p> <p>✓</p>

Except where the glass is made clear, each window and glazed door must have a U-value not greater than that calculated for the glazing system in Tables 1 and 2. The U-value must be calculated in accordance with national performance calculation methods (BAPC).

The leading edge of each door, vestibule, balcony or window must be no more than 500 millimetres above the base of the building. The leading edge of each door must be no more than 1500 mm above the floor must be twice the width in the frame.

Partials with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

Windows have adjustable shading, pergolas must have fixed louvers, enabled by the window or glazed door above which they are installed. Unless the pergola also shades a poropentative window. The spacing between louvers must be no more than 50 mm.

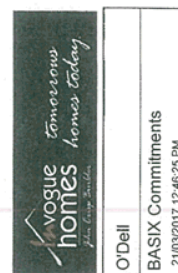
Window glazing door, etc.	Orientation	Maximum area of surface exposed	Type	Shading	Overheating
	E	0.60	thermal aluminium, double clear (U-value 5.34, SHGC 0.67)	external vertical pergola balcony (L-value 4.00 mm)	not overheated
	E	0.60	standard aluminium, double clear (U-value 5.34, SHGC 0.67)	external vertical pergola balcony (L-value 4.00 mm)	not overheated
	N	0.60	standard aluminium, double clear (U-value 5.34, SHGC 0.67)	external vertical pergola balcony (L-value 4.00 mm)	not overheated
	E	0.60	thermal aluminium, double clear (U-value 5.34, SHGC 0.67)	external vertical pergola balcony (L-value 4.00 mm)	not overheated
	E	0.60	standard aluminium, double clear (U-value 5.34, SHGC 0.67)	none	not overheated
	S	0.60	standard aluminium, double clear (U-value 5.34, SHGC 0.67)	none	not overheated

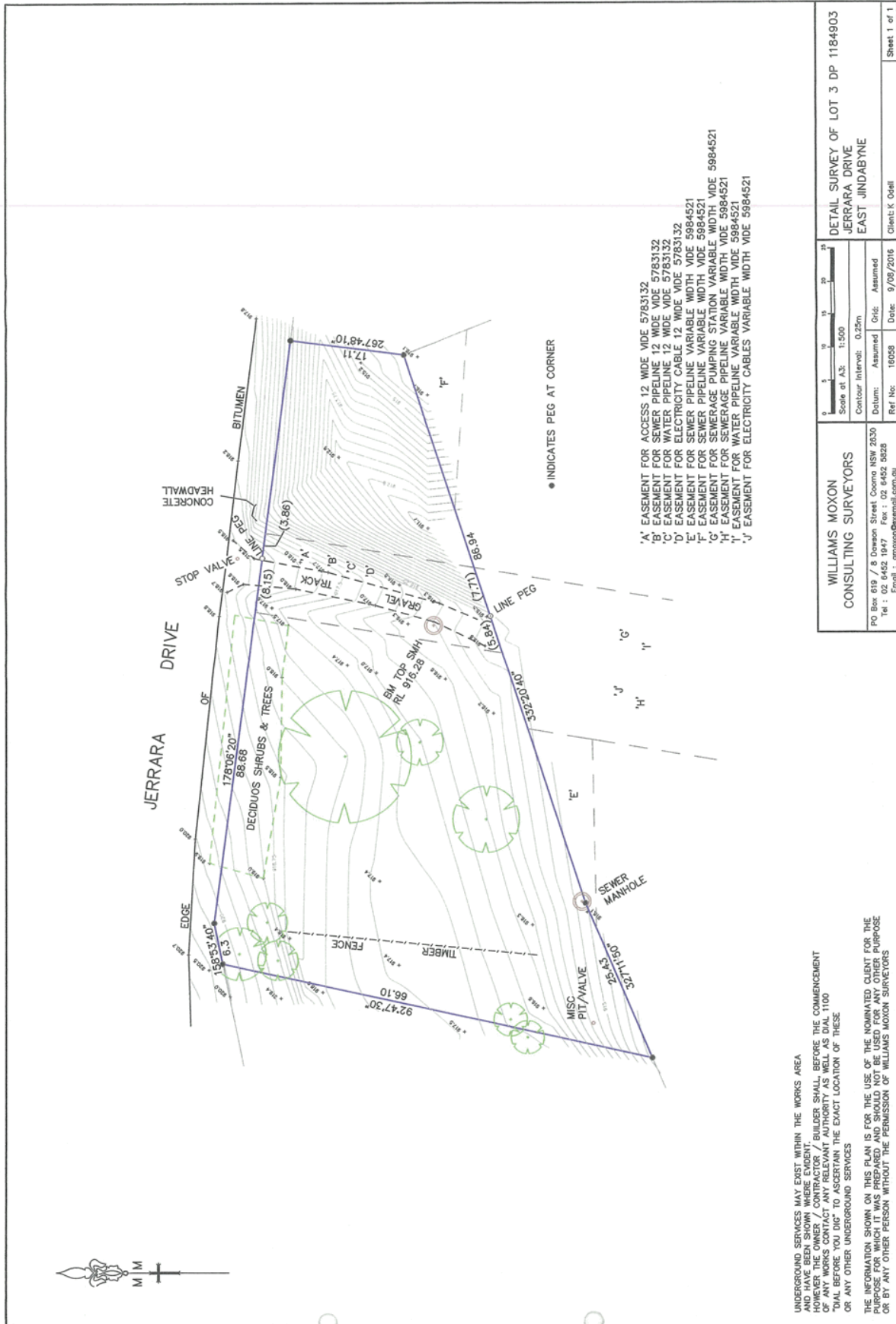
[illegible]

## Energy Commitments

Criteria	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84																	

## Energy Commitments

[illegible]





## Statement of Environmental Effects

**A Statement of Environmental Effects must be submitted with all Development Applications in accordance with Schedule 1 of the *Environmental Planning & Assessment Regulations 2000*.**

If an answer requires additional details to be provided on likely impact(s) and the proposed means of mitigating or reducing such impact(s), additional space is provided on the last page. This Statement of Environmental Effects is not exhaustive and should be expanded where appropriate. *If more space is required, attach additional sheets.* In accordance with Section 148B of the *Environmental Planning and Assessment Act*, it is an offence to provide information that is false or misleading.

### 1 Author

Name: CARL HAYWARD ODELL

Company (if applicable):

### 2 Proposal

Proposal:	<input type="checkbox"/> New Dwelling <input type="checkbox"/> Dual Occupancy or Secondary Dwelling <input type="checkbox"/> Residential Flat Building <input type="checkbox"/> Multi Dwelling Housing	<input type="checkbox"/> Ancillary Outbuilding (ie garages and sheds) <input type="checkbox"/> Additions and Alterations <input type="checkbox"/> Change of Use (not involving building works) <input checked="" type="checkbox"/> Other:
Number of dwellings/units proposed:	<u>1</u>	
Area of dwellings/units proposed:	<u>658.5 sqms INCLUDES: DECKS, GARAGE</u>	
Number of bedrooms proposed:	<u>14</u>	
Number of storeys proposed:	<u>TWO</u>	
Proposed parking arrangements:	<u>ON SITE</u>	
Type and extent of landscaping proposed:	<u>NATIVE SHRUBS + TREES + STONE</u>	
Proposed materials:	External Wall finishes	<u>TIMBER, STONE + COLOUR-BOND IRON</u>
	Roof finishes	<u>COLOUR-BOND IRON</u>
	Internal driveways/parking	<u>GRAVEL + CONCRETE</u>
	Fences/privacy screens	<u>POST + RAIL</u>
	Others	

Statement of Environmental Effects

3 Site & Surrounding Area

3.1 Site Analysis

Property address	<div></div> EAST JINDABYNE 2627
Lot/DP/SP	LOT 3 DP 1184903
Site area (m <sup>2</sup> /ha)	3,963 sqms
Existing vegetation cover	NATIVE GRASSES, 3 SMALL GUM TREES, 1 WEEPING WILLOWS, 6 EXOTIC TREES
Existing structures	NIL
Existing access arrangements	ON EXISTING ACCESS ROAD
Describe how water is supplied to the site	COUNCIL WATER SUPPLY
Describe how effluent is currently managed	NOT CURRENTLY - BUT WILL BE MANAGED BY COUNCIL SERVICES
Describe how stormwater is currently managed	NOT - BUT HAS STORMWATER GULLY ON SITE
Describe how electricity and/or gas is supplied to the site	NOT - BUT HAS A SUPPLY POINT AT FRONT BOUNDARY

Note: This information is also to be shown the submitted plans

Statement of Environmental Effects

3.2 Surrounding Area Analysis

Describe the types of development within the surrounding area

TOURISM + RESIDENTIAL

Outline the distances to neighboring dwellings/structures

40m +

Describe any Heritage items within the surrounding area

NIL

Describe the existing streetscape (ie landscaping, fences and building facades)

SCATTERED FENCING, EACH LOT HAS INDIVIDUAL  
CHARACTER: LANDSCAPING + BUILDING FACADES

If applicable outline the predominant Heritage style within any conservation areas

NIL

Note: This information is also to be shown the submitted plans

4 Environmental Impacts

4.1 Traffic & Utility Services

Describe the type/number of vehicles expected to be parked on-site

BETWEEN 2 PERMANENT, 5 NON PERMANENT

Describe how the development will gain legal vehicular access

ON THE EXISTING ACCESS

Describe how water will be supplied to the development

THROUGH COUNCIL SUPPLY

Statement of Environmental Effects

Describe how effluent associated with the development will be managed

COUNCIL SEWAGE LINES

Describe how stormwater associated with the development will be managed

DISPOSED INTO WATER TANK THEN EXCESS  
RELEASED INTO SITE STORMWATER GULLY-DRAIN

Describe how electricity and/or gas will be supplied to the development

STATE ELECTRICITY SUPPLIERS + SOLAR-BATTERY

Note: This information is also to be shown the submitted plans

4.2 Neighbourhood Amenity

Describe proposed measures to minimise privacy, noise and security impacts (ie fencing/privacy screens, landscaping, etc)

ATTACHED LANDSCAPING DIAGRAM: NATIVE SHRUBS,  
TREES, STONE + FENCING

Describe proposed measures to minimise the overshadowing of neighbouring living areas (shadow diagram must be supplied for buildings over two storeys)

NIL OVERSHADOWING

Describe how the proposed development will address the existing streetscape (ie front fences, landscaping, building facade etc)

THIS DEVELOPMENT WILL ENHANCE THE LOCAL  
AREA, IT IS DESIGNED TO BLEND TO THE LOCATION

If applicable describe how development will complement the existing Heritage items or conservation area

Note: This information is also to be shown the submitted plans

Statement of Environmental Effects

4.3 Natural Environment

Describe how the proposed development will impact upon native flora and fauna (including the removal of vegetation for bushfire protection etc)

NIL IMPACT AS HAS NO NATIVE FLORA + FAUNA ON SITE

Describe proposed measures to minimise the impacts outlined above (ie Property Vegetation Plan, Biobanking etc)

THE DEVELOPMENT WILL BE LANDSCAPED WITH NATIVE SPECIES - SHRUBS + TREES + LARGER GRANITE ROCKS. SEE LANDSCAPE PLAN

Outline proposed measures to minimise any impacts on natural waterways (i.e. diversion banks, separation etc)

SEDIMENT BARRIERS WILL BE USED DURING CONSTRUCTION

Outline proposed measures to minimise any potential contamination (i.e. storage of chemicals, bunded areas etc)

NOT APPLICABLE - BUT IF STORED IN SHIPPING CONTAINERS

Outline the levels of excavation/fill associated with the development

MINIMAL

If applicable/appropriate describe how the development will manage flood waters (levy banks, construction etc)

NOT APPLICABLE

If applicable/appropriate describe how the development will manage bushfire events (asset protection zones, construction etc)

NOT APPLICABLE

Note: This information is also to be shown the submitted plans

Statement of Environmental Effects

**4.4 Construction Issues**

Describe erosion and sediment control measures proposed (ie silt fences, hay bales etc)

SEIPIMEN BARRIERS WILL BE CONSTRUCTED

Outline the expected duration of construction

Total Days:	300			
Hours:	Monday - Friday		Saturday - Sunday	
	700 am	500 pm	am	pm

Outline how the site will be secured during the construction process

PROPERTY BOUNDARY FENCE

Outline any demolition proposed as part of the development (including the removal of any asbestos materials)

NIL

Outline how building materials will be stored on the site during construction (ie storage sheds/containers etc)

SHIPPING CONTAINERS

Describe how waste generated during construction will be managed

**Waste Management Plan**

Complete a Waste Disposal Plan for all developments that include construction and/or demolition works. You may attach a Plan or use the table below. Waste includes, but is not limited to vegetation, trees, soil, construction waste, demolition waste, timber, asbestos, metals

SKIP BIN

**Note:** This information is also to be shown the submitted plans

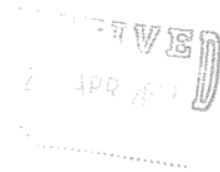
Statement of Environmental Effects

4.5 Waste Management Plan

Type of waste	Estimated Amount/Volume	Where/how it will be stored on site	Where it will be disposed	Method of transportation/disposal
SCRAP BUILDING MATERIAL	MINIMAL	SKIP BIN	CONTRACTORS DESTINATION	CONTRACTOR

**PRIVACY INFORMATION:** The information you provide in this Statement will enable your application to be assessed by Council and any relevant state agency. If the information is NOT provided, your application may not be accepted. Your application will be publicly notified in accordance with Clause 8 of Snowy Monaro Regional Council's Development Control Plan 2013. The application details will also be kept by Council in a register that may be viewed by the public at any time. The Act provides that for the purposes of public notification, specific internal layouts of a dwelling maybe excluded from a plan prepared for such exhibition.

## 5 Additional Notes



Sunday 23<sup>rd</sup> April 2017

Dear Sir

We are writing to express our concern over a property development in Jerrara Drive. The property in question is on the western side of the street and on the southern side of Siesta Villa motel.

A builder's fence has been erected but it is topped with a strand of barbed wire which we find unacceptable in a residential area. The fenced property now blocks long term established local access to the lake foreshore. It also blocks access to the southern end of the walking track which leads to Rushes Bay and it's our understanding that it is planned to link the track with Tyrolean Village and beyond.

We believe that council has negotiated access to the pumping station but access for ratepayers has not been forthcoming.

This has created a very sad & unpleasant situation for our village.

Yours Sincerely



2.

RECEIVED  
28 APR 2017

BY: .....

r

Mr J Vescio  
P.O.Box 714  
Cooma 2630

Dear Joe

Re: 58 Jerrara Drive East Jindabyne

I am writing to you regarding the above property. The property has been purchased and since its purchase the owner has done nothing but upset the residents of East Jindabyne. The concerns are listed below.

- A notice has gone up forbidden access to the Lake. A photo is at the bottom of the letter. Did this really go to the High Court if so why where residents not informed.
- The owner has fenced the property by putting up a barbwire fence. Is this legal in a residential area?
- A lovely very old tree has been taken down – was permission given to do this?
- By closing the access to the lake, he has now blocked access to the lake from the property to nearly Rushes Bay. When the lake is, high this means, there is no exit from the lake if you walk from Rushes Bay. This also means there is no access for vehicles to the small bays in the area. As this roadway has been used since the lake was formed is there no rule like in the UK that is, when a path has been used for years it becomes a public right of way?
- What will happen when the shared pathway is completed from Rushes Bay to Tyrolean Village?

To the General Manager,

This submission is in regard to the works and planned works at LOT 3 DP 1184903 JINDERBOINE, Property Number 108029, Application Number DA4164/2017.

Firstly I must express my regret and disappointment in your office with regard to the communication presented. The change of zone for this property is a banal oversight of the growth the entire area is undergoing, to absently give away commercial opportunity on the foreshore based upon some mediocre argument that "they did it" borders somewhere between negligent and unqualified for the task. Sorely disappointed with this loss to the community.

Secondly, I would like to question the loss of public access to the foreshore. In NSW the *Conveyancing Act 1919* sets out the requirements for creating, modifying and extinguishing easements. Applications for a court order creating an easement are made to the Supreme Court, and in limited circumstances, to the Land and Environment Court (*Conveyancing Act 1919*, section 7 and *Land and Environment Court Act 1979*, section 40).

Under section 88K of the *Conveyancing Act 1919* the court can create an easement if it is satisfied that:

- the use will not be inconsistent with the public interest
- the owner of the land burdened can be adequately compensated for any resulting loss or other disadvantage
- all reasonable attempts have been made by the applicant to obtain the easement.

An easement can be modified or extinguished by agreement, like a deed of release, or by court order. Examples of easements that can be extinguished by court order are those where the use of the land and the neighbourhood has changed, making the easement obsolete; or where the easement has not been used for at least 20 years (*Conveyancing Act 1919*, section 89).

Under section 89 a person can apply to the court for an order declaring whether an easement exists over particular land, and its nature and extent and also for an order to enforce an easement.

Chapter 4: Entry, access and privacy

## Main content area

### Entry, access and privacy

#### Entry

#### Trespass

The law of trespass is available to anyone who is an 'occupier' – not just to the owner of the property. Under the law of trespass, if someone enters the property without permission you can ask them to leave. If they refuse to go when asked, they are trespassing and you can use reasonable force to remove them. If you use more than reasonable force however, you may be committing an assault and can be charged, or even sued by the trespasser.

A person invited on to your property, for example for a garage sale or an open house inspection, is only entitled to be there for that purpose and their right to remain evaporates as soon as you ask them to leave. A person who enters with a particular purpose (for example, a door-to-door salesman or a neighbour visiting) has an implied right to come onto your property and up to your door. But as soon as you withdraw your consent by asking them to leave, they must do so, as they are now trespassing.

Rather than resorting to force to remove the trespasser, you can call the police immediately and ask them to come and remove the trespasser and charge them. Under the *Inclosed Lands Protection Act 1901* (sections 4, 4A), where the land is fenced or enclosed, there are various penalties for unlawful entry and offensive conduct. With or without a fence, you may also be able to sue the trespasser if damage or injury has been caused.

Where an object enters the property without permission or with permission but the permission is withdrawn, the object's owner should remove it immediately or risk being sued in trespass for any damage it causes. To retrieve the object, permission must be asked to enter the land for this purpose.

If the trespass by a person or object happens repeatedly and all other measures have failed, you may wish to apply to the Supreme Court for

An adjoining owner who carries out fencing work under the *Dividing Fences Act 1991* (section 20) may enter the adjoining land at any reasonable time, to carry out the work.

## Access

### Access orders

Under the *Access to Neighbouring Land Act 2000* (Part 2 Access Orders) a person can make an application to the Local Court for an order allowing entry onto neighbouring land.

There are two types of orders you can apply for:

- a Neighbouring Land Access Order
- a Utilities Land Access Order.

A Neighbouring Land Access Order allows an applicant to enter neighbouring land for the purpose of carrying out work on the applicant's own land. This includes work such as:

- construction and demolition
- inspection
- removing, felling, cutting back or treating hedges, trees and shrubs and
- ascertaining the course of drains, pipes and cables to renew, repair or clear them of blockages (section 12).

Before granting the order the Local Court must be satisfied that the applicant has tried to reach agreement with the person(s) whose consent is needed and that 21 days notice of the application has been given. Waiver of the notice period can be granted if the court thinks it appropriate in the circumstances (sections 10-11).

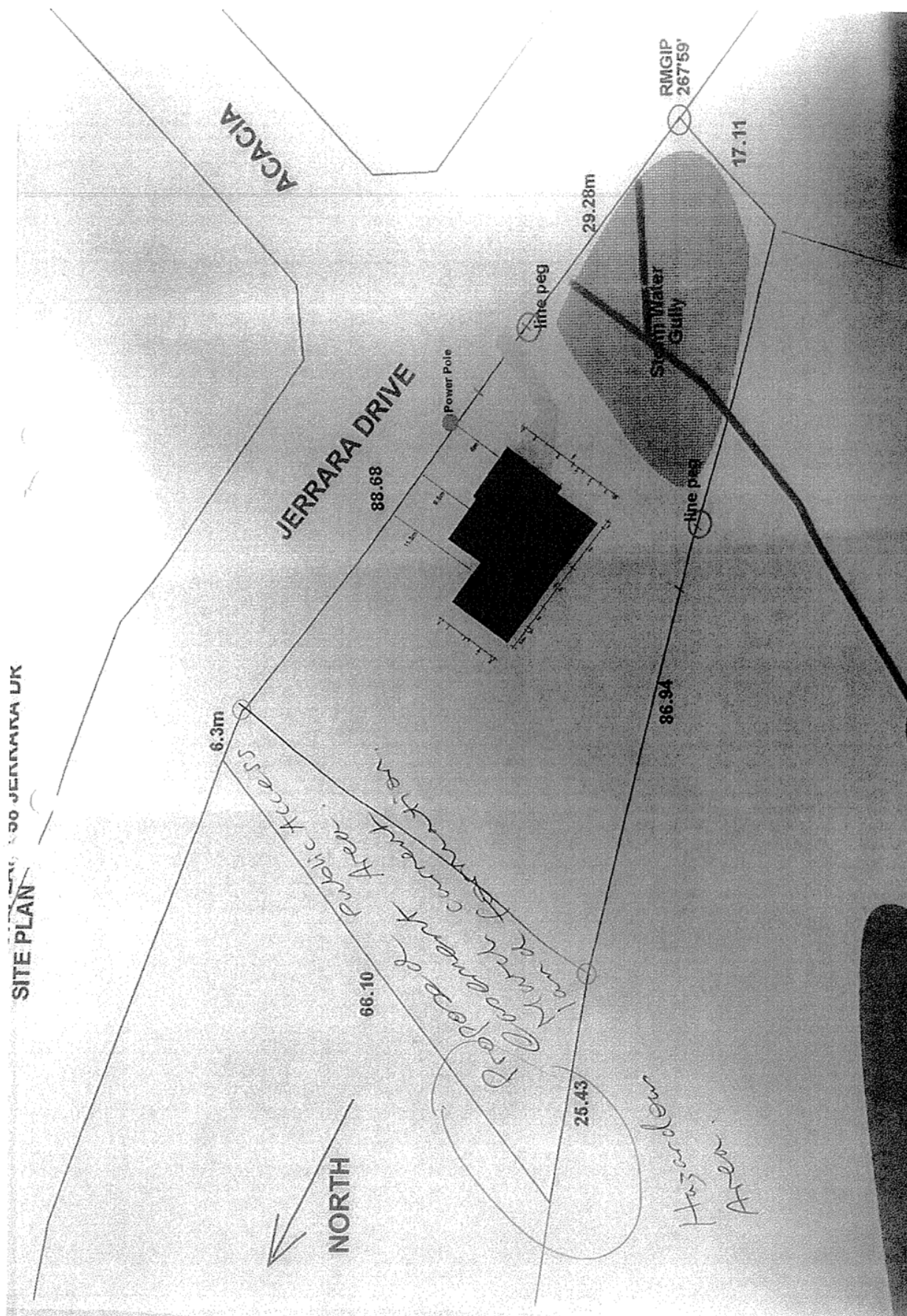
A Utilities Land Access Order allows an applicant to enter neighbouring land for the purpose of carrying out work on a sewerage, drainage, water, gas, electricity or telephone service. Anyone entitled to use the utility can apply for the order (sections 3 and 8). It applies to work such as:

- construction
- repair
- improvement
- connecting and disconnecting the service
- carrying out inspections (section 14).

A person can apply for either or both orders. The orders can contain specific conditions outlining particular safeguards and precautions to be taken that minimise loss (including loss of privacy), damage and injury to the owner. They can also contain conditions regarding reimbursement

neighbourhood has changed, making the easement obsolete; or where the easement has not been used for at least 20 years (*Conveyancing Act 1919*, section 89).

Under section 89 a person can apply to the court for an order declaring whether an easement exists over particular land, and its nature and extent and also for an order to enforce an easement.



DA 4164/2017

SCANNED

4

Re: Barbed Wire Fence in Urban Area.



Property: East Jindabyne development  
(Next door to Siesta Villa)

- Concerns that a barbed wire fence has been erected in an Urban area.
- Please consider a request for the barbed wire to be removed.
- My details not to be passed onto owner of property

/

\* 5

Sue Southern

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From:  
Sent: Thursday, 11 May 2017 12:20 PM  
To: records  
Subject: Re road access to beach at East Jindabyne

To whom it may concern

I am one of the owners of Jindabyne and just wanted to say how delighted we are that the road access to the sewerage facility adjacent to our property has been limited to council/sewerage workers, as a result of the selling of lot 58.

The small beach in front of our houses over the last few years had changed from a nice quiet beach used by locals and walkers to a public unofficial boat launching area with cars parked all over the beach.

It wasn't uncommon in summer to have more than half a dozen cars parked on the sand and the regeneration area behind it. With many kids playing there, safety was an obvious issue. All this because cars had started using the access road to the sewerage facility to carve a new road to the beach.

I have been meaning to write in protest in the last couple of years and am now delighted to be writing a letter of thanks!

On behalf of numt many of the walkers we spoke to this Easter, I would like to thank the council for restricting it and lend our support to it staying that way!

Best regards,

[Type here]

~~XX~~ 6

SNOWY MONARO REGIONAL COUNCIL  
DABYNE OFFICE

11 MAY 2017

SNOWY MONARO  
REGIONAL COUNCIL

The General Manager  
Snowy River Shire Council

Given our grave concerns over this development, we have sought expert advice, including both a Solicitor and Urban Planner on this matter and have been in contact with the Environmental Defenders Office. 3:30pm

Our concerns are listed below:

DA deficiency:

The DA is of such deficiency that a proper assessment could not be undertaken by ourselves or our experts. These deficiencies include:

- The DA plans are poorly prepared and do not have dimensions or levels to AHD.
- The DA plans are not accordance with Councils DA checklist and Development Control Plan, including Chapter A2.
- The Statement of Environmental of Environmental Effects is appalling, particularly for a prohibited development. The SEE does not address the matters as set out in Schedule 1 of the Planning Regulations.
- There is no streetscape impact or analysis of impacts on adjoining neighbours with regard to view loss or restriction of ongoing public access.
- There is no flood study or assessment of stormwater drainage impacts, given that these could add to backflow and therefore cause a constriction in water flow, thus contribute to upstream flooding.
- The development requires a Controlled Activity Approval and is integrated development as it is within the banks of a watercourse.

Permissibility

We had spoken to Councils Strategic Planners about this site when it was for sale. We were advised at the time that a residential dwelling was prohibited and a re-zoning of the site would be required. We understood a re-zoning would go through a public consultation process.

Since this has not occurred and the owner is seeking a loophole to bypass this process, we have since sought legal advice on this matter.

This advice has been summarised as following:

- *The proposed development is prohibited in the SP3 – Tourist zone. Dwelling houses for residential use are not permitted in this zone and this would undermine the intention of the zone and its objectives.*
- *Although the SEE does not adequately address this issue, it is understood that clause 5.3 of the LEP is to be used to circumvent the prohibited use of the site for a residential dwelling.*
- *We have been advised that clause 5.3 is only to be used in very specific and limited circumstances and is not a provision to allow prohibited land uses at the whim of Council or a developer.*
- *The 20m provision requires all the development to be located adjacent to the other zone, not just some components. This includes all the components that constitute the development, including driveways, drainage, open space, landscaping, services, etc. Any area that forms*

[Type here]

*part of the open space or landscaping for the dwelling is required to be located within this 20m.*

- *The subject site is located over 20m from the adjacent residential zone. The road, although zoned residential is 20.1m wide. The Department of Planning required all roads to be zoned under the Standard LEP template. This was to introduce flexibility in the case of roads being closed. A dwelling house cannot be erected on a public road. Therefore clause 5.3 cannot be used for the proposed development as all aspects of the development are more than 20m from the adjacent residential zone, located opposite the road.*
- *A road cannot fulfil the objectives of the R5 zone and no development within the road reserve or any residential purpose can occur.*
- *The purpose of the 20m rule is for an adjacent development, on or adjacent to a side or rear boundary to be able to use the adjacent zoning, where it is logical to do so and where the development fulfils the objectives of both zones. The proposed development is over 20m from the closest residential land.*
- *The SEE has failed to demonstrate that an 'investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone'.*
- *The SEE has failed to demonstrate that (a) the development is not inconsistent with the objectives for development in both zones, and*  
*(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- *The proposed development does not adhere to the objectives of the SP3 Tourist zone, it actually undermines these objectives. The use of the site for a dwelling does not satisfy (a) as it is inconsistent with the objectives of the SP3 zone.*
- *The adjacent zone and where the planning objectives apply is located over 20m from the subject site. The site was zoned SP3 Tourism for a specific reason, to promote tourism specific uses within East Jindabyne, which in part will be lost by the erection of a single residential dwelling. Given the extent of vacant residential land in East Jindabyne, there is no reason why this development cannot be located on any of those other lots, where it is permitted to do so.*
- *Approval of a residential dwelling in a tourist zone, undermines the planning system and order and actual purpose of having an LEP. Public confidence in Council appropriately managing this system would be lost in such a circumstance.*

Access:

- *Access to the lake for the community, through this parcel of land has been ongoing for the over 30 years.*
- *Public access through the site has recently been obstructed, which is unlawful and a denial of natural justice under common law doctrine where continued access has been in place and whereby public enjoyment of land has occurred continuously over 25 years.*
- *This access is recognised in all government and non-government mapping, as shown below:*

[illegible]

- *The easement in place is in benefit of Council, which in turn is in benefit of the wider community, which Council serves and acts in the interest of.*
- *This easement, as a right, also provides ongoing public access to the lake for the community.*
- *The development of a residential dwelling could restrict or hinder ongoing public access through the site. A tourism development could facilitate ongoing access, shared between its guests and the local community.*
- *A residential dwelling on this lot, therefore cannot satisfy the objectives of the SP3 zone as it would further restrict or hinder public access to the lake.*
- *We request that Council formally advise that this access is to be re-opened and that any further development of the subject site require the land owner to enter an MOU with Council, with a restriction on title outlining that ongoing access to the lake for the public is acknowledged. A restriction on title limiting any further subdivision of the site is also required.*

- *Front Setback is well below the average and long term setback established within the street, with the proposed dwelling located within the streetscape corridor. It is evident this has been pushed forward to try to achieve compliance with the 20m proximity rule, which it does not.*
- *A two storey development of this site, in this location, creates view loss for ourselves and neighbours.*
- *The location of the building be moved to the north, to alleviate impacts on the streetscape and view loss.*

[Type here]

We therefore request:

- The owner be requested to withdraw the subject DA and Council obtain legal advice on the matters of permissibility and access as raised above.
- Council advise the owner that a re-zoning of the property is required to achieve a permissible land use for a residential dwelling.

If Council fails these request, we reserve the right to make an appeal under S.123 of the Planning Act, in which we have sufficient grounds including a civil lawsuit. We also request that any DA on this site that includes a prohibited development be determined by Council, not under delegation.

Signed:

11.5.17

ADDITIONAL # 6

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**From:**  
**Sent:** Friday, 12 May 2017 11:04 AM  
**To:**  
**Subject:** Submission for 50 Jerrara dr

Hi Naomie,

I dropped the submission in yesterday.

I wanted to explain firstly I've not been tempted to submit in opposition of people wanting to develop before. It's vital I explain this submission is understood and the reasons for it.

Even in our own estate here the covenants have been broken, eg a plonker and closed in fences etc, but it's not too much of an imposition on the Jindabyne lifestyle !

The difference with this proposal is that our lifestyle has been affected. We and others in our area no longer have access to the lake which is obviously a huge reason of why we live in Jindabyne. It's affected the entire community. Given the council have also invested in committing to the track at the foreshore of the lake we really thought that there would of been a consultation to the residents of some sort before it was locked up and completely blocked for walkers, swimmers and fisherman etc!

With this submission we are hoping for a fair resolution for our family and community.

Thanks agin for your time Naomie, and I hope you can understand where we are coming from.

Yours sincerely,

Sent from my iPhone

-----Safe Stamp-----

Your Anti-virus Service scanned this email. It is safe from known viruses.  
For more information regarding this service, please contact your service provider.



# Development Application

made under the Environmental Planning and Assessment Act 1979 Section 78A

Office Use Only	
DA Number	10. DA4164/2017

## PLEASE COMPLETE ALL SECTIONS

APPLICANT			
Name/Company:	CARL HAYWARD ODELL	Phone:	
Contact Name (if Company):		Fax:	
Postal Address:		Mobile:	
Town:	JINDABYNE	State:	NSW
Postcode:	2627	Email:	

OWNER			
Name/Company:	C.H. Odell + J.L. FLANDERS	Phone:	
Contact Name (if Company):		Fax:	
Postal Address:		Mobile:	
Town:	JINDABYNE	State:	NSW
Postcode:	2627	Email:	
Is the subject land Crown Land <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> → Please attach Authority			
OFFICE USE ONLY NAR Numbers			

LAND TO BE DEVELOPED (Please attach additional sheet if inadequate space provided)					
No:	58	Street:	JERRARA DR	Town:	EAST JINDABYNE
Lot:	3	Section:		DP/SP:	1184903
Lot:		Section:		DP/SP:	
OFFICE USE ONLY Parcel Numbers					

PROPOSED DEVELOPMENT		
Description of development: DWELLING		
<input checked="" type="checkbox"/> Erect, alter or add to a building or structure	<input type="checkbox"/> Subdivide land or building	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Change the use of land or building (or classification under the BCA)	<input type="checkbox"/> Demolition	
<input type="checkbox"/> Carry out a work	<input type="checkbox"/> Signage/Advertising	
TYPE OF DEVELOPMENT (tick all that apply)		
<input type="checkbox"/> Single dwelling	<input type="checkbox"/> Storage Shed	<input checked="" type="checkbox"/> Tourist
<input type="checkbox"/> Residential alterations/additions	<input type="checkbox"/> Garage	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Multi-Unit	<input type="checkbox"/> Industrial	<input type="checkbox"/> Infrastructure
<input type="checkbox"/> Second Occupancy	<input type="checkbox"/> Commercial/Business	<input type="checkbox"/> Community/Education Facilities
<input type="checkbox"/> Seniors Living	<input type="checkbox"/> Retail	<input type="checkbox"/> Education Facility
<input type="checkbox"/> Other residential	<input type="checkbox"/> Office	<input type="checkbox"/> Event
<input type="checkbox"/> Mixed	<input type="checkbox"/> Food Premises	<input type="checkbox"/> Other

COST (including materials and labour)	
This is the estimated total cost of any construction, internal fit-out and demolition, including GST and labour. Council checks your estimate against current building cost indices. Developments with no construction work such as subdivisions or change of uses have a separate standard fee and no estimated cost is required.	
COST (including materials and labour):	\$ 350,000.00

STAGED DEVELOPMENT	
Are you lodging a <a href="#">Staged Development Application</a> ? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Section 83B of the <i>Environmental Planning and Assessment Act 1979</i> defines a staged Development Application (DA) as one which sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent DAs. The application may set out detailed proposals for the first stage of development.	
INTEGRATED DEVELOPMENT (Approvals from State Agencies)	
Is this application for <a href="#">Integrated Development</a> ? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Please tick which other approvals are required. If yes Council requires an additional set of plans, a Statement of Environmental Effects (SEE) and a fee for each relevant government agency. Please check with Council for current applicable fee.	
Roads Act 1993 <input type="checkbox"/> <a href="#">s138</a>	Heritage Act 1977 <input type="checkbox"/> <a href="#">s58</a>
National Parks and Wildlife Act 1974 <input type="checkbox"/> <a href="#">s90</a>	
Rural Fires Act 1997 <input type="checkbox"/> <a href="#">s100B</a>	Protection of the Environment Operations Act 1997
Petroleum (on shore) Act 1991 <input type="checkbox"/> <a href="#">s9</a>	<input type="checkbox"/> <a href="#">s43(a)</a> <input type="checkbox"/> <a href="#">s43(b)</a> <input type="checkbox"/> <a href="#">s43(d)</a> <input type="checkbox"/> <a href="#">s47</a> <input type="checkbox"/> <a href="#">s48</a> <input type="checkbox"/> <a href="#">s55</a> <input type="checkbox"/> <a href="#">s122</a>
Fisheries Management Act 1994	Water Management Act 2000
<input type="checkbox"/> <a href="#">s144</a> <input type="checkbox"/> <a href="#">s201</a> <input type="checkbox"/> <a href="#">s205</a> <input type="checkbox"/> <a href="#">s219</a>	<input type="checkbox"/> <a href="#">s89</a> <input type="checkbox"/> <a href="#">s90</a> <input type="checkbox"/> <a href="#">s91</a>
Mine Subsidence Compensation Act 1961 <input type="checkbox"/> <a href="#">s15</a>	Mining Act 1992 <input type="checkbox"/> <a href="#">s63</a> <input type="checkbox"/> <a href="#">s64</a>
Integrated Development is defined by the Environmental Planning and Assessment Act 1979 as development which needs a Development Consent and one or more additional approvals under the Acts mentioned above in order to be legally carried out. Further explanatory notes are available from Council on request.	
IS/DOES THE PROPOSED DEVELOPMENT:	
YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPROVALS UNDER SECTION 68 – LOCAL GOVERNMENT ACT, 1993	
<p>Do you wish to carry out any S68 activities (listed below) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES – Complete details below</span></p>	
<p>If you wish to carry out one of the following activities, you need the approval of Council. Identify the activities you propose to carry out, and the relevant documents you need to include in your Application, by placing a cross in the appropriate boxes. Please include the relevant documents as detailed in the Section 68 Checklist with your Application. Note: Alternatively these can be applied for separately using 'Section 68 Application' form.</p> <p>Under Section 78A of the <i>Environmental Planning and Assessment Act 1979</i> a person can apply to Council for both a development consent and a S68 Approval in the one Development Application. In determining the Development Application, Council may apply any of the provisions under the Local Government Act 1993 that it could apply if the Development Application were an application under that Act for the relevant approval. In particular, if the Development Consent is granted, Council may impose a condition that is authorised under that Act to be imposed as a condition of consent.</p> <p>In granting a Development Consent in which a Section 68 approval is also contained, Council may, (without limiting any other condition in the Consent) impose in relation to the approval taken to have been granted under Section 68, either or both of the following conditions:</p> <p>(a) A condition that the approval is granted only to the applicant and does not attach to or run with the land to which it applies.</p> <p>(b) A condition that the approval is granted for specific time.</p>	
<p><b>A Structures</b></p> <p><input type="checkbox"/> A1 Installing a manufactured home, moveable dwelling or associated structure on land.</p> <p><b>B Water supply, wastewater and stormwater drainage work</b></p> <p><input type="checkbox"/> B1 Carrying out water supply work. Please choose:  <input type="checkbox"/> Install/alter private ^ water system  <input type="checkbox"/> Install/alter public infrastructure  <input type="checkbox"/> Other: _____</p> <p><input checked="" type="checkbox"/> B2 Draw water from a Council water supply or a standpipe or sell water so drawn.</p> <p><input type="checkbox"/> B3 Install, alter, disconnect or remove a meter connected to a service pipe.  <input type="checkbox"/> Establish new water service/meter connection  <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B4 Carry out wastewater drainage work.  <input type="checkbox"/> Establish new wastewater consumer service  <input type="checkbox"/> Install/alter internal wastewater drainage  <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> B5 Carry out stormwater drainage work.</p> <p><input type="checkbox"/> B6 Connect a private drain or wastewater drain with a public drain or wastewater drain under the control of a Council or with a drain or sewer which connects with such a public drain or wastewater drain.</p> <p><b>C Management of waste</b></p> <p><input type="checkbox"/> C1 For fee or reward, transport waste over or under a public place.</p> <p><input type="checkbox"/> C2 Place waste in a public place.</p> <p><input type="checkbox"/> C3 Place a waste storage container in a public place.</p> <p><input checked="" type="checkbox"/> C4 Dispose of waste into a wastewater drain of the council.</p> <p><input type="checkbox"/> C5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility. (eg Install Septic System, AWTS etc) Please choose:  <input type="checkbox"/> Aerated Waste Treatment System (AWTS)  <input type="checkbox"/> Dry Composting System  <input type="checkbox"/> Septic Tank  <input type="checkbox"/> Wet Composting System  <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> C6 Operate a system of wastewater management (within the meaning of Section 68A).</p>	<p><b>D Community Land</b></p> <p><input type="checkbox"/> D1 Engage in a trade or business.</p> <p><input type="checkbox"/> D2 Direct or procure a theatrical, musical or other entertainment for the public.</p> <p><input type="checkbox"/> D3 Construct a temporary enclosure for the purpose of entertainment.</p> <p><input type="checkbox"/> D4 For fee or reward, play a musical instrument or sing.</p> <p><input type="checkbox"/> D5 Set up, operate or use loudspeaker or sound amplifying device.</p> <p><input type="checkbox"/> D6 Deliver a public address or hold a religious service or public meeting.</p> <p><b>E Public roads</b></p> <p><input type="checkbox"/> E1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.</p> <p><input type="checkbox"/> E2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.</p> <p><b>F Other activities</b></p> <p><input type="checkbox"/> F1 Operate a public car park. ↕</p> <p><input type="checkbox"/> F2 Operate a caravan park or camping ground.</p> <p><input type="checkbox"/> F3 Operate a manufactured home estate.</p> <p><input checked="" type="checkbox"/> F4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance.</p> <p><input type="checkbox"/> F5 Install or operate amusement devices (within the mean of the Construction Safety Act 1912).</p> <p><input type="checkbox"/> F6 Use a standing vehicle or any article for the purpose of selling any article in a public place.</p> <p><input type="checkbox"/> F7 Carry out an activity prescribed by the regulations or an activity of a class or description by the regulations.</p> <p><b>Note:</b></p> <p>^ Private means work/infrastructure that will be the responsibility of landowners, usually all development from the water meter or sewer tapping point, back to the dwelling/building.</p> <p>• Public means work/infrastructure that will be handed over for the responsibility of Council, eg, Council mains work/extensions etc.</p>

REQUIRED ATTACHMENTS		
<input checked="" type="checkbox"/> 1 copy of the relevant Council checklist/s applying to the proposed development. <input checked="" type="checkbox"/> All plans/reports/documentation required by the above checklist. <input checked="" type="checkbox"/> 1 copy of directional map/details to the site for remote rural properties.		
POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT [Sec 147(4) EP&A Act]		
Have you or any person with a financial interest in this development application made a political donation or gift within the last 2 years? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please complete and attach a Political Donations and Gifts Disclosure Statement (available from Council's website).		
Applicants Signature	Name	Date
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	CARL HAYWARD ODELL	20-3-2017
CONSENT OF ALL OWNERS		
All owners must sign this application form or provide written authority for the lodgement of the application. <b>Note: Company Ownership</b> In the case of a company ownership, in accordance in s127 of the Corporations Act 2001, please state in the signature/name area the authority of each signatory (Director/Secretary etc) (eg as Director of ABC Holdings Pty Ltd) OR attach further documentation as required.		
<input checked="" type="checkbox"/> Owners consent attached OR ↓		
As the owner/s of the above property described in this application I/we consent to its lodgement. I/we hereby permit any duly authorised officer of Snowy Monaro Regional Council to enter the land or premises to carry out inspections and surveys or take measurements or photographs as required for the administration the Act(s), Regulations, or Planning Instruments. We advise that as landowners we are not aware of any known hazards that may be of harm to officers visiting the site.		
Signature	Name	Date
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	CARL HAYWARD ODELL	20-3-2017
Signature	Name	Date
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	JENNIFER LEE FLANDERS	20-3-2017
DECLARATION AND SIGNATURE OF APPLICANT		
I/we the undersigned hereby apply for approval of the development proposal as described and as per the plans and specifications and documents accompanying the Application. I/we undertake to develop in accordance with any approval granted by Council and conform with the provisions of the relevant Act(s), Regulations, codes and the Local Environmental Plan. I/we further undertake to pay any fee or charge assessed by Council in connection with development and indemnify Snowy Monaro Regional Council against all claims arising from negligence (or otherwise) resulting from work carried out in connection with the development within the road reserve.		
Signature	Name	Date
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	CARL HAYWARD ODELL	20-3-2017
Signature	Name	Date
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	JENNIFER LEE FLANDERS	20-3-2017
SITE WORKS MUST NOT COMMENCE WITHOUT COUNCIL APPROVAL		
Construction materials purchased/work done/arrangements made prior to consent are at the owner/applicants' risk.		

- ▲ Designated Developments are listed in Schedule 3 of the Environmental Planning and Assessment Regulations 2000. Special procedures apply to the notification and assessment of Designated Development under the Act)
- ◆ Development that requires Concurrence is listed in 79B of the Environmental Planning and Assessment Act 1979.
- ◆ **biodiversity compliant development means:**
  - (a) development proposed to be carried out on biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995, or
  - (b) development in respect of which a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995, or
  - (c) development to which the biodiversity certification conferred by Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 applies, or
  - (d) development for which development consent is required under a biodiversity certified EPI (within the meaning of Part 8 of Schedule 7 to the Threatened Species Conservation Act 1995).

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## 15.6 CHANGE TO OPERATING HOURS AT NIMMITABEL TRANSFER STATION

Record No:

Responsible Officer: Director Service Planning

Author: Resource & Waste CoOrdinator / Noxious Weeds

Key Direction: 1. Sustaining Our Environment for Life

Delivery Plan Strategy: DP1.7 Provide an integrated waste management service that is socially, economically and environmentally responsible.

Operational Plan Action: OP1.26 Efficient operation of Domestic and Commercial Waste collection services.

Attachments: Nil

Cost Centre

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

To advise of a change to operating hours at Nimmitabel Transfer Station to allow Transfer Station attendants to complete their operational duties and travel safely prior to nightfall during winter. There is no reduction in the total number of hours the facility is open to the public.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note the information in the report on the change to operating hours at Nimmitabel Transfer Station

### BACKGROUND

Council Resource and Waste Services are changing the operating hours at the Nimmitabel Transfer Station from 1 June 2017. This change is to address the risk involved with staff working on site without lighting at nightfall during winter, and will improve staff safety whilst completing their operational daily duties. It is recommended that the site open and close an hour earlier on a Friday and Sunday leaving Wednesday hours as normal. This will mean no loss of actual operating hours for the residential and business patrons utilising the site.

Council Resource and Waste services will undertake Community consultation through information notification to the local community group (Nimmitabel Advancement Group), information flyer handouts on site, village newsletter and through Council's communication team ensuring that the message is effectively broadcast.

Current	Hours of operation
Friday	2 pm to 5 pm
Wednesday	9 am to 12 noon

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15.6 CHANGE TO OPERATING HOURS AT NIMMITABEL TRANSFER STATION

Sunday	10 am to 5 pm
New as from 1 June 2017	Hours of operation
Friday	1 pm to 4 pm
Wednesday	9 am to 12 noon
Sunday	9 am to 4 pm

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

This change should have no great impact to the community only a readjustment of time for disposal of their waste and recyclables. It will serve to ensure the safety of Council staff at the transfer station. Previous examination of customer visitation during winter shows that patronage after 4pm decreases markedly.

**2. Environmental**

There will be no environmental impact with the introduction of changed hours.

**3. Economic**

There will be no change to the costs associated with this action

**4. Civic Leadership**

Council Resource and Waste services will undertake Community consultation through information notification to the local community group (Nimmitabel Advancement Group), information flyer handouts on site, the village newsletter and through Council's communication team ensuring that the message is effectively broadcast, thus ensuring that Council has met its obligations to notify the community effected by this change.

By undertaking this action Council is meeting its obligations as an employer to ensure the safety and well-being of its staff.

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## 16.1 QUATERLY BUDGET REVIEW STATEMENT (QBRs) - 31 MARCH 2017

Record No:

Responsible Officer:	Acting Director Corporate & Community Services
Authors:	Financial Accountant Acting Director Corporate & Community Services
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:	1. QBRs March 2017 Consolidated <a href="#">↓</a>
Cost Centre	4010 Financial Services
Project	QBRs
Further Operational Plan Actions:	OP7.20 The Finance framework ensures that Budgets can be developed, monitored and reviewed regularly to ensure sustainability

### EXECUTIVE SUMMARY

At its extraordinary meeting on 29 July 2016, Council adopted the Budgeted estimates of Council's Income and Expenditure for the financial year ending 30 June 2017 including Water Supply, Waste Water and Waste Management resulting in a balanced Budget.

The Adopted budget was amended to reflect the September and December Quarterly Budget Review Statement (QBRs) variations which likewise resulted in a balanced budget through utilisation of Reserves.

The March Quarterly Budget Review Statement (QBRs) is presented with variations also balanced through utilisation of Reserves.

### STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

In accordance with Clause 203(2) of the Local Government (General) Regulations 2005

I, Jo-Anne Mackay, Responsible Accounting Officer of Council hereby certify that:

It is my opinion that the Quarterly Budget Review Statement for Snowy Monaro Regional Council for the quarter ended 31 March 2017 indicates that Council's projected financial position at 30 June 2017 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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

#### OFFICER'S RECOMMENDATION

That Council

A. Adopt the Quarterly Budget Review Statement for the period ended 31 March 2017

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- B. Council's Adopted Budget be adjusted to reflect the recommended variations to revenue, expenditure and reserves, as shown in the Quarterly Budget Review Statement
- C. Receive and note the Statement by the Responsible Accounting Officer.

## **BACKGROUND**

The summary of the significant amendments that have had an impact on the budget are outlined within the attachment.

Service levels are expected to be maintained as originally outlined in the 2017 Operational Plan.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

This report provides a snapshot of the Council's Financial Performance which is a tool to identify improvements necessary to sustain Council's financial health to be able to deliver services to the community and achieve community goals.

### **2. Environmental**

It is not considered that the recommendations contained herein will have any environmental impacts

### **3. Economic**

The impact on budget is the subject of this report and as such is contained in the attachments to the report with a resulting balanced budget.

### **4. Civic Leadership**

Council provides relevant information that demonstrates commitment to openness, transparency and accountability and enable informed decisions to be made.

The 2017 Budget was

- adopted under Council Resolution      106/16      (29/07/2016)
- amended under Council Resolution      224/16      (30/11/2016)
- amended under Council Resolution      22/17      (22/02/2017)

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Income & Expenses - Council Consolidated**

(\$000's)	Original	Approved Changes					Revised	Variations		Notes	Projected	Actual
	Budget 2016/17	Carry Forwards	Other than by QBRs	Sept QBRs	Dec QBRs	Internal Transfers	Budget 2016/17	for this Mar	Qtr		Year End Result	YTD figures
<b>Income</b>												
Rates and Annual Charges	30,130	-	-	-	-	-	30,130	-	1		30,130	26,631
User Charges and Fees	12,750	-	-	(17)	653	-	13,386	19	2		13,405	8,548
Interest and Investment Revenues	1,565	-	-	93	196	-	1,854	16	3		1,870	1,535
Other Revenues	1,313	-	-	(49)	(34)	(36)	1,194	-	4		1,194	1,420
Grants & Contributions - Operating	20,534	131	-	81	98	11	20,855	1,444	5		22,299	13,879
Grants & Contributions - Capital	1,726	1,843	60	746	(96)	-	4,279	100	6		4,379	1,011
Net gain from disposal of assets	-	-	-	-	-	-	-	-	-		-	253
Share of Interests in Joint Ventures	-	-	-	-	-	-	-	-	-		-	-
<b>Total Income from Continuing Operations</b>	<b>68,018</b>	<b>1,974</b>	<b>60</b>	<b>854</b>	<b>817</b>	<b>(25)</b>	<b>71,698</b>	<b>1,579</b>			<b>73,277</b>	<b>53,276</b>
<b>Expenses</b>												
Employee Costs	26,105	30	-	1,035	48	-	27,218	(143)	7		27,075	19,856
Borrowing Costs	391	-	-	-	-	-	391	-	8		391	246
Materials & Contracts	14,615	554	76	574	621	97	16,537	1,021	9		17,558	13,530
Depreciation	17,719	-	-	93	-	-	17,812	-	10		17,812	14
Legal Costs	356	-	-	32	-	-	388	-	11		388	287
Consultants	701	12	-	990	-	-	1,703	(12)	12		1,691	785
Other Expenses	7,818	94	29	(77)	3	(122)	7,745	33	13		7,778	5,719
Interest & Investment Losses	-	-	-	-	-	-	-	-	-		-	-
Net Loss from disposal of assets	-	-	-	-	-	-	-	-	-		-	45
Share of interests in Joint Ventures	-	-	-	-	-	-	-	-	-		-	-
<b>Total Expenses from Continuing Operations</b>	<b>67,705</b>	<b>690</b>	<b>105</b>	<b>2,647</b>	<b>672</b>	<b>(25)</b>	<b>71,794</b>	<b>899</b>			<b>72,693</b>	<b>40,482</b>
<b>Net Operating Result from Continuing Operation</b>	<b>313</b>	<b>1,284</b>	<b>(45)</b>	<b>(1,793)</b>	<b>145</b>	<b>-</b>	<b>(96)</b>	<b>680</b>			<b>584</b>	<b>12,794</b>
Discontinued Operations - Surplus/(Deficit)							-				-	
<b>Net Operating Result from All Operations</b>	<b>313</b>	<b>1,284</b>	<b>(45)</b>	<b>(1,793)</b>	<b>145</b>	<b>-</b>	<b>(96)</b>	<b>680</b>			<b>584</b>	<b>12,794</b>
<b>Net Operating Result before Capital Items</b>	<b>(1,413)</b>	<b>(559)</b>	<b>(105)</b>	<b>(2,539)</b>	<b>241</b>	<b>-</b>	<b>(4,375)</b>	<b>580</b>			<b>(3,795)</b>	<b>11,783</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	\$ 000's
<b>1</b>	<b>Rates and Annual Charges</b> No Variation	
<b>2</b>	<b>User Charges and Fees</b> Animal Control - Reduced registrations Building - Increased town planning fees Increased operations at the Bombala Lawn Cemetery - Offset by additional Income Both Agents for the Bombala Saleyards have cancelled their booking for the year Higher than anticipated Development Activity resulting in increased Revenues	-18 17 10 -15 25
<b>3</b>	<b>Interest and Investment Revenues</b> Southern Phone Dividend adjustment	16
<b>4</b>	<b>Other Revenues</b> No Variation	
<b>5</b>	<b>Grants &amp; Contributions - Operating</b> Responsible Pet Ownership Grant Regional Road Repair Program adjustment - The Snowy River Way Road Widening Pending Disaster Relief Claim - Unsealed Road Repairs - Snowy Roads to Recovery funding brought forward for Snowy River Avenue Project Red Energy sponsorship Cooma Library grants RFS VASS reimbursement Flood in Bombala on 4/6/2016 Work to repair damage to be recovered through Natural Disaster Funding Funding for Roads to Recovery Projects (Mead Street Cathcart, Bungarby Road, Burnima Street Bibbenluke, Topping Street Delegate) has been withdrawn Funding has been secured from the Department of Industry, Skills and Regional Development for "Back to Business Week" Funding has been secured from the Department of Industry, Skills and Regional Development for "Future Towns Program"	12 102 224 830 90 66 -140 300 -200 10 150
<b>6</b>	<b>Grants &amp; Contributions - Capital</b> Grant Income from the Department of Justice for the Construction of the New Visitor Information Centre at Bombala was not included in original estimates	100
<b>7</b>	<b>Employee Costs</b> Parking & Ranger - Unfilled position for some time	-23

	Reallocation from Regional Roads Maintenance to Regional Roads Capital Works	-120
<b>8</b>	<b>Borrowing Costs</b> No Variation	
<b>9</b>	<b>Materials &amp; Contracts</b>	
	Disability Inclusion Action Plan	25
	Reallocation of minor roads projects from capital to operating	19
	Additional Unsealed Road Repairs as a result of flood disaster June 2016	224
	Yallambee painting	11
	Economic Development promotions funded by Red Energy	90
	Reallocation from Regional Roads Maintenance to Regional Roads Capital Works	-20
	Flood in Bombala on 4/6/2016 Work to repair damage to be recovered through Natural Disaster Funding	300
	Increased operations at the Bombala Lawn Cemetery - offset by additional Income	10
	Heavy Plant Operations have been reduced as a result of the withdrawal of Roads to Recovery Funding for some projects resulting is lower than anticipated Recovery	200
	Funding has been secured from the Department of Industry, Skills and Regional Development for "Back to Business Week" Contribution of \$2,000 from Council	12
	Funding has been secured from the Department of Industry, Skills and Regional Development for "Future Towns Program"	150
<b>10</b>	<b>Depreciation</b> No Variation	
<b>11</b>	<b>Legal Costs</b> No Variation	
<b>12</b>	<b>Consultants</b> Reallocation from Development Consultants to IT Capital for Hardware associated with the Electronic Housing Code Project	-12
<b>13</b>	<b>Other Expenses</b>	
	Tourism Snowy Mountains contributions adjustment	10
	Increase to Audit fees due to Audit Office Client Service Plan	11
	Responsible Pet Ownership Grant expenses	12

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**

for the period 01/01/17 to 31/03/17

**Capital Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Capital Budget - Council Consolidated**

(\$000's)

**Capital Expenditure**

Assets

- Infrastructure, Plant & Equipment

Loan Repayments (Principal)

**Total Capital Expenditure**

**Capital Funding**

Rates & Other Untied Funding

Capital Grants & Contributions

Receipts from Sale of Assets

- Infrastructure, Plant & Equipment

**Total Capital Funding**

**Net Capital Funding - Surplus/(Deficit)**

Original Budget 2016/17	Approved Changes					Revised Budget 2016/17	Variations for this Mar Qtr		Notes	Projected Year End Result	Actual YTD figures
	Carry Forwards	Other than by QBRs	Sept QBRs	Dec QBRs	Internal Transfers						
22,441	3,267	1,792	1,251	1,050	-	29,801	2,217	1		32,018	9,430
976	-	-	-	-	-	976	-			976	699
<b>23,417</b>	<b>3,267</b>	<b>1,792</b>	<b>1,251</b>	<b>1,050</b>	<b>-</b>	<b>30,777</b>	<b>2,217</b>			<b>32,994</b>	<b>10,129</b>
						-				-	
2,772	1,843	60	746	(96)	-	5,325	(100)	2		5,225	756
1,853	-	-	37	-	-	1,890	(83)	3		1,807	192
<b>4,625</b>	<b>1,843</b>	<b>60</b>	<b>783</b>	<b>(96)</b>	<b>-</b>	<b>7,215</b>	<b>(183)</b>			<b>7,032</b>	<b>948</b>
<b>(18,792)</b>	<b>(1,424)</b>	<b>(1,732)</b>	<b>(468)</b>	<b>(1,146)</b>	<b>-</b>	<b>(23,562)</b>	<b>(2,400)</b>			<b>(25,962)</b>	<b>(9,181)</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	\$ 000's
<b>1</b>	<b>- Infrastructure, Plant &amp; Equipment</b>	
	Snowy River Avenue Project - RTR funding \$830k, Infrastructure Reserve \$472k	1,302
	Regional Road Repair Program adjustment - The Snowy River Way Road Widening	102
	Re-draw unspent 2016 transport infrastructure capital works budget from internal reserves (Formal request not made with 2016 carry forwards)	860
	C-Trace upgrades to Waste Vehicles	20
	Reallocation of minor roads projects from capital to operating	-19
	Reallocation from Development Consultants to IT Capital for Hardware associated with the Electronic Housing Code Project	12
	Funding for Roads to Recovery Projects (Mead Street Cathcart, Bungarby Road, Burnima Street Bibbenluke, Topping Street Delegate) has been withdrawn	-200
	Reallocation from Regional Roads Maintenance to Regional Roads Capital Works	140
<b>2</b>	<b>Capital Grants &amp; Contributions</b>	
	Grant Income from the Department of Justice for the Construction of the New Visitor Information Centre at Bombala was not included in original estimates	100
	Funding for Roads to Recovery Projects (Mead Street Cathcart, Bungarby Road, Burnima Street Bibbenluke, Topping Street Delegate) has been withdrawn	-200
<b>3</b>	<b>Receipts from Sale of Assets</b>	
	Deferral of Snowy Waste Plant Sale	-83

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Cash & Investments - Council Consolidated**

(\$000's)	Original Budget 2016/17	Approved Changes					Revised Budget 2016/17	Variations for this Mar Qtr		Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sept QBRs	Dec QBRs	Internal Transfers						
<b>Total Cash &amp; Investments</b>	<b>66,526</b>	<b>(2,367)</b>	<b>1,619</b>	<b>(3,065)</b>	<b>(301)</b>	<b>-</b>	<b>62,412</b>	<b>(1,460)</b>			<b>60,952</b>	<b>71,777</b>
<b>Bombala</b>												
<b>Externally Restricted <sup>(1)</sup></b>												
Water	2,349	(47)				(10)	2,292				2,292	2,289
Sewer	1,923	-				(9)	1,914				1,914	2,315
Domestic Waste	84	-				(12)	72				72	92
Developers Contributions	22	-					22				22	85
Unexpended Grants	71	(28)					43				43	255
Other External	292	-					292				292	292
<b>Total Externally Restricted</b>	<b>4,741</b>	<b>(75)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(31)</b>	<b>4,635</b>	<b>-</b>			<b>4,635</b>	<b>5,328</b>
(1) Funds that must be spent for a specific purpose												
<b>Internally Restricted <sup>(2)</sup></b>												
Employee Leave Entitlement Reserve	650	-	-	-	-	-	650	-			650	650
Plant Replacement Reserve	276	-	-	-	-	-	276	-			276	266
Other Internal	2,218	(1,496)	-	(5)	(166)	-	551	-			551	4,353
<b>Total Internally Restricted</b>	<b>3,144</b>	<b>(1,496)</b>	<b>-</b>	<b>(5)</b>	<b>(166)</b>	<b>-</b>	<b>1,477</b>	<b>-</b>			<b>1,477</b>	<b>5,269</b>
(2) Funds that Council has earmarked for a specific purpose												
<b>Unrestricted (ie. available after the above Restrictic</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>			<b>-</b>	<b>-</b>
<b>Total Cash &amp; Investments</b>	<b>7,885</b>	<b>(1,571)</b>	<b>-</b>	<b>(5)</b>	<b>(166)</b>	<b>(31)</b>	<b>6,112</b>	<b>-</b>			<b>6,112</b>	<b>10,597</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

<b>Cooma</b>										
<b>Externally Restricted <sup>(1)</sup></b>										
Water	4,707	-	705	(57)	(33)	5,322		5,322	4,881	
Sewer	4,719	-	625	(103)	(36)	5,205		5,205	5,671	
Waste	3,221	(85)	331	-	(30)	3,437		3,437	2,854	
Developers Contributions	419	-	133	(25)	-	527		527	551	
Unexpended Grants	153	(333)	406	(8)	-	218		218	568	
Other External	1,617	-	71			1,688		1,688	1,839	
<b>Total Externally Restricted</b>	<b>14,836</b>	<b>(418)</b>	<b>2,271</b>	<b>(193)</b>	<b>-</b>	<b>(99)</b>	<b>16,397</b>	<b>-</b>	<b>16,397</b>	<b>16,364</b>
<sup>(1)</sup> Funds that must be spent for a specific purpose										
<b>Internally Restricted <sup>(2)</sup></b>										
Employee Leave Entitlement Reserve	1,498	-	-	-		1,498		1,498	1,418	
Plant Replacement Reserve	1,366	-	(381)	88		1,073		1,073	1,235	
Other Internal	3,848	-	(241)	182		3,789		3,789	3,358	
<b>Total Internally Restricted</b>	<b>6,712</b>	<b>-</b>	<b>(622)</b>	<b>270</b>	<b>-</b>	<b>-</b>	<b>6,360</b>	<b>-</b>	<b>6,360</b>	<b>6,011</b>
<sup>(2)</sup> Funds that Council has earmarked for a specific purpose										
<b>Unrestricted</b> (ie. available after the above Restrictic	23	-	-	-	-	-	23	-	23	-
<b>Total Cash &amp; Investments</b>	<b>21,571</b>	<b>(418)</b>	<b>1,649</b>	<b>77</b>	<b>(99)</b>	<b>22,780</b>	<b>-</b>	<b>22,780</b>	<b>22,375</b>	
<b>Snowy</b>										
<b>Externally Restricted <sup>(1)</sup></b>										
Water	3,477			(5)	43	3,515		3,515	3,913	
Sewer	3,061			(5)	45	3,101		3,101	5,462	
Domestic Waste	672			(104)	42	610		610	489	
Developers Contributions	2,406					2,406		2,406	2,196	
Unexpended Grants	20,306			(3,499)		16,807		16,807	19,843	
Other External	1,547		(25)			1,522		1,522	1,502	
<b>Total Externally Restricted</b>	<b>31,469</b>	<b>-</b>	<b>(25)</b>	<b>(3,613)</b>	<b>-</b>	<b>130</b>	<b>27,961</b>	<b>-</b>	<b>27,961</b>	<b>33,405</b>
<sup>(1)</sup> Funds that must be spent for a specific purpose										
<b>Internally Restricted <sup>(2)</sup></b>										
Employee Leave Entitlement Reserve	915					915		915	890	
Plant Replacement Reserve	795					795		795	1,051	
Other Internal	3,890	(378)	(5)	476	(135)	3,848	(1,460) <sup>1</sup>	2,388	3,459	
<b>Total Internally Restricted</b>	<b>5,600</b>	<b>(378)</b>	<b>(5)</b>	<b>476</b>	<b>(135)</b>	<b>-</b>	<b>5,558</b>	<b>(1,460)</b>	<b>4,098</b>	<b>5,400</b>
<sup>(2)</sup> Funds that Council has earmarked for a specific purpose										
<b>Unrestricted</b> (ie. available after the above Restrictic	1	-	-	-	-	-	1	-	1	-
<b>Total Cash &amp; Investments</b>	<b>37,070</b>	<b>(378)</b>	<b>(30)</b>	<b>(3,137)</b>	<b>(135)</b>	<b>130</b>	<b>33,520</b>	<b>(1,460)</b>	<b>32,060</b>	<b>38,805</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Cash & Investments Budget Review Statement**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$73,083,959

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	\$ 000's
1	<b>Other Internal - Snowy</b>	
	Snowy River Avenue Project - RTR funding \$830k, Infrastructure Reserve \$472k	-472
	Disability Inclusion Action Plan	-25
	Re-draw unspent 2016 transport infrastructure capital works budget from internal reserves (Formal request not made with 2016 carry forwards)	-860
	Deferral of Snowy Waste Plant Sale	-83
	C-Trace upgrades to Waste Vehicles	-20

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## 16.2 MONTHLY FUNDS MANAGEMENT REPORT - APRIL 2017

Record No:

Responsible Officer: Acting Director Corporate & Community Services  
Author: Finance Assistant  
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation  
Delivery Plan Strategy: DP7.6 Increase and improve Council's financial sustainability.  
Operational Plan Action: OP7.18 Effective management of Council funds to ensure financial sustainability.  
Attachments: 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 30 April 2017. Cash and Investments are \$71,342,300.

### Certification

I, Jo-Anne Mackay, Responsible Accounting Office 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.

### OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the report indicating Council's Funds Management position as at 30 April 2017.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

### BACKGROUND

Council's Cash and Investments 30 April 2017 consists of:

30/04/17	Cash at Bank	Investments	Total
SMRC	1,573,455	51,193,080	52,766,535
Merger Grant		18,575,765	18,575,765
<b>Total</b>	<b>\$1,573,455</b>	<b>\$69,768,845</b>	<b>\$71,342,300</b>

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NB: The balance of the Merger Grant includes attributable expenditure to 31/1/2017.

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

Total Cash and Investments are available to provide services and Infrastructure to the community in accordance with the 2017 budget, Council resolutions and other external restrictions.

### 2. Environmental

It is considered that the recommendations contained herein will not have any environmental impacts.

### 3. Economic

Total investments for Snowy Monaro Regional Council were \$69,768,845 on 30 April 2017.

Consolidated interest income on investments

Adopted Budget	\$1,365,408
Annual Budget	\$1,610,433
Budget YTD	\$1,342,028
Interest YTD	\$1,656,622

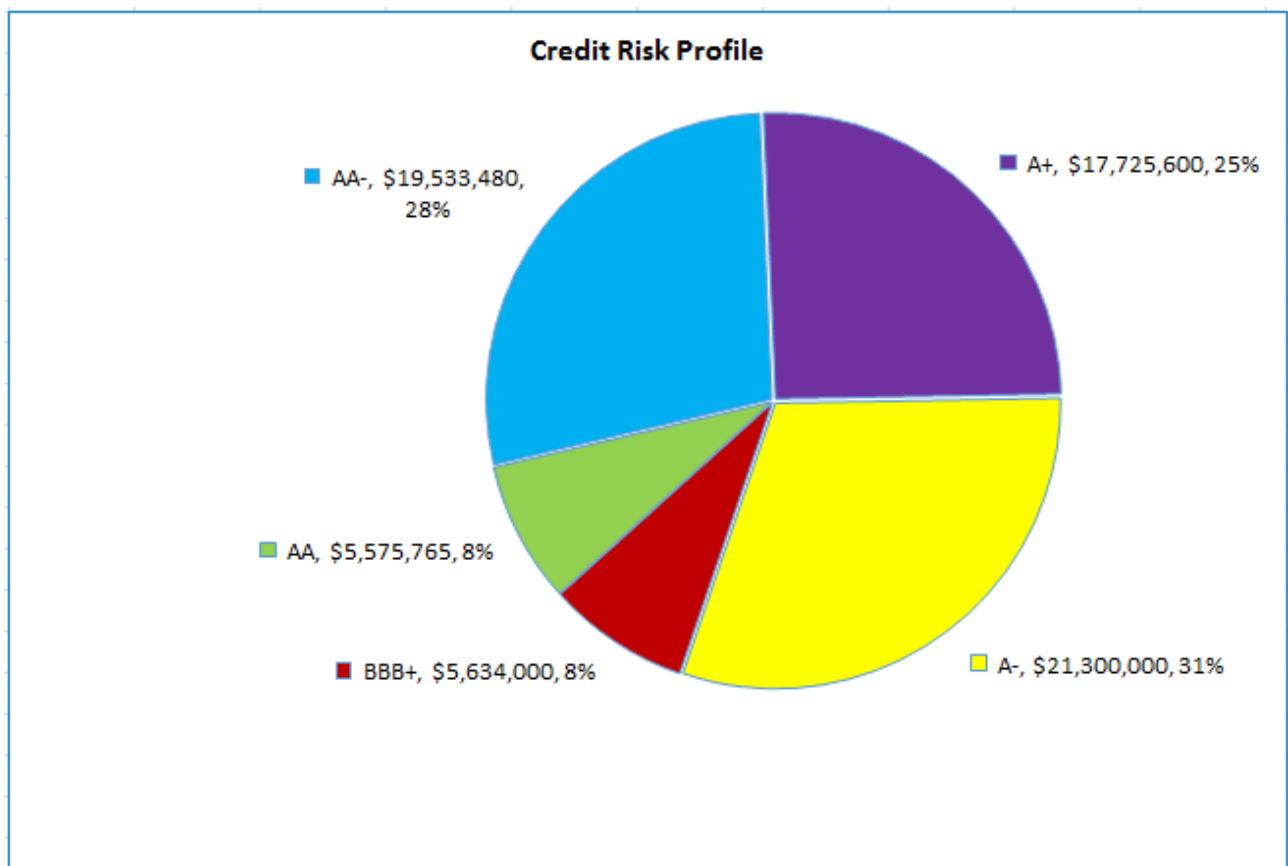
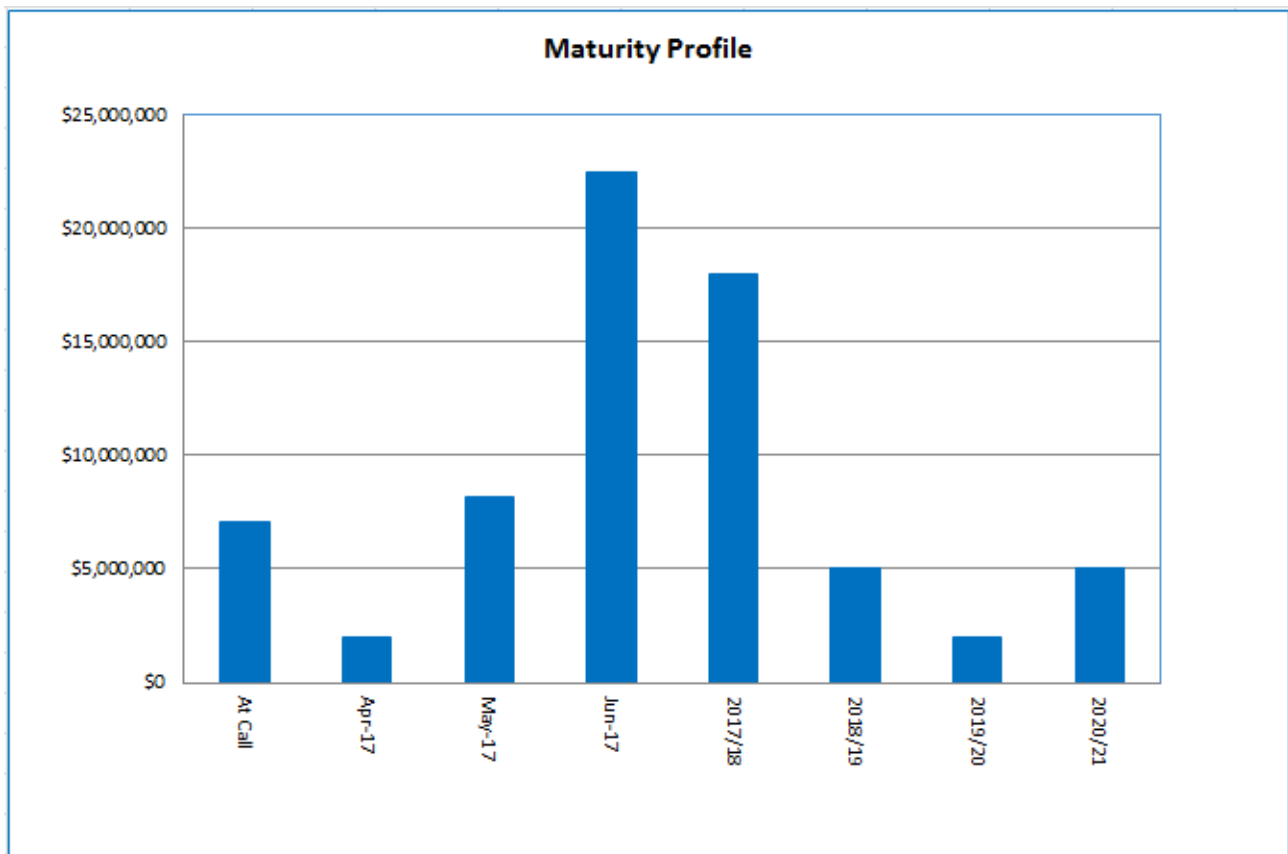
Council's investment portfolio returns

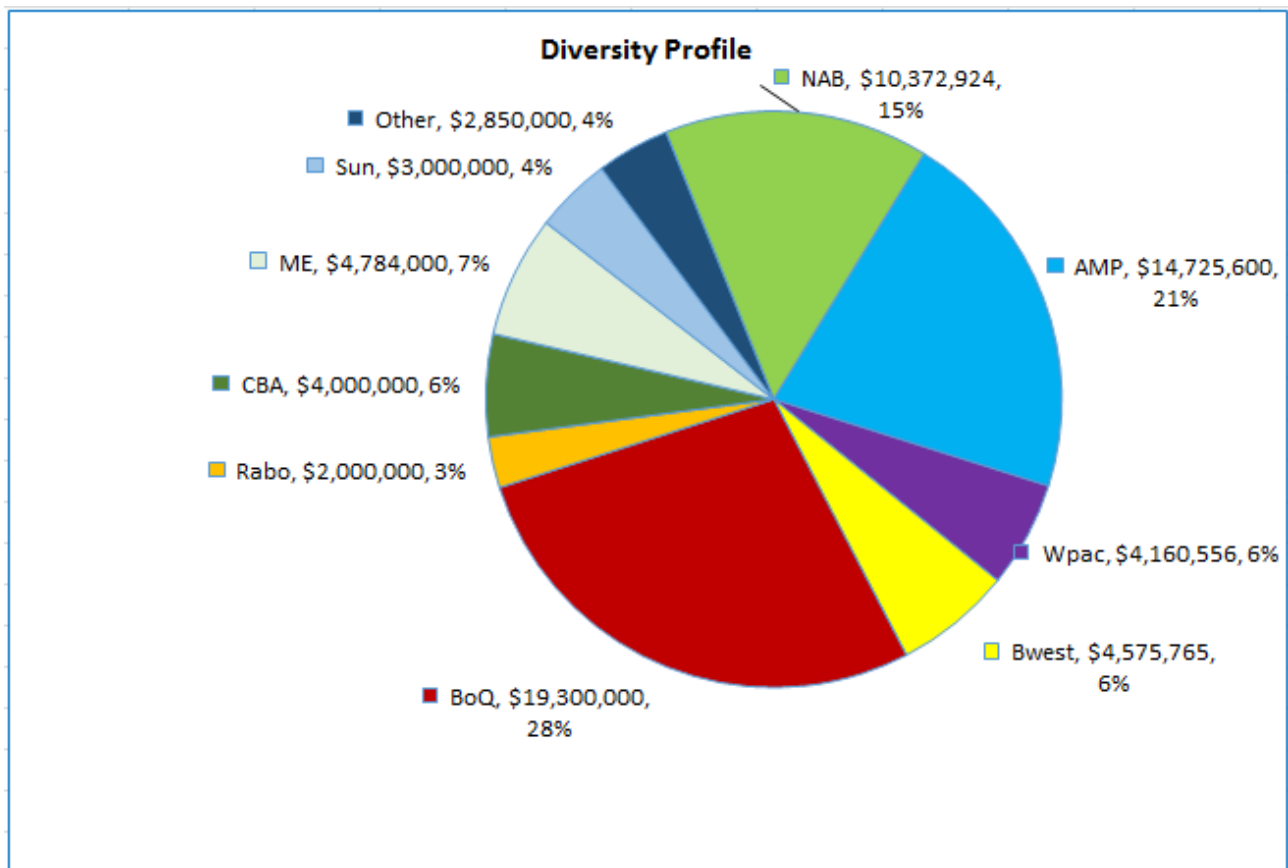
Month	Annualised Return	90 Day Bank Bill*	Margin
June			
May			
April	2.83%	1.62%	1.21%
March	2.77%	1.63%	1.14%
February	2.83%	1.78%	1.05%
January	2.72%	1.78%	0.94%
December	2.74%	1.76%	0.98%
November	2.08%	1.77%	0.31%
October	2.09%	1.75%	0.34%
September	2.67%	1.73%	0.94%
August	2.82%	1.74%	1.08%
July	1.59%	1.86%	-0.27%

**\* The Australian Financial Markets Association (AFMA)**

The table below lists the invested funds.

DATE INVESTED	FINANCIAL INSTITUTION	Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	NAB Maxi Account	A1+/AA-	At Call	30,961	Variable	At Call
15-Sep-16	AMP	A1/A+	TD	2,000,000	2.75%	15-Sep-17
17-Nov-16	NAB	A1+/AA-	TD	1,500,000	2.74%	14-Jun-17
16-Dec-16	Bank of Qld	A2/A-	TD	2,500,000	2.80%	20-Sep-17
16-Dec-16	Bank of Qld	A2/A-	TD	1,000,000	2.80%	20-Jun-17
12-Jan-17	Bank of Qld	A2/A-	TD	1,000,000	2.80%	11-Jul-17
16-Feb-17	AMP	A1/A+	TD	1,000,000	2.75%	15-Aug-17
n/a	National Australia Bank - At Call*	A1+/AA-	At Call	591,963	1.20%	At Call
n/a	AMP Bank - At Call	A1/A+	At Call	1,649,274	2.05%	At Call
n/a	AMP Bank - 31 days Notice Account	A1/A+	31 days	1,076,326	2.15%	31 days
10-Apr-17	Bankwest	A1+/AA-	TD	1,000,000	2.60%	10-Apr-18
26-Oct-16	Bank of Queensland	A2/A-	TD	1,000,000	2.70%	24-Apr-17
06-Feb-17	National Australia Bank	A1+/AA-	TD	1,000,000	2.50%	08-May-17
23-May-16	AMP Bank	A1/A+	TD	1,000,000	3.00%	23-May-17
06-Jan-17	Suncorp Bank	A1/A+	TD	1,000,000	2.60%	05-Jul-17
07-Feb-17	AMP Bank	A1/A+	TD	1,000,000	2.75%	08-Aug-17
13-Feb-17	Suncorp Bank	A1/A+	TD	2,000,000	2.65%	14-Aug-17
29-Aug-16	Westpac Bank	A1+/AA-	TD	2,000,000	3.00%	29-Aug-17
02-Mar-17	AMP Bank	A1/A+	TD	1,000,000	2.75%	31-Aug-17
10-Mar-17	National Australia Bank	A1+/AA-	TD	2,000,000	2.61%	10-Nov-17
09-Mar-17	National Australia Bank	A1+/AA-	TD	1,000,000	2.74%	10-Sep-18
12-Sep-14	RaboDirect	P-1/Aa2	TD	2,000,000	4.10%	11-Sep-18
22-Feb-17	Westpac Bank	A1+/AA-	TD	2,000,000	2.80%	22-Feb-19
16-Sep-15	Bank of Queensland	A2/A-	TD	1,000,000	3.20%	17-Sep-19
21-Mar-17	Bank of Queensland	A2/A-	TD	1,000,000	3.15%	20-Mar-20
23-Mar-16	ING Bank	A2/A-	TD	1,000,000	3.66%	22-Mar-21
23-Jun-16	Commonwealth Bank	A1+/AA-	TD	4,000,000	3.47%	23-Jun-21
02-Nov-16	NAB	A1+/AA-	TD	750,000	2.75%	31-May-17
23-Nov-16	ME Bank	BBB+	TD	1,984,000	2.75%	21-Jun-17
01-Dec-15	ME Bank	BBB+	TD	1,000,000	2.75%	24-May-17
30-Nov-16	AMP Bank	A1/A+	TD	500,000	2.75%	24-May-17
07-Dec-16	Beyond Bank	BBB+	TD	850,000	2.80%	31-May-17
21-Dec-16	AMP Bank	A1/A+	TD	1,000,000	2.80%	21-Jun-17
21-Dec-16	Bank QLD	A2/A-	TD	1,300,000	2.72%	24-May-17
22-Feb-17	ME Bank	BBB+	TD	1,800,000	2.60%	17-May-17
08-Mar-17	NAB	A1+/AA-	TD	2,000,000	2.53%	07-Jun-17
22-Mar-17	NAB	A1+/AA-	TD	1,500,000	2.56%	19-Jul-17
26-Apr-17	Rural Bank	A2/A-	TD	1,000,000	2.45%	26-Jul-17
n/a	Westpac Maxi-Account	A1+/AA-	At-Call	160,556	0.70%	n/a
24-Jun-16	Bankwest	A1+/AA-	At-Call	3,575,765	2.00%	n/a
21-Dec-16	AMP	A1/A+	TD	4,500,000	2.80%	21-Jun-17
09-Jan-17	Bank QLD	A2/A-	TD	10,500,000	2.73%	28-Jun-17
				<b>69,768,845</b>		





#### 4. Civic Leadership

In accordance with Regulation 212 of the Local Government (General) Regulation 2005, a report setting out details of money invested must be presented to Council in the following month.

Council's Fund Management Reporting exceeds minimum regulatory requirements and demonstrates a commitment to accountability and transparent leadership. It provides the Council, Executive and Community with timely, accurate and relevant reports on which to base decisions.

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## 16.3 SMRC 354 - LOAN BORROWINGS POLICY

Record No:

Responsible Officer:	Acting Director Corporate & Community Services
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:	OP7.17 Effective management of Council funds to ensure financial sustainability.
Attachments:	1. SMRC 354 - Loan Borrowings Policy <a href="#">↓</a>
Cost Centre	NA
Project	NA
Further Operational Plan Actions:	NA

### EXECUTIVE SUMMARY

The DRAFT Borrowing Policy as attached has undergone the appropriate staff consultation and is now presented to Council for adoption

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

#### OFFICER'S RECOMMENDATION

That Council adopt and authorise for distribution SMRC Policy 354 – Loan Borrowings

### BACKGROUND

As part of the policy of the former Councils Policies, a policy relating to loans and borrowings was identified as requiring updating. This Policy is presented for Council's consideration and replaces the former Snowy River Shire Council Financial Borrowing Policy (GOV 012).

### QUADRUPLE BOTTOM LINE REPORTING

#### 1. Social

There are no direct social impact as a result of this recommendation. The policy should guide any future decision making.

#### 2. Environmental

There is no direct environmental impact as a result of this recommendation. The policy should guide any future decision making.

#### 3. Economic

There are no additional costs associated with this recommendation.

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#### **4. Civic Leadership**

Under Section 8 of the Local Government Act 1993, the council's charter states that a council must have regard to the long-term cumulative effects of its decisions. Council are the custodians and trustees of public assets and are required to effectively account for and manage the assets for which they are responsible.

# Policy



<b>Title of Policy</b>	<b>SMRC 354 – Loan Borrowings</b>		
<b>Responsible Department</b>	Finance	<b>Document Register ID</b>	250.2017.354.1
<b>Policy Owner</b>	Finance Manager	<b>Review Date</b>	Date [document date1]
<b>Date of Council Meeting</b>	Date Approved [checklist 25002 10 DD LAST VALUE]	<b>Resolution Number</b>	Number [checklist 25002 11 DD LAST VALUE]
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 and Minister for Local Government's Borrowing Order 13/05/2009 Local Government (General) Regulation 2005		
<b>Aim</b>	The Aim of this policy is to provide direction and guidance when considering external debt financing (borrowing) in accordance with NSW Local Government Legislation.		

## 1 Policy Statement

- a) Equity between present and future ratepayers must be maintained. This principle should guide the Council in all decisions involving borrowings both internal and external.
- b) Council has a responsibility to ratepayers to employ the funds raised from borrowing (borrowings) in an efficient and productive manner.
- c) Council will restrict all borrowings to expenditure on identified asset purchases, and which are unable to be funded by other sources. Under no circumstances should Council borrow to cover costs of recurrent operations.
- d) The term of any loan should not exceed the economic life of the asset being funded.
- e) Council shall comply with any currently legislation in relation to loan borrowings.

## 2 Debt Service Ratio

Council's target in relation to any borrowings is to maintain a debt service ratio between 0% and 20% in each year.

### Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

250.2016.210.1 Asset Management

### Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

## 22. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

### RECOMMENDATION

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:
  - 22.1 Property Review for Former Bombala Cooma and Snowy River Shire Council's**  
Item 22.1 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
  - 22.2 Request from the Highview Estate Developer for a discount of the Section 64 Developer Contributions for Seniors Living Developments**  
Item 22.2 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

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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.